\*\*\*Topicality – in the U.S.\*\*\*

1NC Shell

A. The United States is the 50, DC, and Puerto Rico

USDA 08 (“Regulations Governing the Financing of Commercial Sales of Agricultural Commodities § 17.2 Definition of terms”, P.L. 480 Federal Regulations, Last modified: Monday, April 14, 2008 06:13:23 PM, <http://www.fas.usda.gov/excredits/FoodAid/Title%201/pl00172.html>)

United States--the 50 States, the District of Columbia, and Puerto Rico.

B. Violation:  Native Americans have separate sovereign territory they are not part of the United States

William **Rehnquist**, Former Chief Justice of The Supreme Court, Oklahoma Tax Commission v. Potawatomi Tribe,19**91** <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=498&invol=505>

A doctrine of Indian tribal sovereign immunity was originally enunciated by this Court, and has been reaffirmed in a number of cases. Turner v. United States, [248 U.S. 354, 358](http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=248&invol=354#358)(1919); Santa Clara Pueblo v. Martinez, supra, at 58. Congress has always been at liberty to dispense with such tribal immunity or to limit it. Although Congress has occasionally authorized limited classes of suits against Indian tribes, it has never authorized suits to enforce tax assessments. Instead, Congress has consistently reiterated its approval of the immunity doctrine. See, e.g., Indian Financing Act of 1974, 88 Stat. 77, 25 U.S.C. 1451 et seq., and the Indian Self-Determination and Education Assistance Act, 88 Stat. 2203, 25 U.S.C. 450 et seq. These Acts reflect Congress' desire to promote the "goal of Indian self-government, including its `overriding goal' of encouraging tribal self-sufficiency and economic development." California v. Cabazon Band of Mission Indians, [480 U.S. 202, 216](http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?navby=case&court=us&vol=480&invol=202#216)(1987). Under these circumstances, we are not disposed to modify the long-established principle of tribal sovereign immunity. [498 U.S. 505, 511]

**Limits: There are an unlimited number of groups outside of the U.S. or places where the aff could build transportation infrastructure-makes it impossible for the neg to predict and adequately prepare to debate. They justify affs that build roads and bridges in South America or Asia.**

**T is a voter for fairness and education. Reasonability is arbitrary and leads to judge intervention—it’s not what you do but what you justify**

T – XTN

United States” is anywhere that the US exercises sovereign power

Lynton ‘95

(Jonathon S. Lynton, , Ballentine’s Legal Dictionary and Thesaurus, 1995, “investment”, pg. 689 (3))

n. 3. The territory over which this sovereign nation called the “United States” exercises sovereign power

Native American tribes have full sovereignty

Freedictionary.com, 12

http://legal-dictionary.thefreedictionary.com/Tribal+sovereignty

Tribal sovereignty refers to the fact that each tribe has the inherent right to govern itself. Before Europeans came to North America, Native American tribes conducted their own affairs and needed no outside source to legitimate their powers or actions. When the various European powers did arrive, however, they claimed dominion over the lands that they found, thus violating the sovereignty of the tribes who already were living there.

Native American tribes are separate from the federal government

The Saginaw Chippewa Indian Tribe of Michigan, 2000

<http://www.sagchip.org/council/events/2000/082800-sovereignty-defined.htm>

Tribal Sovereignty Defined An Indian Tribe is a distinct political community. A Tribe retains its inherent powers of self-government absent action by Congress to limit those powers. A State cannot limit the powers of a Tribe. The source of Tribal powers rests in its people. Tribes have had the inherent right to govern themselves "from time immemorial". See Worchester v. Georgia, 515, 558 (1832). Tribal governments have the same powers as the federal and state governments to regulate their internal affairs, with some few exceptions. For instance, the Tribes have the power to form a government, to decide their own membership, the right to regulate property, the right to maintain law and order, the right to regulate commerce, and so on.

\*\*\*States CP\*\*\*

1NC Shell

**The 50 states and relevant territories should substantially increase funding for roads and bridges on American Indian reservations.**

States solve Native American transportation infrastructure – best local solutions

**McLawhorn 4** (Nina, Research Administrator, Wisconsin Department of Transportation, State DOTs and Native American Nations, Transportation Synthesis Reports, January 27, http://wisdotresearch.wi.gov/wp-content/uploads/tsrnativeamerican1.pdf)

Request for Report

State governments have a unique relationship with the Native American nations within their borders. The federal government has recognized Native American tribes as sovereign nations, and as such, intergovernmental relationships with them must be initiated by a federal agency such as FHWA. However, state DOTs have many reasons to work directly with tribal governments. In January 2001, new regulations mandated by Section 106 of the National Historic Preservation Act took effect, requiring consultation with Native American tribes by any agency planning federally funded improvements that could affect properties with cultural or religious significance to those tribes. State DOTs may also work with Native American governments in areas such as public transit, traffic safety, and construction and improvements to reservation roads and bridges. In addition to participating in federal programs such as the Indian Reservation Roads Program, tribal governments are eligible for other state and federal funding programs just as counties and cities are. We were asked to review state DOT organizational approaches for communicating with Native American nations and provide information on both centralized approaches—for example, coordination of contacts through a single DOT office—as well as decentralized approaches that rely on division-by-division communications. Summary For a state DOT, deciding whether to centralize Native American contact, and especially whether to assign dedicated staff for that purpose, is not simply a matter of best practices—each DOT must establish a system that is appropriate for the size, distribution and needs of its Native American population and tribal lands. Native American presence varies widely from state to state; at the high end, California has 109 federally recognized tribes and a total Native American population of over 300,000, and Alaska’s population is 19% Alaska Natives. Indian reservations make up 28% of Arizona’s land base; by contrast, 16 states have no Indian reservations within their borders. With 11 tribes and a total population of over 47,000, Wisconsin falls somewhere in the middle. The map on page 7 of this Census report shows the Native American population distribution by county for the nation: http://www.census.gov/prod/2002pubs/c2kbr01-15.pdf. Wisconsin is one of four Midwest states with a county (Menominee) where Native Americans make up the majority of the population; however, Native Americans make up only 0.9% of Wisconsin’s total population (see page 5 of the Census report).

A2: No Uniformity

Uniformity on all levels of governance inevitable—current programs prove

John R. Baxter 11 Associate Administrator for Federal Lands for the Federal Highway Administration, “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

In response to this increase in the number of Tribes, and increased stewardship and oversight responsibilities, FHWA's FLH Office, which has direct responsibility for administering the IRR program, has increased staffing and worked closely with the Tribes and the BIA to develop uniform program guidance. In addition to carrying out numerous face-to-face meetings with each Tribe and conducting outreach and training through webinars, regional conferences, and organized classes, FLH developed a new program manual for all Tribes, States, counties, and Federal agencies that communicates program expectations, roles and responsibilities, and best practices.

A2: State Cooperation Can’t Solve

**Tribal-State cooperation is the most efficient**

**Kozak, 02** New Mexico State Highway and Transportation Department (James D., “Improving Tribal/State Relationships for Transportation Infrastructure Planning and Development”, September, TRANSPORTATION RESEARCH CIRCULAR Number E-C039, Conference on Transportation Improvements: Experiences Among Tribal, Local, State, and Federal Governments, <http://onlinepubs.trb.org/onlinepubs/circulars/ec039.pdf> SW)

The Tribal/State Summit was held October 14 and 15, 1999, in Santa Fe, New Mexico. The Tribal/State Transportation Summit sought to foster improved Native American government participation in the short-range and long-range planning for transportation infrastructure. Furthermore, the Summit was designed to set forth a framework within which policies and processes could be developed that would ensure better coordination between tribal governments, the state, and federal agencies. Inherent in the agreements mentioned above is mutual recognition of tribal/state sovereignty, government-to-government relationships, mutual respect, and open communications. The development of improved relations is designed to be an ongoing process with commitment from all parties to forge effective relationships that will serve all citizens’ transportation needs in an equitable fashion. A significant aspect is the effective use of planning processes for limited financial resources in a cooperative fashion and the improvement of transportation infrastructure in a spirit that recognizes unique social and cultural differences. The Tribal/State Transportation Summit resulted in the most significant discussion to date with representatives from 17 tribes, the Lieutenant Governor, the Governor’s Chief of Staff, the Secretary of the NMSHTD, the State Land Office, representatives from the State’s congressional delegation, the BIA, DOE, and FHWA. Tribal representatives elected to take the agreements back to their leaders for further consideration. The department and the tribes now communicate with each other more fully and consistently about tribal/state issues. The current benefit is the development of a solid foundation for intergovernmental transportation infrastructure planning and development between tribal governments and state and federal agencies. Future benefits will be a more effective use of limited federal, state, and local transportation funds to meet not only the travel needs of the public, but also the unique cultural values of Native American citizens.

\*\*\*Politics DA\*\*\*

Links

Republicans don’t like the plan – prefer tribal self-government

Stephen Cornell and Joseph P. Kalt, 10 Professor of sociology and director of the Udall Center for Studies in Public Policy, University of Arizona AND Ford Foundation Professor of International Political Economy, “American Indian Self-Determination The Political Economy of a Successful Policy”, November, Joint Occasional Papers on Native Affairs Working Paper No. 1,

[http://nni.arizona.edu/pubs/jopna-wp1\_cornell&kalt.pdf](http://nni.arizona.edu/pubs/jopna-wp1_cornell%26kalt.pdf)

There is some evidence of a time trend in the patterns of Congressional support for both social spending on Indian affairs and tribal self-determination. Consider Figure 8, above. Each year since 1999, the disproportionality of Democratic support for improving American Indian social conditions is higher than in any year prior to 1999. Concomitantly, Republican support is disproportionately lower in each year since 1999 than in any prior year. With regard to Republican support for self-determination, in Figure 10 we compare the period prior to 1999 to the period of 1999-2010. While the sample size for the latter period is small, the results are suggestive of a shift in Republican support for self-determination. Despite the fact that, at 49 percent, the Republican share of overall Congressional membership was higher during 1999-2010 than over 1973-2010 (42 percent), it has been Democrats that are providing markedly disproportionate support for tribal self-determination. In the earlier period of 1973-1998, Democratic membership outnumbered Republican membership, but support for self-determination was split equally between the two parties: The Republican share of overall Congressional membership over 1973-98 was 42 percent, but fully half of the sponsorships for self-determination came from Republicans. Thus, support for self-determination was disproportionately Republican.

\*\*\*Capitalism K\*\*\*

1NC Shell

**Public Transportation will be implemented to serve capitalist interests and widen inequality**

**Farmer’ 11**

Farmer Sociology Dep’t Roosevelt University 2011 Stephanie Uneven public transportation development in neoliberalizing Chicago, USA Environment and Planning http://envplan.com/epa/fulltext/a43/a43409.pdf,KB

Public transportation policy is one dimension of spatial restructuring deployed by entrepreneurial governments to create place-based competitive advantages for global capital. Transportation represents a fixed, place-based geographic element where the local and the global interact; where global processes shape local geographies and where local politics shape global networks. As Keil and Young (2008) suggest, transportation should now be considered in relation to globalized trade and economic networks and consumption-oriented patterns of everyday life. Growth demands in cities experiencing gentrification, the development of luxury consumption spaces, and a surge of tourism have placed pressure on local agencies to expand airports, roads, 1156 S Farmerand rail and public transit capacities. Large-scale urban redevelopment plans have made a comeback as city planners conceive of megaprojects that concentrate new public transit investment in the revalorized core (Fainstein, 2008; Keil and Young, 2008; Swyngedouw et al, 2002). Air transportation has become the leading form of global connectivity, influencing the decisions of global, national, and regional elites to create air-transportation infra-structure (Cidell, 2006; Erie, 2004; Keil and Young, 2008; Phang, 2007). For instance, there is a growing network of world-class cities (Shanghai, London, and Tokyo) that enables air travelers to connect seamlessly from one global city core to the next, with direct express train service from the downtown business core to the city's international airports (Graham and Marvin, 2001). These specialized public transit systems more closely integrate a city into global markets, thereby making the city more attractive for business activities (Brenner and Theodore, 2002; Graham, 2000). The resulting ``premium network spaces'' are ``geared to the logistical and exchange demands of foreign direct investors, tourist spaces or socioeconomically affluent groups'' (Graham and Marvin, 2001, page 100). Interactions with the surrounding residential districts are carefully managed by filtering `proper' users through nonstop services or prohibitively expensive fares. In addition, premium transport services tend to be bundled with upscale shopping centers, entertainment spectacles, hotels, or office spaces to form a giant, integrated bubble of luxury. Subsequently, sociospatial relations are reconfigured as premium infrastructure bypasses devalorized places and exclude economically disadvantaged users from accessing the transit service. The neoliberal trend towards premium public transportation deployed for the purposes of constructing competitive advantages in the global capitalist system privileges profit making for capital, or exchange-value purposes, and not necessarily for everyday use, or use-value purposes (Keil and Young, 2008; Logan and Molotch, 1987). In order to finance new urban transit projects, cash-strapped entrepreneurial governments are increasingly entering into long-term partnerships with the private sector, or public ^ private partnerships (PPPs), in which the public sector pays for services and infrastructure delivered by the private sector (Phang, 2007; Siemiatycki, 2006; Solino and Vassallo, 2009). In studies of PPPs used both for large-scale urban redevelopment projects and urban rail projects, scholars have noticed that planning agencies are increasingly favoring infrastructure projects favoring affluent segments of the population that have greater potential for profitability rather than delivering the largest public benefit (Fainstein, 2008; Siemiatycki, 2006; Swyngedouw et al, 2002). By privileging market-based metrics of efficiency, entrepreneurial administrations have profoundly changed the function of public transportation. In the Fordist era, public transportation involved a modicum of centralized planning aimed at industrial development, mitigating labor costs and alleviating the effects of uneven development produced by the highly subsidized highway system (Grengs, 2004; Weiner, 1999). Neo-liberal statecraft abandons the Fordist strategy of territorial redistribution mobilizing public transportation to enhance economically disadvantaged groups' access to the city. In its place, socially regressive neoliberal practices favor market-oriented growth and elite consumption patterns (Boschken, 2002; Grengs, 2004; Young and Keil, 2010). Thus, public transportation service has become a battleground in the global city growth machine's revanchist claims to the city (Smith, 1996).

**Assimilating Native Americans into the capitalist system forces the abandonment of traditional values and accommodation to the dominant system.**

**Duffy and Stubben,** 98 (Diane, assistant professor of political science at Iowa State University, and Jerry, adjunct associate professor in the Professional Studies Department at ISU, former chair of the American Indian Studies Program at ISU, Studies in Comparative International Development, v32, issue 4, 1998 Winter)

The second major implication of the United States' Indian economic policies was that it created confusion among Indians. Concepts such as private property and contractual agreements were not part of the Indian conceptual map, nor were norms that put a premium on bureaucratic values like routinization, efficiency, professionalization, secularity, differentiation, and specialization. While Anglo-American conceptualizations emphasized economic growth and increased income as a mechanism to acquire material goods through exchange between two parties, traditional societies conceived of goods exchange in an entirely different light. For Indians, exchange was part of a gift-giving tradition that not only created economic bonds, but also psychological, social, and spiritual ones**.** Such exchanges fostered decentralized cohesion by creating a series of interconnected relationships emphasizing cooperation and sharing in the economic sphere (Pommersheim, 213). Because of these differences**,** economic development according to Anglo-American culture amounted to a paradigm shift for Indians.[14] White culture emphasized individuality, the profit motive, and material accumulation; Indian cultures are oriented toward the collective and, while the individual was important, he or she was socialized to think in terms of the collective good. For many Indians, social and cultural continuities remain important, including kinship relations, indigenous patterns of community and thought, and systems of meaning and interpretation (Cornell and Kalt 1990). The view of economic life that the white culture advocates requires a mental reorientation for Native Americans.Rather than thinking in terms of connectedness, oneness between the physical and spiritual world, group rather than individual concerns, and agreed upon (rather than stipulated) modes of action, Indians increasingly have had to compartmentalize their lives to accommodate and interact with the dominant (white) culture in economic development efforts. Some have made the transition completely, some reject the white conceptualization, other switch between Indian and white paradigms depending on the situation.

**Resisting the economic evaluation of populations is the ultimate ethical responsibility – the current social order guarantees social exclusion on a global scale while simultaneously anonymizing violence in a way that makes impact calculation impossible**

**Zizek and Daly’ 4** (Slavoj and Glyn, Conversations with Zizek page 14-16)

For Zizek it is imperative that we cut through this Gordian knot of postmodern protocol and recognize that our ethico-political responsibility is to confront the constitutive violence of today’s global capitalism and its obscene naturalization / anonymization of the millions who are subjugated by it throughout the world. Against the standardized positions of postmodern culture – with all its pieties concerning ‘multiculturalist’ etiquette – Zizek is arguing for a politics that might be called ‘radically incorrect’ in the sense that it break with these types of positions 7 and focuses instead on the very organizing principles of today’s social reality: the principles of global liberal capitalism. This requires some care and subtlety. For far too long, Marxism has been bedeviled by an almost fetishistic economism that has tended towards political morbidity. With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffee, crucial theoretical advances have been made that enable the transcendence of all forms of economism. In this new context, however, Zizek argues that the problem that now presents itself is almost that of the opposite fetish. That is to say, the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with economic reality and as a way of implicitly accepting the latter as a basic horizon of existence. In an ironic Freudian-Lacanian twist, the fear of economism can end up reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibition conjures up the very thing it fears). This is not to endorse any kind of retrograde return to economism. Zizek’s point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular we should not overlook Marx’s central insight that in order to create a universal global system the forces of capitalism seek to conceal the politico-discursive violence of its construction through a kind of gentrification of that system. What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is that the gentrification of global liberal capitalism is one whose ‘universalism’ fundamentally reproduces and depends upon a disavowed violence that excludes vast sectors of the world’s populations. In this way, neo-liberal ideology attempts to naturalize capitalism by presenting its outcomes of winning and losing as if they were simply a matter of chance and sound judgment in a neutral market place. Capitalism does indeed create a space for a certain diversity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, the human cost in terms of inherent global poverty and degraded ‘life-chances’ cannot be calculated within the existing economic rationale and, in consequence, social exclusion remains mystified and nameless (viz. the patronizing reference to the ‘developing world’). And Zizek’s point is that this mystification is magnified through capitalism’s profound capacity to ingest its own excesses and negativity: to redirect (or misdirect) social antagonisms and to absorb them within a culture of differential affirmation. Instead of Bolshevism, the tendency today is towards a kind of political boutiquism that is readily sustained by postmodern forms of consumerism and lifestyle. Against this Zizek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale. While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-particular embodiment in order to have any meaning), what is novel about Zizek’s universalism is that it would not attempt to conceal this fact or reduce the status of the abject Other to that of a ‘glitch’ in an otherwise sound matrix.>

**The alternative is a personal rejection of capitalism.**

**Holloway’ 5** (John, author of “How to Change the World with Taking Power” and his numerous works on the Zapatistas, Holloway edited Global Capital, National State and the Politics of Money and Post-Fordism and Social Form: A Marxist Debate on the Post-Fordist State (1992), Professor at the University of Edinburgh and currently teaches at the Institute for the Humanities and Social Sciences at the Autonomous University of Puebla, August 15th, 2005, John Holloway presented these at the World Social Forum in Porto Alegre, http://www.chtodelat.org/index.php?Itemid=124&id=214&option=com\_content&task=view)

In thinking about this, we have to start from where we are, from the many rebellions and insubordinations that have brought us to Porto Alegre. The world is full of such rebellions, of people saying NO to capitalism: NO, we shall not live our lives according to the dictates of capitalism, we shall do what we consider necessary or desirable and not what capital tells us to do. Sometimes we just see capitalism as an all-encompassing system of domination and forget that such rebellions exist everywhere. At times they are so small that even those involved do not perceive them as refusals, but often they are collective projects searching for an alternative way forward and sometimes they are as big as the lacandon jungle or the argentinazo of three years ago or the revolt in Bolivia just over a year ago. All of these insubordinations are characterised by a drive towards self-determination, an impulse that says "No, you will not tell us what to do, we shall decide for ourselves what we must do." These refusals can be seen as fissures, as cracks in the system of capitalist domination. Capitalism is not (in the first place) an economic system, but a system of command. Capitalists, through money, command us, telling us what to do. To refuse to obey is to break the command of capital. The question for us, then, is how do we multiply and expand these refusals, these cracks in the texture of domination.5. There are two ways of thinking about this. a) The first says that these movements, these many insubordinations, lack maturity and effectiveness unless they are focussed, unless they are channelled towards a goal. For them to be effective, they must be channelled towards the conquest of state power - either through elections or through the overthrowing of the existing state and the establishment of a new, revolutionary state. The organisational form for channelling all these insubordinations towards that aim is the party. The question of taking state power is not so much a question of future intentions as of present organisation. How should we organise ourselves in the present? Should we join a party, an organisational form that focuses our discontent on the winning of state power? Or should we organise in some other way? b) The second way of thinking about the expansion and multiplication of insubordinations is to say "No, they should not be all harnessed together in the form of a party, they should flourish freely, go whatever way the struggle takes them." This does not mean that there should be no coordination, but it should be a much looser coordination. Above all, the principal point of reference is not the state but the society that we want to create.

Link XTNS

The aff’s project of preserving Native culture preserves capitalism – “difference” as such is already subordinated to capital’s global homogeneity, turning case.

Zizek, 97 (Slavoj, Senior Researcher, Institute for Social Studies, Ljubljana, 1997, “Multiculturalism, or, the Cultural Logic of Multinational Capitalism.”)

And, mutatis mutandis, the same goes for today’s capitalist who still clings to some particular cultural heritage, identifying it as the secret source of his success—Japanese executives participating in tea ceremonies or obeying the bushido code—or for the inverse casae of the Western journalist in search of the particular secret of the Japanese success**:** this very reference to a particular cultural formula is a screen for the universal anonymity of Capital**.** The true horror does not reside in the particular content hidden beneath the universality of global Capital, but rather in the fact that Capital is effectively an anonymous global machine blindly running its course, that there is effectively no particular Secret Agent who animates it. The horror is not the (particular living) ghost in the (dead universal) machine, but the (dead universal) machine in the very heart of each (particular living) ghost. The conclusion to be drawn is thus that the problematic of multiculturalism—the hybrid coexistence of diverse cultural life-worlds—which imposes itself today is the form of appearance of its opposite, of the massive presence of capitalism as universal world system: it bears witness to **the** unprecedented homogenization of the contemporary world. It is effectively as if, since the horizon of social imagination no longer allows us to entertain the idea of an eventual demise of capitalism—since**,** as we might put it**,** everybody silently accepts that capitalism is here to stay—critical energy has found a substitute outlet in fighting for cultural differences which leave the basic homogeneity of the capitalist world-system intact. So we are fighting our pc battles for the rights of ethnicminorities, of gays and lesbians, of different life-styles, and so on, while capitalism pursues its triumphant march—and today’s critical theory, in the guise of ‘cultural studies’, is doing the ultimate service to the unrestrained development of capitalism by actively participating in the ideological effort to render its massive presence invisible: in a typical postmodern ‘cultural criticism’, the very mention of capitalism as world system tends to give rise to the accusation of ‘essentialism’, ‘fundamentalism’ and other crimes**.** The structure here is that of a symptom. When one is dealing with a universal structuring principle, one always automatically assumes that—in principle, precisely—it is possible to apply this principle to all its potential elements, and that the empirical non-realization of the principle is merely a matter of contingent circumstances. A symptom, however, is an element which—although the non-realization of the universal principle in it appears to hinge on contingent circumstances—has to remain an exception, that is, the point of suspension of the universal principle: if the universal principle were to apply also to this point, the universal system itself would disintegrate. As is well known, in the paragraphs on civil society in his Philosophy of Right, Hegel demonstrated how the large class of ‘rabble’ (PÖebel) in modern civil society is not an accidental result of social mismanagement, inadequate government measures or economic bad luck: the inherent structural dynamics of civil society necessarily give rise to a class which is excluded from the benefits of civil society, a class deprived of elementary human rights and therefore also delivered of duties towards society, an element within civil society which negates its universal principle, a kind of ‘un-Reason inherent to Reason itself’—in short, its symptom. Do we not witness the same phenomenon today, and in even stronger shape, with the growth of an underclass excluded, sometimes for generations, from the benefits of affluent liberal-democratic society? Today’s ‘exceptions’—the homeless, the ghettoized, the permanently unemployed—are the symptom of the late capitalist universal system, a growing and permanent reminder of how the immanent logic of late capitalism works: the proper capitalist utopia is that, through appropriate measures (for progressive liberals, affirmative action; for conservatives, a return to self-reliance and family values), this ‘exception’ could be—in the long term and in principle, at least—abolished. And is not a homologous utopia at work in the notion of a ‘rainbow coalition’: in the idea that, at some utopian future moment, all ‘progressive’ struggles.

\*\*\*Give Back the Land K\*\*\*

1NC Shell

**The poverty and suffering of Native Americans stems from the federal government’s “benevolent” acts. The aff continues this cycle of native exploitation for economic benefit.**

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the[University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 19**92**, “Fantasies of the master Race”

The true cost to native people bound up in the complex of relations anchoring the U.S. status quo is revealed in the federal government's own statistics. By any reasonable computation, a simple division of the known remaining resources of Native America by the approximately 1.6 million Indians (.6 percent of the total population) reflected in the last U.S. census should make Indians the largest per capita land holders in all of North America;6 they should in other ways as well comprise the continent's richest "ethnically-defined population group," both in aggregate terms and on a per capita basis. Instead, they are by far the poorest overall, experiencing the lowest annual and lifetime incomes, poorest housing and sanitation conditions, lowest level of educational attainment and highest rate of unemployment. The single poorest county in the United States over the past fifty years has been Shannon, on the Pine Ridge Sioux Reservation in South Dakota. Counties on half a dozen other Indian reservations distributed across a wide geographic area make regular appearances among the ten poorest recorded by the U.S. Departments of Labor and Commerce. Correspondingly, Native Americans currently experience the most pronounced symptoms of poverty evidenced by any overall population group on the continent: twelve times the U.S. national rate for incidence of malnutrition, nine times the rate of alcoholism, seven times the rate of infant mortality, five times the rate of deaths by exposure, several times the rate for incidence of bubonic plague, tuberculosis, typhoid, diphtheria and other readily preventable diseases. Children still die regularly from whooping cough, strep throat and measles. The present life-expectancy of a reservation-based male is 44.6 years; reservation-based women can expect to live less than three years longer. Indication of the level of despair inculcated among native people by such conditions may be found in the extreme rates of alcoholism, drug addiction, familial violence and teen suicide in every North American Indian community. The government response has been to imprison one in four native men and to impose involuntary sterilization upon perhaps 40 percent of all Indian women of childbearing age. The setting resembles, properly enough under the circumstances, colonization which pertains to certain locales within the third world rather than those one might expect to encounter in the midst of a country enjoying one of the world's most developed standards of living. The vast gulf separating the potential wealth possessed by Native America on the one hand, and its practical impoverishment on the other, resides squarely within what writer Eduardo Galeano has in another context aptly termed the 'open veins" of the colonized. In other words, the federal government has consistently used its unilaterally asserted position of "benevolent" control over indigenous affairs and property to pour the assets of native nations directly into the U.S. economy rather than those of native peoples. A single illustration will suffice to tell the tale. Very near the starving residents of Shannon County, on land permanently guaranteed by the United States to the Lakota Nation through the 1868 Fort Laramie Treaty, the Homestake Mining Corporation alone has extracted more than $14 billion in gold over the past half-century. Multiplying the Homestake Mining example by scores of U.S. corporations doing business on Indian land barely begins to convey the dimension of the process. Stripped to its essentials, the entire fabric of the "American way of life" is woven from the strands of these relations. They constitute an order which must be maintained, first, foremost, and at all costs, because they more than any other definable factor constitute the absolute bedrock upon which the U.S. status quo has erected and maintains itself.

**The aff fails to challenge the fact that transportation infrastructure would happen on stolen land. Even in the ideal world of the aff, their complicity would result in an imperialist, colonialist society.**

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the[University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 20**08**, “I Am Indigenist”

 I’ll debunk some of this nonsense in a moment, but first I want to take up the posture of self-proclaimed leftist radicals in the same connection. And I’ll do so on the basis of principle, because justice is supposed to matter more to progressives than to rightwing hacks. Let me say that the pervasive and near-total silence of the Left in this connection has been quite illuminating. Non-Indian activists, with only a handful of exceptions, persistently plead that they can’t really take a coherent position on the matter of Indian land rights because “unfortunately,” they’re “not really conversant with the issues” (as if these were tremendously complex). Meanwhile, they do virtually nothing, generation after generation, to inform themselves on the topic of who actually owns the ground they’re standing on. The record can be played only so many times before it wears out and becomes just another variation of “hear no evil, see no evil.” At this point, it doesn’t take Albert Einstein to figure out that the Left doesn’t know much about such things because it’s never wanted to know, or that this is so because it’s always had its own plans for utilizing land it has no more right to than does the status quo it claims to oppose. The usual technique for explaining this away has always been a sort of pro forma acknowledgement that Indian land rights are of course “really important stuff” (yawn), but that one” really doesn’t have a lot of time to get into it (I’ll buy your book, though, and keep it on my shelf, even if I never read it). Reason? Well, one is just “overwhelmingly preoccupied” with working on “other important issues” (meaning, what they consider to be more important issues). Typically enumerated are sexism, racism, homophobia, class inequities, militarism, the environment, or some combination of these. It’s a pretty good evasion, all in all. Certainly, there’s no denying any of these issues their due; they are all important, obviously so. But more important than the question of land rights? There are some serious problems of primacy and priority imbedded in the orthodox script. To frame things clearly in this regard, lets hypothesize for a moment that all of the various non-Indian movements concentrating on each of these issues were suddenly successful in accomplishing their objectives . Lets imagine that the United States as a whole were somehow transformed into an entity defined by the parity of its race, class, and gender relations, its embrace of unrestricted sexual preference, its rejection of militarism in all forms, and its abiding concern with environmental protection (I know, I know, this is a sheer impossibility, but that’s my point). When all is said and done, the society resulting from this scenario is still, first and foremost, a colonialist society, an imperialist society in the most fundamental sense possible with all that this implies. This is true because the scenario does nothing at all to address the fact that whatever is happening happens on someone else’s land, not only without their consent, but through an adamant disregard for their rights to the land. Hence, all it means is that the immigrant or invading population has rearranged its affairs in such a way as to make itself more comfortable at the continuing expense of indigenous people. The colonial equation remains intact and may even be reinforced by a greater degree of participation, and vested interest in maintenance of the colonial order among the settler population at large

**Our alternative is to reject the affirmative’s proposal for the extension of state power in favor of a politics aimed at the decolonization of North America. Our priority should be this: First Priority to First Americans.**

**Realization of indigenous land rights is necessary to undermine the racist, sexist and militaristic order of the status quo on Indians—defenses of the state are tools to strengthen the imperialist system**

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 20**08**, “I Am Indigenist”

 Not only is it perfectly reasonable to assert that a restoration of native control over unceded lands within theUnited States would do nothing to perpetuate such problems as sexism and classism, but the reconstitution of indigenous social standards that this would entail stands to free the affected portions of North America from such maladies altogether. Moreover, it can be said that the process should have a tangible impact in terms of diminishing such things elsewhere. The principle is this: Sexism, racism, and all the rest arose here as a concomitant to the emergence and consolidation of the eurocentric nation-state form of sociopolitical and economic organization. Everything the state does, everything it can do, is entirely contingent upon its maintaining internal cohesion, a cohesion signified above all by its pretended territorial integrity, its ongoing domination of Indian Country.   Given this, it seems obvious that the literal dismemberment of the nation-state necessary for Indian land recovery correspondingly reduces the ability of the state to sustain the imposition of objectionable policies within itself. It follows that realization of indigenous land rights serves to undermine or destroy the ability of the status quo to continue imposing a racist, sexist, classist, homophobic, militaristic order upon non-Indians. A brief aside: Anyone with doubts as to whether it is possible to bring about the dismemberment from within of a superpower state in this day and age, ought to sit down and have a long talk with a guy named Mikhail Gorbechev. It would be better yet if one could chew the fat with Leonid Breznev, a man who we can be sure would have replied in all sincerity, only twenty years ago, that this was the most outlandish idea he'd ever heard. Well, look on a map today, and see if you can find the Union of Soviet Socialist Republics. It ain't there, folks. Instead, you are seeing—and you will see it more and more—the reemergence of the very nations Léon Trotsky and his colleagues consigned to the "dustbin of history" clear back at the beginning of the century. These megastates are not immutable. They can be taken apart. They can be destroyed. But first we have to decide that we can do it and that we will do it.   So, all things considered, when indigenist movements like AIM advance slogans like "U.S. Out of North America," non-Indian radicals should not react defensively. They should cheer. They should see what they might do to help. When they respond defensively to sentiments like those expressed by AIM, what they are ultimately defending is the very government, the very order they claim to oppose so resolutely. And if they manifest this contradiction often enough, consistently enough, pathologically enough, then we have no alternative but to take them at their word: that they really are at some deep level or another aligned, all protestations to the contrary notwithstanding, with the mentality that endorses our permanent dispossession and disenfranchisement, our continuing oppression, our ultimate genocidal obliteration as self-defining and self-determining peoples. In other words, they make themselves part of the problem rather than becoming part of the solution.

**This colonialist mindset is the root cause of endless wars and genocide domestically and internationally**

Paul **Street**, an American journalist, author, historian, and political commentator, member of the[International Organization for a Participatory Society](http://en.wikipedia.org/wiki/International_Organization_for_a_Participatory_Society)[[1]](http://en.wikipedia.org/wiki/Paul_Street_%28journalist%29#cite_note-0) and holds a [doctorate](http://en.wikipedia.org/wiki/Paul_Street_%28journalist%29) in U.S. History from [Binghamton University](http://en.wikipedia.org/wiki/Binghamton_University), author of many books, 3/18/**04**, “Those Who Deny The Crimes of the Past: American Racist Atrocity Denial 101”, Issue 82

It is especially important to appreciate the significance of the vicious, often explicitly genocidal "homeland" assaults on native-Americans, which set foundational racist and national-narcissist patterns for subsequent U.S. global butchery, disproportionately directed at non-European people of color. The deletion of the real story of the so-called "battle of Washita" from the official Seventh Cavalry history given to the perpetrators of the No Gun Ri massacre is no small detail. Denial about Washita and Sand Creek (and so on) encouraged US savagery at Wounded Knee, the denial of which encouraged US savagery in the Philippines, the denial of which encouraged US savagery in Korea, the denial of which encouraged US savagery in Vietnam, the denial of which (and all before) has recently encouraged US savagery in Afghanistan and Iraq. It's a vicious circle of recurrent violence, well known to mental health practitioners who deal with countless victims of domestic violence living in the dark shadows of the imperial homeland's crippling, stunted, and itself-occupied social and political order. Power-mad US forces deploying the latest genocidal war tools, some suggestively named after native tribes that white North American "pioneers" tried to wipe off the face of the earth (ie, "Apache," "Blackhawk," and "Comanche" helicopters) are walking in bloody footsteps that trace back across centuries, oceans, forests and plains to the leveled villages, shattered corpses, and stolen resources of those who Roosevelt acknowledged as America's "original inhabitants."  Racist imperial carnage and its denial, like charity, begin at home.  Those who deny the crimes of the past are likely to repeat their offenses in the future as long as they retain the means and motive to do so.  It is folly, however, for any nation to think that it can stand above the judgments of history, uniquely free of terrible consequences for what Ward Churchill calls "imperial arrogance and criminality."  Every new U.S. murder of innocents abroad breeds untold numbers of anti-imperial resistance fighters, ready to die and eager to use the latest available technologies and techniques to kill representatives – even just ordinary citizens – of what they see as an American Predator state. This along with much else will help precipitate an inevitable return of US power to the grounds of earth and history.  As that fall accelerates, the U.S. will face a fateful choice, full of potentially grave or liberating consequences for the fate of humanity and the earth. It will accept its fall with relief and gratitude, asking for forgiveness, and making true reparation at home and abroad, consistent with an honest appraisal of what Churchill, himself of native-American ancestry, calls "the realities of [its] national history and the responsibilities that history has bequeathed":  goodbye American Exceptionalism and Woodrow Wilson's guns. Or Americans and the world will face the likely alternative of permanent imperial war and the construction of an ever-more imposing U.S. fortress state, perpetuated by Orwellian denial and savage intentional historical ignorance.  This savage barbarism of dialectically inseparable empire and inequality will be defended in the last wagon-train instance by missiles and bombs loaded with radioactive materials wrenched from lands once freely roamed by an immeasurably more civilized people than those who came to destroy.

Impact – Extinction

**The alternative is not just about a survival of Indigenous peoples as a whole it is about the survival about all humans and our planet**

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 1996, “From a Native Son”

Plainly, all official polemics to the contrary notwithstanding, the agony induced by 500 years of European/Euroamerican predation in North America is anything but abated at this juncture. For the indige­nous people of the continent it has become obvious that there are no real alternatives but either to renew their commitment to struggle for survival or to finally pass into the realm of extinction which has been relentlessly projected for them since the predator's arrival on their shores. For everyone else, the situation is rapidly becoming—or in some cases has already become—much the same. The time has arrived when a choice must be made: non-Indians, in both the New World and the Old, must decide whether they wish to be a willing part of the final gnawing on the bones of their native victims, or whether they are at last prepared to join hands with Native North America, ending the wanton consumption of indigenous lands and lives which has marked the nature of our relationship to date. The sort of alliance at issue no longer represents, as it did in the past, an exercise in altruism for non-Indians. Anti-imperialism, oppo­sition to racism, colonialism, and genocide, while worthy enough stances in and of themselves, are no longer the fundamental issues at hand. Ultimately, the same system of predatory goals and values which has so busily and mercilessly consumed the people of the land these past five centuries has increasingly set about consuming the land itself. Not only indigenous peoples, but also the land to which they are irrevocably linked, is now dying. When the land itself dies, it is a certainty that no humans can survive. The struggle which con­fronts us—all of us—is thus a struggle to save our collective habitat, to maintain it as a "survivable" environment, not only for ourselves, but also for the generations to come. Self-evidently, this cannot be approached either from the posture of the predator or from any other position which allows the predator to continue with business as usual. At long last, we have arrived at the point where there is a tangible, even overriding, confluence of interests between natives and non-natives. Here, the bodies of indigenous knowledge evidenced in the context of Native North America at the point of the European invasion—large-scale societies which had per­fected ways of organizing themselves into psychologically fulfilling wholes, experiencing very high standards of material life, and still maintaining environmental harmony—shine like a beacon in the night. The information required to recreate this reality is still in place in many indigenous cultures. The liberation of significant sectors of Native America stands to allow this knowledge to once again be actualized in the "real world," not to recreate indigenous societies as they once were, but to recreate themselves as they can be in the future. Therein lies the model—the laboratory, if you will—from which a genuinely liberatory and sustainable alternative can be cast for all humanity. In a very real sense, then, the fate of Native North America signifies the fate of the planet. The crux of the matter rests, not merely in resistance to the predatory nature of the present Eurocentric status quo, but in conceiv­ing viable sociocultural alternatives. It follows that it is incumbent upon every conscious human—red, white, black, brown, or yellow, old or young, male or female—to do whatever is within their power to ensure that the next half-millennium heralds an antithesis to the last.]

The alternative sparks global decolonization movements that are critical to averting environmental collapse and extinction.

George E. Tinker, Iliff School of Technology, 1996 [Defending Mother Earth: Native American Perspectives on Environmental Justice, ed. Jace Weaver, p. 171-72]

My suggestion that we take the recognition of indigenous sovereignty as a priority is an overreaching one that involves more than simply justice for indigenous communities around the world. Indeed, such a political move will necessitatea rethinking of consumption patterns in the North, and a shift in the economics of the North will cause a concomitant shift also in the Two-thirds World of the South. The relatively simple act of recognizing the sovereignty of the Sioux Nation and returning to it all state-held lands in the Black Hills (for example, National Forest and National Park lands) would generate immediate international interest in the rights of the indigenous, tribal peoples in all state territories. In the United States alone it is estimated that Indian nations still have legitimate (moral and legal) claim to some two-thirds of the U.S. land mass. Ultimately, such an act as return of Native lands to Native control would have a significant ripple effect on other states around the world where indigenous peoples still have aboriginal land claims and suffer the ongoing results of conquest and displacement in their own territories. American Indian cultures and values have much to contribute in the comprehensive reimagining of the Western value system that has resulted in our contemporary ecojustice crisis. The main point that must be made is that there were and are cultures that take their natural environment seriously and attempt to live in balance with the created whole around them in ways that help them not overstep environmental limits. Unlike the West’s consistent experience of alienation from the natural world, these cultures of indigenous peoples consistently experienced themselves as part of the that created whole, in relationship with everything else in the world. They saw and continue to see themselves as having responsibilities, just as every other creature has a particular role to play in maintaining the balance of creation as an ongoing process. This is ultimately the spiritual rationale for annual ceremonies like the Sun Dance or Green Corn Dance. As another example, Lakota peoples planted cottonwoods and willows at their campsites as they broke camp to move on, thus beginning the process of reclaiming the land humans had necessarily trampled through habitation and encampment. We now know that indigenous rainforest peoples in what is today called the state of Brazil had a unique relationship to the forest in which they lived, moving away from a cleared area after farming it to a point of reduced return and allowing the clearing to be reclaimed as jungle. The group would then clear a new area and begin a new cycle of production. The whole process was relatively sophisticated and functioned in harmony with the jungle itself. So extensive was their movement that some scholars are now suggesting that there is actually very little of what might rightly be called virgin forest in what had been considered the “untamed” wilds of the rainforest. What I have described here is more than just a coincidence or, worse, some romanticized falsification of Native memory. Rather, I am insisting that there are peoples in the world who live with an acute and cultivated sense of their intimate participation in the natural world as part of an intricate whole. For indigenous peoples, this means that when they are presented with the concept of development, it is sense-less. Most significantly, one must realize that this awareness is the result of self-conscious effort on the part of the traditional American Indian national communities and is rooted in the first instance in the mythology and theology of the people. At its simplest, the worldview of American Indians can be expressed as Ward Churchill describes it: Human beings are free (indeed, encouraged) to develop their innate capabilities, but only in ways that do not infringe upon other elements – called “relations,” in the fullest dialectical sense of the word – of nature. Any activity going beyond this is considered as “imbalanced,” a transgression, and is strictly prohibited. For example, engineering was and is not permanently alter the earth itself. Similarly, agriculture was widespread, but only within norms that did not supplant natural vegetation. Like the varieties of species in the world, each culture has contributed to make for the sustainability of the whole. Given the reality of eco-devastation threatening all of life today, the survival of American Indian cultures and cultural values may make the difference for the survival and sustainability for all the earth as we know it. What I have suggested implicitly is that the American Indian peoples may have something of values – something corrective to Western values and the modern world system – to offer to the world. The loss of these gifts, the loss of the particularity of these peoples, today threatens the survivability of us all. What I am most passionately arguing is that we must commit to the struggle for the just and moral survival of Indian peoples as peoples of the earth, and that this struggle is for the sake of the earth and for the sustaining of all life. It is now imperative that we change the modern value of acquisitiveness and the political systems and economics that consumption has generated. The key to making this massive value shift in the world system may lie in is the international recognition of indigenous political sovereignty and self-determination. Returning Native lands to the sovereign control of Native peoples around the world, beginning in the United States, is not simply just; the survival of all may depend on it

Impact – Genocide

Cultural genocide is the equivalent of genocide of Native Americans

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 1996, “Fantasies of the Master Race”, p. 194-5

"We are resisting this," Means goes on, "becausespirituality is the basis of our culture; if it is stolen, our culture will be dissolved. If our culture is dissolved, Indian people as such will cease to exist. By definition, the causing of any culture to cease to exist is an act of genocide. That's a matter of international law; look it up in the 1948 Genocide Convention. So**,** maybe this’ll give you another way of looking at these culture vultures who are ripping off Indian tradition. It's not an amusing or trivial matter, and it's not innocent or innocuous. And those who engage in this are not cute, groovy, hip, enlightened, or any of the rest of the things they want to project themselves as being. No, what they're about is cultural genocide. And genocide is genocide, regardless of how you want to 'qualify' it. So some of us are starting to react to these folks accordingly." For those who would scoff at Meanss' concept of genocide, Mark Davis and Robert Zannis, Canadian researchers on the topic, offer the following observation: If people suddenly lose their 'prime symbol/ the basis of their culture, their lives lose meaning. They become disoriented, with no hope. A social disorganization often follows such a loss, they are often unable to insure their own survival...The loss and human suffering of those whose culture has been healthy and is suddenly attacked and disintegrated are incalculable. Therefore, Davis and Zannis conclude, "One should not speak lightly of 'cultural genocide' as if it were a fanciful invention. The consequence in real life is far too grim to speak of cultural genocide as if it were a rhetorical device to beat the drums for 'human rights.' The cultural mode of group extermination is genocide, a crime. Nor should 'cultural genocide' be used in the game: 'Which is more horrible, to kill and torture; or remove [the prime cultural symbol which is] the will and reason to live?' Both are horrible."

Impact – Turns Self-D

Countries in South America model their policies of self-determination after the US. Indian land rights are the “crux of Indian survival.”

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 1992, “Fantasies of the Master Race”, p. 131

In many ways,the United States wields the most advanced and perfected of the internal colonialist systems by which settler-states throughout the Americas visit genocidal policies upon native peoples**.** In contrast**,** southerly U.S. client countries such as Paraguay, Brazil and Guatemala are engaged in physical liquidation procedures comparable to those largely discarded as obsolete by the United States after the Sand Creek, Washita and Wounded Knee massacres, approximately a century ago. As it is thus evident tha**t** the Latino client regimes both lag behind and take their cues from the nature and course of U.S. Indian policies, it is possible that favorable changes to these latter policies will cause all the rest to follow. The issue of Indian land rights within the United States can thereby be viewed as the crux of the question of Indian survival per se.

Alt – Solvency/FW

Our speech act is important to causing change—even if we don’t fiat the alternative action, the first step is thinking about the real situation of American Indians

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 1996, “From A Native Son”, p. 452

A concerted, sustained, and in some ways accelerating effort has gone into making Indians unreal. It follows, therefore, that what has happened, is happening, and will continue to happen to Indians unless something is done to fundamentally alter the terms of our existence, is also unreal. And the unreal, of course, is purely a matter of enter­tainment in Euroamerican society, *not* a cause for attention or concern. As was established in the Streicher precedent at Nuremberg, the cause and effect relationship between racist propaganda on the one hand and genocidal policy implementation on the other is quite plain. It is thus of obvious importance that the American public—plain, average, everyday U.S. citizens—begin to think about the implications of such things the next time they witness a swarm of face-painted and war-bonneted buffoons doing the "tomahawk chop" at a baseball or football game. It is necessary that they think about the implications of the grade-school teacher adorning their child in turkey feathers to commemorate Thanksgiving. *Think* about the significance of John Wayne or Charleton Heston killing a dozen "savages" with a single bullet the next time a western comes on TV. *Think* about why Land-o-Lakes finds it appropriate to market its butter through use of a stereotyped image of an "Indian Princess" on the wrapper. Think about what it means when non-Indian academics profess—as they often do—to "know more about Indians than Indians do themselves." *Think* about the significance of charlatans like Carlos Castaneda, Jamake Highwater, Mary Summer Rain, and Lynn Andrews churning out "Indian" bestsellers, one after the other, while Indians typically can't get into print. Think about the *real* situation of American Indians. *Think* about Julius Streicher. Remember Justice Jackson's admonition. Understand that the treatment of Indians in American popular culture is no t "cute" or "amusing" or some sort of "good, clean fun." Know that it causes real pain and real suffering to real people. Know that it threatens our very survival. And know that this is just as much a Crime Against Humanity as anything the nazis ever did. It is likely that the indige­nous people of the United States will never demand that those guilty of such criminal activity be punished for their deeds. But the least we have the right to expect—indeed, to demand —is that such practices finally be brought to a halt.

The expansionist mindset if the US and their desire to control rightful native american land is the root cause of ongoing genocide to Indians. We must give Indians back their land.

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 1992, “Fantasies of the Master Race”, p. 131

Land, as Red Cloud, Hugo Blanco and myriad others have noted, is the absolutely essential issue defining viable conceptions of Native America, whether in the past, present or future. A deeply held sense of unity with particular geographical contexts has provided, and continues to afford, the spiritual cement allowing cultural cohesion across the entire spectrum of indigenous American societies. Contests for control of territory have also been the fundamental basis of Indian/non-Indian interaction since the moment of first contact, and underlie the virtually uninterrupted (and ongoing) pattern of genocide suffered by American Indians over the past half-millennium**.** It follows that the retention of any modicum of Indian national and cultural integrity in coming decades is a matter utterly and inextricably bound up with the question of whether they will not only be able to maintain their present residue of original land base, but—in many cases—to expand upon it, recovering areas lost in earlier expropriations. If Native America is to survive, the over-riding historical trajectory marking this hemisphere since 1492 must be, in a word, reversed.

A2: Perm/Link Turn

We should kick the US off the planet. You’re a part of the solution or a part of the problem. No third option.

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 2003, “On the Justice of Roosting Chickens – Reflections on the Consequences of U.S. Imperial Arrogance and Criminality”, p. 79-83

In light of the above, Americans are clearly faced with a choice. On the one hand, they can continue in their collective pretense that "the opposite of everything is true,” prattling on about "innocent Americans" being "the most peaceful people on earth" while endorsing the continuous U.S. dispensation of death, destruction and domination in every quarter of the globe. On the other, they must at last commence the process of facing up both to the realities of their national history and to the responsibilities that history has bequeathed. In effect, Americans will either become active parts of the solution to what they and their country have wrought, or they will remain equally active parts of the problem. There is no third option. Imagining the contrary, that certain "complexities" create "unique circumstances" in the U.S., circumstances that preclude doing what would be obviously necessary and appropriate in any other context ("out there" in the Third World, for instance), is simply to embrace an especially insidious variant of American Exceptionalism, remaining part of the problem rather than acting as part of the solution while pretending that the opposite of that, too, is true. There is no place for either spectators or bystanders at a holocaust. Here, the mere "bearing of moral witness" is irrelevant or worse, as is the expression of "opposition" through modes deemed acceptable by the perpetrating entity," Only the undertaking of whatever course of action proves necessary to actually halt the genocidal process-action that can by definition be sanctioned by neither the perpetrators nor those complicit in the perpetration by virtue-of their acquiescence or the "principled" in effectuality of their opposition to it- is acceptable in any defensible moral schema (no , the Jews who in 1944 overpowered and killed a few of the SS men at Auschwitz had not in the process become "just as bad" as their nazi exterminators).32 The only relevant question is thus which among a range of possible courses of action is most likely to obtain the desired outcome, not whether undertaking it will allow those who do so to remain comfortable (much less pure, in some idealized sense). Admittedly, even this singular query can be- indeed, has been- used as a means by which to block action through endlessly digressive speculation. Fortunately, things are not really so nebulous or subjective as those whose oppositional politics amount more to a fashion statement than substance would have it. History does offer a lens, embodied in Germany's experience during the Third Reich, of what is required to nullify the genocidally militaristic posture of a major state. This did not, and could not, come about through a "reform," no matter how "fundamental," of the perpetrating entity. Rather, the desired result was obtained, as it had to be, through outright destruction of the state apparatus itself." True in the case of nazi Germany, it was necessary that this be accomplished by a saturation bombing campaign followed by a massive invasion and occupation of the country by other countries, a procedure that left not only Germany but most of Europe devastated and some forty million people dead. As was noted even at the time, however, both the fact and the nature of the cataclysm resulted primarily from a default on the part of the German people themselves to shoulder the burden of abolishing the nazi regime. Such an undertaking would not have been painless for the Germans, of course. On the contrary, given the inherently brutal nature of nazism, any effective effort to repeal it would necessarily have been quite violent. But, and this is really the point, the level of violence involved, and the consequent degree of pain suffered by the Germans-not to mention everybody else-would have been far less had they simply done what was so obviously necessary in the first place."

Anything short of abolition of the state will fail

Ward **Churchill**, professor of [ethnic studies](http://en.wikipedia.org/wiki/Ethnic_studies) at the [University of Colorado at Boulder](http://en.wikipedia.org/wiki/University_of_Colorado_at_Boulder) from 1990 to 2007, American author and [political activist](http://en.wikipedia.org/wiki/Political_activism), 2003, “On the Justice of Roosting Chickens – Reflections on the Consequences of U.S. Imperial Arrogance and Criminality”, p. 272-4

It can also be argued, and rightly so, that in the final analysis con­trol of state crime can be accomplished only by abolition of the state itself. In this connection, it should be noted that no less unabashed a statist than nazi legal theorist Carl Schmitt viewed the kind of overar­ching legalism at issue herein as "state-destroying,"242 at least in the usual Hegelian sense of the state as "the concrete order of orders, the institution of institutions." Enforcing the rights of small states vis-a-vis large ones, and, more importantly, those of non statist indigenous nations vis-a-vis states of all sizes, can only have the effect of "hollowing out" the present configuration of world order,244 engendering a dynam­ic of fragmentation/reduction in scale which renders statist forms of organization ever more unmanageable by virtue of their increasing in cohesion and consequent incoherence. It follows that there will be a growing quantity of "space," both figurative and literal, within which to actualize opposing forms of socioeconomic and political organiza­tion, thereby debunking in concrete terms the not-so-ancient myth that the state itself is any real way "necessary" to the wellbeing of humani­ty.246 From such erosion, the dissolution of statism is an all but inevitable result. Answers to the question of how best to approach the task at hand are obviously complex, requiring a far more lengthy explication than is possible here. Suffice it for the moment to observe that the onus of responsibility for initiating the process indicated in the present section lies not with the international community, but with those of us residing within the belly of the proverbial beast. Upon us rests the burden set forth in the Nuremberg Doctrine, and explained more thoroughly by Karl Jaspers, of doing whatever may be necessary to force the government of the U.S. into obeying the requirements of international law (those, that is, of basic human decency). To this end there can be no gentle or painless route. It must be grasped, first and foremost, by those who take seriously their responsibility to catalyze the desired socioeconomic/political transformation that it is absolutely pointless to expend time and energy "speaking truth to power." Those in power aren't listening, largely because they are already far more aware of what is being said than are those saying it. After all, it is they who have quite deliberately created the very circumstances being addressed. Since only the most morally depraved-or psychopathically amoraI25°-eould possibly choose to conduct themselves in this fashion, arguments to morality, no matter how eloquently posed, can/will have not the least effect upon their thinking, their behavior, or upon the ugly situations generated by combinations of the two. It follows that success will not come through the writing of thoughtful letters to editors and congresspersons, petition drives and electoral "mobilizations" (no, the system cannot be voted out of existence- if it could, voting would be forbidden-and it matters not a whit which individual or party is selected to preside most visibly over its continued functioning. Similarly, it can't be attained through undertaking the "right" legislative initiatives or by recourse to the courts (yes, any and all additions to the domestic statutory/regulatory structure serve simply to refine, reinforce and perpetuate the status quo, it is absurd to expect a judge to rule that the governing apparatus of which s/he is part must be abolished, and s/he would plainly lack the means of enforcing such a decree, even were s/he to enter it). Nor can significant constructive change be accomplished through piecemeal activist boycotts- they don't really care whether you buy Nikes as opposed to Adidas, boys and girls, and what's really so much "cleaner" about the other brands, anyway? -or the token strikes of a self-serving and long since bought-out "labor movement."253 Success will not come, moreover, through the staging of rallies, no matter how large, or protests, no matter how symbolic; it will not accrue from the peace marches or the eternal "bearing of witness" at candle-lit prayer vigils; it will not be gained by proliferation of community radio stations and alternative media more generally, or by devising better courses for the country's public schools and universities. It cannot be had even by sporting the wittiest or most poignant of buttons and bumper stickers. Changing up a bit, it seems worth noting that the American plutocracy can never be brought to heel by "cultural" means, including the establishment of viable "pre-figurative relations" in one or another setting. Textual deconstructions, no matter how profoundly insightful, have no material effect on the functioning of power.'"" nor does the now fashionable intellectual procedure of "resolving" the problems presently plaguing the world via the sophistry of consigning them to the past tense (as in, how about we actually complete the process of global decolonization before we announce our entry into "the postcolonial era"?).258 At less rarified levels, the same holds true. The necessary objectives will not be reached through a perpetual replaying of Rage Against the Machine, Tupac Shakur, and Propagandhi cd's, deeper study of Hinduism and Tantra yoga, the building of better bike paths, or yet another alteration in hair styles, fashion statements and diets. Organic gardening won't fix things, nor will the wonders of natural child-birth, a further fetishizing of gender relations, or ever-more sweeping denunciations of "The Hierarchy.” Adding a few tattoos and body piercings will not do the job. There's no pill that can be taken to make things better, and, certainly pretending that there's some sort of "progressive" virtue in banning smoking-which is to say, the approximately one third of the adult population of North America who are active smokers-from public spaces, especially the spaces supposedly devoted to "political organizing," is self-defeating to the point of outright idiocy. Skeptics might wish to explain exactly how and to what extent the nazis-Hitler was, after all, a duly elected anti-smoking ecologist vegetarian official influenced by Eastern mysticism and the occult261-might have been swayed in their policy-orientation by receipt of carefully worded petitions. Nonetheless, most of the things mentioned in the last two paragraphs-with the obvious exceptions of attempts to foist off such drivel as "postmodernity" and the glaringly elitist enthusiasm with which people who should, and probably do, know better have embraced the anti-smoking fad-are imbued with considerable value and utility, at least in their potentials (yes, even voting and candle-lit vigils can be tactfully useful exercises when properly contextualized. Each of them embodies a certain capacity to convey truth, a matter which is of consequence, however, only when the truth involved is addressed, consciously so, not "to power," but to people, in the very teeth of power. Put another way, the only "truth" which is actually true, and thus worthy of communication by those purporting to oppose the status quo, is that which is explicitly unacceptable to those in power; anything permitted by the powerful receives its license only because it serves in the final analysis to perpetuate the structure upon which their collective dominance depends.

A2: Churchill Bad/Plagiarized

1) None of their criticisms of Churchill make their plan any more right.

2) Focus on Churchill’s scholarship drains all movements

Glendinning, 2003 (Chellis, Scholar of Ecopsychology and Author, *When Technology Wounds*, this taken from *On the Justice of Charging Buffalo*)

Before I continue, however, I will briefly address one of the criticisms waged by those who do not support Churchill's scholarship and/or case because of the red-herring issue of identity. Because of my commitment to Indigenous Peoples, I endorse the truth no matter where I find it. Whether Professor Churchill is Indigenous or not, is enrolled or not, or is of a certain blood quantum, is of little or no consequence to me since I am, and always have been, centrally concerned with pro-Indigenous activity.[3](http://muse.jhu.edu/journals/wicazo_sa_review/v022/22.1yellow_bird.html#FOOT3) While I do understand why some of my colleagues are concerned (in some cases obsessed) with "identity," I rarely have found identity discussions in the academy to be critical, in-depth, coherent exercises leading to substantive outcomes that advance Indigenous scholarship and the rights of our peoples; instead the issue generally serves as a flashpoint for finger pointing: "who is Indigenous?" "they don't have a blood-quantum level on their CDIB card," "they're only a quarter, an eighth, or a sixteenth," "they act white," "they look too white (or black)," "they are married to a white person," or pick another. Indeed, instead of assisting us in concentrating our intellectual resources on the pursuit of common goals that support the Indigenous communities to whom we are responsible, identity remains a vortex for the poisoning of our departments and our discipline, and for undermining our work for the people. In the "old days" many of our tribes who were brilliantly utilitarian made a regular practice of dealing with identity by formally adopting (nonmember) Indigenous and non-Indigenous persons who exhibited behaviors and thinking that empowered the nation. Many also made a practice of formally banishing those who endangered the group. It is too bad that, with all our PhDs, we have not found similar avenues to empower ourselves in the academy.]

\*\*\*CASE\*\*\*

Healthcare Advantage

Language barriers hamper health care quality—this forces assimilation

Mary Barry et. al., Chairwoman of the U.S. Commission of Human Rights, 2004, *U.S. Commission on Human Rights*, “Broken Promises: Evaluating the Native American Health Care System,” September, p. 36-7

In addition to cultural barriers, language barriers present obstacles to communication with providers for those Native Americans who maintain their traditional language. These obstacles necessarily increase the difficulty of receiving care and understanding treatment procedures and provider instructions. Research has found that non-English proficient and limited English proficient patients: Receive less information about the therapeutic regimen for their condition and understand fewer of the instructions related to medication. Are less likely to keep subsequent appointments and are more likely to make emergency room visits than patients in same-language encounters. Are less likely to receive preventive services. Many studies have also found that patients with limited English proficiency cite the language barrier as an obstacle to receiving care. In addition, language obstacles create problems for patients in understanding provider instructions. According to the 2000 census, 381,000 Native Americans speak a native North American language, representing an increase from the 281,990 identified in the 1990 census. The most common of the Native American languages is Navajo, with 178,014 speakers. While language assistance needs vary among Native American tribes, for those Native Americans whose primary language is other than English, language assistance is crucial to ensuring that they receive proper health services. Currently, IHS does not provide formal language assistance to its patients.80 In many situations, IHS programs may have staff and employees who speak the same language as the patients and provide informal translation. At other times, patients themselves bring family members to act as translators. This informal translation is problematic as it can cause semantic errors and breaches of confidentiality, and may even disturb familial hierarchies and relationships. The IHS reports that lack of language assistance is not a major problem within its direct facilities, though IHS has identified language barriers as affecting access to care for Native Americans whose primary language is not English. The language assistance needs at contract facilities, however, are unclear. Generally, non-IHS facilities do not have staff capable of acting as translators for Native Americans. Aside from occasional language assistance provided by family members, patients can be expected to encounter communication problems with their providers at non-IHS facilities. Nonetheless, IHS has failed to devote resources and has failed to implement any formal assistance measures to address this barrier

The inherently hierarchical structure of Indian health services prevents self-determination in health planning—plan can’t solve

Jarrett 2000

Alfred Abioseh, chair of planning and Administration Seuqence in the Graduate Social Work Program at Alabama A&M, “The Impact of Macro Social Systems on Ethnic Minorities in the United States,” Greenwood Publishing Group p. 98, [http://books.google.com/](http://books.google.com/books?id=zviZkCCKvHkC&pg=PA98&lpg=PA98&dq=failures+of+Indian+health+services&source=bl&ots=bTEL_t9gmb&sig=0gXL3ppccRBibPcB2Z9PyVtFGi0&hl=en&ei=PXhnSrf4BsGdlAe7t8zdDA&sa=X&oi=book_result&ct=result&resnum=1)

The opportunity for self-determination in the planning and provision of health services created by the provisions of the self-determination act, along with the restructuring of Indian Health Service system, assured that great strides could be made toward decentralization. Although progress has been made toward implementing the provisions of the act, Native Americans still have not achieved self-determination in health care planning. Although the Public Health Service is committed to full involvement by Native Americans, it has been difficult to find consumers who represent all tribes and entities on which the system has impact**.** A number of the tribes have experimented with appointing and training representatives to serve in key roles. Other tribes are training individuals to work in allied health fields or as leaders in the management and contracting of services. The major roles, however, are filled by outsiders who come in for a two-year commitment to pay back an educational loan and then leave.Although the self-determination act provides for decentralization in terms of decision-making related to programs, contracts and services, the structure created is a hierarchical one. Native Americans have been trained to serve as liaisons between some of the hierarchical entities, but compliance with the higher authority is encouraged and the function of the liaison loses its purpose. Changes come from above and there is little incentive to initiate change on a local level. Another problem endemic to the system is the failure to delegate authority (Kane & Kane, 1972). The Indian Health Service manual indicates that loyalty is expected of its employees. The result is an employee who probably never questions authority.

**Health care perpetuates institutional racism**

Mary Barry et. al., Chairwoman of the U.S. Commission of Human Rights, 2004, *U.S. Commission on Human Rights*, “Broken Promises: Evaluating the Native American Health Care System,” September, p. 30

Conscious discrimination is not as common as the unconscious bias frequently displayed by health care providers serving Native American communities. Studies have discovered that, while unintentional, health care providers make treatment decisions based on their cultural and racial biases and stereotypes. One study concluded that “[t]oo often, a physician’s perception of a patient’s race and ethnicity, which is not based on any communication with the patient, is being recorded and used by the health-care team to make clinical decisions and medical and social judgments about the patient. This practice perpetuates physician paternalism and racism.” This study assessing disparities in pain treatment found that proper patient-provider communication is necessary to assess a patient’s pain.20 A report discussing racial and ethnic disparities in the diagnosis and treatment of mental illnesses concluded that disparities can be attributed to bias.21 Citing a 2001 report, *Race, Culture and Ethnicity and Mental Health*, issued by then-Surgeon General David Satcher, the report concluded that disparities in access and treatment leave minority mental health patients without proper treatment.22 The report explained that one possible reason for racial and ethnic disparities in mental health treatment is that “practitioners and mental health program administrators make unwarranted judgments about people on the basis of race or ethnicity.” Relying on these types of assumptions can lead to inappropriate decisions, and action or inaction, by practitioners and program administrators that affect the overall health care of minorities.

The IHS is racist and causes health disparities among Native Americans

Mary Barry et. al., Chairwoman of the U.S. Commission of Human Rights, 2004, *U.S. Commission on Human Rights*, “Broken Promises: Evaluating the Native American Health Care System,” September, p. 31-2

Despite claims by IHS officials that racism and bias are not problems within the IHS system, the Commission found evidence that Native Americans experience bias and discrimination in the health care services they receive through the IHS system. One example of bias and discrimination by IHS providers comes from a Native American woman who sought treatment or constant pain after undergoing a hysterectomy. In explaining her medical condition, she informed her provider that she had two children. The doctor told her that she did not believe her because “no Indian woman only has two children” and required her to undergo painful tests to confirm the hysterectomy. A second example demonstrates that discrimination can target subgroups within the Native American population, as well. The members of the Health Committee of the Cheyenne River Tribe all agreed that the color of their skin factored heavily when receiving health care services at IHS facilities and that such discrimination was a common complaint among tribal members. The wait time at IHS facilities, they contended, varies depending on the color of their skin; “full-blood Indians” wait longer for services than “lighter skinned Indians.” One member said she heard providers at dental clinics commenting on the skin of Native American patients and also expressing their reluctance to provide services to them based on their belief that their skin is “dirty.” The chair of the Cheyenne River Sioux Health Committee, Raymond Uses the Knife, stated that this type of discrimination comes from non-Native staff members, who make up more than 40 percent of the IHS staff at the facilities serving the Cheyenne River Sioux Tribe. Based on IHS data, as of 2003, 64 percent of the IHS staff was non-Indian and 36 percent Indian. As corroborated by anecdotal evidence and empirical studies, the Commission has found that racism, racial bias, and the mistreatment of minorities and Native Americans are real—and cause real health disparities. As long as medical decisions are made based on stereotypes or racial bias, Native Americans will have shorter life spans and a reduced quality of life.

Self-Determination Advantage

Federal funding can’t solve self-determination—it’s inconsistent with Indian needs

Philip S. Deloria, Director of the American Indian Law Center, Inc. in Albuquerque, New Mexico, Institute of the American West, 1986, “Indian Self-rule,” pgs. 204-205, 1986

To a great degree, we left this era with totally unrealistic expectations. Self-determination or tribal sovereignty cannot be absolutes for Indian tribes any more than they are for other nations. It is foolish to hope that the federal system can somehow change so that it protects Indian interests from non-Indian interests to the consistent degree that we feel we need. The principled Indian view of the tribal-federal relationshipas one between nations is inconsistent with the hope that a structure can be found in which the federal agency dealing with Indian affairs will be immune from the pressures of other federal agencies or in which the official who heads that agency is responsible to the tribes and not the federal government. Self-determination is a difficult goal to reach if it must include unlimited federal funding with no accountability for funds**.** This is not the stuff of day-to-day tribal thetoric; tribes; tribes are generally realistic and sensible about their relationship to the system. But these ambiguities have been a prominent feature ofmuch of the national level thetoric and as such represent a failure on the part of national leadership and, to a small degree, a scholarly community that is afraid to hold Indian strategic policy to critical and realistic standards.

The US will not set an effective international model for self-d until it suspends military and economic aid to regimes which deny it

Zunes, 02 (Stephen, Senior Analyst for FPIF, and an associate professor of Politics and chair of the Peace & Justice program at the University of San Francisco, “Overview of Self-Determination Issues in the Middle East,” Foreign Policy in Focus. http://selfdetermine.irc-online.org/regions/mideast.html)

Much of the ongoing violence in the Middle East is related to aborted struggles for self-determination and is rooted in the colonial legacy. These conflicts are exacerbated by Western powers taking advantage of ethnic and cultural divisions to maintain their influence in the region. Indeed, the region’s ongoing strategic importance and its role as the world’s largest consumer of Western arms exports magnify even local and regional struggles to international importance. Even though the Gulf War was fought ostensibly in the name of self-determination—freeing Kuwait from its Iraqi occupiers—few people in the region believe that the United States and its allies actuallyfought the warprimarilyfor such an ideal. If the United States is truly interested in promoting peace, Washington must suspend military and economic aid to regimes that deny self-determination to captive peoples**,** and the Bush administration must pursue arms control for the region. The United States should encourage enforcement of UN Security Council resolutions not just regarding adversaries but allies as well. Peace negotiations should be facilitated by the United Nations, or another party without strong strategic and economic interests in the region**,** based on the recognition that self-determination is a fundamental right**.** Otherwise, the continued denial of self-determination for Palestinians, Kurds, and others will spark further violence that could engulf the entire region.

Tribal self-determination and sovereignty are key to tribal economic development—federal involvement doesn’t solve (don’t read with States CP)

Cornell and Taylor 2k

Director of the Udall Center for Studies in Public Policy at the University of Arizona and Professor of Sociology and of Public Administration and Policy at the University of Arizona, AND Senior Policy Scholar with the Udall Center, a Research Fellow at the Harvard Project, and a Senior Consultant with Lexecon, Inc. (Stephen and Jonathan, “Sovereignty, Devolution, and the Future of Tribal-State Relations”, 6/26, National Congress of American Indians Mid-Year Session, http://access.minnesota.publicradio.org/civic\_j/native\_american/tribalstaterelations1.pdf

The fact is that capable and sovereign tribal governments advance state goals as well as tribal goals. No state has an incentive to allow the kind of poverty and economic underdevelopment that has characterized Indian reservations for so long to continue to fester within its borders. That said, twelve years of research at the Udall Center and Harvard Project emphasizes that tribal control over tribal affairs is the only policy that works for economic development. We have been unable to find a single reservation where major decisions are controlled by outsiders—the states, the federal government, or special interests—where successful economic development has taken root. In short, if states want Indian poverty and its off-reservation consequences to be adequately addressed, they have to stop insisting that their rules apply to the exclusion of tribes’ rules. The evidence is compelling that where tribes have taken advantage of the federal self-determination policy to gain control of their own resources and of economic and other activity within their borders, and have backed up that control with good governance, they have invigorated their economies and produced positive economic spillovers to states.

\*\*\*Gift Turn\*\*\*

1NC Shell

**The affs attempt at compensation or repayment for past injustices through gifts of infrastructure creates an asymmetrical system of exchange**

R. L. **Stirrat**, an anthropologist who teaches at the University of Sussex, **and** Heiko **Henkel** studied history in Hamburg and [anthropology](http://www.lexis.com/research/retrieve?_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzk-zSkAW&_md5=cdb814f025a380ae15e750654fbad657) in Copenhagen and Sussex, currently working on the anthropology of development, especially on genealogies of the concept of participation in Western development discourse, November 19**97**, “THE ROLE OF NGOs: CHARITY AND EMPOWERMENT: The Development Gift: The Problem of Reciprocity in the NGO World”, 554 Annals 66, http://www.lexis.com/research/retrieve?\_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&\_fmtstr=FULL&docnum=1&\_startdoc=1&wchp=dGLbVzk-zSkAW&\_md5=cdb814f025a380ae15e750654fbad657

There are various ways in which the implications of this asymmetry are dealt with. From the point of view of the receivers, the nature of the gift can be radically reinterpreted. Thus some argue that today's gifts are simply repayments for past exploitation, a sort of delayed compensation. Others present it in more pragmatic terms: that these transfers are not gifts but payment for work performed--in other words, contracts. Indeed, there is a continual effort to reinterpret transfers in such a way that the asymmetry of the situation is denied or at least neutralized. Yet, for all that both parties may wish to deny it, there is an indissolubly asymmetrical relationship between the partners. At the most basic level, the donating NGOs choose their partners and are unlikely to choose partners whose aims do not approximate their own. In practice, the agenda is set by the donors, not the receivers, and the receivers are accountable to the donors for the assistance they receive. For all the rhetoric of "transparency" and "shared decision making," donors continue to exercise power, and not just in the last resort. [20](http://www.lexis.com/research/retrieve?_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzk-zSkAW&_md5=cdb814f025a380ae15e750654fbad657" \l "n20" \t "_self) Partnership thus embodies the most ambiguous point in the chain of relationships between donor and receiver. Such ambiguity is, in a sense, inherent in the whole process of exchange, for here the contradictory elements become most apparent: what starts off as a free, disinterested gift becomes part of a system of interested exchange.

**The act of “giving” is symbolic domination and naturalizes the inequality between the donor and recipient**

 Tomohisa **Hattori**, Department of Political Science, Lehman College, 20**01**, Reconceptualizing Foreign Aid Review of International Political Economy, 8:4, 633-660

 Giving is an especially effective practice of symbolic domination in Bourdieu’s view because it involves the allocation of material goods that are in many cases needed or desired by recipients. In extending a gift, a donor transforms his or her status in the relationship from the dominant to the generous. In accepting such a gift (i.e. one that cannot be reciprocated), a recipient acquiesces in the social order that produced it: in other words, he or she becomes grateful (1990: 98–111). It is this active complicity on the part of the recipient that gives the practice of unreciprocated giving its social power. Clarifying Sahlins’s observation above, what begins as a simple euphemization of a social hierarchy can become an active misrecognition over time, eventually naturalizing the material inequality between donor and recipient as the normal order of things.

Link XTNS

**Gifts are intrinsically linked to their giver and create a system of exchange based on an implicit expectation of reciprocity**

R. L. **Stirrat**, an anthropologist who teaches at the University of Sussex, **and** Heiko **Henkel** studied history in Hamburg and [anthropology](http://www.lexis.com/research/retrieve?_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzk-zSkAW&_md5=cdb814f025a380ae15e750654fbad657) in Copenhagen and Sussex, currently working on the anthropology of development, especially on genealogies of the concept of participation in Western development discourse, November 19**97**, “THE ROLE OF NGOs: CHARITY AND EMPOWERMENT: The Development Gift: The Problem of Reciprocity in the NGO World”, 554 Annals 66, http://www.lexis.com/research/retrieve?\_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&\_fmtstr=FULL&docnum=1&\_startdoc=1&wchp=dGLbVzk-zSkAW&\_md5=cdb814f025a380ae15e750654fbad657

Any anthropological discussion of the role of the gift inevitably leads one back to Marcel Mauss and his work, *Essai sur le don*, first published in 1924. **[8](http://www.lexis.com/research/retrieve?_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzk-zSkAW&_md5=cdb814f025a380ae15e750654fbad657" \l "n8" \t "_self)** Mauss was primarily concerned with the nature of the gift (or prestations, as he labeled them) in "archaic" or "primitive" societies. Referring to a wide range of ethnographic and historical material, Mauss argued that gift giving has to be seen in the context of systems of exchange that involve obligations to give, to receive, and to repay. The potlatch is perhaps the best known and most powerful example of Mauss's analysis of the gift. By giving away, ostensibly without any expectation of return, or even by destroying large amounts of highly valuable objects, North American chiefs (as representatives of wider social groups) accumulated symbolic capital. Mauss pointed out that there was no direct or immediate reciprocity involving material goods but, rather, that to counter the accumulated symbolic capital of the giver, other chiefs and clans had to give away or destroy even more valuable goods at the next potlatch. In other examples, Mauss reinterpreted the Malinowskian reading of gift giving in Melanesia. Whereas Malinowski saw *kula* exchange as an essentially dyadic relationship involving the exchange of symbolically equivalent goods, Mauss again focused on the social dimension of exchange and showed that there was a chain of giving that went far beyond  **[\*71]**  the two persons immediately involved. Furthermore, he argued that what was being given was never totally divorced from the giver and thus what was being given symbolically (or spiritually) linked everyone involved in the processes of exchange. To make this point, Mauss quoted a Maori informant:Let us suppose that you possess a certain article (*taonga*) and that you give me this article. You give it to me without setting a price on it. We strike no bargain about it. Now, I give this article to a third person who, after a certain lapse of time, decides to give me something as a payment in return. He makes a present to me of something (*taonga*). Now, this (*taonga*) that he gives me is the spirit (*hau*) of the (*taonga*) that I received from you and that I had given to him. The (*taonga*) that I received for these (*taonga*) (which came from you) must be returned to you. It would not be fair on my part to keep these (*taonga*) for myself, whether they were desirable or undesirable. I must give them to you because they are a *hau* of the (*taonga*) that you gave me. **[9](http://www.lexis.com/research/retrieve?_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzk-zSkAW&_md5=cdb814f025a380ae15e750654fbad657" \l "n9" \t "_self)** More generally, Mauss argued that in archaic societies there was an obligation to give, to receive, and to repay and that even when gifts were given without thought of return, as in the potlatch, there was an implicit expectation of reciprocity. Gifts were part of "systems of total services," **[10](http://www.lexis.com/research/retrieve?_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzk-zSkAW&_md5=cdb814f025a380ae15e750654fbad657" \l "n10" \t "_self)** as they embodied a wide range of meanings and thus had to be seen as religious, economic, political, and social all at once, both creating and transforming social relations. Within such a context, he argued that primitive exchange was both "interested" and "disinterested." **[11](http://www.lexis.com/research/retrieve?_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzk-zSkAW&_md5=cdb814f025a380ae15e750654fbad657" \l "n11" \t "_self)**

Impact XTNS

**Gifts only reaffirm the system of differences between the giver and the receiver—the act of giving relies on the inferiority of the poor, the starving, and the powerless**

R. L. **Stirrat**, an anthropologist who teaches at the University of Sussex, **and** Heiko **Henkel** studied history in Hamburg and [anthropology](http://www.lexis.com/research/retrieve?_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzk-zSkAW&_md5=cdb814f025a380ae15e750654fbad657) in Copenhagen and Sussex, currently working on the anthropology of development, especially on genealogies of the concept of participation in Western development discourse, November 19**97**, “THE ROLE OF NGOs: CHARITY AND EMPOWERMENT: The Development Gift: The Problem of Reciprocity in the NGO World”, 554 Annals 66, http://www.lexis.com/research/retrieve?\_m=fcfba9797652cee8146a6e6e1a9537fc&csvc=le&cform=byCitation&\_fmtstr=FULL&docnum=1&\_startdoc=1&wchp=dGLbVzk-zSkAW&\_md5=cdb814f025a380ae15e750654fbad657

Yet it is difficult to argue that relationships founded on and materialized through gifts can lead to a denial of difference. Admittedly, the giver may feel a certain sense of identity with the ultimate receiver, but it is doubtful if that feeling is reciprocated, and the evidence on the experience of partnerships would appear to support such doubt. Gifts, like charity, do not lead easily to identification but, rather, to a reaffirmation of difference. The logic of the journey of the development gift is of a set of relationships between different entities, the relationships in part defining those entities and at the same time being defined by them. Furthermore, there is a very pragmatic sense in which difference is essential if the flow of gifts is to continue. The poor, the starving, the powerless are essential if the giving is to continue. Thus while, on the one hand, altruism and the pure gift to the development NGO may be founded on universalistic ideals about the unity of humanity, on the other, it is motivated and maintained by a recognition of difference. In the end, this could be seen as no more than a recognition that the surplus that is available for the giving of gifts is the product of precisely the same system of production, exchange, and distribution that produces the poor who receive these gifts.

Giving legitimizes hierarchies and often justifies the use of violence

Maurice Godelier, one of the most influential names in French [anthropology](http://en.wikipedia.org/wiki/Anthropology), Directeur d'études at the [École des Hautes Études en Sciences Sociales](http://en.wikipedia.org/wiki/%C3%89cole_des_Hautes_%C3%89tudes_en_Sciences_Sociales), 1999, “The Enigma of the Gift”, p. 12-3, accessed through googlebooks

The act of giving seems to create simultaneously a twofold rela- tionship between giver and receiver. A relationship of solidarity because the giver shares what he has, or what he is, with the receiver; and a relationship of superiority because the one who receives the gift and accepts it places himself in the debt of the one who has given it, thereby becoming indebted to the giver and to a certain extent becoming his “dependant,” at least for as long as he has not “given back” what he was given. Giving thus seems to establish a difference and an inequality of status between donor and recipient, which can in certain instances become a hierarchy: if this hierarchy already exists, then the gift expresses and legitimizes it. Two opposite movements are thus con- tained in a single act. The gift decreases the distance between the protagonists because it is a form of sharing, and it increases the social distance between them because one is now indebted to the other. It is easy to see the formidable array of maneuvers and strat- egies virtually contained in the practice of gift-giving, and the gamut of contradictory interests that can be served. By its very nature, gift- giving is an ambivalent practice which brings together or is capable of bringing together opposing emotions and forces. It can be, simultaneously or successively, an act of generosity or of violence; in the latter case, however, the violence is disguised as a disinterested gesture, since it is committed by means of and in the form of sharing. The giving of gifts may ward off direct violence or physical, mate- rial, and social subordination, but it may also stand in their stead. And there are countless examples of societies where individuals unable to repay their debts are forced to sell themselves or their chil- dren into slavery, ending up as the property, the “possession” of those who had bestowed gifts on them. From this it is clear that, of the two components (sharing and debt), of the two movements con- tained and combined in gift-giving, it is the second (the distancing) which probably has the greater impact on social life when it is orga- nized around various forms of competition for access to wealth, power, knowledge, or ritual.

\*\*\* Colonialism/Assimilation Turn\*\*\*

1NC Shell

**US rationalizes its power over Indian nations by enforcing American federal law over tribal governments**

Robert Odawi **Porter**, Senior Associate Dean for Research, Professor of Law, and Dean's Research Scholar of Indigenous Nations Law, Syracuse University. Director, Center for Indigenous Law, Governance & Citizenship. Citizen (Heron Clan) and former Attorney General of the Seneca Nation of Indians, 89 Iowa L. Rev. 1595, 2003-20**04**, “The Inapplicability of American Law to the Indian Nations”

Scholars and advocates have long criticized the arbitrary and self-serving manner in which the United States has rationalized its assumption of power over the Indian nations.9 But in seeking to put forward solutions to this dilemma, they have failed to properly frame the nature of the inquiry. Understanding Indian nation sovereignty is not simply a matter of finding coherent meaning in the Supreme Court's Indian subjugation jurisprudence, 0 nor is it the more mundane challenge of determining whether the Court has "correctly" interpreted the relevant Acts of Congress or faithfully adhered to its own prior decisions that address the scope of tribal powers. Unfortunately, when addressing questions relating to the scope of an Indian nation's sovereign authority, Indian law practitioners and scholars almost always rely on the law of the colonizing nation as the exclusive source of authority to support their analysis. As I see it, a complete and proper analysis of the powers of the Indian nations looks not just to the laws of the United States that purport to regulate them, but to the laws and governing documents of the Indian nations themselves. Thorough lawyers, judges, and scholars presented with Indian law questions will begin their analysis of an Indian nation's powers by examining the written and unwritten customary law, documents, and treaties that are the roots of the Indian nation's own legal traditions." Invariably, however, this analysis is trumped by a secondary analysis that looks to American federal law as the definitive source of controlling legal precedent.' 2 In this way, American federal law is thus assumed to be the only relevant source of law for determining the source and scope of tribal governmental powers. The consequence of this analytical approach is that those who practice and write about Indian law concede far too much authority to the United States at the expense of the Indian nations and their inherent sovereignty. '

**The aff affirms technological superiority over the colonized—new forms of economic activity subjugate the American Indians and assimilate them into the Western economic system**

Gary C. **Anders**, Sep. 19**80**, “Theories of Underdevelopment and the American Indian”, Journal of Economic Issues, Vol. 14, No. 3, pp. 681-701, accessed through JSTOR

Considerable evidence now exisits indicating that colonialism is economically motivated and that it is facilitated politically by the disparity of power between the colonizers and the colonized. This power disparity often is reflected in the technological superiority of the colonizers or the use of force to adapt the existing institutions of the colonized to their needs. With conquest and the subjugation of a people, there comes a major social upheaval. The old ways change, and new forms of organization are introduced. Power and prestige are no longer based upon traditional con-ceptions, and old values begin to give way to new ones. The old mores of society lose their meaning and begin to disappear. New institutions come into focus as established ones die.2 Similarly, new forms of economic ac-tivity begin to supplant traditional self-sufficient economic patterns. These and other institutional changes brought about by the colonizers serve to direct the economic structures of the colonized toward the production of an economic surplus for the benefit of the mother country.3 The dominant group attempts to monopolize and exploit the natural resources of the colony for its own benefit. Politically this involves the sub-jugation of the colonized, which frequently is accomplished through the establishment of an administrative agency set up specifically for this pur-pose. (These bureaucratic institutions function to insulate the ruling class from the local populace so that there is little chance of endangering the colonial structure through direct confrontations.) Once this agency has been established, it assumes the responsibility for administering the col- onized population. Often, communication between the colonizers and the colonized does not exist or is filtered through this institution. Also, racism becomes an important factor in rationalizing the maltreatment of the "in-ferior" group.4

**Assimilation is cultural genocide**

**Davidson** **08**

(Terry Ghostwolf, “Spiritual and Cultural Genocide...” <http://www.nemasys.com/ghostwolf/Native/genocide.shtml>)

True - there have been some articles that have spoken the truth; a few years back National Geographic printed an article that exposed the truth not only about "Custer's Last Stand", but also about Custer's active attempts to completely wipe out American Indians... There have been a few films that have shown - or attempted to show - the Truth as it actually happened - and those were panned by the non-native critics and journalists. Many books have been written that expose the truth; that tell the story, the true story of how American Indians were ripped from the land, shoved off onto reservations that could not support them, made supplicants to a government that would rather ignore them - but how many really read those books? Oh no, that is too disturbing, too upsetting to the noble sensitivities of most... "it's a dying and lost culture, if it really was worth something, it wouldn't die out" seems to be the justification. Those books, articles and films are largely ignored by the masses of North America; at most, those who heard of or read of the attrocities only nod their heads sagely, commenting only "too bad that happened; yes, it was wrong - but it is in the past and there is nothing that can be done now." And; nothing has been done, nothing is being done... The languages, myths, art, spirituality, practices, and beauty of the Native American culture is fading into history to be lost forever; to be mused over in later years by the historically curious as a novelty... Spiritual and cultural genocide... as the Native Americans are faced with either being totally assimilated by the Western Culture - or dying out on the many reservations... kept there, out of the way and out of mind, by supposedly beneficent governments; ignored and forgotten by the citizens of those nations... Spiritual and cultural genocide, as the elders and parents helplessly watch their children leave to make a living in the "civilized" world, as those children and young adults willfully turn their backs on their heritage, language, and culture and willfully accept the stereotypical views of "civilization." Spiritual and cultural genocide, as the great civilized masses of North America - and indeed the world - scurry pell-mell into the next century, focusing on technology and consumer goods... as "save the whales" and "save the children" and "save the earth" become the battle-cries of the various subcultures... not that those are bad things; they aren't, and they are needed. But - the American Indian Cultures from southern-most tip of South America to the northenmost tip of Canada and Alaska are left behind, an afterthought, a mote of dust caught up in the tornado of "progress"... Relegated to symbolic and denegrating mascots for sports teams, insulting icons for various holidays, and stereotypical villains for the movie industry; shoved off - out of site and out of mind - to die out on reservations. Spiritual and cultural genocide by default and by intent, by marketing and media pressures, by willful and knowing ignorance... It is so easy to turn aside while saying "not my problem"... True, in recent years there has been a very mild awakening in some; many non-native Americans - not just caucasians - are realizing the American Indian culture is rich, complex, full of beauty and spirituality, possessing and practicing ways of life that did not harm the earth and environment; and now some seek to learn. Unfortunately, many who profess to want to learn are only "in it" to make a dollar; preserving and indeed teaching and sharing the many cultures is the last thing on their minds... Yet, there are some to whom preserving the culture; preserving the stories, art, ways of life, and spirituality of American Indian is indeed very important - and those few are doing what they can... But; it is so little, and so late... it is my hope that as I - and others - speak out and share what we can that the loss can be averted, that the people of North America and indeed the world can be awakened. In the years since 1950, many minorities in North America have had their causes heard, have had their injustices heard by the word; and have had some, if not all of their inequities addressed... But not the American Indians of both continents... Even my own Grandmother and Grandfather - he, a Cherokee; her, a Choctaw - turned their backs on their heritage because of the social, cultural, and economic pressures - as did their children, as did their son - my father. One of my earliest memories was the "session" with my Father and his parents that occurred after I had shared with my classmates that I was part Indian, after I had shared with them how to tell what animals made what tracks... the teacher had called my Father and said that I had been telling "fairy tales" about being part Indian... my Father asked me if I had, and I told him "yes"; I told the truth. He then told me to get in the car, and he drove to my Grandparent's house, where he told my Grandmother and Grandfather - his parents - what had happened. My Grandparents became very silent at first - and then stood up and came over to me - Grandfather then kneeled and held me by the shoulders, and told me: "NEVER let it be known you are Indian; you can pass for white, so BE white - forget everything you know about being Indian, forget all of it - because if you do not, you'll be treated worse than [blacks]." My Grandfather did not say "blacks", but instead used a well-known epithet... He told my Father never to let me forget that, NEVER to let anyone know And my Grandmother, my father's mother, stood over me, shaking with anger, and told me "If you tell anyone you are Indian, I'll whup you so raw you can't sit down for a month"... I was six years old... only six years old... I never forgot that afternoon - the incredible fear, anger, and confusion expressed in his eyes and face, her eyes and face; I never forgot the way his hands grabbed and hurt my shoulders - never forgot the incredible and devastating contradiction of his words compared to the oh-so-many wonderful and magical times he took me out in the desert to teach me Indian ways and skills... He, who with my father gave me the birth name, the soul name that is so similar to my Tribal name of GhostWolf - caught in the paradox of wanting to maintain his heritage and pass it on; yet needing to make a living to support his family, his children - without being discriminated against... He, who for the first six years of my life took great joy in taking me out into the Mojave, showing me how to read the sky for weather, read the phases of the moon for crops and hunting, showed me how to not only read and identify the tracks of so many different animals, but also how to tell how long ago they had been there... Shaking, trembling, voice full of fear and anger - and yes, hate and shame - hurting me, telling me "NEVER let it be known you are Indian"... He, who had taught me so many truly wonderful things... Never taught me anything about my heritage, OUR heritage ever again... Thus this, my American Indian page... it is my hope to learn what I can of my heritage; learn who my People the Cherokee and Choctaw are and were... learn my People's ways and beliefs and culture... that I may treasure The Ways, that I may honor my People even though I start on the Path so late in life. That I may share with my son our roots, our Heritage - Our People... May the contents of these pages; what I discover and the People to whom I link, show you the Truth - not only about the People, but also about the injustice, discrimination, and genocidal treatment of the People that continues to this day.

Link XTNS

**Changes in policy toward Native Americans only serve to worsen the plight of most American Indians—the existence of the BIA depends on the poverty of American Indians**

Gary C. **Anders**, Sep. 19**80**, “Theories of Underdevelopment and the American Indian”, Journal of Economic Issues, Vol. 14, No. 3, pp. 681-701, accessed through JSTOR

While each theory of development and underdevelopment has its own limitations, the dependency model appears to offer, despite its obvious weaknesses, a new and insightful explanation for the persistence of Indian poverty in an era when public expenditure on Native American develop-ment programs has risen dramatically, yet the plight of most American Indians has worsened. This model not only takes into account the histori-cal realities of the Indians' colonial relations with the U.S. government, the destruction of their indigenous social and economic institutions, their exploitation by whites, and their administration by a colonial agency, but also provides a coherent explanation for the Indians' present underdevel-opment by focusing on a new internal structure in the form of comprador elites and dependent tribal institutions which operate to keep Indians poor. Perhaps dependency theory can be used to explain why recent changes in public policy toward Native Americans (that is, termination and self-determination) have generally failed to bring about the desired results.51 For example, the dependency relations so prevalent in the Cherokee case might also be found to exist in federal agencies which employ large bu-reaucracies to provide services to Indians. By that I mean that each of these agencies (the Bureau of Indian Affairs, Indian Public Health Ser-vice, and others) is predicated upon the existence of a need. In other words, the raison d'etre for many of these bureaucratic agencies is a recog-nizable population of poor Indians. If such groups as the Cherokees were suddenly to disappear, it would immediately eliminate the need for these establishments and many jobs in these federal agencies.

Legal federal involvement forces “auto-colonization” of Indian nations

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The fact that Indian nations impose upon themselves the strictures set forth in the laws of the colonizing nation reflects a novel kind of neocolonial development that I call "auto-colonization. Not only is it the case that the United States is unilaterally deciding what judicial powers are possessed by the Indian nations, the Indian nations themselves are assisting the United States by limiting their own authority according to what authority they believe is allowed to them by American law. Not surprisingly, this arrangement looks an awful lot like the federalism arrangement that exists between the federal government and the states. Indeed, some commentators have likened (rather fondly, it seems) the current federal-tribal relationship to just that-something they have coined "treaty federalism.""' Whether viewed positively or not, such a development is deemed a practical reality by its proponents. 84 Regardless of the justification, this theory concludes that the Supremacy Clause contained in the U.S. Constitution must be incorporated to bind the subordinate state and tribal sovereigns to the strictures of American federal law. 5

The aff gives the government the means to further exploit the Natives

Gary C. Anders, Sep. 1980, “Theories of Underdevelopment and the American Indian”, Journal of Economic Issues, Vol. 14, No. 3, pp. 681-701, accessed through JSTOR

After the traditional population has been thwarted politically and change has been introduced, dramatic alterations further uproot the col-onized people. Over time, a new class structure emerges as the modifica-tions introduced by the foreigners create internal divisions. In many instances, the dominant group uses selected individuals to help them control the colonized population.10 The transferral of power to these self-interested persons inevitably leads to their emergence as the major source of political clout and economic wealth in the colony." Eventually, the colonized society becomes increasingly controlled by the domestic compradors. Their alliance with the colonizers gives them the means to influence the internal political apparatus and use the institu-tional decision-making network for their own ends. This dependency rela-tionship readily lends itself to greater centralization of power in the hands of a comprador elite that manipulates the system for the benefit of them-selves and those who keep them in power.

Dependency relationship that the aff reinforces locks them into the role of the colonized

Gary C. Anders, Sep. 1980, “Theories of Underdevelopment and the American Indian”, Journal of Economic Issues, Vol. 14, No. 3, pp. 681-701, accessed through JSTOR

This dependency relationship between colonizer and comprador con-sequently leads to a political economy of internal colonialism. In the litera-ture, such a dependent polity is characterized by a ruling class elite, the marginalization of the local population, and the rise of a highly pro-nounced pattern of social and economic dualism. Pablo Cassanova, for example, found that this pattern of interal domination continued well after Mexico's liberation.12 The move toward national independence, according to Cassanova, failed to produce accompanying changes in the country's internal political structure, even though external colonial ties were broken. In other words, power was merely transferred from a ruling class of Euro-peans to a domestic ruling class: "With the disappearance of direct domi-nation of foreigners over natives, the notion of domination and exploita-tion of natives by natives emerges.... Literature of the 19th Century points to the substitution of the domination of Spaniards by that of the 'Creoles.' Interestingly the exploitation of Indians continued hav-ing the same characteristics it had before independence."'13 The inter-nal colonial structure continued to operate in Mexico because the eco-nomic interests of the new ruling class lay in maintaining the policies their predecessors had introduced. Stavenhagen finds that this phenomenon can be generalized for numerous other newly liberated Latin American re-publics. "[After independence] Indians of the traditional communities once again found themselves in the role of a colonized people: they lost their lands, were forced to work for strangers, were integrated against their will into a new monetary economy, and fell under new forms of political domination."'4

Portraying Indians as in need of government assistance reinforces ideas of their inferiority

Mark Meister & Ann Burnett 2004

Associate Professor of Communication, and Associate Professor of Women’s Studies, both of North Dakota State University, “Rhetorical Exclusion in the Trial of Leonard Peltier” American Indian Quarterly, Volume 28, Numbers 3 & 4, Spring/Summer Issue

 In the legal context, the American Indian is situated in an irrational, cruel, and unstable world, without much hope for comfort. According to Sanchez, Stuckey, and Morris, “rhetorical exclusion” consists of defining outsiders as inherently destructive of governmental power.43As a result, the law “masks” Indian cultures as allegedly inferior “in relation to the prevailing lifestyle of [the] Euro-American.”44The legal system may impose masks on the American Indian, such as framing the Indian as warlike, or the legal system may put a mask on itself, such as taking the role of “the court” or “the law.” In particular, Wilkins asserts that U.S. Supreme Court decisions have masked the American Indian throughout history. Such “legal masking,” notes Noonan, is conceived as a “set of communications” and as “magical ways by which persons are removed from the legal process.” For example, in 1883 the United States Supreme Court, in recognizing the right of tribes to govern themselves, held that they had exclusive authority to try Indians for criminal offenses committed against Indians. According to the Supreme Court: It [the non-Indian court] tries them, not by their peers, nor by the customs of their people, nor the law of their land, but by superiors of a different race, according to the law of a social state of which they have an imperfect conception, and which is opposed to the traditions of their history, to the habits of their lives, to the strongest prejudices of their savage nature; one which measures the red man’s revenge by the maxims of the white man’s mortality [emphasis added]. The Supreme Court of Washington state, in a 1916 case, provides another example of masking and racist stereotyping: “The Indian was a child, and a dangerous child, of nature, to be both protected and re- strained. . . True, arrangements took the form of treaty and terms like ‘cede,’ ‘relinquish,’ ‘reserver’.’ But never were these agreements between equals... [but rather] that ‘between a superior and an inferior.’” Such racist reasoning portrays American Indians as wards of the government who need the protection and assistance of federal agencies. The government’s obligation is to recreate American Indian governments, conforming them to a non-Indian model, to establish their priorities, and to make or approve their decisions for them. As such, American culture views American Indians as subservient and inferior, without the capacity to govern themselves through their own means of cultural power, hierarchy, or legitimacy. To dismiss the above federal and state court rulings as insignificant would be easy, given that they were decided years prior to the civil rights movement in America. Certainly, American society has become more enlightened and more willing to demonstrate its tolerance for American Indian “ways.” Perhaps the government has changed its position between 1883, 1916, and the Peltier trial. Still, even today, without federal recognition American Indians are seen legally as dependent people. As Hsu recently reported, the Virginia state legislature dismissed a proposal to grant federal recognition to eight American Indian tribes in Virginia. By not granting autonomy to the tribes, the government reinforces legal dependency. In 2000 Virginia state representative James P. Morgan introduced legislation that would “acknowledge the partial autonomy” of eight tribes whose presence in the state since pre-colonial times is uncontested. Those opposing federal recognition feared that legally defining the eight tribes as sovereign could someday introduce legalized casino gambling into the commonwealth of Virginia. Although tribal leaders at the time of Hsu’s report had said they were not interested in gambling, many political leaders opposed federal recognition because “future chiefs may think otherwise.” The opposition was significant because it essentially guaranteed legal dependence for years to come.

Impact XTNS

Assimilation justifies destruction of American Indian Culture

Hummingbird Toshka, Member of the La Huerta Cochimi Band Indian Tribe, 1994, “The Genocide of Native Americans: A Sociological View”, http://www.networkaztlan.com/history/genocide\_of\_native.html

The Europeans saw themselves as the superior culture bringing civilization to an inferior culture. The colonial world view split reality into popular parts: good and evil, body and spirit, man and nature, head and hear, European and primitive. American Indians spirituality lacks these dualism's; language expresses the oneness of all things. God is not the transcendent Father but the Mother Earth, the Corn Mother, the Great Spirit who nourishes all. It is polytheistic, believing in many gods and many levels of deity. "At the basis of most American Native beliefs is the supernatural was a profound conviction that an invisible force, a powerful spirit, permeated the entire universe and ordered the cycles of birth and death for all living things." Beyond this belief in a universal spirit, most American Indians attached supernatural qualities to animals, heavenly bodies, the seasons, dead ancestors, the elements, and geologic formations. Their world was infused with the divine - The Sacred Hoop. This was not at all a personal being presiding ominpotently over the salvation or damnation of individual people as the Europeans believed   For the Europeans such beliefs were pagan. Thus, the conquest was rationalized as a necessary evil that would bestow upon the heathen "Indians" a moral consciousness that would redeem their amorality. The world view which converted bare economic self interest into noble, even moral, motives was a notion of Christianity as the one redemptive religion which demands fealty from all cultures. In this remaking of the American Indians the impetus which drove the conquistador's invading wars not exploration, but the drive to expand an empire, not discovery of new land, but the drive to accumulate treasure, land and cheap labor.   CULTURE   Culture is the statement of a people's creativity -- everything they make which is distinctively theirs: language, music, art, religion, healing, agriculture, cooking style, the institutions governing social life. To suppress culture is to aim a cannonball at the people's heart and spirit. Such a conquest is more accomplished than a massacre. "We have seen the colonization materially kills the colonized. It must be added that it kills him spiritually.   Colonization distorts relationships, destroys and petrifies institutions, and corrupts....both colonizers and the colonized." Strategies oftargeting American Indian children for assimilation began with violence. Forts were erected by Jesuits, in which indigenous youths were incarcerated, indoctrinated with non-indigenous Christian values, and forced into manual labor. Schooling provided a crucial tool in changing not only the language but the culture of impressionable young people. In boarding schools students could be immersed in a 24 hours bath of assimilation.   "The founder of the Carlisle Indian Industrial School in Pennsylvania , Capt. Richard H. Pratt, observed in 1892 that Carlisle has always planted treason to the tribe and loyalty to the nation at large. More crudely put, the Carlisle philosophy was, "Kill the Indian to save the man." At the boarding schools children were forbidden to speak their native languages, forced to shed familiar clothing for uniforms, cut their hair and subjected to harsh discipline. Children who had seldom heard an unkind word spoken to them were all too often verbally and physically abused by their white teachers. In short, "there was a full-scale attempt at deracination -- the uprooting or destruction of a race and its culture." A few American Indian children were able to run away, others died of illness and some died of homesickness.   The children, forcibly separated from their parents by soldiers often never saw their families until later in their adulthood, after their value-system and knowledge had been supplanted with colonial thinking. When these children returned from boarding schools they no longer knew their native language, they were strangers in their own world, there was a loss, a void of not belonging in the native world**,** nor the white man's world. In the movie "Lakota Women," these children are referred to as "Apple Children [red on the outside, white on the inside]" they do not know where they fit in, they were unable to assimilate into either culture. This confusion and loss of cultural identity, leads to suicide, drinking and violence. The most destructive aspect of alienation is the loss of power, of control over one's destiny, over one's memories, through relationships -- past and future.   Jose Noriega's well-documented historical account of the forced indoctrination of colonial thought into the minds of American Indian children as a means of disrupting the generational transmission of cultural values,clearly demonstrates the cultural genocide employed by the U.S. government as a means of separating the American Indians from their land.

Survival of Native American culture is necessary to prevent survival of all species

Lilian Freedberg, 2000, “Dare to Compare: Americanizing the Holocaust”, American Indian Quarterly 24.3 p. 353-80, http://muse.jhu.edu/journals/american\_indian\_quarterly/v024/24.3friedberg.html

Attempts on the part of American Indians to transcend chronic, intergenerational maladies introduced by the settler population (for example, in the highly contested Casino industry, in the ongoing battles over tribal sovereignty, and so on) are challenged tooth and nail by the U.S. government and its "ordinary" people. Flexibility in transcending these conditions has been greatly curtailed by federal policies that have "legally" supplanted our traditional forms of governance, outlawed our languages and spirituality, manipulated our numbers and identity, usurped our cultural integrity, viciously repressed the leaders of our efforts to regain self-determination, and systematically miseducated the bulk of our youth to believe that this is, if not just, at least inevitable." [55](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html%22%20%5Cl%20%22FOOT55) Today's state of affairs in America, both with regard to public memory and national identity, represents a flawless mirror image of the situation in Germany vis-à-vis Jews and other non-Aryan victims of the Nazi regime. [56](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html%22%20%5Cl%20%22FOOT56) Collective indifference to these conditions on the part of both white and black America is a poor reflection on the nation's character. This collective refusal to acknowledge the genocide further exacerbates the aftermath in Native communities and hinders the recovery process. This, too, sets the American situation apart from the German-Jewish situation: Holocaust denial is seen by most of the world as an affront to the victims of the Nazi regime. In America, the situation is the reverse: victims seeking recovery are seen as assaulting American ideals. But what is at stake today, at the dawn of a new millennium, is not the culture, tradition, and survival of one population on one continent on either side of the Atlantic. What is at stake is the very future of the human species. LaDuke, in her most recent work, contextualizes the issues from a contemporary perspective: Our experience of survival and resistance is shared with many others. But it is not only about Native people. . . . In the final analysis, the survival of Native America is fundamentally about the collective survival of all human beings. The question of who gets to determine the destiny of the land, and of the people who live on it--those with the money or those who pray on the land--is a question that is alive throughout society. [57](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html%22%20%5Cl%20%22FOOT57) [End Page 367] "There is," as LaDuke reminds us, "a direct relationship between the loss of cultural diversity and the loss of biodiversity. Wherever Indigenous peoples still remain, there is also a corresponding enclave of biodiversity." [58](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html%22%20%5Cl%20%22FOOT58) But, she continues, The last 150 years have seen a great holocaust. There have been more species lost in the past 150 years than since the Ice Age. (During the same time, Indigenous peoples have been disappearing from the face of the earth. Over 2,000 nations of Indigenous peoples have gone extinct in the western hemisphere and one nation disappears from the Amazon rainforest every year.) [59](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html%22%20%5Cl%20%22FOOT59) It is not about "us" as indigenous peoples--it is about "us" as a human species. We are all related. At issue is no longer the "Jewish question" or the "Indian problem." We must speak today in terms of the "human problem." And it is this "problem" for which not a "final," but a sustainable, viable solution must be found--because it is no longer a matter of "serial genocide," it has become one of collective suicide. As Terrence Des Pres put it, in The Survivor: "At the heart of our problems is that nihilism which was all along the destiny of Western culture: a nihilism either unacknowledged even as the bombs fell or else, as with Hitler or Stalin, demonically proclaimed as the new salvation." [60](http://muse.jhu.edu/journals/american_indian_quarterly/v024/24.3friedberg.html%22%20%5Cl%20%22FOOT60)

\*\*\*Solvency\*\*\*

Recent TIGER program by the DOT funds transportation of Indians

US DOT, 6/22/12, “U.S. Transportation Secretary LaHood Announces Funding for 47 TIGER 2012 Projects as Overwhelming Demand for TIGER Dollars Continues”, http://www.dot.gov/affairs/2012/dot6812.html

U.S. Transportation Secretary Ray LaHood today announced that 47 transportation projects in 34 states and the District of Columbia will receive a total of almost $500 million from the U.S. Department of Transportation’s TIGER (Transportation Investment Generating Economic Recovery) 2012 program. “President Obama’s support for an America built to last is putting people back to work across the country building roads, bridges and other projects that will mean better, safer transportation for generations to come,” said Secretary LaHood. “TIGER projects mean good transportation jobs today and a stronger economic future for the nation.” The TIGER program is a highly competitive program that is able to fund innovative projects difficult or impossible to fund through other federal programs. In many cases, these grants will serve as the final piece of funding for infrastructure investments totaling $1.7 billion in overall project costs. These federal funds are being leveraged with money from private sector partners, states, local governments, metropolitan planning organizations and transit agencies. TIGER has enjoyed overwhelming demand since its creation, a trend continued by TIGER 2012. Applications for this most recent round of grants totaled $10.2 billion, far exceeding the $500 million set aside for the program. In all, the Department received 703 applications from all 50 states, U.S. territories and the District of Columbia. The grants will fund a wide range of innovative transportation projects in urban and rural areas across the country: • Of the $500 million in TIGER 2012 funds available for grants, more than $120 million will go to critical projects in rural areas. • Roughly 35 percent of the funding will go to road and bridge projects, including more than $30 million for the replacement of rural roads and bridges that need improvements to address safety and state of good repair deficiencies. • 16 percent of the funding will support transit projects like the Wave Streetcar Project in Fort Lauderdale. • 13 percent of the funding will support high-speed and intercity passenger rail projects like the Raleigh Union Station Project in North Carolina. • 12 percent will go to freight rail projects, including elements of the CREATE (Chicago Region Environmental and Transportation Efficiency) program to reduce freight rail congestion in Chicago. • 12 percent will go to multimodal, bicycle and pedestrian projects like the Main Street to Main Street Multimodal Corridor project connecting Memphis and West Memphis. • 12 percent will help build port projects like the Outer Harbor Intermodal Terminal at the Port of Oakland. • Three grants were also directed to tribal governments to create jobs and address critical transportation needs in Indian country.

They can’t solve anything for almost 30 years

Levi Rickert, 11

Editor for Native News Network (Levi, “Senators Told: "Roads in Indian Country Are Not Safe"” <http://www.nativenewsnetwork.com/senators-told-roads-in-indian-country-are-not-safe.html>

 Two-thirds of roads on Indian reservations are unpaved. Twenty-seven percent bridges have been deemed structurally deficient. Floods, snow and other natural disasters have made roads and bridges worse on several reservations in Indian Country. It would take 28 years of continuous development and repairs to bring roads in Indian Country up to where they need to be. The lack of funding contributes to the transportation disparity in Indian Country.

No solvency—different tribal requirements mean one federal strategy will fail

Emery, et al. 06 North Central Regional Center for Rural Development (Mary, Milan Wall, Heartland Center for Leadership Development, Corry Bregendahl, North Central Regional Center for Rural Development, Cornelia Flora, North Central Regional Center for Rural Development, “Economic Development in Indian Country: Redefining Success”, 8/30, The Online Journal of Rural Research and Policy Issue 4, ojrrp.org/journals/ojrrp/article/download/32/30 SW)

 Clearly, one-size-fits-all approaches to sustainable economic development will not work in Indian Country. As the research described above indicates, the characteristics of each reservation differ, particularly in regard to political and cultural capital. These differences influence not only the type of economic development strategies employed and the success of these strategies, but also the opportunities for successful entrepreneurship among tribal members. Figure 1 illustrates the interaction of decision-making structures and investment of tribal funds. Well-developed governance structures often include 4 year staggered terms, independent judiciaries, enterprise development boards, appropriate commercial codes, and business licensing procedures. These environments contribute to increased access to financial capital and opportunities for business stability. Less-developed governance structures often lack continuity which impacts access to capital and the ability of investors to ascertain risk. Tribes also vary on how they invest income from tribal ventures. In some cases this revenue is allocated primarily as per capita payments. The belief that this money will continue to support tribal members can act as a brake on enterprise development. In contrast, other tribes invest profits from these businesses into supporting the educational goals of tribal members thus increasing human capital, providing capital for entrepreneurial start ups, enhancing natural resources and cultural assets, and diversifying their ventures. Where a particular reservation might fall in this graph would determine to a large degree the opportunities and challenges facing entrepreneurs and enterprise development boards.