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Contention One: Status Quo

#### Indian reservation roads and bridges are unusable in the status quo

NCAI 11 (National Congress of American Indians, 9-15-11, SENATE COMMITTEE ON INDIAN AFFAIRS HEARING, “Oversight hearing on tribal transportation: Paving the way for Jobs, Infrastructure, and Safety in Native Communities,” http://www.indian.senate.gov/hearings/upload/Jefferson-Keel-FINAL-testimony.pdf)

Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, Indian tribes, states and counties. Indian reservation roads are still the most underdeveloped road network in the nation however; it is the principal transportation system for all residents of and visitors to tribal and Alaska Native communities. Approximately eight billion vehicle miles traveled on Indian Reservation Roads (IRR) Program system annually. Many road conditions on Indian reservations are unsafe, inequitable and it is the primary barrier to economic development and improvement of living conditions. For example, more than 60 percent of the system is unimproved earth and gravel, and approximately 24 percent of IRR bridges are classified as deficient. American Indians have the highest rates of pedestrian injury and vehicle deaths per capita of any racial or ethnic group in the United States. These conditions make it very difficult for residents of tribal communities to travel to hospitals, stores, schools, and employment centers.

Plan Text

Thus the plan: The United States federal government should substantially increase funding for roads and bridges on American Indian reservations.

Contention Two: Racism

#### Scenario one is waste dumping:

Infrastructure disrepair blocks economic growth – reverse causal

NCAI 12 (National Congress of American Indians, 2012, NCAI, “Budget Request, Fiscal year 2013,” http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013\_Budget.pdf)

Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways, and connects and serves both tribal and non-tribal communities. Millions of Americans and eight billion vehicles travel reservation roads annually. Despite being the principal transportation system for all residents of and visitors to tribal communities, reservation roads are still the most underdeveloped road network in the nation. Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, American Indian tribes, states, and counties. Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal communities, while also making valuable contributions to much of the surrounding rural America. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian Country. Deficient transportation infrastructure is a barrier which impedes economic development in Native communities. Tribal governments are working to improve public safety, education, health care, and housing, and generate jobs through economic development. These worthy objectives are more difficult to achieve when transportation infrastructure in Indian Country continues to lag behind the rest of the nation. Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger.

Stymied economic development allows waste dumping on tribal land

Brook 98 (Daniel Brook, January 1998, The American Journal of Economics and Sociology, “Environmental genocide: native Americans and toxic waste,” http://findarticles.com/p/articles/mi\_m0254/is\_n1\_v57/ai\_20538772/

Genocide against Native Americans continues in modern times with modern techniques. In the past, buffalo were slaughtered or corn crops were burned, thereby threatening local native populations; now the Earth itself is being strangled, thereby threatening all life. The government and large corporations have created toxic, lethal threats to human health. Yet, because "Native Americans live at the lowest socioeconomic level in the U.S." (Glass, n.d., 3), they are most at risk for toxic exposure. All poor people and people of color are disadvantaged, although "[f]or Indians, these disadvantages are multiplied by dependence on food supplies closely tied to the land and in which [toxic] materials . . . have been shown to accumulate" (ibid.). This essay will discuss the genocide of Native Americans through environmental spoliation and native resistance to it. Although this type of genocide is not (usually) the result of a systematic plan with malicious intent to exterminate Native Americans, it is the consequence of activities that are often carried out on and near the reservations with reckless disregard for the lives of Native Americans.(1) One very significant toxic threat to Native Americans comes from governmental and commercial hazardous waste sitings. Because of the severe poverty and extraordinary vulnerability of Native American tribes, their lands have been targeted by the U.S. government and the large corporations as permanent areas for much of the poisonous industrial by-products of the dominant society. "Hoping to take advantage of the devastating chronic unemployment, pervasive poverty and sovereign status of Indian Nations", according to Bradley Angel, writing for the international environmental organization Greenpeace, "the waste disposal industry and the U.S. government have embarked on an all-out effort to site incinerators, landfills, nuclear waste storage facilities and similar polluting industries on Tribal land" (Angel 1991, 1).In fact, so enthusiastic is the United States government to dump its most dangerous waste from "the nation's 110 commercial nuclear power plants" (ibid., 16) on the nation's "565 federally recognized tribes" (Aug 1993, 9) that it "has solicited every Indian Tribe, offering millions of dollars if the tribe would host a nuclear waste facility" (Angel 1991, 15; emphasis added). Given the fact that Native Americans tend to be so materially poor, the money offered by the government or the corporations for this "toxic trade" is often more akin to bribery or blackmail than to payment for services rendered.(2) In this way, the Mescalero Apache tribe in 1991, for example, became the first tribe (or state) to file an application for a U.S. Energy Department grant "to study the feasibility of building a temporary [sic] storage facility for 15,000 metric tons of highly radioactive spent fuel" (Akwesasne Notes 1992, 11). Other Indian tribes, including the Sac, Fox, Yakima, Choctaw, Lower Brule Sioux, Eastern Shawnee, Ponca, Caddo, and the Skull Valley Band of Goshute, have since applied for the $100,000 exploratory grants as well (Angel 1991, 16-17). Indeed, since so many reservations are without major sources of outside revenue, it is not surprising that some tribes have considered proposals to host toxic waste repositories on their reservations. Native Americans, like all other victimized ethnic groups, are not passive populations in the face of destruction from imperialism and paternalism. Rather, they are active agents in the making of their own history. Nearly a century and a half ago, the radical philosopher and political economist Karl Marx realized that people "make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly found, given and transmitted from the past" (Marx 1978, 595). Therefore, "[t]ribal governments considering or planning waste facilities", asserts Margaret Crow of California Indian Legal Services, "do so for a number of reasons" (Crow 1994, 598). First, lacking exploitable subterranean natural resources, some tribal governments have sought to employ the land itself as a resource in an attempt to fetch a financial return. Second, since many reservations are rural and remote, other lucrative business opportunities are rarely, if ever, available to them. Third, some reservations are sparsely populated and therefore have surplus land for business activities. And fourth, by establishing waste facilities some tribes would be able to resolve their reservations' own waste disposal problems while simultaneously raising much-needed revenue. As a result, "[a] small number of tribes across the country are actively pursuing commercial hazardous and solid waste facilities"; however, "[t]he risk and benefit analysis performed by most tribes has led to decisions not to engage in commercial waste management" (ibid.). Indeed, Crow reports that by "the end of 1992, there were no commercial waste facilities operating on any Indian reservations" (ibid.), although the example of the Campo Band of Mission Indians provides an interesting and illuminating exception to the trend. The Campo Band undertook a "proactive approach to siting a commercial solid waste landfill and recycling facility near San Diego, California. The Band informed and educated the native community, developed an environmental regulatory infrastructure, solicited companies, required that the applicant company pay for the Band's financial advisors, lawyers, and solid waste industry consultants, and ultimately negotiated a favorable contract" (Haner 1994, 106). Even these extraordinary measures, however, are not enough to protect the tribal land and indigenous people from toxic exposure. Unfortunately, it is a sad but true fact that "virtually every landfill leaks, and every incinerator emits hundreds of toxic chemicals into the air, land and water" (Angel 1991, 3). The U.S. Environmental Protection Agency concedes that "[e]ven if the . . . protective systems work according to plan, the landfills will eventually leak poisons into the environment" (ibid.). Therefore, even if these toxic waste sites are safe for the present generation - a rather dubious proposition at best - they will pose an increasingly greater health and safety risk for all future generations. Native people (and others) will eventually pay the costs of these toxic pollutants with their lives, "costs to which [corporate] executives are conveniently immune" (Parker 1983, 59). In this way, private corporations are able to externalize their costs onto the commons, thereby subsidizing their earnings at the expense of health, safety, and the environment.

Waste dumping on native land is cultural genocide and environmentally racist

Edwards 11 (Nelta Edwards, PhD in sociology, works with Department of Sociology, University of Alaska Anchorage, 11.2.11, Environmental Justice, Vol. 4, No. 2, “Nuclear Colonialism and the Social Construction of Landscape in Alaska,” http://online.liebertpub.com/doi/pdfplus/10.1089/env.2010.0023)

It is important to examine the justiﬁcations and rami- ﬁcations surrounding the choice of particular sites for nuclear testing because nuclear powers employ similar characterizations to add to the environmental devastation of these landscapes. In the Paciﬁc Islands, corporations and national governments have attempted to persuade local communities to take on nuclear and toxic wastes as a form of economic development. Kuletz terms this the second order of nuclear colonialism. 34 The idea is that since the land has already been polluted, it makes sense for the native people to accept more nuclear and toxic waste. And, indeed, seeing how the forces of history have stacked the deck against them, tribes may seek out waste because ‘‘<it is> the only business we can get to come here.’’ 35 Unlike the Paciﬁc and the desert Southwest, Alaska has not, thus far, been suggested as a nuclear waste depository. It does share with other locales a depiction as a wasteland, suitable as a dumping ground, a test site for dangerous technologies, and as a practice bombing range. 36 Despite its small population, Alaska has thousands of hazardous waste sites including active and formerly used defense sites (FUDs), National Priority List (NPL) or Superfund Sites, active and abandoned mine sites, and solid and industrial waste landﬁlls. 37 Although the military and industry have never sought to ofﬁcially make Alaska a dump site, it has unofﬁcially served as one. The use of indigenous land for nuclear weapons testing and waste disposal is a type of cultural genocide. Attempts to destroy the land amount to attempts to destroy the life way of the people. In Alaska, Alaska Native subsistence culture equates to individual and community health and well-being. Alaska Native peoples have traditionally derived not only their food and nutrition from the land and water, but also ‘‘their ethics and values of stewardship, languages, codes of conduct, stories, songs, dances, ceremonies, rites of passage, history, and sense of place and spirituality. It is a way of life in which everything is intimately tied to the land and the waters upon which the people depend for sustenance.’’ 38 When the ecosystem upon which so much is built is damaged; it undermines the people as well. For Alaska Native people, the land is not separate from themselves and spoiling it goes against what they have been taught. An Inupiaq elder in Point Hope said, ‘‘I learned to hunt when I was nine years old and I been told by my elders to keep my land clean; that’s the way I learned it—to keep my land clean <continues in Inupiaq>.’’ 39 In the case of Amchitka, although they were not living on the island when the United States appropriated it in the 1930s and 1940s, the Aluets consider all of the Aleutian chain, including the uninhabited islands, their home. 40 When the Cannikin cavity releases its radioactive contaminants, either gradually through seepage or all at once due to an earthquake, it will present a grave danger to the health and well-being of Aleut people and others who live in the region. Analysis of the social construction of landscapes employed by nuclear colonial powers reveals the racism and entitlement of colonial culture that justiﬁed damage to these landscapes. These constructions include notions of remoteness, emptiness, and sparse populations, characterizations that have served to displace, ignore, and dismiss the mostly non-white people who live there. Indigenous people reject these characterizations as exempliﬁed by Inupiat people in Point Hope, Alaska. It is important for those interested environmental justice to analyze the social construction of landscapes, as colonial and commercial interests use these same characterizations to exacerbate the existing environmental damage to these places in ways that jeopardize the cultural viability of native people and their cultures.

And it destroys value to life and erases populations – evaluate first, neg impacts are justifications for nuclear colonialism

Edwards 11 (Nelta Edwards, PhD in sociology, works with Department of Sociology, University of Alaska Anchorage, 11.2.11, Environmental Justice, Vol. 4, No. 2, “Nuclear Colonialism and the Social Construction of Landscape in Alaska,” http://online.liebertpub.com/doi/pdfplus/10.1089/env.2010.0023)

Colonial powers have constructed the landscape as remote, empty, and sparsely populated to justify the violence of nuclear weapons testing. The site selection committee that came up with Project Chariot’s location noted ‘‘the remoteness of the site from any existing population.’’ 18 In a Popular Mechanics article, Edward Teller assured readers that fears of radioactive contamination were irrelevant because the site was so ‘‘remote.’’ 19 Project Chariot promoters drew on images of Alaska popular at that time: one of Alaska as a barren wasteland and the site of the proposed harbor as a ‘‘bleak spot’’ and ‘‘located in a wilderness, far away from any human habitation.’’ 20 Similarly, the Chief of Naval Operations wrote to the commander of the Joint Task Force in 1951 saying that he thought that using Amchitka for nuclear testing could ‘‘be easily justiﬁed’’ because of its ‘‘extended land area’’ and ‘‘remote position.’’ 21 The author of the AEC’s environmental report went as far as to say that Amchitka was empty of people ‘‘for the simple reason that nobody would ever want to live on Amchitka.’’ 22 Whereas archaeological evidence shows people have lived on Amchitka off and on for at least 3,600 years. Archeologists have identiﬁed 78 sites on Amchitka, indicating that it has supported relatively large populations. Since the midnineteenth century no one had lived on the island but this should be seen as a temporary description rather than an indication of its habitability. 23 Of course, the people who live in these places, and whose ancestors have inhabited these lands for hundreds or even thousands of years, do not consider them remote. People have lived and thrived near Cape Thompson and in the Aleutian Islands for millennia and consider these places central to their way of being. In a community meeting held in Point Hope in October of 1994, after people learned about the radioactive tracer experiments, an Inupiaq man says, ‘‘I would like to educate some of you who are visitors here. You are in Point Hope; it is recognized as the oldest continuously inhabited communities in North America. Since the coming of the Europeans to this country they have elbowed their way from one end of the country to the other. And what have you learned? To displace people.’’ 24 The speaker refers to the fact that archeologists estimate that people have been living in Point Hope for 2,000 years. This long tenure makes Point Hope, central, not remote in terms of human habitation. The speaker also points out that Europeans are relative newcomers to the region and notes the displacement of native peoples by colonial powers. When nuclear superpowers describe population as ‘‘sparse’’ to justify nuclear testing, they employ a utilitarian logic in which harm for the few is justiﬁed by protection of the many. On the face of it, this seems to make sense—the greatest good for the greatest number. However, this sort of logic is generally used by those who are not being asked to, or forced to, sacriﬁce their lives or livelihood; that is, the argument is made by the powerful instead of the powerless, the colonial power rather than its subjects. 25 This logic diminishes the value of the lives of the people who live near nuclear test sites, as if by virtue of the fact that they are few in number, their lives are less important. Alaska Native people understand this logic. As one elder Inupiaq woman said, ‘‘I guess that at that time in 1962 that there were not that many people living in Point Hope … they just wanted to attack because there’s not many people there.’’ But she counters the immorality of the logic by continuing, ‘‘They thought we were guinea pigs. We are not. We are human beings like you. I have a heart like you.’’ 26 Community members used the words ‘‘guinea pigs,’’ ‘‘specimens,’’ and ‘‘being treated like a plant’’ to describe their treatment as objects by colonial powers. When colonial powers construct the land as empty, it discursively erases the people who live there, making it impossible for the colonial powers to consider the interests of the existing inhabitants. Colonial powers, replete with a sense of entitlement and racism, overlook nonwhite people, ignoring them and their way of life. An Inupiaq man reminds others at a community meeting that his people were not then and are not now, expendable: ‘‘Now let’s see you, you don’t get me wrong, ask the white people, take note of this: we are human, as much as you are. It’s just a color difference.’’ 27 It is as if colonial culture prevented those in power from even seeing the people who lived there as real people, who have hopes and desires and who have a right to say what happens on their land. An elder introduces herself at a community meeting by saying, ‘‘My name is Alice Webber. I have lived here all of my life and worked here for my village. I am also a signer of the Project Chariot—No. I said NO. Everyone said no and yet they turn around and leave [the tracer experiment materials] there.’’ Although Point Hope community members very clearly expressed their disapproval of Project Chariot, their sentiments were ignored by colonial powers. After the cancellation of Project Chariot in the 1960s, colonial powers conducted the tracer experiments without the permission of the local people and defying their express wishes. The assumed superiority of the colonial power, fueled by self-interest, caused them to disregard the people who lived near nuclear test sites. This colonial hubris is revealed by an Inupiaq woman who wonders what would happen if Inupiat people treated colonial peoples in a like manner, ‘‘That’s why I think, I wonder how it would be to go down to Washington [DC], set some dynamite around the Capitol, to see whether it will sink or not.’’ 28 In a later meeting, another Inupiaq woman speculates, ‘‘If it were the other way around and Point Hope people put nuclear waste [break in tape] I know they would take us to court right away and solve it right away. If it were the other way around, what would they have done to us?’’ 29 By reversing the roles, putting Inupiat people in the position of harming colonial people, these women cleverly make the power imbalance and absurdity of the situation obvious. When the nuclear superpowers decided that people in the Paciﬁc should sacriﬁce their lives, land, and livelihood for the ‘‘good of mankind,’’ the ‘‘good of mankind’’ meant to be the military and economic interests of world superpowers. 30 In the American Southwest, the United States decided that nuclear bomb testing and mining should take place on Indian land, making Indian people sacriﬁce their lands and their way of being in the name of American imperialism. 31 This circumstance, where nonwhite people are made to bear the ecological burden of industrial societies, goes to the heart of the environmental justice struggle. An Inupiaq woman expresses incredulity, anger, and hurt at such treatment. ‘‘They risked our lives, our children’s lives. My god, you know, what are we, nothing? Why did the government want to harm us, just because of <their> curiosity? Just because they wondered how radiation would affect us? We never did any harm to them, we never did. Why did they want to harm us, just because of the land, because they wanted it? 32 The AEC did want to use the land for testing. Superpower militaries have a history of using native land for military testing and practice. A study of American formerly used defense sites (FUDS) quantiﬁed the burden of U.S. militarism on Native Americans. The study found that the more acres owned by Native Americans, the greater the number of extremely dangerous sites in that area and that Native Americans experience a disproportionate exposure to the most dangerous unexploded ordnance. Importantly, these ﬁndings underestimate the impact of military pollution on Native Americans because they are only able to look at former sites and not sites currently in use. In addition, this analysis leaves out the counties with the most pollution because the Army Corps of Engineers has yet to complete the assessment of these sites. The term, treadmill of destruction, describes the harm done on Native American land due to militarism and coercive state policies. 33

Scenario two is isolation:

Lack of access to transportation infrastructure isolates reservation Indians, destroying Indian culture

Srinivasan 06, Ramseh Srinivasan, 01-01-06, International Journal of Cultural Studies 9.4, “Indigenous, Ethnic, and Cultural Articulations of New Media,” pp. 497-518, UC Los Angeles Postprints, http://escholarship.org/uc/item/40p4k54t

The reservations of San Diego County derive from the once contiguous and connected nations of Kumeyaay, Luiseno, Cupeno, and Cahuilla. These nations tended to maintain contact with one another but largely existed as separate communities based on blood lines. However, historical dynamics and the creation of the reservation system have fragmented and disconnected these peoples from one another and a collective cultural history. Indeed, today, native languages, songs, and rituals remain largely lost across the reservations. Figure 1: The 19 Native Reservations of San Diego County and interconnecting highways (source: San Diego Geographical Information Systems) The goal of this research was to study the impact of a community-designed and created media system on resolving disconnections that the reservations face. One is a disconnection from cultural memory, as just explained. The second goal is spatially-focused and based around employing the networked power of new media to re-connect the fragmented reservations of the region. It is notable, however, that this re-connection would not establish a community that once existed. Indeed, given 9 that each of the nations were separate entities and communities, the re-connection would establish an “imagined community” around the shared media system. The physical dispersion of the reservations is conveyed in the above map. Not only is this dispersion expressed in terms of the distance between reservations, but also in the lack of access to major highways and freeways of the area. While the density of population increases significantly as the map approaches the San Diego city in the Southwest region of the map, placement in areas of relative isolation has left the Native reservations at a significant disadvantage in terms of transportation infrastructure. Disconnection is thus accented by the inadequacy of transport infrastructure and a disadvantageous landscape for many of the reservations within San Diego County. Even on the individual reservations, land title is not contiguous. This has created the so called “checker-board” pattern on the scale of a single reservation where to reach one point of the reservation to another, one must pass through non-reservation land. This lack of contiguity and boundedness generates the fragmentation on the micro-scale. Indeed, natives often allege that the fertile land on their reservations is given to non-natives and farming cooperatives. As an example, here is a GIS-generated map of the San Pasqual reservation:

The destruction of Indian cultures is part of the genocide committed against the Native Americans.

Adams and Goldbard 95, Don Adams and Darlene Goldbard, writers and consultants in organizational and cultural development, 1995, Institute for Cultural Democracy, “Cultural Policy in US History,” <http://www.wwcd.org/policy/US/UShistory.html#AMERCULT>

The decimation of indigenous American Indian cultures, beginning five centuries ago, is still being whitewashed by textbooks and movies. There were many friendly and close relationships between early settlers and native peoples, but these were not the main current in our relations. U.S. history is blighted by acts of genocide against native people, exacerbated by the fatal impact of new diseases spread by contact between new settlers and native Americans. Many aggressive attempts were made to reshape the Indian peoples according to European cultural models, whether under threat of death or, later, through exile to government boarding schools. Government policies, well-documented elsewhere {1}, guided the destruction and containment of native American cultures, culminating in the problematic status of Indian people today. Despite this historical backdrop, there has been only the most begrudging admission of any public responsibility for the damage done to native American cultures. Little public support has gone to efforts to preserve, retrieve and build upon native cultural traditions. Where affirmative steps are called for, none has been taken. Chief among the U.S. government's initiatives toward native peoples has been the reservation -- remarkably like the former South African "homelands." The current laissez-faire federal policy pretends that Native American cultures are now free to enjoy an even chance in our society, to compete for resources with dominant cultural forms and traditions. The official alternative to the reservation has been pressure to assimilate into the mainstream culture.

Scenario three is healthcare:

Lack of transportation hurts access to employment and health care.

Hensley-Quinn and Shawn 06, Maureen Hensley-Quinn and Kelly Shawn, fall 2006, Rural Transit Assistance Program of the Federal Transit Administration, “American Indian Transport: Issues and Successful Models,” http://www.ctaa.org/webmodules/webarticles/articlefiles/American\_Indian\_RTAP\_Brief.pdf

American Indian transportation needs are similar to the needs of most people who live in rural areas, yet to a greater extreme. Without transportation, many American Indians cannot participate in their communities nor can they access critical services, such as medical care. Many tribal members have to depend upon friends and neighbors for rides to medical centers, school and jobs. However, others are unable to access any transportation and as a result they are unable to manage their health or maintain long-term employment. Conditions unique to the reservation complicate the mobility problems for many American Indians. Social barriers and tremendous geographic distances across tribal lands make tribal transportation services more difficult to initiate and maintain. There are multiple layers of government – local, state, federal, tribal – that tribes must deal with when establishing and then operating a transportation system. However, even in the face of such challenges, some tribes and nations have developed transportation systems designed to meet the needs of their people.

**Ethnic disparities in health are institutional racism**

Nazroo 03, James Y. Nazroo, PhD, Department of Epidemiology and Public Health, February 2003, American Journal Public Health 93.2, “The Structuring of Ethnic Inequalities in Health: Economic Position, Racial Discrimination, and Racism,” <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447729/>

However, such an approach avoids more fundamental explanations for the health, economic, and social inequalities related to ethnicity. Second, therefore, it is important to consider the centrality of racism to any attempt to explain ethnic inequalities in health. Not only are personal experiences of racism and harassment likely to influence health, but racism as a social force will play a central role in structuring the social and economic disadvantage faced by ethnic minority groups. The socioeconomic differences between ethnic groups should not be considered as somehow autonomous (which is a danger of an approach that attempts to examine the extent to which socioeconomic differentials “explain” ethnic differentials in health). As Oliver and Shapiro demonstrate,40 the socioeconomic disadvantage of Black people in the United States is the outcome of a long history of institutional racism and discrimination that has produced the current levels of disadvantage. Similarly, while the postwar migration of ethnic minority people into the United Kingdom was driven by a shortage of labor, this process and the socioeconomic disadvantage faced by ethnic minority migrants was, and continues to be, structured by a racism that has its roots in colonial history.54,55It is worth carefully considering the motives for undertaking work on inequalities in health. These motives seem to be related to competing desires to expose the extent and consequences of wider social inequalities and to uncover etiologic processes, and I have argued elsewhere that this focus on etiologic processes has great potential for racializing inequalities in health.56 For studies of inequalities in health to contribute to our understanding of etiology, we need a tight focus on the pathways that lead from social and economic disadvantage to poor health, particularly if we are to meet the requirement that social causes of inequalities in health must be biologically plausible. There is no reason why such pathways should be identical for different health outcomes or for different dimensions of social and economic inequality. However, such a focus on pathways produces an exclusive concern with inequalities in health as an adverse outcome, and how the complex pathways leading to this outcome can be understood and broken. The root cause, wider social inequalities, becomes obscured from view. The policy implications of this are clear: the more difficult and dramatic interventions to address social inequalities can continue to be avoided and public health can focus on improving our understanding of pathways and designing interventions along them. Inequalities in health become a problem requiring technical interventions tailored to individual diseases and individual circumstances; they become a problem for individuals rather than a reflection of social malaise. Williams and colleagues’ comments in this regard are worth citing: There is a temptation to focus on identified risk factors as the focal point for intervention efforts. In contrast, we indicate that the macrosocial factors and racism are the basic causes of racial differences in health. The risk factors and resources are the surface causes, the current intervening mechanisms. These may change, but as long as the basic causes remain operative, the modification of surface causes alone will only lead to the emergence of new intervening mechanisms to maintain the same outcome.28(p36) However, understanding how the macrosocial factors indicated by Williams and colleagues operate and designing appropriate policy interventions are by no means straightforward. Certainly, there is a need to recognize the overriding importance of national and historical context on the “making” of ethnic groups, how this is related to economic processes and inequities in economic position, and how this influences the lives of ethnic minority and migrant populations and the disadvantages that they face. Racism can be considered to be fundamentally involved in the structuring of economic, social, and health opportunities for ethnic minority people. At an institutional level, it is clear that discrimination influences the economic opportunities that people have, as well as the quality of health and social services that they receive. In addition, historically racism has fundamentally structured the construction of ethnic minority groups and patterns of migration at both an international level (when, why, and where to) and a national level (which locations, which industries). For example, Fenton,57 building on Eriksen’s work,58 has distinguished 5 types of ethnic-making or migration situations: Urban minorities, who are often migrant worker populations; Proto-nations or ethnonational groups, which are peoples who maintain that they are nations and claim some form of self-governance; Ethnic groups in plural societies, which are the descendants of populations who have typically migrated as coerced, voluntary, or semivoluntary workers; Indigenous minorities, those dispossessed by colonial settlement; Postslavery minorities, the descendants of (African) people formerly enslaved in the New World. While this typology might not be comprehensive, it does point to the different contexts within which ethnicity or race becomes mobilized to form distinct groupings. Implicit is that the differing processes listed will lead to different forms of racialization, of subsequent disadvantage, and to different historical trajectories for the groups concerned. Understanding the process and the context within which it occurs should aid in understanding disadvantage and how it might develop. Understanding how they are related to future trajectories for ethnic minority groups (across generations and cohorts) and individuals (over time) is important to any understanding of ethnic difference, including ethnic inequalities in health, and appropriate policy responses.

RACISM IMAPCT

Systematic oppression underlies the poverty of rural Native Americans – we must center analysis of racism when making policy.

Dill 04, Bonnie Thorton Dill, “Rediscovering Rural America,” *The Blackwell Companion to Sociology*, edited by Judith R. Blau, Blackwell Publishing 2004, pp. 196 – 197, online

Most critical of the limitations of traditional explanations of rural poverty to understanding or offering solutions to the needs of rural minorities is the essay on racial and ethnic minorities written by Snipp et al. in Persistent Poverty in Rural America (1993). The authors argue that given the rates and intractability of poverty among rural minorities, the subject has been given far less attention than it deserves among rural poverty scholars, particularly regarding the status of Native Americans and Mexican Americans. Their essay points up the limitations of economic analyses focused on supply and demand as a way of accounting for the unique status and history of rural minorities. While they do not discount the importance of either human capital or economic resources, they argue convincingly that those explanations are too often focused only on individuals, families, and households without placing them in the context of communities. They argue that a history of discrimination, colonial domination, and economic exploitation cannot be reduced to a residual category in an economic model. It is, in their view, a historical legacy that shapes both human capital and labor markets in these locations. The fact that rural Mexican Americans, Native Americans, and African Americans ``share the experience of living nearby the historical remnants of institutions designed to conquer and oppress them'' (Snipp et al., 1993, p. 193) has resulted in long-term patterns which have systematically denied opportunities and rights to people of color remaining in those locations. This, in part, explains the overrepresentation of minorities among poor rural people in poor rural places. The legacy of racial exclusion and exploitation that people of color experienced from their entry into the United States has shaped their current status in rural communities. The fact that rural poverty rates tend to be highest in areas with high proportions of minorities (Lichter and McLaughlin, 1995) and that blacks, Native Americans, and Latinos living in rural communities are among the poorest people in the United States is not coincidental. Nor can these inequities be eliminated through policies that address only labor markets or individual characteristics. Rectifying them requires a deeper look at the structure of rural communities and at the place of rural people within them

Everyday violence must be prioritized – it is the largest proximate cause of war, creates priming that psychologically structures the worst atrocities

Scheper-Hughes and Bourgois ‘4 (Nancy and Philippe, Prof of Anthropology @ Cal-Berkely; Prof of Anthropology @ UPenn, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities. More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder. We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times. Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Waquant, Chapter 39), constitute the “small wars and invisible genocides” to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. These are “invisible” genocides not because they are secreted away or hidden from view, but quite the opposite. As Wittgenstein observed, the things that are hardest to perceive are those which are right before our eyes and therefore taken for granted. In this regard, Bourdieu’s partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of “normal” social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression, Similarly, Basaglia’s notion of “peacetime crimes” - crimini di pace - imagines a direct relationship between wartime and peacetime violence. Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematic- ally and dramatically in the extreme context of war. Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on “illegal aliens” versus the US government- engineered genocide in 1938, known as the Cherokee “Trail of Tears.” Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal “stability” is purchased with the currency of peacetime crimes, many of which take the form of professionally applied “strangle-holds.” Everyday forms of state violence during peacetime make a certain kind of domestic “peace” possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, the undeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent? What can it possibly mean when incarceration becomes the “normative” socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). In the end it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive hypervigilance to the less dramatic, permitted, and even rewarded everyday acts of violence that render participation in genocidal acts and policies possible (under adverse political or economic conditions), perhaps more easily than we would like to recognize. Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonal- ization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response to Benjamin’s view of late modern history as a chronic “state of emergency” (Taussig, Chapter 31). We are trying to recover here the classic anagogic thinking that enabled Erving Goffman, Jules Henry, C. Wright Mills, and Franco Basaglia among other mid-twentieth-century radically critical thinkers, to perceive the symbolic and structural relations, i.e., between inmates and patients, between concentration camps, prisons, mental hospitals, nursing homes, and other “total institutions.” Making that decisive move to recognize the continuum of violence allows us to see the capacity and the willingness - if not enthusiasm - of ordinary people, the practical technicians of the social consensus, to enforce genocidal-like crimes against categories of rubbish people. There is no primary impulse out of which mass violence and genocide are born, it is ingrained in the common sense of everyday social life. The mad, the differently abled, the mentally vulnerable have often fallen into this category of the unworthy living, as have the very old and infirm, the sick-poor, and, of course, the despised racial, religious, sexual, and ethnic groups of the moment. Erik Erikson referred to “pseudo- speciation” as the human tendency to classify some individuals or social groups as less than fully human - a prerequisite to genocide and one that is carefully honed during the unremark- able peacetimes that precede the sudden, “seemingly unintelligible” outbreaks of mass violence. Collective denial and misrecognition are prerequisites for mass violence and genocide. But so are formal bureaucratic structures and professional roles. The practical technicians of everyday violence in the backlands of Northeast Brazil (Scheper-Hughes, Chapter 33), for example, include the clinic doctors who prescribe powerful tranquilizers to fretful and frightfully hungry babies, the Catholic priests who celebrate the death of “angel-babies,” and the municipal bureaucrats who dispense free baby coffins but no food to hungry families. Everyday violence encompasses the implicit, legitimate, and routinized forms of violence inherent in particular social, economic, and political formations. It is close to what Bourdieu (1977, 1996) means by “symbolic violence,” the violence that is often “nus-recognized” for something else, usually something good. Everyday violence is similar to what Taussig (1989) calls “terror as usual.” All these terms are meant to reveal a public secret - the hidden links between violence in war and violence in peace, and between war crimes and “peace-time crimes.” Bourdieu (1977) finds domination and violence in the least likely places - in courtship and marriage, in the exchange of gifts, in systems of classification, in style, art, and culinary taste- the various uses of culture. Violence, Bourdieu insists, is everywhere in social practice. It is misrecognized because its very everydayness and its familiarity render it invisible. Lacan identifies “rneconnaissance” as the prerequisite of the social. The exploitation of bachelor sons, robbing them of autonomy, independence, and progeny, within the structures of family farming in the European countryside that Bourdieu escaped is a case in point (Bourdieu, Chapter 42; see also Scheper-Hughes, 2000b; Favret-Saada, 1989). Following Gramsci, Foucault, Sartre, Arendt, and other modern theorists of power-vio- lence, Bourdieu treats direct aggression and physical violence as a crude, uneconomical mode of domination; it is less efficient and, according to Arendt (1969), it is certainly less legitimate. While power and symbolic domination are not to be equated with violence - and Arendt argues persuasively that violence is to be understood as a failure of power - violence, as we are presenting it here, is more than simply the expression of illegitimate physical force against a person or group of persons. Rather, we need to understand violence as encompassing all forms of “controlling processes” (Nader 1997b) that assault basic human freedoms and individual or collective survival. Our task is to recognize these gray zones of violence which are, by definition, not obvious. Once again, the point of bringing into the discourses on genocide everyday, normative experiences of reification, depersonalization, institutional confinement, and acceptable death is to help answer the question: What makes mass violence and genocide possible? In this volume we are suggesting that mass violence is part of a continuum, and that it is socially incremental and often experienced by perpetrators, collaborators, bystanders - and even by victims themselves - as expected, routine, even justified. The preparations for mass killing can be found in social sentiments and institutions from the family, to schools, churches, hospitals, and the military. They harbor the early “warning signs” (Charney 1991), the “priming” (as Hinton, ed., 2002 calls it), or the “genocidal continuum” (as we call it) that push social consensus toward devaluing certain forms of human life and lifeways from the refusal of social support and humane care to vulnerable “social parasites” (the nursing home elderly, “welfare queens,” undocumented immigrants, drug addicts) to the militarization of everyday life (super-maximum-security prisons, capital punishment; the technologies of heightened personal security, including the house gun and gated communities; and reversed feelings of victimization).

Contention Three: Solvency

Increased funding solves transportation issues – inefficiencies and backlogs, waiting makes it worse

NCAI 10 (National Congress of American Indians, 10/15/10, NCAI, “SENATE COMMITTEE ON INDIAN AFFAIRS FIELD HEARING: “TO EXAMINE TRIBAL TRANSPORTATION IN INDIAN COUNTRY,” http://www.indian.senate.gov/public/\_files/JeffersonKeeltestimony00.pdf )

The officials at the Departments of Interior and Transportation have recognized that transportation systems within Indian Country are suffering from a nearly $40 billion construction backlog. An equaling distressing deferred maintenance backlog exists for Tribal transportation facilities. Rising construction inflation rates continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program and other Tribal transportation programs. Even solid Tribal roads and bridges fall into disrepair and require costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance funding. Under any assessment, Tribal transportation programs remain severely underfunded and the construction and maintenance funding backlog will only get worse without significant funding increases during the next highway reauthorization period. To address the deficiencies of road construction and maintenance in the upcoming reauthorization, we encourage this Committee to recommend to Congress an increase in the funding level for IRR Program to $800,000,000 for fiscal year 2013; $850,000,000 for fiscal year 2014; $900,000,000 for fiscal year 2015; $950,000,000 for fiscal year 2016; $1,000,000,000 for fiscal year 2017; and $1,050,000,000 for fiscal year 2018. For the IRR Bridge Program, NCAI recommends$75,000,000 for fiscal year 2013; $87,500,000 for fiscal year 2014; $100,000,000 for fiscal year 2015; $100,000,000 for fiscal year 2016; $100,000,000 for fiscal year 2017; and $100,000,000 for fiscal year 2018. Public Transportation on Indian Reservations: Since the enactment of SAFETEA-LU, the Transportation on Indian Reservations Section 5311(c), also known as the Tribal Transit Program, has been very successful. In the first year of operation, 63 tribes were awarded transit funding. This program brings severely needed transit services to Indian Country so that tribes can provide much needed transportation access to employment, health services, education, and business opportunities for tribal members. While tribal transit systems continue to develop and thrive, the funding authorized in SAFETEALU barely addresses the transit needs in Indian Country and tribal governments need additional funding to adequately address the transit services in Indian Country. NCAI recommends funding for the Tribal Transit Grant Program to be increased to $35 million for fiscal year 2013 with continuing increases of $10 million for every year thereafter to $85 million. NCAI also recommends raising the cap for Transit Planning Grants to $50,000. Currently, tribes are capped at $25,000 to use for planning and design. This cap is a hindrance for tribes who do not possess the financial resources to initially establish a reliable transit system on their tribal land. SAFETEA-LU allowed Indian tribes to pursue improved public transportation for their tribal communities, however there continues to be significant need in Indian Country.

Federal investment in IRR key to rebuilding infrastructure

NCAI 10 (National Congress of American Indians Policy Research Center, March 2010, NCAI, “Investing in Tribal Governments An AnAlysis of impAct And RemAining need UndeR the AmeRicAn RecoveRy And Reinvestment Act,” http://www.ncai.org/resources/ncai-publications/InvestinginTribalGovernmentsAnAnalysisofARRA.pdf)

Transportation infrastructure is vital to tribal economies, education systems, and the delivery of health care and social services. Indian Reservation Roads (IRR) comprise over 104,000 miles of public roads and are owned by Indian tribes, the BIA, states, and counties. These roads are the primary transportation system for all residents of and visitors to American Indian and Alaska Native communities. But this system is also the most underdeveloped road network in the nation. More than 75 percent of the roads in this system are unimproved earth and gravel, and approximately 24 percent of 940 IRR bridges are classified as deficient. The inadequate road conditions—unsafe and often inaccessible—make it very difficult for residents of tribal communities to travel to hospitals, schools, stores, and places of employment. In addition, reservation residents suffer injury and death by driving and walking along reservation roadways at rates far above the national average. Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on Indian reservation roads, with 7,093 lives lost. While the number of fatal crashes in the nation declined 2.2 percent during this time period, the number of fatal motor vehicle crashes per year on Indian reservations increased 52.5 percent. Significant changes and investments in federal transportation safety programs serving Indian Country are crucial.

Federal government controls and funds Indian Reservation Roads program

FHWA 12 (Federal Highway Administration, 1/23/12, US DOT, “Tribal Transportation Program Delivery Guide -2011\*” http://flh.fhwa.dot.gov/programs/irr/guide/documents/irr-full-guide.pdf)

The Indian Reservation Roads (IRR) Program was established by the Surface Transportation Assistance Act of 1982, and addresses transportation needs of over 560 Indian Tribes and Alaska Native Villages by providing funds for planning, designing, construction, and maintenance activities. The program is jointly administered by the Federal Highway Administration’s Office of Federal Lands Highway (FLH) and the Bureau of Indian Affairs (BIA) in accordance with a memorandum of understanding. The IRR system provides safe and adequate transportation and public access to, within, and through Indian reservations for Native Americans, visitors, recreational users, resource users, and others, while contributing to the health and safety and economic development of Native American communities. The IRR Program is an important resource of a Tribe’s overall infrastructure investment strategy. It is a nationally based Federal program, with a number of requirements and responsibilities that each Tribe needs to fully understand as a partner in the process.

\*\*\*2AC\*\*\*

\*\*AT T

AT T – Investment (TTAP)

Investment includes education

Meyer 2k – no date given, but with citation of 2k article (Peter B. Meyer, PhD in Economics from Northwestern, Research Economist, Office of Productivity and Technology, U.S. Bureau of Labor Statistics, econterms, “human capital,” http://www.econterms.com/glossary.cgi?action=++Search++&query=human+capital)

human capital: The attributes of a person that are productive in some economic context. Often refers to formal educational attainment, with the implication that education is investment whose returns are in the form of wage, salary, or other compensation. These are normally measured and conceived of as private returns to the individual but can also be social returns.

AT T – “In” Means Throughout

1. Indian reservations are distributed throughout the US
2. In means within – this is the core definition

Random House 12

(Unabridged Dictionary, “in”, http://dictionary.reference.com/browse/in?s=t)

in   [in] Show IPA preposition, adverb, adjective, noun, verb, inned, in•ning. preposition 1. (used to indicate inclusion within space, a place, or limits): walking in the park. 2. (used to indicate inclusion within something abstract or immaterial): in politics; in the autumn. 3. (used to indicate inclusion within or occurrence during a period or limit of time): in ancient times; a task done in ten minutes. 4. (used to indicate limitation or qualification, as of situation, condition, relation, manner, action, etc.): to speak in a whisper; to be similar in appearance. 5. (used to indicate means): sketched in ink; spoken in French.

And, reservations are *within* the United States.

1. Prefer our interpretation
	1. No definitional basis – the Words and Phrases card says that *in* can mean *throughout* in the sense of a court being able to sit *anywhere* (i.e. *throughout*) in its jurisdiction. Arbitrary limits are worse – if a definition doesn’t occur within the literature there’s no way the aff can prepare.
	2. Overlimit because they only allow plans that affect the entire nation

Discourages research about specific aspects of the topic in favor of generic discussions about infrastructure as a whole. Overlimiting is worse – discourages creativity which is a stronger internal link to education

* 1. No topical aff – no aff could be *everywhere* in the US
	2. Substantial checks back squirrelly affs – no limits explosion
1. Good is good enough – as long our definition is good don’t vote us down because theirs is marginally better – encourages neg teams to run the most arbitrarily limiting definition
2. Don’t vote on potential abuse
	1. Encourages theory over substance – kills education
	2. Arbitrary – not fair to vote us down for something someone else *might* do – only objective standard is to hold us to what we did in the round

AT T – Maintenance =/= Investment

1. We substantially increase funding for roads on American Indian reservations – that includes building new roads and bridges
2. We upgrade long-term assets – that’s investment according to their Law Depot 08 evidence
3. “Investment” is disbursement of public funds

**Perez 10**

(Perez, Bustamonte, and Ponce (Law Firm), “Executive Summary of the Organic Code on Public Planning and Finance”, Legal Newsletter, 11-4, http://www.pbplaw.com/boletines/2010/20101104\_boletinPBP\_bl\_en.pdf)

Public investment is defined as “… a set of disbursements and/or transactions made out of public funds to maintain or increase social and State wealth and capacities for the purpose of achieving the planned objectives”. And Article 77 of the Code referred to herein provides that the State General Budget is an instrument used “to determine and manage income and disbursements of all the entities comprised in the different State branches.”

1. Prefer our interpretation
	1. Core of the topic – maintenance and repair is a huge part of the literature Their definitions are in the context of *private firms*  - not relevant to the topic
	2. “Substantial” checks back minor repairs affs – there’s no limits explosion
	3. **Overlimiting is worse – punishes creativity which is a better internal link to education**
2. At worse we’re extra-topical – just reject the untopical parts of the plan
3. Good is good enough – as long our definition is good don’t vote us down because theirs is marginally better – encourages neg teams to run the most arbitrarily limiting definition
4. Don’t vote on potential abuse
	1. Encourages theory over substance – kills education
	2. Arbitrary – not fair to vote us down for something someone else *might* do – only objective standard is to hold us to what we did in the round

AT T – “In the United States”

1. Indian reservations are in the US geographically
2. “United States” includes all areas under U.S. jurisdiction

Rainey 95, John, U.S. District Judge, “Donald Ray Looper, Individually and On Behalf of His Firm's Clients, Plaintiff, v. William C. Morgan, Department of the Treasury United States Customs Service, and All Unknown Individuals and Agencies Involved in the Search of a Briefcase at Inter-Continental Airport in Houston, Texas, Defendants”, 1995 U.S. Dist. LEXIS 10241, Lexis

The term "United States" means the United States and all areas under the jurisdiction or authority thereof.

And, reservations are under the jurisdiction of the federal government.

Free Legal Encyclopedia no date, “Native American Rights – Federal Power Over Native American Rights,” http://law.jrank.org/pages/8749/Native-American-Rights-Federal-Power-over-Native-American-Rights.html#ixzz21IeEqN5L

Although Native Americans have been held to have both inherent rights and rights guaranteed, either explicitly or implicitly, by treaties with the federal government, the government retains the ultimate power and authority to either abrogate or protect Native American rights. This power stems from several legal sources. One is the power that the Constitution gives to Congress to make regulations governing the territory belonging to the United States (Art. IV, Sec. 3, Cl. 2), and another is the president's constitutional power to make treaties (Art. II, Sec. 2, Cl. 2). A more commonly cited source of federal power over Native American affairs is the COMMERCE CLAUSE of the U.S. Constitution, which provides that "Congress shall have the Power … to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes" (Art. I, Sec. 8, Cl. 3). This clause has resulted in what is known as Congress's "plenary power" over Indian affairs, which means that Congress has the ultimate right to pass legislation governing Native Americans, even when that legislation conflicts with or abrogates Indian treaties. The most well-known case supporting this congressional right is Lone Wolf v. Hitchcock, 187 U.S. 553, 23 S. Ct. 216, 47 L. Ed. 299 (1903), in which Congress broke a treaty provision that had guaranteed that no more cessions of land would be made without the consent of three-fourths of the adult males from the Kiowa and Comanche tribes. In justifying this abrogation, Justice EDWARD D. WHITE declared that when "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."

Extend our 1AC FWHA card – Indian roads are under the jurisdiction of the federal government

1. Prefer our definition
	1. Our definition is key to broad education about the *entire* US – their definition arbitrarily limits education to stale discussions about the states
	2. Overlimiting is worse – discourages creativity which is a better internal link to education
	3. Substantial checks back squirrelly affs – solves their limits claims
	4. Small lit base on infrastructure on reservations and territories also checks back limits explosion
2. Good is good enough – as long our definition is good don’t vote us down because theirs is marginally better – encourages neg teams to run the most arbitrarily limiting definition
3. Don’t vote on potential abuse
	1. Encourages theory over substance – kills education
	2. Arbitrary – not fair to vote us down for something someone else *might* do – only objective standard is to hold us to what we did in the round

\*\*AT Case

2AC Ext – Fed Key

State controlled reservation roads are ignored

NCAI 10 (National Congress of American Indians, 10/15/10, NCAI, “SENATE COMMITTEE ON INDIAN AFFAIRS FIELD HEARING: “TO EXAMINE TRIBAL TRANSPORTATION IN INDIAN COUNTRY,” http://www.indian.senate.gov/public/\_files/JeffersonKeeltestimony00.pdf )

The federal government also makes some funds available to tribes for IRR maintenance under the BIA Maintenance Program. This Program is also woefully inadequate. The BIA spends less than $1000 per mile for road maintenance, compared to estimates of $4000-$5000 per mile used by states to fund non-IRR maintenance. 12 Moreover, the states, who receive federal funding for their own roads that fall within reservations, frequently shirk their obligation to improve or maintain these roads and instead siphon off the funds for use elsewhere. 13

2AC Ext – Waste Dumping = Enviro Injustice

Waste dumps violate environmental justice

Kamps 1 (Kevin Kamps, Nuclear Waste Specialist of Nuclear Resource and Information Service, 2-15-01, “Environmental Racism, Tribal Sovereignty and Nuclear Waste,” http://www.nirs.org/factsheets/pfsejfactsheet.htm)

This toxic trend in Tooele County has left the reservation with almost no alternative economy. Pro-dump tribal chairman Leon Bear summed up his feelings: "We can’t do anything here that’s green or environmental. Would you buy a tomato from us if you knew what’s out here? Of course not. In order to attract any kind of development, we have to be consistent with what surrounds us." Targeting a tiny, impoverished Native American community, already so disproportionately overburdened with toxic exposures, to host the United States’ nuclear waste dump would seem a textbook violation of environmental justice. But the nuclear utilities did not let such considerations slow down their push for the PFS dump on the Skull Valley Reservation.

Waste sites on Native lands are environmentally racist

Robinson 2k (Dr. Deborah M. Robinson, 2000, ECHOES 17: Today’s Faces of Racism, World Council of Churches, “Environmental Racism: Old Wine in a New Bottle,” http://www.wcc-coe.org/wcc/what/jpc/echoes/echoes-17-02.html)

In the United States, the victims of environmental racism are African Americans, Latinos, Native Americans, Asians, and Pacific Islanders, who are more likely than Whites to live in environmentally hazardous conditions. Three out of five African Americans live in communities with uncontrolled toxic waste sites. Native American lands and sacred places are home to extensive mining operations and radioactive waste sites. Three of the five largest commercial hazardous waste landfills are located in predominantly African American and Latino communities. As a consequence, the residents of these communities suffer shorter life spans, higher infant and adult mortality, poor health, poverty, diminished economic opportunities, substandard housing, and an overall degraded quality of life.

Waste dumping on reservations is environmental injustice

Kamps 2k (Kevin Kamps, Nuclear Waste Specialist of Nuclear Resource and Information Service 10/24/00, Nuclear Information and Resource Center, “Nuclear Waste + Native Lands= Environmental Racism,” http://www.nirs.org/alerts/10-24-2000/1)

Every single proposal to store high level nuclear waste in North America targets Native territories. Not only do these proposals represent immense environmental injustices toward Native peoples, but the dumps, if authorized, will enable a dying nuclear industry to get some last breaths. Nuclear waste is the Achilles heel of the industry. Reactors are filling up with spent radioactive fuel and there is no safe place to put this deadly waste. Utilities will have to close down their plants if they cannot get a waste site authorized. The industry sees this as a political problem, not an environmental one. Targeting isolated and economically disenfranchised Indians is their one solution. Help us close this loophole. Join the movement to stop nuclear waste on Native lands and create the impetus for our society to move towards wind, solar and other renewable resources.

Environmental injustice is a critical component of racism

Schweizer and Bullard 99 (Errol Schweizer interviews Dr. Robert Bullard, one of the pioneering scholars and activists in the environmental justice movement, July 1999, Earth First! Journal, “Environmental Justice: An Interview with Robert Bullard,” http://www.ejnet.org/ej/bullard.html)

RB: Race is still the potent factor for predicting where Locally Unwanted Land Uses (LULUs) go. A lot of people say its class, but race and class are intertwined. Because the society is so racist and because racism touches every institution--employment, housing, education, facility siting, land use decisions, you can't really extract race out of decisions that are being made by persons who are in power and the power arrangements are unequal. When we talk about the institution of racism as it exists in environmental policy, enforcement, land use, zoning and all those things. All of that is part of the environment and we have to make sure that our brothers and sisters who are in environmental groups understand that's what we are saying. Environmental justice is not a social program, it's not affirmative actions, its about justice. and until we get justice in environmental protection, justice in terms of enforcement of regulations, we will not even talk about achieving sustainable development or sustainability issues until we talk about justice. A lot of the groups that are trying to address these issues in the absence of dealing with race may be fooling themselves. When we talk about what's happening along the US-Mexican border and the colonias and the maquilas and the devastation that is happening along the border, the health conditions of children and workers and not understand that it's also related to our consumption patterns, consumption behavior and who has the most money to consume the most. And those are issues that may be unpopular when we sit in rooms and talk but I think that's how the environmental justice movement is forcing these issues on the table and really getting a lot of people to think about how we can start to address the disparities and the inequities and the privileged position that some people have only because of the skin color that they were born in. And that's where the justice issues come into account. Now all of the issues of environmental racism and environmental justice don't just deal with people of color. We are just as much concerned with inequities in Appalachia, for example, where the whites are basically dumped on because of lack of economic and political clout and lack of having a voice to say "no" and that's environmental injustice. So we're trying to work with groups across the political spectrums; democrats, republicans, independents, on the reservations, in the barrios, in the ghettos, on the border and internationally to see that we address these issues in a comprehensive manner.

Continued waste dumps devastate tribal traditional culture

Kamps 1 (Kevin Kamps, Nuclear Waste Specialist of Nuclear Resource and Information Service, 2-15-01, “Environmental Racism, Tribal Sovereignty and Nuclear Waste,” http://www.nirs.org/factsheets/pfsejfactsheet.htm)

"The real issue is not the money," Bullcreek, has said. "The real issue is who we are as Native Americans and what we believe in. If we accept these wastes, we're going to lose our tradition." Bullcreek, a tribal member who resides on the reservation with her children, disagrees with NRC’s ruling that the dump presents "no disproportionately high and adverse impacts on low income or minority populations." (DEIS, pg. LXX of the introduction). She first became concerned by the way in which Chairman Bear had gone about signing the lease (without first bringing it to the general council for a vote). As she looked into it, she learned about the dangers of high-level nuclear waste, about the ways the PFS dump would threaten her tribe’s health, culture, traditions and reservation community life. The NRC’s ruling assumes that, given enough money, tribal members such as Bullcreek and her family could simply move from the reservation if they didn’t like the sight of a nuclear waste dump out their kitchen window. Such false logic fails to recognize traditional tribal members’ inextricable spiritual attachment to the land they and their ancestors inhabit. "Cedar and Sage are sacred here," says Bullcreek. "I cut willow branches over there to cradle my babies like my mother did, and my grandmother did, and her mother and her mother. Their bones are on this land. If you think this is desolate then you don’t know the land. You don’t know how to be still and listen. There is peace here. I felt I had to be outspoken or lose everything that has been passed down from generations. The stories that tell why we became the people we are and how we should consider our animal life, our air, things that are sacred to us. Leon Bear is trying to convince himself that what he is doing is right, but this waste will destroy who we are." Bullcreek is fighting the dump because it would ruin that peace and her family’s ancient connection to the land. If the dump is built, she has said she would be forced to move away from the homeland she loves. Has NRC considered the fact that for Bullcreek-–a fluent speaker of her native tongue-–to move away from the community would be yet another severe blow to the endangered Goshute language? What about other similar adverse impacts to the traditional culture? NRC’s ruling that the dump is justified because of the large economic benefit for the tribe (DEIS, p. 6-28) also fails to recognize that Chairman Bear seems to have no intention of sharing proceeds from PFS with opponents to the dump. OGD’s contention before the Licensing Board challenges this NRC finding of no environmental justice (EJ) violation.

2AC Ext – No Transp = No HC

#### Lack of essential transportation denies Natives medical care and employment

AIDTAC 2002 (The American Indian Disability Technical Assistance Center (AIDTAC) was inaugurated in October 2000 with an initial five-year grant by the U.S. Department of Education’s Rehabilitation Services Administration, as a national center to provide information, training, and technical assistance to vocational rehabilitation and employment-related services assisting American Indians and Alaska Natives with disabilities. “Tribal Transportation: Barriers and Solutions”. http://rtc.ruralinstitute.umt.edu/Indian/Factsheets/transportation.htm)

President George W. Bush's New Freedom Initiative, unveiled in 2001, aims to help Americans with disabilities by "promoting their increased access into daily community life." Access to reliable transportation affects all the various tasks of daily community life, including social, medical, and employment activities. On reservations where reliable tribal transportation programs do not exist, tribal members often depend upon friends and neighbors to assist them with rides to medical offices, shopping, jobs, and schools. Some cannot reach their destinations at all and are unable to hold down employment or reach the medical care they need.¶ For people with disabilities, access to reliable transportation is often the critical factor in obtaining and maintaining employment (Project Action, 1997). If a tribal member has a disability that requires accessible (lift-equipped) transportation, his or her chances of reaching a destination become more limited. While personal transportation, including vans with specialty lifts or modified automobiles, can be a solution in rural areas, the initial start-up expense of owning and operating a vehicle may be out of the reach of many tribal members, including people with disabilities.¶ On most of the more than 300 American Indian reservations in the United States there is no existing infrastructure for public transit systems. In addition, many rural tribes deal with isolated dirt or gravel roads that are poorly maintained. While the main road on a reservation may be paved, others for the most part are not, including roads to homes or outlying areas of the reservation. There are few sidewalks, and where sidewalks exist, there are no curb cuts.¶ In addition to physical barriers, not all tribes enjoy cooperative relationships with the states in which they are located. Issues of sovereignty and jurisdiction, including land and water issues, can cloud state and tribal relations. In addition to relationships with the state, tribes must also interact with the federal government, the Bureau of Indian Affairs (BIA), county and local governments, as well as their own tribal councils. Strained relationships with any of these entities can pose a barrier as a tribe attempts to create or improve a transportation system on its reservation.¶ Progress

2AC Ext – Roads Bad Now

Lack of federal funding has left roads in terrible conditions – repair leads to economic development and improved living conditions

NCIA 2012(The National Congress of American Indians, founded in 1944, is the oldest, largest and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities. http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013\_Budget\_Transportation.pdf)

Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways, and connects and serves both tribal and non-tribal communities. Millions of Americans and eight billion vehicles travel reservation roads annually. Despite being the principal transportation system for all residents of and visitors to tribal communities, reservation roads are still the most underdeveloped road network in the nation. Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, American Indian tribes, states, and counties. Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal communities, while also making valuable contributions to much of the surrounding rural America. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian Country. Deficient transportation infrastructure is a barrier which impedes economic development in Native communities. Tribal governments are working to improve public safety, education, health care, and housing, and generate jobs through economic development. These worthy objectives are more difficult to achieve when transportation infrastructure in Indian Country continues to lag behind the rest of the nation. Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger. Indian Reservation Roads (IRR) Programs • Provide $500 million for the Indian Reservation Roads Programs. • Provide $20 million for the Indian Reservation Roads Bridge Program. The officials at the Departments of the Interior and Transportat ion have recognized that transportation systems within Indian Country are suffering from a nearly $40 billion construction backlog. An equally daunting backlog exists for deferred maintenance for tribal transportati on facilities. Rising construction inflation rates continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program and other tribal transportation programs. Even solid tribal roads and bridges fall into disrepair and require costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance funding. Under any assessment, tribal transportation programs remain severely underfunded and the construction and maintenance funding backlog will only get wors e without significant funding increases during the next highway reauthorization period. Tribal Technical Assistance Programs Provide $4.2 million for Tribal Technical Assistance Programs. The Tribal Technical Assistance Program is the only technical assistance program that provides much-needed education and training to tribal governments for transportation road projects. Education and certification is important to assist in building a viable tribal transportation workforce. In addition, having a skilled workforce enables American Indian tribes and Alaska Native villages to further develop tribal transportation infrastructure. DEPARTMENT OF TRANSPORTATION Transportation, Housing and Urban Development Appropriations Bill Tribal Transit Program Provide $20 million for the Tribal Transit Program. The Tribal Transit Program provides transit funding through a national competitive grant process to federally-recognized tribes. The Tribal Transit Program funding level began at $8 million for FY 2006 and increased to $15 million for FY 2010. Since the initiation of the Tribal Transit Program, the Federal Transit Administration has awarded approximately 236 grants to tribes totaling $60 million. However, the total amount requested by tribes who have applied for the Tribal Transit program is approximately $189 million. The awarded funding has been a positive first step in addressing the immense need for public transportation in Indian Country. However, the overall need still remains unmet. DEPARTMENT OF INTERIOR Interior - Environment Appropriations Bill BIA Roads Maintenance Provide $35 million for the BIA Road Maintenance Program. In 2003, the BIA formally acknowledged that at least $150 million per year was needed to maintain BIA-owned roads and bridges to an adequate standard, and $50 million per year was needed for bridge rehabilitation and replacement.33 Costs to maintain these roads have risen sharply in the past five years due to high inflation costs for construction. Yet between FY 2010 and FY 2011, only $26.5 million was enacted for roads maintenance at BIA. It is essential that $35 million be appropriated for the BIA Road Maintenance program in FY 2013 to begin to address this significant gap.

Current federal policies have destroyed possibilities for native mobility

Miller 09 ( Lloyd Miller has worked with Native American Tribes for 30 years. He is a partner in the law firm of Sonosky, Chambers, Sachse, Endreson & Perry, LLP., “A New Deal for Native America”, March 12, http://turtletalk.wordpress.com/2009/03/12/lloyd-miller-a-new-deal-for-native-america/)

Most Americans are only dimly aware of today’s tribal governments, and for many that knowledge is limited to casinos. Few know that less than one-half of America’s 562 Tribes actually operate gaming facilities of any kind (nearly half of them in California). Few know that, of those that do, the well-known top 10% account for over 50% of total tribal gambling revenues, while roughly half the Tribes account for less than 10%. The fact is, across Native America gambling is commonly little more than a breakeven proposition, providing local employment and moderately enhanced health, educational and public services. Still, popular interest in Indian gambling has eclipsed the real picture of Native America, which remains largely out of the public eye: communities living in third world conditions without basic running water or sanitation and suffering disproportionately high rates of communicable diseases; reservations and villages with little physical infrastructure; child suicide rates 2.5 times the national average (and for teens in some regions, 17 times the national average); overwhelmed law enforcement and justice systems funded at 40% the national average, with half of all offenders on the street due to dangerously overcrowded facilities; and crumbling schools with over $800 million in deferred maintenance, producing children who score lower in reading, math and history than every other ethnic group in America. Although in many places conditions are improving, for too many in too many places America has gravely neglected its First Americans. This state of affairs is no accident. It is in major part the product of successive federal policies of killing, moving and isolating the Tribes, destroying their traditional means of social control, and eliminating all means of self-support and governance. It is also the product of the government’s seizure of hundreds of millions of acres of Indian lands to make way for America’s settlement. And it is a product of the government’s continuing neglect of its responsibility, borne out of that terrible treatment, to provide for the Tribes’ most basic needs. Consider that government funding of Indian health care is barely one-half the amount the government spends to care for federal prisoners, and 38% of the Nation’s per capita health care spending. Particularly in the area of law enforcement and justice systems, this state of affairs is also the product of legal rules created out of whole cloth — rules which often reflect little more than the varying beliefs at any particular time of at least five Supreme Court justices. With Congress and the President largely abdicating any role, the Court’s decisions here have been no less an activist reflection of personal values than, last year’s infamous decision to limit punitive damages for oil spill disasters in the face of an equally deafening congressional silence.

2AC Ext – Jobs key to Native Economy

Natives are lacking good job opportunities now that hurts their economy.

Bender 6/11(Albert Bender is a staff writer for People’s World. June 11 2012. http://peoplesworld.org/native-americans-left-out-of-economic-recovery-as-always-2/%20SW)

Up until the past few weeks, there had been a lot of hoopla about a blossoming economic recovery. Job creation for the early part of the year had been averaging 200,000 a month. (Keep in mind, though, that responsible economists maintain that 345,000 jobs per month are needed for at least two years to get back to even five percent unemployment - and the latest numbers for May show only 69,000 jobs created.) Indian America, looking at the historical record, would have found little reason to rejoice at the so-called "good economic news." Why? Because historically, economic recovery, as a national news pundit recently said, "is growth for white America, but there will still be three times the unemployment rate for blacks and Hispanics." But that statistic can look good, considering that the Native American unemployment rate would be 10x greater than the white jobless rate. Indeed, as is well known in Native circles, on reservations across the nation the unemployment for Native Americans routinely ranges from 80-90 percent - and this has been the economic situation for generations. For urban Native Americans, the jobless rate averages around 48 percent. In general, Indian Country is in a permanent depression even when the national economy is on the upswing. But once again it seems the economy was just having another false start, as in the last couple of years, and now appears at the edge of falling off the economic cliff. I cannot but take wry satisfaction in a failing recovery, a recovery that bypasses Native American misery. The above quoted statistics of Native unemployment are years old because reservations in particular and urban Native Americans in general, incredibly, have been purposely excluded from government employment data since 2005. To cite a not atypical example, South Dakota has nine reservations, with unemployment ranging from a "low" of 12 percent on one smaller reservation to 89 percent on the largest reservation. These figures were last compiled in 2005. South Dakota's overall unemployment rate is 4.7 percent, exclusive of reservations. Native American joblessness is so high, it is off the charts. It is so staggering and is not compiled because to do so would be an additional stunning moral indictment of U.S. government treatment of Native Americans. The last absurd excuse given by the Bureau of Labor Statistics for not collecting American Indian employment data was that there was no money in the government budget for such compilation. This government attitude is highlighted by the fact that as far back as 1990, in statistical tables from the U.S. Bureau of Census that contained information on American Indians, African Americans, Asian Americans and others, the category "American Indian unemployed" contained, instead of numbers, the letters MD=Missing Data. No other population had such a classification. Again, this was a shocking, clumsy attempt to hide astronomical unemployment. The position of the Obama administration to combat joblessness in American Indian communities and others of color is that an economic recovery will uplift all the jobless; a strong, robust economy will translate into jobs for all. This simply will not work due to the institutional racism endemic in American society. The very disturbing question is who always gets the lion's share of the jobs even when the economy is on the upswing? Whites have always received a disproportionate share of jobs. To cite an example of who does not get the jobs: In early March, the mainstream media was touting apparent job gains, but noted that Latinos were being bypassed. The national jobless rate dropped to about 8.1 percent, but the Latino unemployment rate remained at 10.6 percent. The white jobless rate dropped to 7.9 percent. Incredibly, the media posed the question: Why the disparity? - and remarked that economists and labor experts also weren't sure. More absurdity: the 'experts' subsequently stated they simply didn't know. Whites have always gotten the lion's share of employment. Without massive employment programs for communities of color, this will continue. After all, white Americans have for over 200 years had their own special "jobs programs" - racism. Communities of color, in particular those of Native Americans, need affirmative action jobs programs; otherwise, "economic recovery" will do little to remedy Native American joblessness.

**2AC – Sovereignty Impact**

Lavelle 2005 (John Lavelle is the executive director of Center for the Spirit (support and protection of Indian and religious and indigenous traditions) in San Francisco and worked as a professor at University of South Dakota. 2005. [http://www.pirateballerina.com/images/lavellereview.htm)hs](http://www.pirateballerina.com/images/lavellereview.htm%29hs)

Tribal sovereignty, in turn, is the collective endeavor of all the members of an Indian tribe to maintain, nourish, and reinforce that fragile, living constellation of tribal values which comprises the tribe itself, rooted in a unique, spiritual relationship with the land that has been passed down from generation to generation, since time immemorial, through closely guarded tribal kinship systems. Tribal members carry on this heroic task of exercising tribal sovereignty --that is, of safeguarding the survival of the tribe itself, as such --under the most difficult of circumstances because of the enormous pressure to conform to an alien and often hostile system of values that constantly is being exerted by a dominant, non-Indian society ill-equipped to comprehend, let alone appreciate, the beauty and significance of the values inhering in Indian tribes. Genuine self-empowerment for Indian people, therefore, is inextricably attached to the dignity accorded Indian tribes themselves as such, for real Indian self-empowerment is made manifest only when Indian tribes are granted their due respect as sovereign nations, with an inherent, inalienable right of tribal self-determination. Any attempt to dislodge the principle of Indian self-determination from the sovereignty inhering in Indian tribes as such is, in reality, an attempt to tear asunder and destroy the unique tribal values that make up the very essence of Indian people's continuing existence as Indians. The inherent right of Indian tribes to determine their own members is, of course, the most critical factor in the process whereby Indian self-determination is transformed into Indian self-empowerment, for if non-Indians can succeed in usurping this fundamental tribal prerogative and themselves seize control of the right to ascertain who is and who is not an Indian, then by their sheer numbers these non-Indians will quickly overwhelm whatever tenuous political power real Indian people have retained in American society. In this disastrous scenario, non-Indians will rapidly supplant tribal values with their own invasive non-Indian values, in accordance with dominant societal norms permitting and even encouraging individuals to accrue political power by any artifice whatsoever -- including that of opportunistically and capriciously defining themselves to be "Indians." Just such a blueprint for disrupting Indian political affairs and disempowering Indian people would appear to underlie the architecture of anti-tribal propaganda in Indians Are Us? -- a kind of Trojan horse wheeled to the gate of an unsuspecting American public, cleverly disguised in what Ward Churchill calls "a language of American Indian liberation" (p. 291).

2AC – Nuclear Violence (Kato) Argument

Nuclear extinction rhetoric excludes the reality of the ongoing thermonuclear war being waged against the American Indians.

Kato, Professor of Political Science at the University of Hawaii, 1993

(Masahide "Nuclear Globalism: Traversing Rockets, Satellites, and Nuclear War via the Strategic Gaze," Alternatives: Global, Local, Political. Page 347, MAG)

Nuclear war has been enclosed by two seemingly opposite yet complementary regimes of discourse: nation-state strategic discourse (nuclear deterrence, nuclear disarmament, nuclear non-proliferation and so on) and extra-nation state (or extra-territorial) discourse (antinuclearism, nuclear criticism, and so on). The epistemology of the former is entrenched in the “possible” exchange(s) of nuclear warheads among nation states. The latter which emerged in reaction to the former, holds the “possibility of extinction” at the center of its discursive production. In delineating the notion of “nuclear war,” both of these discourses share an intriguing leap: from the bombings of Hiroshima and Nagasaki to the “possible” nuclear explosions in an indefinite-yet-ever-closer-to-the-present-future. Thus any nuclear explosions after World War II do not qualify as nuclear war in the cognitive grid of conventional nuclear discourse. Significantly, most nuclear explosions after World War II took place in the sovereign territories of the Fourth World and Indigenous Nations. This critical historical fact has been contained in the domain of nuclear testing. Such obliteration of the history of undeclared nuclear warfare by nuclear discourse does not merely posit the deficiency of the discourse. Rather, what it does is reveal the late capitalist form of domination, whereby an ongoing extermination process of the periphery is blocked from constituting itself as a historical fact.

There is an ongoing nuclear war being perpetrated against the Indigenous peoples of the world in the name of nuclear testing. The creation of the “doomsday” nuclear scenario by nuclear critics has only helped to enhance the First World’s strict definition of “nuclear war.”

 Kato, Professor of Political Science at the University of Hawaii, 1993

(Masahide "Nuclear Globalism: Traversing Rockets, Satellites, and Nuclear War via the Strategic Gaze," Alternatives: Global, Local, Political. Page 347, MAG)

Let us recall our earlier discussion about the critical historical conjecture where the notion of “strategy” changed its nature and became deregulated/dispersed beyond the boundaries set by the interimperial rivalry. Herein, the perception of the ultimate means of destruction can be historically contextualized, The only instances of real nuclear catastrophe perceived and thus given due recognition by the First World community are the explosions at Hiroshima and Nagasaki, which occurred at this conjuncture. Beyond this historical threshold, whose meaning is relevant only to the interimperial rivalry, the nuclear catastrophe is confined to the realm of fantasy, for instance, apocalyptic imagery. And yet how can one deny the crude fact that nuclear war has been taking place on this earth in the name of “nuclear testing” since the first nuclear explosion at Alamogordo in 1945? As for 1991, 1,924 nuclear explosions have occurred on earth. The major perpetrators of nuclear warfare are the United States (926 times), the former Soviet Union (715 times), France (192 times), the United Kingdom (44 times), and China (36 times). The primary targets of warfare (“test site” to use Nuke Speak terminology) have been invariably the sovereign nations of Fourth World and Indigenous Peoples. Thus history has already witnessed the nuclear wars against the Marshall Islands (66 times), French Polynesia (175 times), Australian Aborigines (9 times), Newe Sogobia (The Western Shoshone Nation) (814 times), the Christmas Islands (24 times), Hawaii (Kalama Island, also known as Johnston Island) (12 times), the Republic of Kazakhstan (467 times), and Uighur (Xingjian Province, China) (36 times). Moreover, although I focus primarily on “nuclear tests” in this article, if we are to expand the notion of nuclear warfare to include any kind of violence accrued from the nuclear fuel cycle (particularly uranium mining and disposition of nuclear wastes), we must enlist Japan and the European nations as perpetrators and add the Navaho, Havasupai and other Indigenous Nations to the list of targets. Viewed as a whole, nuclear war, albeit undeclared, has been waged against the Fourth World, and Indigenous Nations. The dismal consequences of “intensive exploitation,” “low intensity intervention,” or the “nullification of the sovereignty” in the Third World produced by the First World have taken a form of nuclear extermination in the Fourth World and Indigenous Nations. Thus, from the perspectives of the Fourth World and Indigenous Nations, the nuclear catastrophe has never been the “unthinkable” single catastrophe but the real catastrophe of repetitive and ongoing nuclear explosions and exposure to radioactivity. Nevertheless, ongoing nuclear wars have been subordinated to the imaginary grand catastrophe by rendering them as mere preludes to the apocalypse. As a consequence, the history and ongoing processes of nuclear explosions as war have been totally wiped out from the history and consciousness of the First World community. Such a discursive strategy that aims to mask the “real” of nuclear warfare in the domain of imagery of nuclear warfare in the domain of imagery of nuclear catastrophe can be observed even in Stewart Firth’s Nuclear Playground, which extensively covers the history of “nuclear testing” in the Pacific: “Nuclear explosions in the atmosphere… were global in effect. The winds and seas carried radioactive contamination over vast areas of the fragile ecosphere on which we all depend for our survival and which we call the earth. In preparing for war, we were poisioning our planet and going into battle against nature itself.” Although Firth’s book is definitely a remarkable study of the history of “nuclear testing” in the Pacific, the problematic division/distinction between the “nuclear explosions” and the nuclear war is kept intact. The imagery of final nuclear war narrated with the problematic use of the subject (“we”) is located higher than the “real” of nuclear warfare in terms of discursive value. This ideological division/hierarchization is the very vehicle through which the history and the ongoing processes of the destruction of the Fourth World and Indigenous Nations by means of nuclear violence are obliterated and hence legitimatized. The discursive containment/obliteration of the “real” of nuclear warfare has been accomplished, ironic as it may sound, by nuclear criticism. Nuclear criticism, with its firm commitment to global discourse, has established the unshakable authority of the imagery of nuclear authority of the imagery of nuclear catastrophe over the real nuclear catastrophe happening in the Fourth World and Indigenous almost on a daily basis.

Anti-nuke activists have perpetuated the strict definition of nuclear war that has allowed the war against the Indigenous people to be labeled as anything but what it is- full-out extermination.

Kato, Professor of Political Science at the University of Hawaii, 1993

(Masahide "Nuclear Globalism: Traversing Rockets, Satellites, and Nuclear War via the Strategic Gaze," Alternatives: Global, Local, Political. Page 347, MAG)

Reflecting the historical context mentioned above, in which nuclear critique gained unprecedented popularity, one can say that nuclear criticism has been shaped and structured by the logic of superpower rivalry. The superpower rivalry has distracted our attention from the ongoing process of oppression/violence along the North-South axis. After all the superpower functioned complementarily in solidifying the power of the North over the South. Therefore, nuclear criticism has successfully mystified the North-south axis as much as the superpower rivalry. Just as the façade of superpower rivalry (or interimperial rivalry in general for that matter) gave legitimation to the strategy of global domination of capital, nuclear criticism has successfully legitimated the destruction of periphery through nuclear violence. What is significant here is to locate the discourse in a proper context, that is, the late capitalist problematic. To do so, we need to shift our focus back to the questions of strategy and technology discussed earlier. Let us recall our discussion on the genealogy of global discourse. The formation of global discourse has been a discursive expression of the formation of technological interfaces among rockets, cameras, and media furnished by the strategy of late capitalism. In a similar vein, nuclear criticism, whose epistemological basis lies in the exchange of nuclear ballistic missiles between superpowers, emerged from yet another technostrategic interface. Significantly, the camera on the rocket was replaced by the nuclear warhead, which gave birth to the first Inter Continental ballistic Missile in the late 1950s both in the United States and the former Soviet Union. Thus, the discourse of nuclear criticism is a product of technostrategic interfaces among rocket, satellite, camera, photo image, and nuclear warhead. I net decipher the discourse of global capitalism (globalism) interwoven throughout nuclear criticism by linking the technostrategic interface to the formation of discourse.

Their framing of a global nuclear war that ends in extinction delocalizes nuclear war and ignores the fact that nuclear catastrophe is a local event for the Indigenous populations of the world.

Kato, Professor of Political Science at the University of Hawaii, 1993

(Masahide "Nuclear Globalism: Traversing Rockets, Satellites, and Nuclear War via the Strategic Gaze," Alternatives: Global, Local, Political. Page 347, MAG)

Nuclear criticism finds the likelihood of “extinction” as the most fundamental aspcct of nuclear catastrophe. The complex problematics involved in nuclear catastrophe are thus reduced to the single possible instant of extinction. The task of nuclear critics is clearly designated by Schell as coming to grips with the one and only final instant: “human extinction- whose likelihood we are chiefly interested in finding out about.” Deconstructionists, on the other hand, take a detour in their efforts to theologize extinction. Jacques Derrida, for example, solidified the prevailing mode of representation by constituting extinction as a fatal absence: “Unlike the other wars, which have all been preceded by wars of more or less the same type in human memory (and gunpowder did not mark a radical break in this respect), nuclear war has no precedent. It has never occurred, itself; it is a non-event. The explosion of American bombs in 1945 ended a “classical,” conventional war; it did not set off a nuclear war. The terrifying reality of the nuclear conflict can only be the signified referent, never the real referent (present or past) of a discourse or text. At least today apparently.” By representing the possible extinction as the single most important problematic of nuclear catastrophe (posing it as either a threat or a symbolic void), nuclear criticism disqualifies the entire history of nuclear violence, the “real” of nuclear war is designated by nuclear critics as a “rehearsal” (Derrik De Kerkhove) or “preparation” (Firth) for what they reserve as the authentic catastrophe. The history of nuclear violence offers, at best, a reality effect to the imagery of “extinction.” Schell summarized the discursive position of nuclear critics very succinctly, stating that nuclear catastrophe should not be conceptualized “in the context of direct slaughter of hundreds of millions of people by the local effects.” Thus the elimination of the history of nuclear violence by nuclear critics stems from the process of discursive “delocalization” of nuclear violence. Their primary focus is not local catastrophe, but delocalized, unlocatbale, “global” catastrophe. The elevation of the discursive vantage point deployed in nuclear criticism through which extinction is conceptualized parallels that of the point of the strategic gaze: nuclear criticism raises the notion of nuclear catastrophe to the “absolute” point from which the fiction of “extinction” is configured. Herein, the configuration of the globe and the conceptualization of “extinction” reveal their interconnection via the “absolutization” of the strategic gaze., The in the same way as the fiction of the totality. In other words, the image of the globe, in the final instance, is nothing more than a figure on which the notion of extinction is being constructed. Schell, for instance, repeatedly encountered difficulty in locating the subject involved in the conceptualization of extinction, which in turn testifies to its figural origin: “who will suffer this loss, which we somehow regard as supreme? We, the living, will not suffer it; we will be dead. Nor will the unborn shed any tears over their lost chance to exist; to do so they would have to exist already.” Robert Lifton attributed such difficulty in locating the subject to the “numbing effect” of nuclear psychology. In other words, Lifton tied the difficulty involved here not to the question of subjectivity per se but to psychological defenses against the overwhelming possibility of extinction. The hollowness of extinction can be unraveled better if we locate it in the mode of perception rather that in nebulous nuclear psychology: hollowness of extinction is a result of “confusing figure with the object.” This phenomenon, called “the delirium of interpretation” by Virilio, is a mechanical process in which incorporeal existence is given a meaning via the figure. It is no doubt a manifestation of technosubjectivity symptomatic of late capitalism. Hence, the obscurity for the subject in the configuration of extinction results from the dislocation of the subject by the technosubject functioning as a meaning-generating machine.

Nuke-speak and images of the coming apocalypse allows for the First world to speak for future generations and the individuals living in the periphery.

Kato, Professor of Political Science at the University of Hawaii, 1993

(Masahide "Nuclear Globalism: Traversing Rockets, Satellites, and Nuclear War via the Strategic Gaze," Alternatives: Global, Local, Political. Page 347, MAG)

The latest form of domination through the mimetic relationship between (the First World) self and the matter via technosubjectivity unveils its uniqueness in the mode of propertization. Technosubjectivity materializes the condition in which the First World self establishes property relationship with what has not been coded in the conventional space and time parameters (e.g., the earth, the ecosphere, life, environment, the unborn, the future). For example, by using apocalypse, nuclear critics set up a privileged discursive position whereby the First World self is authorized to speak for amorphous “future” generations. This discursive position entails a colonization of temporality by the First World self. The colonization of “future” has an immediate effect: the preservation of unborn generations as a case against extinction endorsed by some nuclear critics, for instance, cannot be isolated from the extension of patriarchal self over women’s’ bodies. In a similar vein, the nuclear critics’ assertion regarding the preservation of the ecosphere or the identification of an individual with the earth as an antithesis to extinction betrays the extension of the First World self over the space configured by the image of the globe. One should not, on the one hand, discount the political significance of the environmentalism emerged from the nuclear discourse; on the other hand, however, one should also be alert to the fact that such environmentalism and also the notion of “futurity” discussed earlier are a structural counterpart of the globalization of space and time by capital (both are linked through technosubjectivity). The extension and propertization in terms of both time and space proceeds instantaneously from the micro level to the macro level and vice versa; “the earth, like a single cell or a single organism, is a systemic whole.” The holism reconstructed here is a discursive translation of the instantaneous focal change (from the image of the whole to the image of the spot) from the point of the absolute strategic gaze. Overall, the nuclear critics’ position in freezing the status quo- that is, the existing unequal power relationship-produces nothing short of an absolute affirmation of the latest forms of capitalist domination mediated by mechanically reproducible images. Thus dissolution between self and matter via technosubjectivity demarcates the disappearance of the notion of territoriality as a boundary in the field of propertization/colonization of capital. The globe represented as such in the age of technosubjectivity clearly delineates the advent of nonterritorial space, which distinguishes it from the earlier phases of capitalism. According to David Harvey, the Enlightenment conceptualization of the globe had a territorial demarcation, which corresponds to the hierarchical division between self and the other: “I do not want to insist that the problem with the Enlightenment thought was not that it had no conception of “the other” but that it perceived “the other” as necessarily having (and sometimes “keeping to”) a specific place in a spatial order that was ethnocentrically conceived to have homogenous and absolute qualities.” Therefore, what is characteristic of the global spatial order in late capitalism is a total eradication of “the other” by abolishing the notion of territory. As I have already discussed, what matters for the First World is no longer the relationship between self and other but self and matter, which is nothing but a tautological self-referential relation with self. This ontological violence against “the other” underwrites the physical violence against the Third World, Fourth World, and Indigenous Peoples.

2AC – No war

Conflict rare--Cooperation with other countries is much more likely than competition

Deudney and Ikenberry 09 [Daniel, Professor of Political Science at Johns Hopkins, John, Albert G. Milbank Professor of Politics and International Affairs at Princeton University, The Myth of the Autocratic Revival :Why Liberal Democracy Will Prevail, Foreign Affairs, Jan/Feb]

This bleak outlook is based on an exaggeration of recent developments and ignores powerful countervailing factors and forces. Indeed, contrary to what the revivalists describe, the most striking features of the contemporary international landscape are the intensification of economic globalization, thickening institutions, and shared problems of interdependence. The overall structure of the international system today is quite unlike that of the nineteenth century. Compared to older orders, the contemporary liberal-centered international order provides a set of constraints and opportunities -- of pushes and pulls -- that reduce the likelihood of severe conflict while creating strong imperatives for cooperative problem solving. Those invoking the nineteenth century as a model for the twenty-first also fail to acknowledge the extent to which war as a path to conflict resolution and great-power expansion has become largely obsolete. Most important, nuclear weapons have transformed great-power war from a routine feature of international politics into an exercise in national suicide. With all of the great powers possessing nuclear weapons and ample means to rapidly expand their deterrent forces, warfare among these states has truly become an option of last resort. The prospect of such great losses has instilled in the great powers a level of caution and restraint that effectively precludes major revisionist efforts. Furthermore, the diffusion of small arms and the near universality of nationalism have severely limited the ability of great powers to conquer and occupy territory inhabited by resisting populations (as Algeria, Vietnam, Afghanistan, and now Iraq have demonstrated). Unlike during the days of empire building in the nineteenth century, states today cannot translate great asymmetries of power into effective territorial control; at most, they can hope for loose hegemonic relationships that require them to give something in return. Also unlike in the nineteenth century, today the density of trade, investment, and production networks across international borders raises even more the costs of war. A Chinese invasion of Taiwan, to take one of the most plausible cases of a future interstate war, would pose for the Chinese communist regime daunting economic costs, both domestic and international. Taken together, these changes in the economy of violence mean that the international system is far more primed for peace than the autocratic revivalists acknowledge. The autocratic revival thesis neglects other key features of the international system as well. In the nineteenth century, rising states faced an international environment in which they could reasonably expect to translate their growing clout into geopolitical changes that would benefit themselves. But in the twenty-first century, the status quo is much more difficult to overturn. Simple comparisons between China and the United States with regard to aggregate economic size and capability do not reflect the fact that the United States does not stand alone but rather is the head of a coalition of liberal capitalist states in Europe and East Asia whose aggregate assets far exceed those of China or even of a coalition of autocratic states. Moreover, potentially revisionist autocratic states, most notably China and Russia, are already substantial players and stakeholders in an ensemble of global institutions that make up the status quo, not least the UN Security Council (in which they have permanent seats and veto power). Many other global institutions, such as the International Monetary Fund and the World Bank, are configured in such a way that rising states can increase their voice only by buying into the institutions. The pathway to modernity for rising states is not outside and against the status quo but rather inside and through the flexible and accommodating institutions of the liberal international order.

Shared interests prevent great power conflict

Gelb 10 - President Emeritus of the Council on Foreign Relations. He was a senior official in the U.S. Defense Department from 1967 to 1969 and in the State Department from 1977 to 1979 (Leslie, Foreign Affairs, “GDP Now Matters More Than Force: A U.S. Foreign Policy for the Age of Economic Power,” November/December, proquest)

Also reducing the likelihood of conflict today is that there is no arena in which the vital interests of great powers seriously clash. Indeed, the most worrisome security threats today--rogue states with nuclear weapons and terrorists with weapons of mass destruction--actually tend to unite the great powers more than divide them. In the past, and specifically during the first era of globalization, major powers would war over practically nothing. Back then, they fought over the Balkans, a region devoid of resources and geographic importance, a strategic zero. Today, they are unlikely to shoulder their arms over almost anything, even the highly strategic Middle East. All have much more to lose than to gain from turmoil in that region. To be sure, great powers such as China and Russia will tussle with one another for advantages, but they will stop well short of direct confrontation..

2AC – Nuke War =/= extinction

Nuclear war won’t cause extinction

Martin ’84 (Brian, Research Associate – Australian National University, SANA Update, “Extinction Politics”, No. 16, May, http://www.uow.edu.au/arts/sts/bmartin/pubs/84sana1.html)

Yet in spite of the widespread belief in nuclear extinction, there was almost no scientific support for such a possibility. The scenario of the book and movie On the Beach,[2] with fallout clouds gradually enveloping the earth and wiping out all life, was and is fiction. The scientific evidence is that fallout would only kill people who are immediately downwind of surface nuclear explosions and who are heavily exposed during the first few days. Global fallout has no potential for causing massive immediate death (though it could cause up to millions of cancers worldwide over many decades).[3] In spite of the lack of evidence, large sections of the peace movement have left unaddressed the question of whether nuclear war inevitably means global extinction. The next effect to which beliefs in nuclear extinction were attached was ozone depletion. Beginning in the mid-1970s, scares about stratospheric ozone developed, culminating in 1982 in the release of Jonathan Schell's book The Fate of the Earth.[4] Schell painted a picture of human annihilation from nuclear war based almost entirely on effects from increased ultraviolet light at the earth's surface due to ozone reductions caused by nuclear explosions. Schell's book was greeted with adulation rarely observed in any field. Yet by the time the book was published, the scientific basis for ozone-based nuclear extinction had almost entirely evaporated. The ongoing switch by the military forces of the United States and the Soviet Union from multi-megatonne nuclear weapons to larger numbers of smaller weapons means that the effect on ozone from even the largest nuclear war is unlikely to lead to any major effect on human population levels, and extinction from ozone reductions is virtually out of the question.[3] The latest stimulus for doomsday beliefs is 'nuclear winter': the blocking of sunlight from dust raised by nuclear explosions and smoke from fires ignited by nuclear attacks. This would result in a few months of darkness and lowered temperatures, mainly in the northern mid-latitudes.[5] The effects could be quite significant, perhaps causing the deaths of up to several hundred million more people than would die from the immediate effects of blast, heat and radiation. But the evidence, so far, seems to provide little basis for beliefs in nuclear extinction. The impact of nuclear winter on populations nearer the equator, such as in India, does not seem likely to be significant. The most serious possibilities would result from major ecological destruction, but this remains speculative at present.

2AC – Corruption in Tribes

1. None of our business – tribes are sovereign entities separate from the US, only obligation is to provide equal access

2. Current government policy perpetuates corruption – aff reverses unfair policy

Robideau 6 (ROBERT ROBIDEAU is co-director of the Leonard Peltier Defense Committee, 1.27.6, Socialist Worker, “"One of many racists out to defraud Native tribes",” http://socialistworker.org/2006-1/573/573\_04\_Robideau.shtml)

When tribal people stand up in self defense, as they did in the 1970s, when thousands marched across North America on the Trail of Broken Treaties to Washington, D.C., to protest tribal corruption sanctioned by federal policies and congressional acts, we were met with clubs and violence. Before federal treaties removed tribes from their traditional lands, they lived a rich and abundant life for thousands of years. Since then, congressional acts have kept tribes locked in poverty and ill health to the present day. The federal government's programs enacted by Congress have whittled away millions of areas of reservation land for profit, and continue an ongoing policy that sanctions thefts of Indian land and natural resources. The gaming industry represents a continuation of congressional manipulations that erode tribal sovereignty and continue to plague the quality of life for Native people. We have fought the land rush, gold rush and oil rush. Now comes the gaming rush, which has created more corruption in our tribal governments and animosity among Native Americans. Congress passed the Indian Gaming Regulatory Act in 1988, and it has only brought money-mongering politicians scurrying in from Washington, D.C., sniffing out casino profits. Governmental reports alleging that gaming revenue has been used to "reduce poverty and unemployment rates, build schools and hospitals, paved road and construct sewer systems, preserve and revitalize cultural traditions and build responsive and responsible government institutions such as tribal courts" are a smokescreen for the United States to escape its treaty obligations. If these treaties had been honored decades ago, the Native American communities would have enjoyed the same opportunities and the same standard of living as mainstream America. The United States is the wealthiest country in the world, with a higher poverty rate than any other progressive nation. Native Americans rank the poorest in health and economy due to federal "Indian policies."

3. Tribal governments are only forced to make hard decisions with no good outcomes because of poverty – that’s Brooks – aff solves root cause

4. Aff stimulates Native economy – that’s NCAI

And that solves corruption

Bardhan 97 (PRANAB BARDHAN professor of Economics at University of California at Berkeley, 1997, Journal of Economic Literature, Vol. XXXV (September 1997), pp. 1320–1346, “Corruption and Development: A Review of Issues,” http://www.relooney.info/3040\_517.pdf)

What about the effects of the growth process on the extent of corruption? Although the requisite time-series evidence in terms of hard data is absent, circumstantial evidence suggests that over the last 100 years or so corruption has generally declined with economic growth in most rich countries (and in some developing countries, like Singapore, it is reported to have declined quite fast in recent decades). While the historical relationship between economic growth and corruption is thus likely to have been negative in general, it is possible to envisage some nonlinearities in this relationship: in particular, in some countries with the process of modernization and growth corruption may have got worse for some time before getting better. What kind of forces work toward possibly increasing corruption at the earlier stages of economic growth? As the economy expands and becomes more complex, public officials see more opportunities for making money from their decisions, which now go beyond simple functions like maintaining law and order and collecting land revenue. As the markets in many new products are “thin” for quite some time, this gives scope for those officials to milk the process of granting monopoly rights and franchises. In the process of transition from controlled to market economy in Eastern Europe, China, and Vietnam it has often been observed that there are some special factors increasing corruption even as income grows. For a considerable period of time the transition economy is on a dual-track system: a part of output is still under obligatory delivery at controlled prices, while the rest is allowed to be sold at market prices. This creates all kinds of new opportunities for corruption. The process of privatization of state-owned enterprises in many countries has also given rise to opportunities for public officials to get kickbacks from “crony capitalist” buyers of those enterprises and contractors. Yet, it is probably correct to say that the process of economic growth ultimately generates enough forces to reduce corruption. Rewards to entrepreneurship and productive investment relative to rent-seeking investment rise when there is sustained growth. A prospering economy can also afford to pay its civil servants well, reducing their motivation for corruption. And to the extent prosperity in the long run brings more demand, at least on the part ofthe middle classes, for democratic reforms, the latter may install institutions that check corruption. Not merely is the coordination problem in bribe-collection among legislators rendered more difficult under democracy, as we have discussed at the end of the preceding section, but, more important, democratic institutions build mechanisms of accountability and transparency at different levels which make it difficult for the networks of corruption to be sustained for long. A qualifier to this argument relates, as we have noted before, to campaign finance in democratic elections which leads to influence peddling on the part of politicians. Thus while rich democracies have been quite successful in better enforcement of laws, they have been in some cases less successful in reducing the influence of money on the process of enactment of those laws.

2AC – Growth Hurts Culture

1. Economic development and cultural integrity are compatible.

Smith 94, Dean Howard Smith, assistant prof of economics at Northern Arizona University and research consultant for the National Executive Education Program for Native American Leadership, *American Indian Culture and Research Journal* 18.2, “The Issue of Compatibility Between Cultural Integrity and Economic Development Among Native Tribes,” MetaPress, http://www.metapress.com/content/a8v711lk40180851/fulltext.pdf

The point is that economic development can help tribes become self-sufficient without undermining their cultural integrity. As incomes increase, the tribe becomes less dependent on federal aid, and this leads to true self-determination. As tribes truly begin to manage their resources, cultural values can be maintained and strengthened. As development occurs, tribal members have an opportunity for increased pride in their culture and heritage, and their society prospers in more ways than simply increased income. As a counter-example, consider a society with the continuing problems currently present on reservations. The likelihood of a society maintaining its cultural integrity in the face of poverty, alcoholism, malnutrition, and the like is rather low. . Maintaining cultural integrity does not necessitate returning to pre- Columbian economies; not even the Havasupai desire to do As the standard of living increases among Native Americans, the behavioral characteristics that make an individual an Apache, or Navajo, or Mohawk are more easily maintained and developed. For example, although the Navajo Nation is facing a diminishing stock of both singers and weavers,25a s the Navajo economy develops, there will be increased incomes to pay for ceremonies; and as the market for woven rugs grows, there will be increased incomes from weaving. The number of both singers and weavers will likely increase, and thus the cultural integrity of the tribe will be maintained. This by no means implies that economic development should be undertaken simply to increase incomes. Rather, development is a means toward a well-defined end. Clearly, there are potential negative aspects, such as those mentioned concerning the Hopi, Hualapai, and Havasupai, but well-designed tribal plans and institutions can aid in avoiding some of the pitfalls stemming from inappropriate development activities.

2. Development of roads prevents waste dumping on tribal land, that’s Brook

And preventing waste dumps key to Native American culture

Kamps 1 (Kevin Kamps, Nuclear Waste Specialist of Nuclear Resource and Information Service, 2-15-01, “Environmental Racism, Tribal Sovereignty and Nuclear Waste,” http://www.nirs.org/factsheets/pfsejfactsheet.htm)

"The real issue is not the money," Bullcreek, has said. "The real issue is who we are as Native Americans and what we believe in. If we accept these wastes, we're going to lose our tradition." Bullcreek, a tribal member who resides on the reservation with her children, disagrees with NRC’s ruling that the dump presents "no disproportionately high and adverse impacts on low income or minority populations." (DEIS, pg. LXX of the introduction). She first became concerned by the way in which Chairman Bear had gone about signing the lease (without first bringing it to the general council for a vote). As she looked into it, she learned about the dangers of high-level nuclear waste, about the ways the PFS dump would threaten her tribe’s health, culture, traditions and reservation community life. The NRC’s ruling assumes that, given enough money, tribal members such as Bullcreek and her family could simply move from the reservation if they didn’t like the sight of a nuclear waste dump out their kitchen window. Such false logic fails to recognize traditional tribal members’ inextricable spiritual attachment to the land they and their ancestors inhabit. "Cedar and Sage are sacred here," says Bullcreek. "I cut willow branches over there to cradle my babies like my mother did, and my grandmother did, and her mother and her mother. Their bones are on this land. If you think this is desolate then you don’t know the land. You don’t know how to be still and listen. There is peace here. I felt I had to be outspoken or lose everything that has been passed down from generations. The stories that tell why we became the people we are and how we should consider our animal life, our air, things that are sacred to us. Leon Bear is trying to convince himself that what he is doing is right, but this waste will destroy who we are." Bullcreek is fighting the dump because it would ruin that peace and her family’s ancient connection to the land. If the dump is built, she has said she would be forced to move away from the homeland she loves. Has NRC considered the fact that for Bullcreek-–a fluent speaker of her native tongue-–to move away from the community would be yet another severe blow to the endangered Goshute language? What about other similar adverse impacts to the traditional culture? NRC’s ruling that the dump is justified because of the large economic benefit for the tribe (DEIS, p. 6-28) also fails to recognize that Chairman Bear seems to have no intention of sharing proceeds from PFS with opponents to the dump. OGD’s contention before the Licensing Board challenges this NRC finding of no environmental justice (EJ) violation.

3. The improved bridges and roads allow interconnectivity between reservations and within the reservation, allowing further spread of Native American culture, that's Sirinivason

4. Economic development is essential to indigenous cultures.

Smith 94, Dean Howard Smith, assistant prof of economics at Northern Arizona University and research consultant for the National Executive Education Program for Native American Leadership, *American Indian Culture and Research Journal* 18.2, “The Issue of Compatibility Between Cultural Integrity and Economic Development Among Native Tribes,” MetaPress, http://www.metapress.com/content/a8v711lk40180851/fulltext.pdf

Human beings must possess the basic needs of living-food, shelter, and clothing-before they can engage in cultural activities. Once the basic needs are met, a certain quantity of disposable resources must be available for participation in cultural activities. These resources may be measured in dollars, hours, sheep, physical energy, or interest. Furthermore, the individual engaging in cultural activities must have enough self-esteem to participate in those activities. Given the extreme poverty and social problems on most reservations, it is not surprising that many Indian tribes demonstrate diminished interest in their cultures. How can economic development lead to the advancement and integrity of indigenous cultures? The answer is simple: Provide the necessary disposable resources while designing economic activity compatible with the underlying code of values.

2AC – Access Leads to Exploiting

1. Access is the only way to PREVENT exploitation – federal infrastructure investment key to self-determination

Keohane 6 (Jeff R. Keohane specializes in federal Indian and tribal law and land use and environmental law in the San Francisco office of Holland & Knight LLP, Spring 2006, Human Rights, Vol. 33, No. 2, pp.9-12, “The Rise of Tribal Self-Determination and Economic Development,”)

Lack of federal investment in basic services disadvantages tribes in economic and other immediate ways. For example, despite rates of preventable diseases many times higher than the general population, the federal government spends half as much per Indian Health Service beneficiary as it does per Medicaid beneficiary or federal prisoner and a third as much as aggregate per capita health care expenditures. Further, although the fatality rates on reservation roads are four times higher than on nonreservation roads due in large part to their deteriorated conditions and lack of safety features, Congress appropriates less than half of the amount for construction per mile than it does for state roads and one-fifth of what states spend per mile on maintenance. Such underinvestment shifts the bur­den for basic services to tribal governments. Yet, unlike states, tribes are limited in the taxes they can raise because of legal restrictions and still-low levels of economic activity. Low levels of service in tribal areas in turn impede tribal development, creating a vicious circle.

2. Reservations being exploited with waste dumping now – aff reverses that trend, that’s Brook

3. Transportation networks allow collective action against exploitation – only way to prevent it

### \*\*AT CPs

### AT States CP

#### Perm Solvency: A combination of the Federal government and other actors is not only doable but is also better than the CP alone.

 Brooking Institute ’08 [BLUEPRINT FOR AMERICAN PROSPERITY: A BRIDGE TO SOMEWHERE. http://www.brookings.edu/~/media/Files/rc/reports/2008/06\_transportation\_puentes/06\_transportation\_puentes\_report.pdf. MJS]

THE FEDERAL GOVERNMENT SHOULD EMPOWER STATES AND METROPOLITAN AREAS TO GROW IN SUSTAINABLE WAYS The range of challenges as well as the profound demographic, economic, and spatial changes underway in the United States calls for a new federal partnership with state and metropolitan leaders, along with local governments and the private sector, to promote environmental sustainability and strengthen metropolitan economies. The late 20th century model in transportation retained the standard federalism pyramid structure: with the federal government providing resources that rain down from the state, to metropolitan, and ultimately the local level. But while this structure may have been appropriate for 1956, the problem is that today it is without the meaningful national purpose that the Interstates provided. The result is that this devolution of responsibility produced results that are so far uneven and generally disappointing. What we need now is a new 21st century compact that flips the pyramid and challenges our nation’s state and metropolitan leaders to develop deep and innovative visions to solve the most pressing transportation problems. The federal government should become a permissive partner in such an effort but should hold these places accountable for advancing this tailor-made, bottom-up vision. Metropolitan areas should have the predictability of funding necessary to make long-term planning possible, and the ability to make innovative strategic decisions.

#### Federal action is key—conflicts between the states and tribes undermine the counterplan

HENSLEY-QUINN AND SHAWN 2006 Program Manager for the National Academy for State Health Policy AND Assistant Director of Technical Assistance Programs at Community Transportation Association of America (Maureen and Kelly, “American Indian Transportation: Issues and Successful Models”, Fall, National Transit Resource Center InfoBrief No. 28, http://www.ctaa.org/webmodules/webarticles/articlefiles/American\_Indian\_RTAP\_Brief.pdf )

Tribal rights of self-government are recognized and protected by the US Constitution, legislation, treaties, judicial decisions and administrative practice. Currently, the US government officially recognizes 563 tribes as sovereign nations. Federal recognition means that tribes can use federal funds for transportation; without that recognition, states may choose to contract with tribes for transportation, but they are not obligated to do so. Federal transportation funds are allocated to the states based on population, which includes American Indians. The quality and effectiveness of tribal/state relationships vary widely. Due to tribes’ sovereign nation status, relationships with the states can be complicated. Some tribes have solid working relationships with their states, while others have little or no dialogue with state officials. In order to provide an **effective transportation service for tribes** without compromising their sovereign nation status, the tribal/state relationship must be worked through on a case-by-case basis.

#### States will decrease existing road programs on reservations in reaction to the counterplan—they want to divert funds

Keel 11 Lieutenant Governor of the Chickasaw Nation and President of the National Congress of American Indians (Jefferson, “Oversight hearing on tribal transportation: Paving the way for Jobs, Infrastructure, and Safety in Native Communities”, 9/15/11, SENATE COMMITTEE ON INDIAN AFFAIRS HEARING, http://www.indian.senate.gov/hearings/upload/Jefferson-Keel-FINAL-testimony.pdf )

The federal government also makes some funds available to tribes for IRR maintenance under the BIA Maintenance Program. This Program is also woefully inadequate. The BIA spends less than $1000 per mile for road maintenance, compared to estimates of $4000-$5000 per mile used by states to fund non-IRR maintenance. 11 Moreover, the states, who receive federal funding for their own roads that fall within reservations, frequently **shirk their obligation to improve or maintain these roads and instead siphon off the funds for use elsewhere**. 12

#### States practice discrimination against minorities

Stanford Journal of Civil Rights & Civil Liberties 6

 [Aug 2006, "Arizona's Proposition 200 and the Supremacy of Federal Law: Elements of Law, Politics, and Faith"]

**Though not a major problem given the political legitimacy and responsiveness of state government vis-a-vis the federal government, I do pause here to flag one civic concern: the legacy of oppression and discrimination that particular minority communities associate with their state governments has not yet, unfortunately, been relegated to the annals of ancient history. Not only do segregationist policies, denial of the franchise, and ruthless state-sponsored violence come to mind for many poor black southerners when they think about their relationship to the state government; they may also have salient memories of King v. Smith types of intrusive, humiliating home visits related directly to welfare administration. n167 In light of PRWORA's abandonment of federal welfare entitlements, the oppressive and discriminatory policies and attitudes of the 1950s and 1960s, which had been reined in by the federal protections afforded by way of Goldberg and King, may potentially be revived. Indeed, institutional racism at the state and local level is alarmingly enduring. Professor Cashin, for one, devotes considerable attention to how states profoundly discriminate against their African-American welfare populations. n168 And another, Professor Susan Gooden, presents a particularly salient case study of Virginia welfare services. In her study, she documents and contrasts state administrators' disparaging and ungenerous treatment of black welfare recipients with their treatment of similarly situated white clients who were always given first notice of new jobs, offered the "newest" work clothes, and given access to automobiles. n169 Understanding discrimination is not just an academic exercise, but also a visceral part of the welfare experience. The civic harms associated with returning power to the states cannot be disregarded as historically contingent. Such harms persist today.**

#### Native Reservations don’t have access to infrastructure – federal government key to solve

RTC 2002 **(“Tribal Transportation: Barriers and Solutions”. 2002. Research and Training Center on Disability in Rural Communities, RTC:Rural is funded by the National Institute on Disability and Rehabilitation Research to improve the ability of persons with disabilities to live independently in rural America. http://rtc.ruralinstitute.umt.edu/Indian/Factsheets/transportation.htm)**

**On most of the more than 300 American Indian reservations in the United States there is no existing infrastructure for public transit systems. In addition, many rural tribes deal with isolated dirt or gravel roads that are poorly maintained. While the main road on a reservation may be paved, others for the most part are not, including roads to homes or outlying areas of the reservation. There are few sidewalks, and where sidewalks exist, there are no curb cuts. In addition to physical barriers, not all tribes enjoy cooperative relationships with the states in which they are located. Issues of sovereignty and jurisdiction, including land and water issues, can cloud state and tribal relations. In addition to relationships with the state, tribes must also interact with the federal government, the Bureau of Indian Affairs (BIA), county and local governments, as well as their own tribal councils. Strained relationships with any of these entities can pose a barrier as a tribe attempts to create or improve a transportation system on its reservation.**

### AT Consult the Tribe CP

#### Federal transportation funding mechanisms have already been negotiated with tribal governments

Baxter 11 Associate Administrator for Federal Lands for the Federal Highway Administration (John R., “Hearing on Tribal Transportation: Paving the Way for Jobs, Infrastructure and Safety in Native Communities”, 9/15/11, Hearing before the Committee on Indian Affairs, http://testimony.ost.dot.gov/test/pasttest/11test/baxter1.htm “)

The IRR program is the largest Federal Lands Highway (FLH) program and is unique due to the relationship with Federally-recognized Indian Tribal Governments under the program. The IRR program serves 565 Federally-recognized Indian Tribes and Alaska Native villages in 32 States. FHWA co-administers the IRR program with the BIA under an agreement originating in 1948 and a Stewardship Plan from July 1996. IRR program funding has grown significantly under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), from a program size of $275 million annually under the Transportation Equity Act for the 21st Century (TEA-21) to $450 million annually today. This equates to a total of $2.76 billion over the life of SAFETEA-LU, including the extensions through the end of this fiscal year. These funds have been distributed according to a tribal shares formula, which was developed through a negotiated rulemaking with tribal governments. SAFETEA-LU also increased the eligible uses of IRR program funds by allowing a Tribe to use up to 25 percent of its share of funds for road and bridge maintenance activities. This change allowed Tribes to supplement the funding they receive annually from the Department of the Interior (DOI) for maintenance activities. It also allowed the Tribes to address critical safety, snow removal, and pavement preservation issues. The increased funding and programmatic changes provided in SAFETEA-LU for the IRR program, along with an additional $310 million provided by the American Recovery and Reinvestment Act of 2009 (Recovery Act), discussed below, have provided tools and resources to substantially improve tribal transportation.

#### Tribal consultation is normal means

Baxter 11 Associate Administrator for Federal Lands for the Federal Highway Administration (John R., “Hearing on Tribal Transportation: Paving the Way for Jobs, Infrastructure and Safety in Native Communities”, 9/15/11, Hearing before the Committee on Indian Affairs, http://testimony.ost.dot.gov/test/pasttest/11test/baxter1.htm “SW)

FHWA – Federal Highway Administration

Secretary LaHood shares President Obama’s commitment to addressing tribal issues and concerns. Last year, meeting with the National Congress of American Indians, the Secretary emphasized the DOT's commitment to improving existing tribal transportation programs by seeking tribal input on important regulations, providing timely technical assistance, and ensuring that Tribes are given ample opportunities to compete for grants. The Department also has implemented its Tribal Consultation Plan, a detailed plan of action the agency will take when developing, changing, or implementing policies, programs, or services with tribal implications. FHWA has a long history of supporting tribal governments’ rights to self-determination and working directly with Tribes in a government-to-government relationship. FHWA’s top leadership continues to meet directly with tribal government elected officials and transportation staff, and is committed to delivering a transportation program that works for all Tribes whether the Tribe has a large or small population. FHWA has sought to improve tribal transportation by working directly with tribal governments to improve Tribes’ technical capacity, to improve safety on reservations and native communities, and to foster partnerships between tribal governments, local governments, Federal agencies, and State DOTs.

AT Give Awesome (Other) Stuff CP

1. Can’t solve – nothing else provides long-term economic growth or permanent access to other reservations or healthcare, doesn't solve the structural racism – that’s NCAI, Sirinivason, and Hensley-Quinn and Shawn

2. ACCESS is different than PROVISION – CP forces Westernism on Native Americans rather than allowing them access – that destroys their culture and proves CP can’t solve

3. Perm do both – no reason the usfg can’t provide [insert cool thing here] and revamp roads and bridges at the same time

4. Native Americans would still be unable to foster Native American culture on and off the reservation – can’t solve the isolation adv – that’s Srinivasan

5. Provision of [goody] traps Native Americans on the reservation rather than allowing them to come and go – reinscribes racist politics

AT Uninterested Tribe PIC

1. PICs are bad for debate

A. Destroys topical education – debate becomes about specifics of implementation rather than objectives and real world problems

B. Makes the aff debate itself – aff can’t make substantiate arguments because the cp includes most of the aff advocacy

C. Artificially competitive – cp only does one less thing – either the cp is illegitimate or it’s not competitive and the perm solves

2. Uninterested tribes aren’t affected – just improvements and maintenance on roads, not building new ones

3. Elected central advocate group requests the aff for the next 6 years

NCAI 10 (National Congress of American Indians, 10/15/10, NCAI, “SENATE COMMITTEE ON INDIAN AFFAIRS FIELD HEARING: “TO EXAMINE TRIBAL TRANSPORTATION IN INDIAN COUNTRY,” http://www.indian.senate.gov/public/\_files/JeffersonKeeltestimony00.pdf )

To address the deficiencies of road construction and maintenance in the upcoming reauthorization, we encourage this Committee to recommend to Congress an increase in the funding level for IRR Program to $800,000,000 for fiscal year 2013; $850,000,000 for fiscal year 2014; $900,000,000 for fiscal year 2015; $950,000,000 for fiscal year 2016; $1,000,000,000 for fiscal year 2017; and $1,050,000,000 for fiscal year 2018. For the IRR Bridge Program, NCAI recommends$75,000,000 for fiscal year 2013; $87,500,000 for fiscal year 2014; $100,000,000 for fiscal year 2015; $100,000,000 for fiscal year 2016; $100,000,000 for fiscal year 2017; and $100,000,000 for fiscal year 2018.

4. CP is normal means – federal government would cooperate with the BIA through memorandum of understanding – that’s FHWA

And, the BIA cooperates with Native American tribes

House of Representatives 1 (House of Representatives, 2001, 106th Congress, Library of Congress, “DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL,” http://thomas.loc.gov/cgi-bin/cpquery/T?&report=hr646&dbname=106&)

The Bureau of Indian Affairs was created in 1824; its mission is founded on a government-to-government relationship and trust responsibility that results from treaties with Native groups. The Bureau delivers services to over one million Native Americans through 12 regional offices and 83 agency offices. In addition, the Bureau provides education programs to Native Americans through the operation of 115 day schools, 56 boarding schools, and 14 dormitories. Lastly, the Bureau administers more than 43 million acres of tribally owned land, and 11 million acres of individually owned land.

5. Normal means – debating in congress resolves semantic and tribal rejection issues

6. Can’t solve waste dumping – the federal government would double efforts against the “uninterested tribe” for waste dumping, especially if it was the only one without transportation infrastructure

\*\*AT DAs

AT Agenda Politics DA

1. Evaluate aff systemic impacts first – it’s the largest proximate cause of war – that’s Scheper-Hughes and Bourgois

2. Be skeptical of neg impacts – they’re justifications for nuclear colonialism, that’s Edwards – look to aff impacts first

3. MAP-21 transportation infrastructure bill already passed – either link should have been triggered or proves it’s bipartisan

Barbaccia 7/2 (Tina Grady Barbaccia is executive editor of Better Roads and news & digital editor for Aggregates Manager, 7.2.12, Equipment World, “House, Senate pass $105 billion, two-year transportation bill,” http://www.equipmentworld.com/house-senate-pass-105-billion-two-year-transportation-bill/)

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4. Fiat means plan passes with least resistance – no political capital lost

5. Past IRR funding has been bipartisan

Johnson 12 (Charles S. Johnson, writer for Missoulian, 6.28.12, Missoulian, “Congress expected to vote on highway funding compromise with increase for Montana,” http://missoulian.com/news/state-and-regional/congress-expected-to-vote-on-highway-funding-compromise-with-increase/article\_bb91b188-c192-11e1-905a-001a4bcf887a.html)

HELENA – The U.S. Senate and House are expected to vote this week on a bipartisan compromise that, among other things, would provide Montana with a slight increase in federal highway funding over two years. “This is a big win for Montana jobs because highways are our lifeblood,” said Sen. Max Baucus, D-Mont., who helped lead the bipartisan negotiations on the Highway Bill Conference committee. “I worked hard to make sure Montana had a seat at the table, and I’m proud that we were able to get the job done for Montana families.” Montana now receives about $381 million a year in federal highways funds and $15 million for transit programs. Those numbers would remain the same in fiscal 2013 under the bill. The highway funding portion would increase to $389 million in fiscal 2014. The bill is for two years instead of another short-term extension. The latest extension ends Saturday. Baucus said he also included provisions in the bill to support Montana forest communities, prevent an interest rate increase in student loans and help Montana communities with levees. Sen. Jon Tester, D-Mont., endorsed the deal. “Putting Montanans to work strengthening our infrastructure by building roads and bridges will grow our economy.” Tester said. “Montana’s rural communities depend on good roads and schools. Extending Secure Rural Schools and (Payment in Lieu of Taxes) will help those rural economies survive, and I’m proud to continue my support for these successful initiatives.“ Rep. Denny Rehberg, R-Mont., said he wants to study the bill first but is encouraged by parts of it. “Between flood insurance and fixing the student loan interest rate, there are some good, common-sense solutions in this bill,” Rehberg said. “That said, I’m going to review this legislation carefully and seek input from across the state. After all, the most important part of our highway bill is keeping our roads smooth and giving our contractors the stability they need to keep Montanans working.” Baucus said the highway funding supports about 13,500 jobs in Montana by helping to pay for the costs of building and repairing highways and bridges. Baucus said the highway bill would be funded without increasing the federal deficit. Money also goes for bike and pedestrian paths, roads on federal lands and in parks, freight movements on interstate and rural freight corridors, Indian reservation roads, bus transit and recreational trails. The bill doubles the funding for road safety as a national priority, he said, with an emphasis on rural roads.

AT Obama Good Elections Politics DA

1. Evaluate aff systemic impacts first – it’s the largest proximate cause of war – that’s Scheper-Hughes and Bourgois

2. Be skeptical of neg impacts – they’re justifications for nuclear colonialism, that’s Edwards – look to aff impacts first

3. MAP-21 transportation infrastructure bill already passed – either link should have been triggered or proves it’s bipartisan

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4. Elections too far away to affect – policy now won’t change outcome

5. High unemployment means Obama won’t be reelected

Paulson 7/9 (Scott Paulson writes political news and commentary for CBS Local and Examiner.com and teaches English at a community college in the Chicago area, 7.9.12, CBS New York, “8.2 Percent Unemployment Rate Won’t Reelect Obama,” http://newyork.cbslocal.com/2012/07/09/8-2-percent-unemployment-rate-wont-reelect-obama/#blogbio)

Of all the signs leading to a defeat for President Barack Obama in the presidential election of 2012, the most glaring sign is the unemployment rate which remains extremely high. Not only has the unemployment rate been consistently high throughout 2012, it has been extremely high throughout President Obama’s tenure as president. Of course the president blames former-President George W. Bush for the data that’s plagued him for nearly four years now. But, obviously, by now Americans expected to see at least a glimpse of the “change” that Obama talked about. And – quite bluntly put – the “change” that Obama hoodwinked the majority of Americans into believing in. Of course, Obama did have a safety feature on most of his promises for “change”. He was careful to not overtly detail what the “changes” would be and how fast they would be accomplished. Of course, it was assumed that the “changes” would happen within four years, and time is about up.

6. American public supports Native American financial services and sovereign rights

NAFSA 7/17 (Native American Financial Services Association, 7.17.12, The Sacramento Bee, “Native American Lenders Launch Self-Regulatory Best Practices,” http://www.sacbee.com/2012/07/17/4636481/native-american-lenders-launch.html#storylink=cpy)

Recent evidence has shown that the American public both supports and demands the financial services products being offered by NAFSA members. Recent surveys indicated that nearly one-third of Americans are considered "underbanked" and are utilizing alternative financial products, due to lending restrictions by banks. Further, public opinion polls in the United States consistently show that over 90% of the public supports Native American sovereign rights.

AT Obama Bad Elections Politics DA

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4. Plan won’t be seen as affecting general public – wasteful spending – makes it unpopular

5. Obama will win now – even if he loses Virginia

Rothschild and Wilson 7/18 (David Rothschild and Chris Wilson, writing for The Signal, 7.18.12, Yahoo! News, “The Signal prediction: Obama maintains fragile hold on 303 electoral votes in November,” http://news.yahoo.com/blogs/signal/signal-prediction-obama-maintains-fragile-hold-303-electoral-190213965.html

In February, when the Signal unveiled its model for predicting presidential elections, we wrote that, "while campaigns and candidates matter, they don't matter all that much. Despite the varying quality and positions of the campaigns and candidates over the last 10 presidential elections, variables beyond their immediate control describe the outcome very well." At the time, our model predicted that Barack Obama will win reelection with 303 electoral votes. In the past five months, as the campaigns have spent tens of millions of dollars on advertisements and fought tooth and nail for the smallest advantages, the model has remained steady. Only Virginia has switched columns at any point, wavering between camps as our predictions show an incredibly tight match there. At the moment, we have Obama eking out a victory in Virginia, keeping him at 303 electoral votes. Should he lose the state, he would retain the presidency with 290 votes to Mitt Romney's 248.

6. Elections too far away to affect – policy now doesn’t change outcome

AT Spending DA

1. Evaluate aff systemic impacts first – it’s the largest proximate cause of war – that’s Scheper-Hughes and Bourgois

2. Be skeptical of neg impacts – they’re justifications for nuclear colonialism, that’s Edwards

3. $105 billion MAP-21 transportation infrastructure bill already passed

Barbaccia 7/2 (Tina Grady Barbaccia is executive editor of Better Roads and news & digital editor for Aggregates Manager, 7.2.12, Equipment World, “House, Senate pass $105 billion, two-year transportation bill,” http://www.equipmentworld.com/house-senate-pass-105-billion-two-year-transportation-bill/)

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4. Spending on the infrastructure improvements help the economy in the short and long term – that’s NCAI

5. Failure to fund infrastructure is not fiscally responsible and it destroys the economy

Schwartz 11 (Samuel I. Schwartz, former New York City traffic commissioner and head highway and bridge engineer, is president and chief executive of Sam Schwartz Engineering, a multi-disciplinary consulting firm specializing in transportation engineering, 7.27.11, Need to Know on PBS, “An indecent proposal for our country’s infrastructure future,” http://www.pbs.org/wnet/need-to-know/opinion/an-indecent-proposal-for-our-countrys-infrastructure-future/10707/)

How is it fiscally responsible to ignore the reality of our nation’s transportation needs? Just to maintain the current performance of the highway system (which is already rated a D- by the American Society of Civil Engineers), the Congressional Budget Office testified in May 2011 that the federal government would have to increase its funding share to $57 billion a year – about one-third more than the amount it spent in 2010. And yet the Republican-led House recommends cutting transportation funding by a third! The forthcoming bill proposal from the Democratic-controlled Senate looks like it will be a bit better, but still grossly inadequate. This bill from the Republican-led House is distressing because the GOP, as a party, has historically supported our nation’s infrastructure. Republican President Dwight D. Eisenhower created the Interstate Highway System. Republican President Ronald Reagan passed a 5-cent-per-gallon gas tax hike for the Highway Trust Fund. Republican President George H. W. Bush tacked on another 5 cent federal gas tax increase during his tenure. These Republicans understood the fiscal and moral significance of maintaining our country’s transportation infrastructure. In the words of the 1988 Fragile Foundations report, which was commissioned by none other than Ronald Reagan: “A declining infrastructure inevitably will jeopardize the productivity of our economy and our quality of life … And unless we dramatically enhance the capacity and performance of the nation’s public works … we will default on our obligation to the future, and succeeding generations will have to compensate for our failures.”

AT Federalism DA

1. Evaluate aff systemic impacts first – it’s the largest proximate cause of war – that’s Scheper-Hughes and Bourgois

2. Be skeptical of neg impacts – they’re justifications for nuclear colonialism, that’s Edwards

3. USFG already controls the Indian Reservation Roads, no shift from state power – that’s FHWA

4. MAP-21 transportation infrastructure bill already passed – already shift to federal

Barbaccia 7/2 (Tina Grady Barbaccia is executive editor of Better Roads and news & digital editor for Aggregates Manager, 7.2.12, Equipment World, “House, Senate pass $105 billion, two-year transportation bill,” http://www.equipmentworld.com/house-senate-pass-105-billion-two-year-transportation-bill/)

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5. No impact to tyranny – legal, executive, and electoral systems check

Lane 5 (Jan-Erik Lane, professor in political science at the University of Geneva, and Svante Errson, Lecturer in Political Science at Umeå University, 2005, Democratization, Vol. 12 Issue 2, “The riddle of federalism: does federalism impact on democracy?”, <http://www.tandfonline.com/doi/full/10.1080/13510340500069220>, TB)

Federalization has been recommended as a strategy to enhance institutional performance. Federalism is often seen as a basic dimension in constitutional democracy, promoting democratic vitality. And future state building may be done on the basis of political unions taking on the characteristics of federations. However, there is the puzzle of federalism: if federal institutions are supposed to improve upon outcomes, then why is the actual performance record of many federal countries so unimpressive?

We suggest that democratic stability is fostered by other institutions and factors than federalism. The evidence from regression analysis suggests an entirely new answer, namely that federalism does not constitutes a genuine positive for democracy. Other institutions such as for instance the legal system (Ombudsman) or the executive (parliamentarism) or the electoral system (proporotional representation, for instance) matter more positively for democracy. Thus when analysing data for the post-cold war period the findings corroborate the sceptical view suggesting that federalism has no or little positive impact on the cross-country variation in constitutional democracy, generally speaking.

6. Federalism allows ethnic conquest and spurs nationalist movements

Erk 9 (Jan Erk, Associate Professor of Comparative Politics at the University of Leiden, and Larry Anderson, Associate Professor of Political Science at the University of Wisconsinc Whitewater, 2009, Regional & Federal Studies, Volume 19 Issue 2, ‘The Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Divisions?’, Taylor & Francis Online, <http://www.tandfonline.com/doi/abs/10.1080/13597560902753388#tabModule>, TB)

In the last few years, the study of federalism has come to enjoy a new-found prominence (Erk, [2006](http://www.tandfonline.com/doi/full/10.1080/13597560902753388#CIT0012), [2007](http://www.tandfonline.com/doi/full/10.1080/13597560902753388#CIT0013)). From the European integration process to the World Bank policies in the industrializing world, the boom in the study of federalism is accompanied by growth in its applied side. One particular area where federalism is increasingly prescribed is in the accommodation of territorial divisions and the management of ethno-linguistic conflict. It is especially marketed as a palliative to secessionist conflict. That is, federalism has come to be seen as a way to accommodate territorially based ethnic, cultural and linguistic differences in divided societies, while maintaining the territorial integrity of existing states. Here, however, we have a paradox that puzzles students of federalism. Territorial recognition of minorities through the adoption (or strengthening) of federalism may intuitively seem to be the best way to manage ethno-linguistic conflict but, in the long run, such recognition perpetuates and strengthens the differences between groups and provides minority nationalists with the institutional tools for eventual secession. Further, federalism provides opportunities for conflict between regions and centres that might otherwise not exist. The fundamental question, then, is whether federalism provides a stable, long-lasting solution to the management of conflict in divided societies or is, instead, a temporary stop on a continuum leading to secession and independence. A federal arrangement that formally recognizes ethno-linguistic diversity to help manage the political system can also set this newly—or increasingly—federal state on a path to eventual disintegration. Here, in a nutshell, is the paradox: federalism has features that are both secession inducing and secession preventing. While forms of collective representation are generally seen to be a positive measure for stability in divided societies, there are also significant risks. The paradox is, in many ways, part of the broader question of recognition of diversity: Institutions, policies and practices that are designed to manage (ethnic, racial, social, linguistic, religious and economic) divisions may also ensure the perpetuation of these very divisions. Self-rule tends to reinforce and strengthen the divisions by institutionally ‘freezing’ them in various forms. Measures designed to guarantee minority representation and thereby bring inclusion can also act as a base for further separation—both in physical form and in mentality. This “dilemma of recognition” is inherent in all forms of group rights (de Zwart, [2005](http://www.tandfonline.com/doi/full/10.1080/13597560902753388#CIT0009)). Group recognition ensures the perpetuation of the differences and provides minority elites with a vested interest in the continuation of the divided system. Recognition also means that collective groups will have the institutional tools to strengthen their internal cohesion, heightening the ‘us vs. them’ mindset. The paradox of collective representation is that it perpetuates the very divisions it aims to manage. Furthermore, it provides the tools that reduce the costs of secession, thereby making it a realistic option.

AT Environment DA

1. Evaluate aff systemic impacts first – it’s the largest proximate cause of war – that’s Scheper-Hughes and Bourgois

2. Be skeptical of neg impacts – they’re justifications for nuclear colonialism, that’s Edwards

3. We solve the better internal link – nuclear waste dumps on the reservation would be infinitely worse than some new roads

4. MAP-21 transportation infrastructure bill already passed

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5. Environment not affected – very few new roads, mostly maintenance and repair on older roads

6. No brink – new roads and bridges are built across the US constantly – no reason more on Native American reservations will collapse the ecosystem

7. Increased quality and quantity of roads helps reduce emissions and generally help the environment

ERF 7 (European Union Road Federation, 4.10.7, International Road Federation, “Better roads good for the environment,” http://www.erf.be/images/stories/press-release/documents/2901\_PR\_Sustainable\_Roads\_SINTEF.pdf)

The European Union Road Federation (ERF), the Brussels Programme Centre of the International Road Federation (IRF), has just published a Discussion Paper titled “Sustainable Roads”, advocating for policymakers to acknowledge the fact that carefully planned and built road infrastructure (as well as good maintenance of the one already existing) leads to tangible positive effects for the environment. Sound Environmental road design, in fact, is already a reality today, consisting of a combination of processes and techniques which include optimising route planning through environmental impact analyses, the use of recycled environment-friendly construction material, mitigating habitat fragmentation, avoiding water pollution, implementing Intelligent Transport Systems (ITS) and building quieter roads. A parallel study undertaken by the SINTEF Group, the largest independent research organisation in Scandinavia, has also evidenced the link between a better road infrastructure and positive effects for the environment. Using a traffic micro simulation the researchers of the SINTEF Group, in fact, have shown that road improvements (increase in capacity of the infrastructure) are directly linked to decreases in polluting emissions from motor vehicles. Upgrading a narrow and winding low traffic two-lane road with a modern two-lane one, in fact, yielded a decrease of: 67% in CO emissions, 75% in NOx emissions, 68% in NMVOC emissions and 11% in emissions of CO2. Overall the study concludes that better roads offer a positive contribution to a sustainable environment and that policies aimed at decreasing or limiting the capacity of the road network have the adverse effect of generating higher levels of pollution.

### \*\*AT Ks

### AT Give Back the Land

#### Prefer the AFF over the alternative – an imagination of a perfect world does nothing, the land won’t be given back its not realistic we need to take small changes to fight against the SQ racism.

#### The Alt is a bad idea – giving Natives back the land would just allow for another take-off it would be like Columbus all over again.

#### The removal of the State would leave all Native American open to extermination by racist groups

Fire Rider 2005 (Marty, “Why Churchill political agenda is wrong for Indians Tulsa”, Native American Times. Vol. XI, Iss. 13; pg. 8. 3/30/05. Retrieved 7/7/09)

I think we can agree that Churchill's political philosophy is liberal socialism regarding foreign policy. If that is his position he is entitled to that. In describing his fellow Americans, for instance, Churchill cannot refrain from using the language of spite. The victims of the Sept. 11 attacks he compares to Nazis; even middle-class Americans he disparages as vapid hedonists too engrossed in materialism to care about the sufferings of "brown-skinned" people overseas. Basically, he advocates that America is the evil empire of the world and needs to be replaced or severely weakened. But if America was to collapse as a legal government does Churchill or anyone believe that in a chaotic world with no laws that Indians would fair any better. It would be a world of unchecked Indian racism and discrimination by all hate groups be it left or right.If the September 11th victims are technocrats supporting the evil economic empire of America as Churchill professes, then is not he a hypocrite by educating American youth who will graduate with degrees to enter the technocratic economy of America? But what does the U.S. foreign policy have to do with a starving Indian on the Reservation or urban living? What has Churchill done for the poor Indian? Our AIM organization has helped to repair Indian elders homes; provide reservation security to protect the people against police abuse and tribal goons; written legal constitutions for reservations; legal research for tribes and individuals; feeding and clothing Indians; having the local Bureau of Indian Affairs office investigated for incompetence and complacency by the Inspector Generals Office, including other agencies as well, or advising Tribal governments. Further, our national Indian radio talk show is effective in educating and empowering our people. In other words we are in the field fighting daily for our people. We are AIM and we would lay our lives down in defense of our people, but only if attacked. If violence was the only Indian way we as a people would have been exterminated a long time ago. We in AIM do not support, nor condone violence. We do not need someone making noisy speeches about foreign policy, we need leaders fighting for and helping our people on domestic issues, that is the real AIM. Sadly, there is much discrimination in the world regarding indigenous people. But American Indians have problems nearly as equal such as third world living conditions on many reservations.

Insisting that the government comply with the law is an effective way to recognize our complicity in the maintenance of a colonial order.

Natsu **Saito**, professor of law at Georgia State University, December **2004** [“Like a Disembodied Shade: Colonization and Internment as the American Way of Life,” *Bad Subjects* 71, http://bad.eserver.org/issues/2004/71/saito.html]

**The other option left us is to** follow the advice of Supreme Court Justice Robert H. Jackson who, in his capacity as the chief U.S. prosecutor for the Nuremberg Tribunal (1945), stated, "We are able to **do away with domestic tyranny and violence and aggression by those in power against the rights of their own people only when we make all men answerable to the law." In this spirit we can insist that the government which purports to represent us comply with the rule of law – as articulated in both the U.S. Constitution and in international law – in all of its actions and with respect to all territories and peoples over whom it exercises jurisdiction. To the extent we fail to do so we are complicit in, and therefore responsible for, the maintenance of a colonial order in which law serves only to protect and privilege the colonizers**.

Perm do both. we can combine both struggles to spur activism against oppression against the Native Americans through solving racism

Judith **Butler**, UC Berkeley, in 20**04.** Precarious Life: the Powers of Mourning and Violence, page 48)

We could have several engaged intellectual debates going on at the same time and find ourselves joined in the fight against violence, without having to agree on many epistemological issues. We could disagree on status and character of modernity and yet find ourselves joined in asserting and defended the rights of indigenous women to health care, reproductive technology, decent wages, physical protection, cultural rights, freedom of assembly. If you saw me on such a protest line, would you wonder how a postmodernist was able to muster the necessary ”agency” to get there today? I doubt it. You would assume that I had walked or taken the subway! But the same token, various routes lead us to politics, various stories bring us onto the street, various kinds of reasoning and belief. We do not need to ground ourselves in a single model of communication, a single model of reason, a single notion of the subject before we are able to act. Indeed, an international coalition of feminist activists and thinkers “ a coalition that affirms the thinking of activists and the activism of thinkers and refuses to put them into distinctive categories that deny the actual complexity of the lives in question” will have to accept the array of sometimes incommensurable epistemological and political beliefs and modes and means of agency that bring us into activism.

Turn/ A world absent a strong central nation-state allows corporations to pillage the world without any restrictions, increasing colonization.

Richard **Moore**, Political Scientist, 19**96** [THE FATEFUL DANCE OF CAPITALISM AND DEMOCRACY, p. http://legalminds.lp.findlaw.com/list/cyberjournal/frm00089.html].

Maastricht, Scottish independence, ethnic or regional autonomy, stronger international "peace" arrangements -- these are all developments which might have much to be said for them taken in isolation, or if implemented within a democratic framework. But **within the context of the corporate elite storming the Bastille of democracy, it is necessary to re-examine all changes and "reforms" from the perspective of whether they strengthen or weaken our fundamental democratic institutions**. **If we don't look at the big picture, then we'll be like the frog who submits to being cooked -- the victim of a sneaky slow-boiling policy. The fact is that the modern nation state is the most effective democratic institution mankind has been able to come up with** since outgrowing the small-scale city-state. **With all its defects and corruptions**, this gift from the Enlightenment -- **the national republic** --**is the only effective channel the people have to power- sharing with the elites. If the strong nation-state withers away, we will not** -- be assured --**enter an era of freedom and prosperity, with the "shackles of wasteful governments off our backs". No indeed. If you want to see the future --in which weak nations must deal as-best-they-can with mega-corporations -- then look at the Third World**.

Even a weakened state would allow the unrestrained rise of capitalism.

Stephen Hasler, economist, THE SUPER-RICH, 2000, p. 142.

Global capitalism is a godsend to such anti-statists. By disposing of the "interfering' and 'expropriating' nation-states the only realistic mechanism for state power is marginalized. This in turn allows the libertarian attack on the state -- or the public sector -- fuller rein than ever before in human history. In an unusual alliance with libertarians, big corporate capital sees all the advantages of a weakened state -- the un-hindered mobilization of capital (so those who invest can punish those states and societies that do not encourage sufficient returns), low or zero inflation (in order to ensure low interest rates and thus boost the prices of shares and bonds), low taxation (so that the returns from capital remain high), bonds (so that the returns from capital remain high), and "flexible labor markets" (in order to keep costs, particularly social costs, low and therefore raise profits and return on shares).

The Negative’s criticism of colonialism depends on a spatialized understanding of difference that incarcerates the native in the past, reinforcing colonial myths.

**Gupta and Ferguson**, **1992**. (Akhil, Department of Anthropology, Stanford University; James, Department of Anthropology, University of California, Irvine; “Beyond ‘Culture’: Space, Identity, and the Politics of Difference”, *Cultural Anthropology* 7.1, p. 13-14, JSTOR.)

Changing our conceptions of the relation between space and cultural difference offers a new perspective on recent debates surrounding issues of anthropological representation and writing. The new attention to representational practices has already led to more sophisticated understandings of processes of objectification and the construction of other-ness in anthropological writing. However**,** with this said**,** it also seems to us that recent **notions of "cultural critique"** (Marcus and Fischer 1986) **depend on a spatialized understanding of cultural difference that needs to be problematized. The foundation of cultural critique-a dialogic relation with an "other" culture that yields a critical viewpoint on "our own culture"-assumes an already existing world of many different, distinct "cultures," and an unproblematic distinction between "our own society" and an "other" society.** As Marcus and Fischer put it, **the purpose of cultural critique is "to generate critical questions from one society to probe the other"** (1986:117); **the goal is "to apply both the substantive results and the epistemological lessons learned from ethnography abroad to a renewal of the critical function of anthropology as it is pursued in ethnographic projects at home"** (1986:112). Marcus and Fischer are sensitive to the fact that cultural difference is present "here at home," too, and that "the other" need not be exotic or far away to be other. **But the fundamental conception of cultural critique as a relation between "different societies" ends up, perhaps against the authors' intentions, spatializing cultural difference in familiar ways, as ethnography becomes, as above, a link between an unproblematized "home" and "abroad." The anthropological relation is not simply with people who are different, but with "a different society," "a different culture," and thus, inevitably, a relation between "here" and "there." In all of this, the terms of the opposition** ("here" and "there," "us" and "them," "our own" and "other" societies) **are taken as received**: the problem for anthropologists is to use our encounter with "them," "there," to construct a critique of "our own society," "here. " There are a number of problems with this way of conceptualizing the anthropological project. Perhaps the most obvious is the question of the identity of the "we" that keeps coming up in phrases such as "ourselves" and "our own society." **Who is this "we"'! If the answer is, as we fear, "the West," then we must ask precisely who is to be included and excluded from this club. Nor is the problem solved simply by substituting for "our own society," "the ethnographer's own society." For ethnographers, as for other natives, the postcolonial world is an interconnected social space; for many anthropologists-and perhaps especially for displaced Third World scholars-the identity of "one's own society" is an open question**. A second problem with **the way cultural difference has been conceptualized within the "cultural critique" project is that, once excluded from that privileged domain "our own society," "the other" is subtly nativized-placed in a separate frame of analysis and "spatially incarcerated**" (Appadurai 1988) **in that "other place" that is proper to an "other culture." Cultural critique assumes an original separation, bridged at the initiation of the anthropological fieldworker. The problematic is one of "contact": communication not within a shared social and economic world, but "across cultures" and "between societies**."

### AT Identity Politics Bad

#### We aren’t a form of identity politics – we don’t center the affirmative around race, we just argue that the Status quo is an example is form of racism an structural violence that should be rejected.

#### Criticisms of identity politics falsely universalize the interests of the powerful

Susan Bickford, Associate Professor of Political Science, received her A.B. from Bryn Mawr College and her Ph.D. from the University of Minnesota, 1997, “Anti-Anti-Identity Politics: Feminism, Democracy, and the Complexities of Citizenship”

Leftist critics of identity politics are not unaware that the very arguments for the political relevance of identity arose as a response to certain conceptions of the political self and the political community. Feminists have long argued that men are the implicit norm of “universal” conceptions of the individual or the citizen (Okin 1979, 1989; Lloyd 1984; Young 1990; Pateman 1988). And feminism as a radical political movement arose in part from women’s experience of oppression in the radical “political community” (Evans 1980). As some theorists have concluded, appeals to the “shared purposes” or “common interests” of a community are not neutral; they often serve to falsely universalize the perspectives of the powerful, while the concerns of those not part of the dominant culture are marked out as particular, partial, and selfish (perhaps also whiny, backward-looking, self-absorbed?). The language of commonality itself can perpetuate inequality, particularly when invoked by those who command political, communicative, or economic resources (Mansbridge 1983; Young 1990; Fraser 1992). One central problem, then, with some leftist critiques of identity politics is that they do not address the insights of the last few decades of radical (particularly feminist) political thought. Simply to re-invoke “shared purposes” seems to me to ignore what we have learned about how the language of commonality can actively exclude. Simply to reassert “citizenship” as a public identity that transcends or integrates other commitments is to evade the question of what conception of citizenship would not automatically privilege certain commitments. And to see identity claims as obsessed with suffering is to overlook the fact that it is the perspective of the dominant culture that marks them out that way.7

#### Their turns are irrelevant- regardless of reintrenchment, the alternative’s identity politics are \*necessary\* to discuss the masculine dimensions of the state the aff perpetuates

Susan Bickford, Associate Professor of Political Science, received her A.B. from Bryn Mawr College and her Ph.D. from the University of Minnesota, 1997, “Anti-Anti-Identity Politics: Feminism, Democracy, and the Complexities of Citizenship”,

The ressentiment argument suggests that pursuing this question through regulatory means is likely to be self-subversive. Certainly, any effective approach to political change must examine the possibility that particular strategies for emancipatory political action may end up undermining the freedom of those for whom emancipation is intended. Tapper and Brown make a distinctive contribution to this analysis with their argument that certain forms of political action run the risk of further entrenching normalizing conceptions of identity and the power of regulatory apparatuses to enforce and police them. Investigations of these sorts of risks have been part of feminist discussions for many years, particularly with respect to the dangers and necessity of working for emancipatory change through the state, and Brown's nuanced analysis of the **masculinist dimensions of state power will undoubtedly be central to future discussions** (1995, chap. 7).[9](http://www3.interscience.wiley.com/cgi-bin/fulltext/121572322/main.html%2Cftx_abs#fn9)¶ However, to root feminist practices or other kinds of identity politics primarily in ressentiment is a much less justifiable move. I do not necessarily want to argue that the logic of ressentiment is not evident in contemporary sociopolitical life; it is one contestable interpretation of the desires at work in particular identity-based claims. I do contest it as a primary characterization of the political uses of identity, which is to say that I reject it as a wholesale description of contemporary social movements concerned with identity. (Brown does say that the story of identity politics could be told in other ways, but implies that such alternatives miss the critical dynamics of identity-based claims [1995, 61-62].) I think what is necessary is a more variegated political analysis, one that takes seriously the multiple sources of the discursive production of identity. The kinds of sources not evident in an analysis like Brown's are the ones that I discuss below, that involve the conscious articulation by political actors of the uses and complications of "politicized identity." I point to these articulations not to suggest that they are epistemologically privileged or that they somehow trump other explanations, but rather that they play a role in the discursive production of identity-they are (widely read) attempts to materialize in the world positive accounts of identity, ones that do not ignore its location in and production by broader social forces. They are articulations of the links between identity and politics that do not preclude discussions of the claims made in identity's name.

AT Colonialism K

**Possible arguments to make:**

1) NU government assistance helps all the time

2) Need specific links -- this is a good action -- case proves

3) Better than culture/peoples dying out -- no culture then

4) should be evidence that says health, economy, etc is key to their culture's survival

5) Money is controlled by natives -- they implement the transportatino needs according to their needs/beliefs

6) No money worse -- controlling them on their lands and giving t hem no resources is better

7) Reservations not preserving culture now

Federal obligation is distinct from federal dominion—the judicial doctrine cited in their evidence should be delinked from positive actions like the plan

Wood, 1994 (Mary Christina, University of Oregon Assistant Law Professor, “Indian Land and the Promise of Native Sovereignty: The Trust Doctrine Revisited”, 1994 Utah L. Rev. 1471)

The Kagama and Worcester cases, then, suggest very distinct paradigms resting at opposite ends of the spectrum of federal-Indian relations. At one end is the sovereign trust model which presumes [\*1504] native sovereignty and very limited federal power, and obligates the federal government to protect the separatism of the native nations. At the other end of the spectrum is the Kagama "guardian-ward" model which draws on tribal dependency and the federal duty of protection to support nearly unchecked federal power over tribes, including power over their internal governments. The Kagama model is directed less at assuring viable separatism and more toward promoting assimilation. Different though they are, the two models are often treated synonymously in the courts and in commentary. Understandably, this has led to confusion in the courts and tremendous uncertainty regarding the potential role of the trust doctrine in Indian law today. In evaluating contemporary use of the trust doctrine, it is important to note that, while many modern cases refer to the "guardian-ward" relationship in describing federal-Indian relations, the Kagama case did not wholly displace Worcester's sovereign trust model. Rather, the Worcester and Kagama cases have left coexisting, if confused, legacies. Worcester remains precedent today n145 and the treaties which embody a sovereign trust model endure as well. Those treaties still control federal-Indian relations and are secured by legal consider ation consisting of vast amounts of ceded native land. n146 Further, the promise of native separatism which underlies the land cessions remains a central feature of contemporary Indian policy. Despite Kagama's language, which associated plenary power with a trust-like responsibility inhering in a "guardian-ward rela tionship," it is critical to delink the trust doctrine and the plenary power doctrine. n147 Notions of federal responsibility existed long be- [\*1505] fore Kagama, and a sovereign trust paradigm such as the one suggested in Worcester would support federal responsibility apart from unfettered federal dominion. And certainly the association between the trust doctrine and plenary power should have no place in the context of challenges to agency action because it is well settled that agencies do not have plenary power over tribes. Courts have allowed only Congress that authority. n148

The critique is wrong and only justifies ignoring urgent native needs

Wood, 1994 (Mary Christina, University of Oregon Assistant Law Professor, “Indian Land and the Promise of Native Sovereignty: The Trust Doctrine Revisited”, 1994 Utah L. Rev. 1471)

The trust responsibility remains a focal point for tribes in their efforts to gain federal protection of native lands and resources. For example, over the past few years the Columbia River Basin tribes that have treaty rights to harvest salmon have urged federal agencies to fulfill their trust responsibility by restoring salmon populations, controlling water pollution, and conserving water in streams. n153 The trust responsibility is gaining renewed attention in the Clinton administration as well. In an historic meeting on April 29, 1994, with over 300 tribal leaders, the President made a pledge to fulfill his trust responsibility. n154 Several agencies within the executive branch are now developing trust policies to guide their actions affecting tribes. n155 But despite the growing need for enforcing the federal responsibility owed to native nations, and a corresponding tribal reliance upon the trust doctrine to support demands for protection of natural resources, the trust doctrine remains encumbered by its past association with plenary power in the Kagama case. n156 Because it is of- [\*1507] ten still characterized as emanating from a "guardian-ward" relationship, the trust responsibility is blemished by policies from past eras which supported federal dominion over tribes and assimilation of native people. Accordingly, it is sometimes rejected as a tool to protect native rights. n157

AT Churchill

Don’t believe Churchill’s claims all of his evidence is taken out of context.

Lavelle 2005 (John Lavelle is the executive director of Center for the Spirit (support and protection of Indian and religious and indigenous traditions) in San Francisco and worked as a professor at University of South Dakota. 2005. [http://www.pirateballerina.com/images/lavellereview.htm)hs](http://www.pirateballerina.com/images/lavellereview.htm%29hs)

As disturbing as Churchill's use of invented historical information to cast aspersions on Indian tribes plainly is, his additional attempts to "validate" this false propaganda by misrepresenting the views of fellow writers is even more disconcerting. In attempting to prop up his insupportable claims about the nonexistent "eugenics code" of the General Allotment Act, Churchill invokes two sentences from historian Patricia Nelson Limerick's acclaimed book The Legacy of Conquest: The Unbroken Past of the American West. Churchill writes: As the noted western historian, Patricia Nelson Limerick, has observed: "Set the blood-quantum at one-quarter, hold to it as a rigid definition of Indianness, let intermarriage proceed...and eventually Indians will be defined out of existence. When that happens, the federal government will finally be freed from its persistent 'Indian problem.'" [p. 42] Churchill then interjects: Ultimately, there is precious little difference, other than matters of style, between this and what was once called the "Final Solution of the Jewish Problem." [p. 42] By placing the quotation from Patricia Nelson Limerick in the midst of his incendiary pronouncements about the "genocidal potential" of the "Indian identification criteria" purportedly contained in the General Allotment Act (and allegedly mimicked by tribes), Churchill makes it appear as though Limerick herself is likewise bemoaning this asserted federal "usurpation" of tribal enrollment under the 1887 legislation. In reality, however, Limerick is not commenting on the General Allotment Act at all. Rather, she is describing a 1986 proposal of the Reagan Administration to reduce overall federal spending by restricting eligibility for Indian Health Service benefits to Indian tribal members with "at least one-quarter Indian blood" (Limerick, p. 338). As Limerick explains in the very paragraph from which Churchill extracts the two quoted sentences, tribal leaders universally opposed and successfully rebuffed the Reagan proposal precisely because it "threatened to crack the bedrock of tribal self-determination" by making "Indianness a racial definition rather than a category of political nationality" (Limerick, p. 338). Obviously, these remarks would make no sense at all if Limerick herself were to maintain -- as Churchill insinuates she does -- that this "bedrock of tribal sovereignty" had been successfully "cracked," and "Indianness" successfully subverted, a full century earlier, through tribes' wholesale adoption of the 1887 General Allotment Act's dreaded "eugenics formulation." Thus, Churchill's out-of-context manipulation of the quotation from Patricia Nelson Limerick can be viewed as nothing other than a deliberate attempt to mislead his readers. Equally astonishing is Churchill's misrepresentation of Russell Thornton's painstaking scholarship. Once again, to artificially validate his own hostility toward tribal membership procedures, Churchill (p. 93) asserts the following: "Cherokee demographer Russell Thornton estimates that, given continued imposition of purely racial definitions, Native America as a whole will have disappeared by the year 2080." Churchill then cites to nine pages from Thornton's definitive American Indian Holocaust and Survival: A Population History Since 1492. Nowhere in those nine pages, however, does Russell Thornton make an assertion even remotely resembling the grim, sensational forecast that Churchill attributes to him. In fact, Thornton is decidedly optimistic about the future of Indian tribes throughout the chapter containing those nine pages. The chapter begins, "Since around the turn of the twentieth century American Indians have made a remarkable population recovery as a result of their greatly improved demographic situation" (Thornton, p. 159). Under a heading entitled "A Look to the Future," Thornton points out that "American Indians are thriving today demographically" (Thornton, p. 182) . Thornton continues: If this rate of growth from 1970 to 1980 continues to the year 2000, the size of the American Indian population then will surpass 4 million .... But, it will likely not continue .... One projection is that the American Indian population will not increase to around 4 million until the year 2020... It is also projected, however, that the American Indian population will increase to almost 16 million by the year 2080 .... [Thornton, p. 182] Clearly, Russell Thornton's comments concerning various estimates of the future population of American Indians all point to an anticipated increase in that population in the twenty-first century. Nevertheless, Ward Churchill, for his own purposes, cites Russell Thornton as authority for an antithetical proposition never put forward by Thornton and implicitly repudiated, in fact, in Thornton's text-i.e., that the American Indian population is in danger of suffering a dramatic decrease in the twenty-first century. A more perverse rendering of the plain meaning of an author's text would be difficult to imagine.

AT Generic Word K (amazing card)

Their focus on the names distracts us from solving the actual problems – becoming obsessed with political correctness just maintains the SQ

d’Errico 98 (Peter d'Errico, Legal Studies Department at the University of Massachusetts. 1998. http://www.umass.edu/legal/derrico/name.html)

Native American Indian Studies is a mouthful of a phrase. I chose it because I want people to think about names. I want to provoke a critical awareness of history and culture. In the study of Indigenous Peoples, I don't want the question of names to slide by, to be taken-for-granted. 1 Most of us know the story about how the Peoples of the "new world" came to be called "American Indians." Columbus (his name gives away his secret: Cristobal Colon; the Christian colonizer) thought he was going to India and, being a vain and self-important man, insisted he had found it. So he named the people he met "Indians." The "American" part would come later, after everyone but Columbus had admitted his error, and the land had been named for another Italian navigator, Amerigo Vespucci. "American Indians" derives from the colonizers' world-view and is therefore not the real name of anyone. It is a name given to people by outsiders, not by themselves. Why should we use any name given to a people by someone other than themselves? 2 On the other hand, why shouldn't we use it? Almost everybody in the world knows the name and to whom it refers. It is commonly used by many Indigenous Peoples in the United States, even today. It is the legal definition of these Peoples in United States law. Some people get upset about "American Indian" because of its association with Columbus. There is an equally serious dilemma with the use of "Native American," which came into vogue as part of a concern for "political correctness." The latter was an effort to acknowledge ethnic diversity in the United States while insisting on an over-arching American unity. Groups became identified as hyphen-American. Thus, African-American, Irish-American, Italian-American, and so on. For the original inhabitants of the land, the "correct" term became Native-American. The word "native" has a generic meaning, referring to anyone or anything that is at home in its place of origin. "Native" also has a pejorative meaning in English colonization, as in "The natives are restless tonight." From an English perspective (and, after all, we are talking about English words), "native" carries the connotation of "primitive," which itself has both a generic definition, meaning "first" or "primary," and a pejorative use, meaning "backward" or "ignorant." And, as we have seen, "American" derives from that other Italian. So "Native American" does not avoid the problem of naming from an outsider's perspective. Concern for political correctness focuses more on appearances than reality. As John Trudell observed at the time, "They change our name and treat us the same." Basic to the treatment is an insistence that the original inhabitants of the land are not permitted to name themselves. As an added twist, it seems that the only full, un-hyphenated Americans are those who make no claim of origin beyond the shores of this land. Many of these folk assert that they are in fact the real "native" Americans. We have to discard both "American Indian" and "Native American" if we want to be faithful to reality and true to the principle that a People's name ought to come from themselves. The consequence of this is that the original inhabitants of this land are to be called by whatever names they give themselves. There are no American Indians or Native Americans. There are many different peoples, hundreds in fact, bearing such names as Wampanoag, Cherokee, Seminole, Navajo, Hopi, and so on and on through the field of names. These are the "real" names of the people. But the conundrum of names doesn't end there. Some of the traditional or "real" names are not actually derived from the people themselves, but from their neighbors or even enemies. "Mohawk" is a Narraganset name, meaning "flesh eaters." "Sioux" is a French corruption of an Anishinabe word for "enemy." Similarly, "Apache" is a Spanish corruption of a Zuni word for "enemy," while Navajo is from the Spanish version of a Tewa word. If we want to be fully authentic in every instance, we will have to inquire into the language of each People to find the name they call themselves. It may not be surprising to find that the deepest real names are often a word for "people" or for the homeland or for some differentiating characteristic of the people as seen through their own eyes. The important thing is to acknowledge the fundamental difference between how a People view themselves and how they are viewed by others, and to not get hung up on names for the sake of "political correctness." In this context, the difference between "American Indian" and "Native-American" is nonexistent. Both are names given from the outside. On the other hand, in studying the situation and history of the Original Peoples of the continent, we do not need to completely avoid names whose significance is understood by all. Indeed, it may be that the shortest way to penetrate the situation of Indigenous Peoples is to critically use the generic name imposed on them. "Native American Indian Studies," then, is a way to describe an important part of the history of "America," of the colonization of the "Americas." It is a part of world history, world politics, world culture. It is a component of "Indigenous Peoples Studies." By using this terminology, we aim for a critical awareness of nationhood and homelands, of Indigenous self-determination. It is sometimes noted how far advanced Indigenous Peoples in Latin and South America and Canada are in thinking about their nationhood, as compared to Native Peoples inside the United States. A major reason for this disparity is the apparent capturing of Indigenous self-understanding in the United States (and not only in American history classes). The substitution of "Native American" for "American Indian" may actually deepen the problem. Everyone knows the Indigenous Peoples are not Indians. Not so many know they are also not Americans. A survey of American Indian college and high-school students, reported in Native Americas [Winter, 1997], indicated that more than 96% of the youth identified themselves with their Indian nation, and more than 40% identified themselves solely in those terms. Only a little more than half identified themselves as American citizens. This survey is an example of the usefulness of the "incorrect" label "Indian" to explain something significant about indigenous self-identification.

AT “Native American” or “Indian” K

The terms we use don’t matter – what matters is the context in which we use them – and most Natives refer to themselves as Native American or Indian – it has become the norm.

Berry ‘08 (Christina, “What’s in a Name? Indians and Political Correctness”, , Cherokee Writer, http://www.allthingscherokee.com/articles\_culture\_events\_070101.html, Accessed 7/12/08)

So what is it? Indian? American Indian? Native American? First Americans? First People? We all hear different terms but no one can seem to agree on what to call us. In this article I will explore some of the reasons behind these variations on Indian identity. I recall that during my freshman year of college at the University of Kentucky in the mid-90s the administration enacted a language code. This code was to be used by the students as a way to communicate in and out of the classroom. The code was intended to help instill sensitivity in the student body and encourage them to refer to ethnic and social groups in a politically correct manner. I wrote a paper about this language code for one of my classes and I think the term "thought police" was used. I was never a big fan of political correctness. While the intention is good (giving people a neutral, non-hostile, set of words and phrases to use when referring to groups of people) I think it instead creates confusion and frustration which in turn increases hostility. How many times have you heard someone say "Indian" and then correct themselves in a hostile tone, "Oh right, now they want us to call them Native Americans." Would it surprise you to know that most of the Indians that I know do not like the term Native American? So who comes up with these terms and why? As the story goes, when Christopher Columbus landed on an island in the Caribbean he thought he was in India. So naturally he referred to the Natives he met as Indians. Unfortunately for those Natives he was not in India. However, the name Indian has since stuck. Many people considered this problematic and wanted an alternative. After all, Columbus labeled the Natives as Indians based on an incorrect assumption. Also, the term can create confusion because it may be difficult in conversation to differentiate between the Indians of America and the Indians of India. The term American Indian became popular because it helped with this confusion. However, to some this was still not an ideal term. It continued to use "Indian" which had been a somewhat derogatory term throughout US history. In the late 20th century, as political correctness came to the forefront, many of these long standing ethnic terms were abandoned for new neutral terms or phrases which would clean the slate. By using new terms Americans hoped to move away from our history of racial tensions and develop a more harmonious society where our new labels could clearly define who we were and also not open old wounds with old terms. Thus, "Native American" was born. There is, however, a very obvious problem with this term. Any person born in "America" is a native American. Rush Limbaugh and other staunch conservatives were quick to point this out. Though the intentions were good, the term Native American seemed to cause more problems than it fixed. It created in mainstream Americans a fear that they would look insensitive if they accidently used the wrong term and it made many Americans resentful of Indians for being too sensitive. Ironically, Indians, or American Indians (whichever you prefer), did not seem interested in changing their name. AIM, the American Indian Movement, did not begin calling itself NAM. The American Indian College Fund did not change its name. Many Indians continue to call themselves Indian or American Indian regardless of what the rest of America and the world calls them. Why? The reasons are diverse and personal, but there are two popular reasons. The first reason is habit. Many Indians have been Indians all their lives. The Native people of this continent have been called Indian throughout all of post-Columbian history. Why change now? The second reason is far more political. While the new politically correct terms were intended to help ethnic groups by giving them a name that did not carry the emotional baggage of American history, it also enabled America to ease its conscience. The term Native American is so recent that it does not have all the negative history attached. Native Americans did not suffer through countless trails of tears, disease, wars, and cultural annihilation -- Indians did. The Native people today are Native Americans not Indians, therefore we do not need to feel guilty for the horrors of the past. Many Indians feel that this is what the term Native American essentially does -- it white-washes history. It cleans the slate. So what? This doesn't help me know what to call a person. In the end, the term you choose to use (as an Indian or non-Indian) is your own personal choice. Very few Indians that I know care either way. The recommended method is to refer to a person by their tribe, if that information is known. The reason is that the Native peoples of North America are incredibly diverse. It would be like referring both a Romanian and an Irishman as European. It's true that they are both from Europe but their people have very different histories, cultures, and languages. The same is true of Indians. The Cherokee are vastly different from the Lakota, the Dine, the Kiowa, and the Cree, but they are all labeled Native American. So whenever possible an Indian would prefer to be called a Cherokee or a Lakota or whichever tribe they belong to. This shows respect because not only are you sensitive to the fact that the terms Indian, American Indian, and Native American are an over simplification of a diverse ethnicity, but you also show that you listened when they told what tribe they belonged to. When you don't know the specific tribe simply use the term which you are most comfortable using. The worst that can happen is that someone might correct you and open the door for a thoughtful debate on the subject of political correctness and its impact on ethnic identity. What matters in the long run is not which term is used but the intention with which it is used. Terms like "redskin" and "injun" are obviously offensive because of the historical meaning behind them; however, the term "Indian" is increasingly falling back into use. But when used in the wrong context any label can be offensive.

AT “Tribe” K

No Alternative: “Tribe” will continue to be used by historians, ethnologists, and Native Americans—it can’t be eliminated.

 Miller, 2006 (Mark Edwin, Assistant Professor of History @ Southern Utah University Forgotten Tribes: Unrecognized Indians and the Federal Acknowledgement Process, pp. 10-11)

In spite of the hopelessly muddled issues involved, most scholarly definitions of the concept of an Indian tribe do include common elements. There is a loose agreement on the criteria the BIA uses to recognize tribes as well – if not a consensus on exactly how to measure and quantify them. Most concerned parties believe that groups claiming to be “tribes” must have some qualities that distinguish them from other and that they use to distinguish themselves from outsiders. In other words, there has to be a “thing” in being, in order to acknowledge it. Scholars of ethnicity generally hold that tribes are groups with a territory, community, and political organization; many definitions also include common culture, language, genealogy, and identity. In general, many in the anthropological profession believe the term connoted an ethnic group in contrast to the central state that had some loosely defined political structure and group norms that controlled and integrated group behavior. Therefore, despite problems with the acknowledgement process, ethnologists, historians, and lawyers generally continue to find the term “tribe” useful and are loath to throw it out, while American Indians are giving it new life and meaning. Because of its utility and widespread usage, it seems doubtful that the term “tribe” will be banished from the lexicon of English in the near future.

**AT “Tribe” K – Churchill specific**

Churchill’s K of the word “tribe” is unwarranted and manipulated his arguments disprove his own thesis – words themself have different meaning and over time take new forms.

Lavelle 2005 (John Lavelle is the executive director of Center for the Spirit (support and protection of Indian and religious and indigenous traditions) in San Francisco and worked as a professor at University of South Dakota. 2005. [http://www.pirateballerina.com/images/lavellereview.htm)hs](http://www.pirateballerina.com/images/lavellereview.htm%29hs)

In short, Churchill's ersatz version of the "Declaration of War" is a strategically manipulated and subtly distorted device, which could be used to undermine rather than support Indian tribes in their efforts to safeguard their sacred traditions and culture. Yet another noteworthy problem in Indians Are Us? is Churchill's harangue in "Naming Our Destiny" against popular use of the word "tribe." "[T]o be addressed as 'tribal,'" Churchill insists, "is to be demeaned in a most extraordinarily vicious way" (p. 295). The persuasiveness of Churchill's case against the word "tribe" is decisively undercut, however, by Churchill's reliance on his contrived, indefensible position concerning the nonexistent "eugenics code" of the 1887 General Allotment Act, as critiqued previously in this essay. And so, Churchill's argument that "the preoccupation with 'blood lines' connoted by the term 'tribe'" (p. 296) is rooted in "a system of identifying Indians in accordance with a formal eugenics code dubbed 'blood quantum' which is still in effect at the present time" (p. 333) is as fallacious and unavailing as the tribal sovereignty-bashing conspiracy theory on which that argument entirely depends. In a section of "Naming Our Destiny" entitled "'Tribes' versus 'Peoples,'" Churchill endeavors further to rationalize his antipathy for the word "tribe" by invoking "the definitive Oxford English Dictionary," which in one obscure definition, according to Churchill, defines "tribe" as a group in the classification of plants, animals, etc., used as superior and sometimes inferior to a family; also, loosely, any group or series of animals. [p. 294] Churchill then excerpts definitions for the word "people" from the Oxford dictionary and, curiously, from a 1949 edition of Webster's New Collegiate Dictionary, to decree that the word "people" in all ways is preferable to the word "tribe," since "tribe" embodies an "expressly animalistic emphasis . . . . . . . . . . . . It follows that when indigenous peoples are passed off as tribes . . . they are effectively cast as being subhuman" (p. 298). Of course, Churchill never explains why he so fervently insists on vesting in English dictionaries the ironclad authority to dispose of an issue of self-naming that for Indian people is a matter exclusively for the tribes themselves to decide. Be that as it may, it is instructive to examine a few of the wobbles in the eccentric spin of Churchill's treatment of language. First, Churchill's disdain for the word "tribe," by his own avowed reasoning, should extend with equal force to the word "family," since each of these terms may denote a general category in the classification of plants, animals, and other living organisms, within the science of taxonomy. Likewise, since the word "community" may denote any interacting population of life forms (human and/or nonhuman) in the language of scientific ecology, Churchill logically should be just as disgusted by any reference to human beings per se as constituting a "community." Clearly, if a person actually were to be repulsed and enraged whenever words like "family," "community" and "tribe" were used in ordinary conversation-and merely because these terms, like most words, have multiple, divergent meanings-then such a person would be in need of psychological treatment for what would amount to a debilitating disorder in interpersonal communication. Second, `he fact that Webster's Ninth New Collegiate Dictionary lists a definition for the word "peoples" that has as much "animalistic emphasis" as Churchill's comparably obscure definition for the word "tribe." This omission is especially noteworthy because Churchill admits that he in fact consulted this very same dictionary-Webster's Ninth-in order to "cross-reference the 'old' definitions obtained [in the 1949 Webster's] with those in newer iterations of the same dictionary, to see whether there have been changes" (pp. 332-333). According to a definition in Webster's Ninth suppressed by Churchill, "peoples" may be defined as "lower animals usu. of a specified kind or situation... 'squirrels and chipmunks: the little furry [peoples].'" In addition, Webster's Third New International Dictionary of the English Language calls to mind yet another amusing "nonhuman" meaning for the word "peoples." According to this particular Webster's (not concededly referenced by Churchill), the word "peoples" may denote "supernatural beings that are thought of as similar to humans in many respects... 'kobolds, trolls, and such [peoples] are not to be trusted.'" Thus, it appears that Churchill's pedantic argument against the word "tribe" rests not on any objective analysis of dictionary definitions at all, but rather on a highly manipulative process of selectively disclosing those definitions that would appear consistent with Churchill's antitribal thesis, while carefully concealing those definitions that would seem to contradict that thesis. So much for the manifest silliness of competing (and, in Churchill's case, cheating) in a game of Trivial Pursuit with "definitive" dictionaries to ascertain by what name Indian tribes will be permitted to identify themselves. But beyond all the tedious game-playing and semantic trickery in "Naming Our Destiny," there remains unresolved a very serious implied question: By what mechanism does an abstraction like "Indian self-determination" get transformed into real selfempowerment for Indian people?

AT Gift K

1. Case outweighs – the denial of transportation infrastructure to American Indians is a form of structural violence – structural violence creates the mindset that excuses all atrocities – only the plan can solve.
2. Perm do the plan and all non-mutually exclusive parts of the alternative - gift relationships in the context of civic society are still meaningful.

O’Neill 01, John O’Neill, professor of sociology at York University, 2001, *Angelaki: Journal of the Theoretical Humanities* 6.2, “The Time(s) of the Gift,” pg. 13

In a secular society what is sacred is our gift to ourselves by means of taxation, the decommodified gifts of welfare (health, education) and the civic inclusion of all persons regarded as bearers of inalienable citizenship rights and duties. Even though mercantile and industrial capitalism makes the exchange of gifts secondary to contractual exchange, it can hardly be said that social cohesion has ceased to work though gift relationships. Sociability, charity and welfare have remained ever present if not enlarged practices of modern society. Indeed, what concerned Mauss is that the privileged might neglect the return gift of the poor, so to speak, as much through lip-service to market rationality as from greed. Gifts are neither covertly egoistic nor simply demeaning; one cannot give without treating the receiver as one entitled in turn to give. For this reason, even poverty allowances include the receiver’s obligations to give and to engage hospitably and seasonally with others.

1. Perm do the plan and the alt in all other instances – either the K can overcome the residual link to the plan or it can’t overcome the overwhelming link to the status quo.
2. Alt can’t solve – the gift giving cycle is inevitable – only the plan takes concrete action to stop violence. The K is an excuse to continue ignoring the problems of American Indians – that’s a link to our racism and structural violence impacts.
3. Social life is a gift that cannot be reduced to contracts – the K is just an excuse not to help others.

O’Neill 01, John O’Neill, professor of sociology at York University, 2001, *Angelaki: Journal of the Theoretical Humanities* 6.2, “The Time(s) of the Gift,” pg. 1

Today, we seek to give less to the poor -- to refuse them work, to reduce their wages, to withdraw welfare and to turn away the beggar. To rationalize the withdrawal of the welfare gift, market theorists have enunciated an ideology of the free gift -- the gift that must obligate neither the donor nor the recipient. It is quite remarkable, therefore, that Derrida's Given Time (1994) should risk offering the ideologists of the autonomous gift a philosophical/ literary pedigree. To do so, Derrida has tried to overwhelm the counter-sociological tradition of the gift that is voluntary yet obligatory (Mauss, 1950; 1990; Titmuss, 1970). I shall argue instead that what Mauss teaches us is that social life involves a meta-gift, i.e., an inalienable surplus of labour and service that cannot be reduced to the calculation of contracts. This gift cannot be returned by creating an egalitarian society anymore than it can be liquidated in the exercise of possessive talents. This is because the surplus-value in the gift derives from an economy of collective ability rather than one of individual need. Collective talent therefore complements the inequality of need with a gift of civic assurances, that are the proper context for the secular practices of charity (O'Neill, 1994).

AT Cap K

1. Case outweighs – the denial of transportation infrastructure to American Indians is a form of structural violence – structural violence creates the mindset that excuses all atrocities – only the plan can solve.
2. The plan increases government spending for socially excluded people – that’s the opposite of capitalism.
3. Economic development solves best in the specific context of the aff – lack of economic strength leads to waste dumping on Indian lands because reservations need the money – that destroys Indian culture which is a form of genocide. Only increasing transportation infrastructure can we create a sustainable economic base so this environmental racism can be rejected.
4. Even if capitalism is bad we solve the reasons why it is – we create a form of economic development that can *resist* racism and colonial exploitation, not further it.
5. Perm do the plan and all non-mutually exclusive parts of the alt. The perm solves best

Their representations of capitalism make resistant impossible.

**Gibson-Graham 96**- J.K. Gibson-Graham, Feminist Economist (1996, “The End of Capitalism”)

One of our goals as Marxists has been to produce a knowledge of capitalism. Yet as “that which is known,” Capitalism has become the intimate enemy. We have uncloaked the ideologically-clothed, obscure monster, but we have installed a naked and visible monster in its place. In return for our labors of creation, the monster has robbed us of all force. We hear – and find it easy to believe – that the left is in disarray. Part of what produces the disarray of the left is the vision of what the left is arrayed against. When capitalism is represented as a unified system coextensive with the nation or even the world, when it is portrayed as crowding out all other economic forms, when it is allowed to define entire societies, it becomes something that can only be defeated and replaced by a mass collective movement (or by a process of systemic dissolution that such a movement might assist). The revolutionary task of replacing capitalism now seems outmoded and unrealistic, yet we do not seem to have an alternative conception of class transformation to take its place. The old political economic “systems” and “structures” that call forth a vision of revolution as systemic replacement still seem to be dominant in the Marxist political imagination. The New World Order is often represented as political fragmentation founded upon economic unification. In this vision the economy appears as the last stronghold of unity and singularity in a world of diversity and plurality. But why can’t the economy be fragmented too? If we theorized it as fragmented in the United States, we could being to see a huge state sector (incorporating a variety of forms of appropriation of surplus labor), a very large sector of self-employed and family-based producers (most noncapitalist), a huge household sector (again, quite various in terms of forms of exploitation, with some households moving towards communal or collective appropriation and others operating in a traditional mode in which one adult appropriates surplus labor from another). None of these things is easy to see. If capitalism takes up the available social space, there’s no room for anything else. If capitalism cannot coexist, there’s no possibility of anything else. If capitalism functions as a unity, it cannot be partially or locally replaced. My intent is to help create the discursive conception under which socialist or other noncapitalist construction becomes “realistic” present activity rather than a ludicrous or utopian goal. To achieve this I must smash Capitalism and see it in a thousand pieces. I must make its unity a fantasy, visible as a denial of diversity and change.

1. **Perm do the plan and the alt in all other instances – either the alt can overcome the residual link to the plan or it can’t overcome the overwhelming link to the status quo**
2. **Capitalist discourse can be resisted and reformulated – the criteria for action should be its concrete effects.**

Kiely 99, Ray, Senior Lecturer in Development Studies, Department of Cultural Studies, University of East London, June 1999, *The European Journal of Development Research* 11.1, p. 47-48, “The Last Refuge of the Noble Savage? A Critical Assessment of Post-Development Theory,” AcademicSearch Complete

The basis for an alternative approach to development could effectively utilise Berman's {1982: 15] notion of the 'paradoxical unity' of modernity to the development discourse [Watts, 1995: 46; Cowen and Shenton, 1996- Pieterse, 1998]. The inescapability of this discourse does not however mean that ideas are simply imposed by the dominant West on the rest of the world. Certainly the post-development discourse tends to imply a passive Third World, simply having its strings pulled by the all-powerful West - another of its similarities with the equally flawed underdevelopment theory. Such a 'pessimism of the intellect, pessimism of the will' [Bernstein and Nicholas, 1983] ignores the differences witbin the idea of development, and the way that it is indigenised by different 'localities'.-' There is an important parallel here with Miller's critique of the concept of cultural imperialism. In his study of the reception of the US soap The Young and the Restless' in Trinidad and Tobago, he shows how the success of this particular programme was based on how its audience interpreted its content in the context of local problems [Miller, 1994: 247-53]. Rather than conservatively justifying the status quo, this particular programme fed into local conceptions of chaos, unpredictability and bacchanal. Thus, echoing the more general critiques of cultural imperialism [Tomlinson, 19911 Miller showed how a particular foreign product was 'transformed ... in terms of local consequences, not local origins' [Morley, 1996: 330]}' This notion of hybridisation-" can also usefully be applied to the development discourse. For, contrary to the claims of at least some postdevelopment writers, development is not simply a western construction imposed on otherwise, pure, authentic, untainted cultures. As Crush [7995.- 8: also Rangan, 1996: 207: Rigg, 1997: 285] argues: Development, for all its power to speak and to control the terms of speaking, has never been impervious to challenge and resistance, nor, in response, to reformulation and change ... As a set of ideas about the way the world works and should be ordered, understood and governed, development should also be glimpsed if not as 'the creation of the Third World', then certainly as reflecting the responses, reactions and resistance of the people who are its object [Crush, 1995: 8]. The post-development idea is thus part of a long history within the development discourse. Ideas about development therefore need to be assessed not in terms of their alleged autonomy from this discourse, but in terms of improvements in both the quantity and quality of life. This point leads back to the universalism versus relativism debate. My objections to relativism - not least its inconsistency - have already been raised above. A genuine, but historically grounded, universalism is essential, and the work of moral philosophers such as Nussbaum [1992; 1995] O' NeiU [1995], Sen [/9951 and Cohen [I994b\ are suggestive in this respect. Although not without their differences [Cohen, 1994a]. these writers have attempted to develop a theory of justice which remains sensitive to difference. In particular they argue that in taking a historical approach, we can look at things which, if lacking, can be considered an inhumane life. As well as basic things such as food, drink, shelter, movement, sexual desire, we must also consider cognitive capabilities, our capacity for pleasure and pain, affiliation with others, autonomy, cooperation and so on. Such an account of humanity applies to all cultures, and is therefore universal, but 'it allows in its very design for the possibility of multiple specifications in each of its components' [Nussbaum, 1992: 223]. For all the difficulties of such a position, it is infinitely preferable to that of postdevelopment writers who, when not romanticising 'other' cultures, simply wash their hands of these questions altogether, and thereby provide no basis for any critique whatsoever.

1. Marxism is Eurocentric – specifically fails in the context of American Indians.

Barsh 88, Russel Lawrence, summer 1998, *American Indian Quarterly* 12.3, “Contemporary Marxist Theory and Native Reality,” p. 205-206, University of Nebraska Press, JSTOR, accessed 7-21-2012

In principle Marxism and American Indian traditional values would appear fundamentally opposed in three interrelated respects: Marxism's emphasis on materialism (both in the sense of objectivity and as an objective of society), and its derivative hostility to nature and to culture. Dunbar-Ortiz (1984:140, 181) admits that "Indians often perceive that progressive movements only use them and their struggles opportunistically, to make points about the evils of capitalism," and condemn socialism "because it is seen as a Western philosophy like colonialism and capitalism." North American Indians are not alone in this perspective. Many Latin American Indians regard demands that they merge into the class consciousness of the general national proletariat as a ploy to integrate them further into an exploitative economy-and to protect the interests of landlords and capitalists (Smith 1985:15). Russell Means has argued (1983:24-26) that each new European ideology-Christianity, Science, Capitalism-has "despiritualized" society further, and energized ever-greater European territorial expansions. "[E]very revolution in European history has served to reinforce Europe's tendencies and abilities to export destruction to other peoples." Marxism has been no different in this respect, for it "offers to take wealth from the capitalist and pass it around, but in order do so, Marxism must maintain the industrial system" on which capitalist wealth depends. Indians would have to become part of this system to participate in a Marxist revolution, and that would destroy their distinct cultural identities. Vine Deloria has agreed (1983:114- 15, 122) that Marxism is "Western religion dressed in economistic clothing," offering the world the promise of a transcendent "redemption." Like capitalists, Marxists believe that Man can recreate himself and become God by subjugating nature, and like Christians they are "aggressively missionary-minded" (ibid. 132). Marxism is inherently Eurocentric, adds Churchill (1983:146), for it assumes that "all ideas, no matter what the claims of their proponents, can be traced to European origins, and if not Marxist, they must be bourgeois" and therefore unacceptable. In fact, all European ideologies share the notion, unacceptable to Indians, that "the more compulsive a culture can become in terms of gathering up and rearranging material, the more 'advanced' it is considered to be" (ibid. 144). It is precisely this preoccupation with satisfying physical needs that explains the centrality of "alienation" in Marxist, Christian and capitalist thought (Deloria 1983:114-15). The only genuine cure for alienation is to accept the spiritual dimension of human life as complementary to the material.

Their representations of capitalism destroy resistance – only by recognizing that capitalism is not all-pervasive can we resist it.

**Gibson-Graham 96**- J.K. Gibson-Graham, Feminist Economist (1996, “The End of Capitalism”)

One of our goals as Marxists has been to produce a knowledge of capitalism. Yet as “that which is known,” Capitalism has become the intimate enemy. We have uncloaked the ideologically-clothed, obscure monster, but we have installed a naked and visible monster in its place. In return for our labors of creation, the monster has robbed us of all force. We hear – and find it easy to believe – that the left is in disarray. Part of what produces the disarray of the left is the vision of what the left is arrayed against. When capitalism is represented as a unified system coextensive with the nation or even the world, when it is portrayed as crowding out all other economic forms, when it is allowed to define entire societies, it becomes something that can only be defeated and replaced by a mass collective movement (or by a process of systemic dissolution that such a movement might assist). The revolutionary task of replacing capitalism now seems outmoded and unrealistic, yet we do not seem to have an alternative conception of class transformation to take its place. The old political economic “systems” and “structures” that call forth a vision of revolution as systemic replacement still seem to be dominant in the Marxist political imagination. The New World Order is often represented as political fragmentation founded upon economic unification. In this vision the economy appears as the last stronghold of unity and singularity in a world of diversity and plurality. But why can’t the economy be fragmented too? If we theorized it as fragmented in the United States, we could being to see a huge state sector (incorporating a variety of forms of appropriation of surplus labor), a very large sector of self-employed and family-based producers (most noncapitalist), a huge household sector (again, quite various in terms of forms of exploitation, with some households moving towards communal or collective appropriation and others operating in a traditional mode in which one adult appropriates surplus labor from another). None of these things is easy to see. If capitalism takes up the available social space, there’s no room for anything else. If capitalism cannot coexist, there’s no possibility of anything else. If capitalism functions as a unity, it cannot be partially or locally replaced. My intent is to help create the discursive conception under which socialist or other noncapitalist construction becomes “realistic” present activity rather than a ludicrous or utopian goal. To achieve this I must smash Capitalism and see it in a thousand pieces. I must make its unity a fantasy, visible as a denial of diversity and change.

AT Westernism/Development K

1. Case outweighs – the denial of transportation infrastructure to American Indians is a form of structural violence – structural violence creates the mindset that excuses all atrocities – only the plan can solve.
2. No link – American Indians *want* improved transportation infrastructure – that’s our 1AC evidence.
3. We control a unique link turn – economic improvement through transportation infrastructure is key to prevent waste dumping. Waste dumping only occurs because reservations are financially compensated and don’t have other sustainable forms of income. Waste dumping destroys Indian culture because it ruins the land – only the plan can solve.
4. Economic development is key to sovereignty – that solves back exploitation.
5. Perm do the plan and all non-mutually exclusive parts of the alternative. Economic development discourse can be resisted and reformulated – the criteria for action should be its concrete effects.

Kiely 99, Ray, Senior Lecturer in Development Studies, Department of Cultural Studies, University of East London, June 1999, *The European Journal of Development Research* 11.1, p. 47-49, “The Last Refuge of the Noble Savage? A Critical Assessment of Post-Development Theory,” AcademicSearch Complete

The basis for an alternative approach to development could effectively utilise Berman's {1982: 15] notion of the 'paradoxical unity' of modernity to the development discourse [Watts, 1995: 46; Cowen and Shenton, 1996- Pieterse, 1998]. The inescapability of this discourse does not however mean that ideas are simply imposed by the dominant West on the rest of the world. Certainly the post-development discourse tends to imply a passive Third World, simply having its strings pulled by the all-powerful West - another of its similarities with the equally flawed underdevelopment theory. Such a 'pessimism of the intellect, pessimism of the will' [Bernstein and Nicholas, 1983] ignores the differences witbin the idea of development, and the way that it is indigenised by different 'localities'.-' There is an important parallel here with Miller's critique of the concept of cultural imperialism. In his study of the reception of the US soap The Young and the Restless' in Trinidad and Tobago, he shows how the success of this particular programme was based on how its audience interpreted its content in the context of local problems [Miller, 1994: 247-53]. Rather than conservatively justifying the status quo, this particular programme fed into local conceptions of chaos, unpredictability and bacchanal. Thus, echoing the more general critiques of cultural imperialism [Tomlinson, 19911 Miller showed how a particular foreign product was 'transformed ... in terms of local consequences, not local origins' [Morley, 1996: 330]}' This notion of hybridisation-" can also usefully be applied to the development discourse. For, contrary to the claims of at least some postdevelopment writers, development is not simply a western construction imposed on otherwise, pure, authentic, untainted cultures. As Crush [7995.- 8: also Rangan, 1996: 207: Rigg, 1997: 285] argues: Development, for all its power to speak and to control the terms of speaking, has never been impervious to challenge and resistance, nor, in response, to reformulation and change ... As a set of ideas about the way the world works and should be ordered, understood and governed, development should also be glimpsed if not as 'the creation of the Third World', then certainly as reflecting the responses, reactions and resistance of the people who are its object [Crush, 1995: 8]. The post-development idea is thus part of a long history within the development discourse. Ideas about development therefore need to be assessed not in terms of their alleged autonomy from this discourse, but in terms of improvements in both the quantity and quality of life. This point leads back to the universalism versus relativism debate. My objections to relativism - not least its inconsistency - have already been raised above. A genuine, but historically grounded, universalism is essential, and the work of moral philosophers such as Nussbaum [1992; 1995] O' NeiU [1995], Sen [/9951 and Cohen [I994b\ are suggestive in this respect. Although not without their differences [Cohen, 1994a]. these writers have attempted to develop a theory of justice which remains sensitive to difference. In particular they argue that in taking a historical approach, we can look at things which, if lacking, can be considered an inhumane life. As well as basic things such as food, drink, shelter, movement, sexual desire, we must also consider cognitive capabilities, our capacity for pleasure and pain, affiliation with others, autonomy, cooperation and so on. Such an account of humanity applies to all cultures, and is therefore universal, but 'it allows in its very design for the possibility of multiple specifications in each of its components' [Nussbaum, 1992: 223]. For all the difficulties of such a position, it is infinitely preferable to that of postdevelopment writers who, when not romanticising 'other' cultures, simply wash their hands of these questions altogether, and thereby provide no basis for any critique whatsoever.

1. Perm do the plan and the alt in all other instances – either the alt can overcome the residual link to the plan or it can’t overcome the overwhelming link to the status quo.
2. Denying social services under the guise of protecting traditional culture furthers exploitation.

Muehlmann 09, Shaylih Muehlmann, December 2009, *American Anthropologist* 111.4, “How Do Real Indians Fish? Neoliberal Multiculturalism and Contested Indigeneities in the Colorado Delta,” p. 476, http://www.anth.ubc.ca/fileadmin/user\_upload/anso/Faculty\_Accounts/shaylih\_muehlmann/Articles/Muehlmann-AA-2009.pdf

Carmen Mart´ınez Novo’s (2006) work on indigenous migrant farm workers in San Quint´ın, Baja California, provides an interesting parallel to the Cucap´a cooperative’s case by showing how ethnic categories are mobilized under a neoliberal era. She analyzes how ethnic labels created a justification to offer indigenous migrant workers lower wages and worse working conditions than those offered to mestizos (Mart´ınez Novo 2006:34). Mart´ınez Novo documents, in particular, how state organizations argued that indigenous people are used to living in cramped quarters, perceive child labor as an “indigenous tradition,” and do not trust biomedicine. Thus, their poor working conditions and lack of access to services were said to replicate “traditional ways of life” (see also Gordillo 2004). Likewise, the case of the Cucap´a fishing cooperative shows how the implementation of a particular construction of difference can prevent the distribution of resources. In this case, the Mexican state has put difference to work in regulating and limiting the distribution of resources to indigenous populations.

1. Economic development is essential to indigenous cultures.

Smith 94, Dean Howard Smith, assistant prof of economics at Northern Arizona University and research consultant for the National Executive Education Program for Native American Leadership, *American Indian Culture and Research Journal* 18.2, “The Issue of Compatibility Between Cultural Integrity and Economic Development Among Native Tribes,” MetaPress, http://www.metapress.com/content/a8v711lk40180851/fulltext.pdf

Human beings must possess the basic needs of living-food, shelter, and clothing-before they can engage in cultural activities. Once the basic needs are met, a certain quantity of disposable resources must be available for participation in cultural activities. These resources may be measured in dollars, hours, sheep, physical energy, or interest. Furthermore, the individual engaging in cultural activities must have enough self-esteem to participate in those activities. Given the extreme poverty and social problems on most reservations, it is not surprising that many Indian tribes demonstrate diminished interest in their cultures. How can economic development lead to the advancement and integrity of indigenous cultures? The answer is simple: Provide the necessary disposable resources while designing economic activity compatible with the underlying code of values.

AT Noble Savage K

1. Case outweighs – the denial of transportation infrastructure to American Indians is a form of structural violence – structural violence creates the mindset that excuses all atrocities – only the plan can solve.
2. We never claim American Indians are uniquely connected to nature or inherently peaceful. We just say that economic exploitation in the status quo leads to waste dumping – that hurts culture because many American Indian religions are focused on the land, which is a fact. Culture genocide should be resisted because it is a form of racism, not because Indian culture is inherently environmentalist. Waste dumping also leads to health problems – alt can’t solve.
3. We affirm the importance of transportation infrastructure and economic development, rather than leaving reservations in isolation because it’s “traditional” – that’s the opposite of the Noble Savage stereotype.
4. Perm do the plan and all non-mutually exclusive parts of the alt.

The perm solves best - While we should reject the “Noble Savage” stereotype, a wholesale denial of cultural differences between peoples ignores the persistence of traditional Indian culture and excuses

Grande 99, Sandy Marie Anglas Grande, Program In Education And Human Development, Colby College, fall 1999, *Environmental Ethics* 21, “Beyond the Ecologically Noble Savage: Deconstructing the White man’s Indian,” p. 315

The “we are all the same” argument, most prevalent in the early 1970s, contends that had American Indians “developed” to the same degree of technical proficiency (as white culture), they too would have ventured down the inevitable path of modernization and overconsumption. In “Primitive Man’s Relationship to Culture,” Guthrie argues that “man’s attitude toward the environment has not changed in the millennia since his evolution from lower animals. Only his population size and sophistication of his technology are different.”24 To argue that the overconsumption of modern culture is, in essence, the same25 as “primitive man’s” categorically denies the vastness of the “pre-Columbian” population as well as the power of their cultures to shape attitudes and fetter behaviors. It is, in a sense, a deterministic argument that rejects the influence of culture, if not deny it altogether. In addition, the assertion that we as humans are all the same provides a convenient rationalization for the mass destruction exacted by modern culture, absolving the perpetrators of any responsibility and/or obligation towards its reparation. After all, we “modern humans” are simply enacting the destiny of the race, it isn’t our fault that we have simply arrived at this moment first. The argument also ignores the fact that many so-called “primitive peoples” continue to persist in maintaining traditional ways, even in the face of incessant encroachment and onslaught of available technologies. In short, it denies that Indians are not only historical but contemporary peoples. Native American communities continue to demonstrate their rejection of certain modern trappings and commitments to forging unique approaches to modern life, ones that work to retain traditional culture and spiritual foundations. The drive to “prove” that we are all the same, that we have all been equally virulent in our attitudes toward and treatment of the natural world, begins to look suspiciously like an opportune justification or, in Freudian terms, a mass projection to relieve the anxiety of knowing that the excesses of the modern world have exacted unprecedented destruction of the planet and its Indigenous inhabitants. If nothing else, it is a thinly veiled attempt at rationalizing the genocidal and ecocidal practices that characterize Indian-white relations in the Americas.

1. Perm do the plan and the alt in all other instances – either the alt can overcome the residual link to the plan or it can’t overcome the overwhelming link to the status quo.
2. Alt can’t solve – the Noble Savage stereotype is too ingrained – only the plan takes concrete action to improve the lives of Native Americans which is the impact to the K in the first place.

AT Ethics K

1. Case outweighs – the denial of transportation infrastructure to American Indians is a form of structural violence – structural violence creates the mindset that excuses all atrocities – only the plan can solve.
2. We never make any absolute moral claims in the 1AC – we just say that racism and structural violence are bad and should be stopped.
3. **The plan is essential to respect Indian culture and preserve difference – turns their universalism claims.**
4. A historically grounded universalism solves their offense – only way to improve value to life.

Kiely 99, Ray, Senior Lecturer in Development Studies, Department of Cultural Studies, University of East London, June 1999, *The European Journal of Development Research* 11.1, p. 35-36, “The Last Refuge of the Noble Savage? A Critical Assessment of Post-Development Theory,” AcademicSearch Complete

The post-development idea is thus part of a long history within the development discourse. Ideas about development therefore need to be assessed not in terms of their alleged autonomy from this discourse, but in terms of improvements in both the quantity and quality of life. This point leads back to the universalism versus relativism debate. My objections to relativism - not least its inconsistency - have already been raised above. **A genuine, but historically grounded, universalism is essential**, and the work of moral philosophers such as Nussbaum [1992; 1995] O' NeiU [1995], Sen [/9951 and Cohen [I994b\ are suggestive in this respect. Although not without their differences [Cohen, 1994a]. these writers have attempted to develop a theory of justice which remains sensitive to difference. In particular they argue that in taking a historical approach, we can look at things which, if lacking, can be considered an inhumane life. As well as basic things such as food, drink, shelter, **movement**, sexual desire, we must also consider cognitive capabilities, our capacity for pleasure and pain, affiliation with others, autonomy, cooperation and so on. Such an account of humanity applies to all cultures, and is therefore universal, but 'it allows in its very design for the possibility of multiple specifications in each of its components' [Nussbaum, 1992: 223]. For all the difficulties of such a position, it is infinitely preferable to that of postdevelopment writers who, when not romanticising 'other' cultures, simply wash their hands of these questions altogether, and thereby provide no basis for any critique whatsoever.

1. An ethical obligation to prevent specific atrocities precedes ontology—the death of the "other" calls our very being into question

Bulley 04 (Dan, PhD Candidate @ Department of Politics and International Studies--University of Warwick, "Ethics and Negotiation," www.lancs.ac.uk/fss/politics/events/aber/ethics%20and%20negotiation%20-%20bulley.doc)

Crucially an openness to justice cannot be an a priori good thing. Indeed, like the future, one can say it can only be “anticipated in the form of an absolute danger.” As incalculable and unknowable, an unconditional openness to the future-to-come of justice risks the coming of what he calls the “worst.” The most obvious figures of this “worst,” or, “perverse calculation,” are atrocities such as genocide, Nazism, xenophobia, so-called ‘ethnic cleansing.’ These we can and must oppose or prevent. But why? Why only these? Derrida states that what we can oppose is only those “events that we think obstruct the future or bring death,” those that close the future to the coming of the other. We can oppose this future-present (a future that will be present) coming then on the basis of the future-to-come (a future with no expectation of presence). Or to put it in terms of the other, we can oppose those others who prevent our openness to other others. Such was the ideology of National Socialism in its desire to entirely negate the Jews. We have a duty to guard against the coming of such a theory or idea. Why? Because such an other closes us to the other; a future that closes the future. However, if, as Derrida says there is no ultimate way of judging between our responsibility for others, as “Every other (one) is every (bit) other,” whose calculation can we say is perverse, or the ‘worst’? Why are we responsible to victims rather than the perpetrators of atrocities if both are equally ‘other’? Who makes this decision and how can it be justified? Levinas suggests that our “being-in-the-world” our being-as-we-are, is only conceivable in relation to, and because of, the other. Thus the death of the other calls our very being into question. Ethics in this sense precedes ontology as our responsibility to the other precedes our own being. We may say then that our commitment is to those that accept the other as other, that allow the other to be. There is a danger though that this becomes foundational, treated as a grounding principle outside traditional modernist ethics on which we can build a new ‘theory of ethics’. This is not the value of Derridean and Levinasian thinking however. What makes their different ways of thinking the other interesting is not that they are absolutely right or ‘true,’ but rather that they take traditional ethical thinking to its limit. Whether or not a Jewish tradition is privileged over Greek, they remain within the bounds of Western metaphysics. Derrida’s “responsibility [to the Other] without limits,” does not escape this, establishing itself unproblematically as a ‘ground’ outside traditional thinking. Rather, his thinking of the ethical shows that we can think these things differently, while still accepting the exigency to prevent the ‘worst’. There can be no ultimate foundation for what we think is the worst. And such a foundation cannot come from outside Western metaphysics. Limit thinking is not an immovable basis for judgement of the worst, and this is why it is so dangerous and troubling. The non-basis of judgement is rather the desire to stay as open as possible, while recognising that a judgement necessarily closes. The goal is for our closure to have the character of an opening (closing the future-present to allow the future-to-come), but it nevertheless remains a closure. And every closure is problematic.

1. Ethics and morality help us read the realm of goodness in which we go beyond the norms of life and discover the glory of living

Cohen 01, Richard A. Cohen, the Isaac Swift Distinguished Professor of Judaic Studies

at the University of North Carolina at Charlotte, 2001, “Ethics, Exegesis, and Philosophy: Interpretation after Levinas,” Cambridge University Press,

Ethics, in contrast to aesthetics, has to do with the invisible. Its glory is an entirely different glory. Its light – like the light of the first day of creation, before even the sun – shines in an entirely different way than the mind's light or the spotlight. Morality opens up a deeply private dimension, with vast ramifications for the realm of the visible as well. Think of an anonymous donation of charity. Think of opening a door for someone. Think of volunteer work for the handicapped. Foolishness, madness, naïveté, bourgeois luxury? The world's greatest events have always taken place in the proximity of a face-to-face seen by no one else. No one else need know, ever. Levinas will call it “sacred history, ” deeper than the history of kings and armies, the history of publicity and material success. These events do not seek the television camera. They cannot be recorded. To be sure, they have a public face, and an important one. Justice is the public face of morality. But the heart and soul of our humanity – morality – is indifferent to publicity. The good is neither a being nor the be-ing of beings. It is not a show, a display, a manifestation. To be good – to spend an hour of one's own precious time, once a week, reading to a blind person – is both to be and to be beyond being. It is a rip in the manifestation of being, a vocation called from above, a subjection to higher demands than “to be or not to be, ” the demands of the self. The moral self is essentially utopian in this way – here and there, here as there. In being moral one is at the same time above being – being and above, in a time Levinas will call “diachrony. ” Levinas will also call this trace of transcendence the “otherwise than being or beyond essence. ” Not the obliteration of being or essence, for the material world is the concrete realm of goodness, but otherwise and beyond – above. The moral dimension is one of height, elevation, command, but not as geometry or a logarithm that could ever be measured or predicted. Responsibility, not publicity, is the great glory of humanity. Of course, our aesthetic sensibilities would rather not be hampered, bothered, disturbed, restricted by moral responsibilities and obligations – the aesthetic is precisely this “rather not, ” this looking the other way, averting the eyes, refusing the other. Surrounded with beauty, one lives in a happy beautiful world – but blind at the same time. There need be nothing wrong with beauty. Rather, it is “idol worship” in the love of beauty, the love of the show above all, which is at fault. To love oneself before others – here lies the formula of all evil. Levinas cites Pascal (Pensées, 112): “'That is my place in the sun. ' That is how the usurpation of the whole world began. ” 5 To see but not be seen, to not be caught, not be responsible – to wear Gyges' ring – this is the aesthetic trick. But no, it is to see and to be seen – to see oneself being seen! – but never to be held accountable, here lies the impulse of aesthetic desire: for the glory of the visible, for triumph and trophy, enthralled by the spectacle and the spectacular. The glory of a kindness done requires no such fanfare. “Sacred history” will never be known: volunteer work, anonymous donations, a hand lent, obligations kept, justice maintained, the widow protected, the orphan nourished, the stranger welcomed – the world's deep and weighty and true history. According to Jewish legend, in each generation the world itself survives only owing to the good deeds of a few righteous but hidden individuals – the so-called “lamed vovniks” (the “thirty nine”). The visible held secure by the exigencies and frailties of the invisible. And all the visible, too, must be drawn upward to these higher, invisible heights. For all the visible world is permeated and upheld by a different light, by “sparks, ” so the mystics would say, whose greatest desire, as it were, is precisely to be so drawn upward.