## American Indians Aff

### 1AC

The standard is consequentialism.

1. Consequences are relevant under any theory. The only way that we know an action is good or bad is through its results. A violation of a constraint might be bad because it results in treating someone as a means. Talking about how we can only know intent does nothing for you: consequentialists concede this, and speculate about end states based on the aims of the actions.
2. To let die is to intend death, means side-constrains devolve into aggregation Mulhnickel 08

Robert Luhdvig Muhlnickel, Ph.D, Thesis for University of Rochester 2008 - “Consequentialism and doing and allowing”

[urresearch.rochester.edu/institutionalPublicationPublicView.action?institutionalItemId=4681](https://urresearch.rochester.edu/institutionalPublicationPublicView.action?institutionalItemId=4681)

Quinn intends both to justify (1) and to show **that [In the trolley dilemma] ‘not to switch’ is an instance of doing**, despite the appearance that ‘not to switch’ is an instance of allowing. Quinn thinks **there are only two acceptable** **reasons that [not switching]** (1) **is morally permissible:** (i) **the agent’s motive of** keeping clean hands (that is**, avoiding doing what is morally wrong); or** (ii) **preventing the death of the one on the sidetrack.** The driver’s **keeping morally clean hands** is not an “acceptable reason” for not switching because it **presupposes that it is morally wrong not to switch**. We are trying to determine whether not switching is morally wrong, so we should avoid assuming[.] that not switching is morally wrong. Reason (ii) for (1), that it is morally permissible not to switch because **[If] the driver intends to prevent the one’s death**, entails that **the driver intends that the train move [to]** in such a way that it **prevents the one’s death. If the driver intends** that the train move in a way that **it [to] prevents the one’s death, the driver intends the train to move in a way that [it]** the train’s movement **kills the five since moving in a way that kills the five is causally necessary for preventing the death of the one.**

And prefer an interpretation where we implement a policy since anything else would exclude analysts’ opinions on what happens when we actually do these things.

Focusing on justification for punishment is bad -- philosophy is bad because it produces convoluted and often false conclusions.

Hallquist 11, Chris Hallquist, Philosophy is Dysfunctional, 2011

Here’s why: while philosophers pride themselves on caring about producing good arguments and getting at the truth, if they don’t agree what arguments are good or what the truth is, they can’t reward each other for doing either of those things. So philosophers aren’t under any pressure to get anything important right, and I don’t think they’re under any significant pressure to actually produce good arguments. What they are under pressure to demonstrate cleverness, and demonstrate being in tune with philosophical fads and cliques.¶ Pressure to be clever is a problem because clever does not equal right. Clever can be the enemy of right. As a very wise contributor to Less Wrong [once said:](http://lesswrong.com/lw/2pv/intellectual_hipsters_and_metacontrarianism/) “Any idiot can tell you why death is bad, but it takes a very particular sort of idiot to believe that death might be good.” So if you’re worried about being mistaken for just any idiot, take the position that any idiot can see is wrong.¶ Consider an example that seems too silly to be real. If I hold up two fingers and ask “how many fingers am I holding up?” saying “two” will not demonstrate cleverness. It only shows that you are conscious, speak English, and can see straight. If you want to be clever, you might say something like, “I don’t know how many fingers you’re holding up, because who really knows anything, anyway?”¶ Not that that’s actually a very clever answer. It’s sophomoric. But consider this answer: “The problem of external world skepticism has yet to be adequately addressed by philosophers. Many contemporary philosophers simply dismiss it, but I think these dismissals fail to adequately grapple with it, or even understand the real nature of the problem. However, I also believe that recent work in philosophy has made considerable progress towards solving the problem.” There, now we’re talking. So much better than just saying “two.”¶

This is also a reason to prefer consequentialism – all potential end states of the resolution link allowing for more ground and encouraging a substantive, rather than framework-heavy debate.

And, reasons why we should adopt the aim of punishment interp are not competitive – my argument is just that the aff should defend doing something. We can still categorize a policy as rehab or retribution based on what it aims to do, and we can still evaluate whether policies aimed a certain way are good or bad.

### Contention

Part 1 is Inherency:

The federal justice system as it pertains to American Indian reservations is inadequate and rooted in harsh discrimination.

Doyle and Eid 11 Carrie Covington Doyle and Troy A. Eid Separate But Unequal: The Federal Criminal Justice System in Indian Country. 2011.

In this Article, Troy Eid, a former United States Attorney for the District of Colorado, and Carrie Covington Doyle conclude that the federal criminal justice system serving Indian country today is “separate but unequal” and violates the Equal Protection rights of Native Americans living and working there. That system discriminates invidiously because it categorically applies only to Native Americans and then only to crimes arising on Indian lands. It is unequal because it is largely unaccountable, needlessly complicated, comparatively under-funded, and results in disproportionately more severe punishments for the same crimes, especially for juveniles.¶ This Article traces the historical foundations of criminal justice in Indian country with emphasis on the Major Crimes Act of 1885 (“MCA”) to demonstrate that Congress’s decision to extend federal jurisdiction to Indian reservations was ill-considered and meant only as a temporary expedient. Imposed by Congress with racist intentions in the late nineteenth century, that system still fails to satisfy even the minimum standards of fairness and equality that the Constitution is commonly understood to afford to all U.S. citizens under the Fourteenth Amendment.¶ A careful review of the MCA and its racist origins is long overdue and relevant to today’s debate over the future of the federal criminal justice system in Indian country. Congress’s extension of federal jurisdiction to Indian reservations was central to the federal government’s forced assimilation policy and the destruction of traditional tribal institutions, values, and culture in the late 1800s. Yet even as national policies toward Indians have changed dramatically in recent decades, the architecture of the federal criminal justice system in Indian country has remained stubbornly frozen in time and poses a serious obstacle to tribal sovereignty and self-determination.¶

This turns proportionality offense because punishments are often too severe for Natives, and based on their ethnicity as opposed to the actual crime that they have committed.

Current prohibition of alcohol on reservations is ineffective – it merely taints records and even encourages more dangerous ways of obtaining the substance

Newman 12, Tony Newman, Huffington Post, Alcohol Prohibition Not Helping Native Americans Deal With Harms of Alcohol, 2012

While alcohol is illegal on the reservation, Whiteclay, a small town close to the reservation sells incredible amounts of alcohol to the Oglala Sioux who visit the town for the sole purpose of buying the legal alcohol. Kristof rails against Anheuser-Busch for exploiting the Pine Ridge alcohol ban by selling beer to Whiteclay and calls for a boycott on the company.¶ While Kristof's column makes clear the horror alcohol abuse can cause, he fails to acknowledge that while alcohol prohibition is not only failing to stop drinking, it's also producing other negative and harmful consequences. Despite the tribe's best intentions, the Oglala Sioux [bought](http://www.nytimes.com/2012/04/12/us/nebraska-bill-on-beer-sales-near-reservation-is-stalled.html?pagewanted=all) four million cans of "forbidden" beer. Because alcohol is prohibited, the police are arresting people for possession of a single beer. The tribe says that more than 90 percent of arrests by the tribal police are alcohol-related, along with 90 percent of arrests of juveniles. So in addition to the problems of alcohol abuse, tribe members have to deal with arrests, incarceration and criminal records. Would the tragic killing between cousins over a can of beer have happened if alcohol was not illegal? We don't know, but it is clear that the prohibition of alcohol didn't prevent the killing.¶ One solution Kristof advocates is to expand the Pine Ridge land to take over Whiteclay so that the Oglala Sioux won't be able to buy their alcohol from this neighboring town. But that "solution" would not stop drinking any more than the current prohibition -- it would just mean driving farther to another town to purchase beer, [increases] the risk of drinking and driving.¶ As terrible as alcohol and other drugs are for some people, prohibition is not the answer. It didn't work in the United States in the 1920s and it is not working for the Sioux people today. Education, substance abuse prevention and jobs will have better success than prohibition and the illicit market that will inevitably spring up to meet the demand.

The reservations’ policing system is beyond repair – unmotivated and at odds with the individuals it is aimed to protect.

Wakeling 01 Stewart Wakeling, Miriam Jorgensen, Susan Michaelson, Manley Begay Policing on

American IndianReservations, National Institute of Justice, 2001

In particular, we argue that many of the problems with policing in Indian Country, which subsequent- ly affect the quality of policing, are linked in impor- tant ways to Federal policy. Strong evidence points to longstanding, cumulative negative effects of Federal policy on the practice of policing in Indian Country. The historical record shows how Federal policy created a system that served the interests of the U.S. government and nontribal citizens and failed to promote the ability of Indian nations to design and exert meaningful control over their own [reservation] policing institutions. Departments administered by the BIA are not agents of tribes but of the Federal Government and, as such, [has] limited incentive to look to the communities they serve for legitimacy or for authorization of the police function. Over time, this arrangement has created a significant gap between tribal police and the communities they serve, a gap that is reflected in mismatches between police and community priorities and between police methods and tribal norms and values.

Incompetence of police officers on Native reservation mitigates the deterrent effect – you can’t fear something that you don’t respect. Discrimination arguments also turns identity negs – Native expression is limited due to institutional stigmatization.

The alcohol problem has been fueled by a loss of identity, especially for men.

Milbrodt 02 Breaking the Cycle of Alcohol Problems Among Native Americans: Culturally-Sensitive Treatment in the Lakota Community

White Shield cites this changing position of men in Lakota society as being a major contributor to high rates of alcoholism on the Rosebud Res- ervation. She believes that Lakota men have been severely affected by the reservation system, stripped of their traditional position as hunters and warriors. “I think that what we need to do today is support our men even more,” says White Shield, “because it is the men who suffered a lot. The man suffered a lot because he had to change his whole way of living . . . I think they are still struggling today because they are trying to find their place in that society. Their roles have changed so drastically that, for gen- erations and generations, the humility, the embarrassment, all those emo- *29*tions . . . have no place to go” (White Shield, P.I., July 21, 1999). In contrast, according to White Shield, Lakota women have always been strong in the *tiyospaye* system, and thus are able to maintain more of their cultural identity. White Shield asserts that if the federal government had destroyed the traditional family-oriented role of the woman instead of that of the man, the Lakota culture would not be nearly as strong as it is to- day (White Shield, P.I., July 21, 1999). Given the social and spiritual con- fusion experienced by men in Lakota society, Monica Larvie emphasizes the need for women to aid men in regaining their cultural identity. She says, “If you look at our society . . . it’s more of the women that are work- ing than the men. It is very difficult for them to find jobs . . . that takes their self-esteem away. The men were out there hunting years ago, that was in their culture. The man probably wants to provide more and have a steadier job and I notice that’s not happening” (Larvie, P.I., July 21, 1999). It is the lack of identity, of cultural responsibility, that has led to despondency and to alcoholism; people are lost when they do not know who they are and when they do not feel useful. To resist alcohol, men will need to regain their purpose in Lakota society, to find responsibilities in contemporary reservation life that are similar to those they held during the pre-reservation era.

Thus, I defend reforming the criminal justice system on American Indian reservations through lifting prohibition on alcohol and sentencing alcohol offenders to court-ordered rehabilitation that utilizes traditional Native rituals.

Part 2 is the Solvency

To be effective, programs need to incorporate tribal practices to allow for a more focused approach that reinvigorates Native culture and helps its participants obtain sobriety.

Milbrodt 2

Healing the culture is crucial to the future of alcohol abuse rehabilitation programs for the Native American population. It is equally important that treatment professionals working with Native American people realize the importance of [integrate] culture into the recovery process. For example, as Clifford explains, alcohol counselors who have been assigned to the reserva- tion from state-sponsored alcohol and drug problems often experience prob- lems attracting clients. He believes that some of these counselors are unable to relate to the Lakota people and are trying unsuccessfully to institute treat- ment programs that were designed for the mainstream Americans. “The point is to develop a treatment model to the population that you’re working with,” Clifford says. “No matter how good you are or how much you know, the proof of the pudding is who’s coming to visit you” (Clifford, P.I., July 16, 1999). Alcoholism rehabilitation methods that work best in Native American communities are ones designed to treat both the individual and the culture. For instance, programs could include the restoration of traditional warrior societies to contemporary Lakota culture. This would help strengthen the cultural identity of Lakota males, giving them the sense of self-worth that is necessary to reject alcohol as a medicator. White Shield and Larvie agree that reinstating warrior societies to Lakota culture would not only help men to re- capture their identity, but the community as a whole could regain a sense of cooperation. As White Shield remarks, “societies had their own power and they had their own gifts to offer other societies. They weren’t in competition with each other. We did that years ago and now we have to relearn it. [Societies] made tribes strong” (White Shield, P.I., July 21, 1999). Traditional spiritual practices are another tool that can help Lakota alcoholics through the recovery process. Jordan comments that her recovery was aided by returning to her culture and finding the spiritual base her par- ents could not provide when she was growing up. They had not experi- enced true Lakota religion, she says, because they were boarding school children. “In my recovery I had the support of spiritual traditions,” Jordan remembers. “I went back into the sweat lodge . . . I got involved with danc- ing. Gaining back your self-worth has a lot to do with gaining back your culture . . . reclaiming yourself as a sacred spirit if necessary. Only our cul- ture can provide that right now” (Jordan, P.I., July 6, 1999). During the past few decades, [such] recovery methods such as the ones sug- gested by White Shield and Jordan have been gaining prominence among alcoholism treatment centers. One example of this type of “indigenous therapy” includes programs among the Coast Salish of British Columbia. Some Coast Salish people who had problems with alcohol dependency found that participation in Native ceremonies was key to their recovery. The hours that had been spent drinking were used to prepare costumes and meet with other dancers. Additionally, Salish tradition forbids consuming alcoholic beverages for the duration of the six-month ceremonial season. The pride that Salish dancers gained in their culture through participating in these rituals helped to alleviate depression and other problems that might have occurred as a result of abstention (Heath, 1983).

Programs like AA have been adapted to fit the needs of the Native society

Milbrodt 3

For the alcoholic, AA meetings become an alternate activity to drinking and provide a circle of friends who do not drink. These same elements occur in Lakota society through engaging in cultural activities such as sweat lodges, powwows, and sun dances. Similarly, AA members feel a respon- sibility towards the other members of their AA group (Wilcox, 1998). Lakota people commit to helping members of their *tiyospaye.* Finally, the anonymity on which AA is based means that members are more willing to discuss their problems with other AA members and builds confidence in the group (W., 1967). An equal level of comfort is provided by the *iyospaye,* in which problems faced by a recovering alcoholic can remain more secretive.

Part 3 is the Impact

Alcohol-related deaths for Native Americans are much higher than the national average, contributing to a spike in crime and poverty

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Overall, alcohol abuse in Native America yields some very grim fig- ures. Based on morbidity statistics and alcohol treatment center data, the National Health Service estimates that 40 percent of Native Americans are problem heavy drinkers, compared with 14 percent of whites (Group for Advancement of Psychiatry, 1996). Additionally, Native Americans [and] have a [vehicle] homicide rates that is [5] times the rate of the general popula- tion, a homicide rates [3] times the general rate, and an incident of suicide that is [2] times the general rate. Depending on the source quoted, 60-90 percent of these deaths can be attributed to alcohol (Westermeyer, 1996). Overall, it is estimated that 17 percent of all deaths among Native American people are connected to alcohol. One-third of these deaths are a result of alcoholism; the other two-thirds are alcohol-related (May, 1996). The United States average rate for alcohol-related deaths is around 4.7 percent (May, 1998). Besides the toll that alcohol takes on human lives, substance abuse drains Native communities of economic resources through medical expenses, lost wages, and social welfare programs (Westermeyer, 1996). Around 46 percent of Native men and 63 percent of Native women report being raised in an alcoholic family (Group for the Advancement of Psy- chiatry, 1996).

And there is between double and triple the crime problem on reservations.

* Wakeling 2
* Inadequate funding is an important obstacle to good policing in Indian Country. Existing data suggest that tribes have between 55 and 75 percent of the resource base available to non-Indian communities. But the terms used in this comparison may underes- timate the resource needs of Indian Country depart- ments. The appropriate police coverage (police officers per thousand residents) comparison may not be between Indian departments and departments serving communities of similar size, but between Indian departments and communities with similar crime problems. Given that the violent crime rate in Indian Country is between double and triple the national average (Greenfeld and Smith 1999, 2), comparable communities would be large urban areas with high violent crime rates. For example, Baltimore, Detroit, New York City, and Washington, D.C., feature high police-to-citizen ratios, from 3.9 to 6.6 officers per thousand residents (Bureau of Justice Statistics 1998).1 Few, if any, departments in Indian Country have ratios of more than 2 officers per thousand residents.

And solving alcohol abuse is key to restoration of Native American identity.

Milbrodt 5

Perhaps most importantly, defeating alcoholism in Native America can break the historic stereotype of the “drunken Indian,” refuting the idea that drinking is “the Indian thing to do.” These notions must be replaced with an image of Native people as strong and capable, a change that is impor- tant to the collective psychology of Native America and non-Native America. Through this restoration of pride, Native Americans will be able to continue the process of regaining their ethnic identity, remembering who they are as a people. Knowledge of self and culture can ultimately lead to the elimination of alcoholism and other forms of drug dependency, the breaking of cycles, and the rising of nations of people.

The survival and recognition of Native American solutions to crime are critical to averting environmental collapse and extinction.

Tinker 96**,**

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

 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 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.**

And, my advocacy

1. De-links and turns identity negs because my form of rehab doesn’t “mold” anyone – the process is tribal practices that are already a part of the participants’ heritage.
2. De-links proportionality Ncs

Retribution for alcohol is not proportional since

First, the actual act that is illegal is the drinking itself, but how much alcohol leads to intoxication differs situationally – one punishment doesn’t fit all

Second, while under the influence, one is not culpable for his or her actions. Further, alcoholism in Native America is a result of colonialism – the substance was introduced by Europeans who used it as an instrument of manipulation. Also delinks desert arguments.

### Natives First

Prefer Native American impacts. It’s not pre-fiat in the sense that you sign your ballot to endorse the position; rather an impact filter. My offense comes first since it has the tangible benefit of education in the real world, so even if you have a stronger link to a framework logically, as long as I DO link, I should outweigh.

1. is Learning About Our Roots

Learning about Natives is key to understanding ourselves. White-Kaulaity 06

The Voices of Power and the Power of Voices: Teaching with Native American Literature, Marlinda White-Kaulaity [member of the Diné (Navajo) Nation, and is a doctoral candidate in English Education working on a disertation related to Native American student writing. She taught English for 24 years on the Navajo Indian Reservation prior to returning to Arizona State University], THE ALAN REVIEW Fall 2006

After reading this article, Native American writers, Simon Ortiz, Laura Tohe and Cynthia Leitich Smith, shared their thoughts on the importance of **Native American voices in the lives of all young people and in the high school curriculum.** Simon Ortiz: “It is vastly important and necessary that Native (or Indigenous) American literature be a basic part of high school education for three reasons**: 1. Indigenous cultural knowledge is an essential part of the cultural community of the present American world. 2. Land, culture, and community are intrinsically the binding elements of overall cultural connection to the natural landscape of the environment and the world as a whole. 3. The power of the Indigenous voice comes from the cultural connection to the world.** Native American literature is an expression of that connection.” Cynthia Leitich Smith: Many of today’s Native writers are among the very best. Bernelda Wheeler’s (Cree/Ojibwe/Métis) gentle humor makes a point in “Where Did You Get Your Moccasins?” The Birchbark books by Louise Erdrich (Turtle Mountain Band Chippewa) show a different perspective than could be viewed from a certain little house and inspire a generation to cheer for Omakayas, a strong Native girl. Few novelists rank with Sherman Alexie (Spokane- Coeur d’Alene) or poets with Joy Harjo (Muskogee). They say, the greater the adversity, the greater the hero. Read Native literature for its quality and because, boy, do we have some heroes for you. Laura Tohe: **At the heart of Indigenous belief come expression of songs, prayers, and stories that bring us to learn where we came from, who we are, and our paths toward greater knowing.** The voices of long ago and the voices of today’s Native writers are crucial and an essential part of a curriculum that strives to understand and appreciate the rich literary and cultural heritage of America’s first nations. To see one’s self in a writer’s words is powerful and freeing. To see Native American writer’s books alongside other classic works is affirming and beneficial to all students.

1. is Owning Up to Our Mistakes

We have a responsibility to become active parts of the solution to the cultural genocide; we have contributed to the problem.

Churchill ‘3 (Ward, Professor of American Indian Studies at University Colorado - Boulder. 2003, (On the Justice of Roosting Chic kens - Reflections on the Consequences of U.S. Imperial Arrogance .and Criminality, pp. 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 necessaiy 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 Gennany 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 eveiybody else-would have been far less had they simply done what was so obviously necessary in the first place." That the Germans did not rise to the occasion, saving themselves and others untold misery, was the result neither of apathy nor of cowardice. Rather, their collective failure to meet even the most rudimentary of their obligations to humanity accrued from the fact that they, afflicted with their own Teutonic version of America's triumphant exceptionalism. overwhelmingly applauded nazism's imposition of a "new order" both at home and abroad, turning at best a blind eve to its "flaws" until Germany began to incur its first Significant defeats during the winter of 1941-42 (for most Germans, the "turning point in morale") did not really set in until the disaster at Stalingrad a year afterwards, and for many later still. "There after, they were reduced first to fighting with increasing desperation to stave off a collective punishment they knew full well the lethal arrogance of their own behavior had earned them, then by-and-large- in a striking parallel to Americans' perpetually sweeping assertions of "national innocence"- to denying that the punishment was warranted. Those today who are serious in seeking to come to grips with U.S. militarism would do well to heed the lessons provided by the experience of their German predecessors. Leashing the North American Reich will not be attained through petition campaigns, candle-lit vigils, marches, rallies, mass demonstrations or any other such state-sanctioned method of "swaying" policy formation/implementation. It will not be attained through electoral efforts to "throw the bums out" of office or in support of "the lesser of two evils" (the result of which is always and by definition an endorsement of evil), by litigation in judicial fora integral to the offending entity, or by lobbying for the enactment of new laws. Still less will it come through the writing of better books, poems and movie scripts, taking the right drugs, alterations in diet and hair styles, fetishizing the significance of gender parity, establishing alternative radio stations, ridding society of ashtrays or riding bicycles rather than driving cars. With all due respect to Pete Townsend, music is not "the revolution."39 If any or all of these "lines of action" combined were in the least threatening to the stability of the status quo, they'd simply be declared illegal on their face, or, as has often happened, militarily- repressed long before they reach the point of inflicting discemable damage." Each, or at least most, of these approaches yield a discemable utility, but only when their functional limits are properly understood: petition drives and electoral campaigns, litigation and mass protests are of value only to the extent that their organizers consciously employ them as vehicles upon which to demonstrate the impossibility of achieving meaningful change through such means." In the sense, and this sense only, involvement in state-sanctioned modes of political activity can be useful, not as "solutions" or ends in themselves, but as tactical expedients necessary to developing the "critical mass" necessary to eradicate the U.S. **The objective, attainable if approached correctly** (which means, first and foremost, framing issues clearly)**, is to facilitate a popular reappraisal of the "American character." engendering thereby a generalized assessment moving ever closer to a genuine apprehension of reality. Concomitantly, a revision in the self-concept held by individuals, most pronouncedly among those situated within communities of color and elsewhere along the lower third of the socioeconomic spectrum, stands to be set in motion. This, in turn, will all but inevitably precipitate a profound reconceptualization of what must be done if "things are to be set right" in the U.S.. as well as the obligation of "average Americans" to do it. A dynamic duality is thus unleashed, signaled in the first instance by a mounting refusal to serve in the military and other enforcement mechanisms by which the present order is sustained." in the second by a growing willingness to confront and defeat these steadily-weakening institutions on their own terms, ultimately overpowering and discarding them.**

And, Role of the ballot.

As an educator, it is your responsibility to make sure marginalized voices aren’t excluded from the discussion.

White-Kaulauity 06

Teachers play a huge role as decision-maker, change agent, and as determiner of whose voices are heard and experienced in the classroom. Essentially, pedagogy rests on values, and “Value issues infuse every classroom” (Sizer 123). In relation to choices and young minds, author John Gaughn says in his book *Cultural Reflections,* “School is a controlled environ­ ment. We condition children to behave in certain ways, to assume certain attitudes, to become certain kinds of Americans” (23). Will our students learn to be thoughtful and appreciative of other voices, viewpoints, and perspectives? Many voices wait at the doors of classrooms, and it is up to teachers to say, “Welcome. Come into our classroom.” The voices of many different people can be powerful. Judith Ortiz Cofer, a Puerto Rican writer and educator, states:This is what I have learned from writing as a minority per­ son in America that I canteach my students: Literature is the human search for meaning. It is as simple and as pro­ found as that. And we are all, if we are thinking people, involved in the process. It is both a privilege and a burden (562-563). As language arts teachers, we must accept thatprivilege and burden because we are accountable for the development of a young person’s personality.

### Underview

1. Presume aff- Strategy skew- I speak in the dark. You read new framework and definitions to exclude 6 minutes of my offense. Further, I have to give a 4 minute rebuttal after your 7 minute speech. Also means no neg RVIs because you have 6 minutes to cover theory. You don’t need it and it puts you ahead since you win on something that you can develop infinitely more.
2. Reject theory that has nothing to do with my aff or else you can read spec every round and aim of punishment and get an automatic theory out

And, drop the arg, not the debater on topicality questions. This doesn’t just refer to definitions debate but any arguments about what constitutes a legitimate aff on this topic or what the aff has to defend specific to this resolution. This doesn’t apply to theory interpretations, which are distinct from topicality interps based on the resolution.

1. Constructive ground. There are an infinite number of T interps you could make to exclude my aff. Not fair if neg can always utilize a strategy that automatically results in an aff loss.
2. Discussion of any topic is useless without context. I had to choose something to generate consistent ground. Thus, I’m not accountable for the definition I chose.
3. A definition is not an advocacy. Fairness holds debaters responsible for the positions that they chose to endorse, but a definition modifies my stance but doesn’t determine it.
4. The purpose of the resolution is to delineate offense for both sides. T, thus, should just be used to make certain categories of offense relevant, not to exclude the debater.

These arguments are not defensive; if drop the argument is not necessary we’d assume it proactively unfair since it results in an automatic aff loss, mooting 100% of substantive ground.

## Frontlines

### Retribution Bad

Policing fails – multiple warrants.

Wakeling 01Stewart Wakeling, Miriam Jorgensen, Susan Michaelson, Manley Begay Policing on

* They find that  Poor employee morale and high turnover result in a lack of well-qualified and experienced officers. Inadequate budgets, fiscal mismanagement, and even corruption create serious obstacles to the effective delivery of important police services and programs. Basic departmental management is flawed. Undue political interference in police operations inhibits the ability of the police to perform their duties in a fair and equitable manner and reduces the credibility of the police in the eyes of the community.  Such findings have led many researchers, policy- makers, and police professionals to conclude that reservation policing is in crisis. In response, a num- ber of special reports, commissions, conferences, and blue-ribbon committees have grappled with the problems and have produced a wide variety of rec- ommendations and proposals. These include increas- ing funding, tightening management, clarifying ambiguous reporting relationships, and improving technology. Many of these responses are necessary to improve policing in Indian Country, but we are concerned that they may treat the symptoms, rather than the disease.

Retributive policies fail because of inconsistency in their application.

Beauvais 98

Policies regulating the sale and use of alcohol can serve as important tools in preventing alcohol problems and merit increased attention among tribes. However, although such policies may succeed to some extent in community settings such as reservations, they may be more difficult to implement in urban or rural settings in which American Indians are only a small portion of the total population. Currently, many different agencies implement alcohol policies [but] and claim some responsibility for lowering the rates of alcohol use. As a result, policies are inconsistent, contributing to uncertainty in the Indian community, especially among adolescents, about normative use and sanctions against illegal use.

Strict regulation of alcohol on regulation has been ineffective and potentially dangerous.

Beauvais 98

Prohibition has been the most prevalent policy in attempting to reduce alcohol consumption among Indian tribes, although it has been inconsistently applied. In colonial times, tribes as well as non-Indian authorities attempted to limit the sale or importation of alcohol within Indian territories. The bans were mostly ineffective, however, because alcohol was involved in lucrative trading and someone was always willing to distribute it. Alcohol even became a political issue when the British and French governments vied for the “friendship” of various tribes by providing alcohol (Smart and Ogborne 1996). In 1832 the U.S. Congress passed legislation banning the sale of alcoholic beverages to Indian people. That legislation was repealed in 1953, and tribes were given the option of retaining prohibition or allowing the sale and consumption of alcohol on reservations. Today nearly two-thirds of all reservations are technically “dry.” Little is known about the effects of the Federal legislation before 1953, although most observers would agree that it was not very effective. May (1992) and Bellamy (1985) examined the effects of the then-current prohibition laws by comparing “wet” and “dry” reservations with a number of factors, such as health indices and accident rates. For the most part, the researchers found [and there are] few differences between wet and dry reservations. However, May raised the issue of whether prohibition [may have] actually created more problems, because people who went off the reservation to drink were more susceptible to death and injury from exposure and from driving under the influence. Reflecting on the weak results of prohibition, May (1992) suggested that legislation alone is not the answer. He called for a community consensus to be developed regarding the use of alcohol as well as a comprehensive approach to involve multiple community agencies and groups. In lieu of such a consensus, **[else] it would be impossible for a**ny one responsible **community faction to “enforce” a** common **standard.**

### Rehab Works

Solves Culture

Rehabilitation in its current form is a manifestation of indigenous American traditions.

Tatum, 12, Melissa L. November 12, US Culture, Justice System Owe Much to Indians

But comparatively less is known about the mainstream's borrowing of indigenous principles of government and justice - and you most likely won't find blog posts addressing the topic. At most, some may have learned in school that the U.S. Constitution owes as much to the Iroquois Confederacy as it does to European philosophers. Even more obscure is the fact that other tribes, such as the Muscogee (Creek) Nation, also had well-developed governments built upon a separation of powers.¶ Few know that the U.S. criminal justice system has taken a veritable U-turn and started borrowing heavily from traditional Native systems of justice. In 1881, Crow Dog, a Lakota, killed Spotted Tail, another member of the tribe. Dissatisfied with how the tribe handled the case, requiring Crow Dog to make restitution to and provide for Spotted Tail's family, an enraged U.S. government sought to prosecute Crow Dog and hang him.¶ When the Supreme Court ruled that no basis existed for the federal prosecution and ordered Crow Dog released, Congress enacted the Major Crimes Act, giving the federal government the authority to prosecute Indians who commit serious crimes against other Indians in Indian country, thus taking a significant step toward creating the crazy quilt of criminal jurisdiction that exists today in Indian country. That, arguably, is at least partially responsible for the lawlessness noted in recent stories.¶ The concept of rehabilitation and restorative justice that so enraged the dominant society 130 years ago is now found at the heart of many criminal-justice reforms. The concept of rehabilitative justice has also [now] made its way into Anglo-American civil courts [which], where arbitration and alternative dispute resolution draw heavily from indigenous peacemaker systems.¶ While there is no denying the fact that socioeconomic statistics on many reservations are terrible, the last three decades have seen a resurgence in tribal economic development, with tribal governments operating businesses ranging from factories to casinos. Those businesses have a substantial positive impact on state and county governments.¶ Indians are not relics of the past. Today's modern tribal governments are an integral part of our national system, and we should take time to celebrate, not what they may or may not have done in the past, but the contributions they are making right now.

Treatment programs incorporate Native traditions.

Beauvais 98 *Fred Beauvais Ph.8* American Indians and Alcohol 1998

The IHS has provided treatment for alcohol abuse and alcoholism [but] since its inception in 1975. In addition to numerous tribally based programs, the agency currently funds 7 regional treatment facilities for women and 12 for adolescents. In the past decade, much of the central responsibility for running those programs has shifted from the Federal Government and the IHS to tribal control. Accompanying the trend toward tribal control is a movement toward the use of traditional cultural and spiritual beliefs and practices in treatment. In some cases non-Native approaches, such as detoxification, pharmacotherapy, behavioral therapy, inpatient treatment, and Alcoholics Anonymous, have been modified to incorporate Indian beliefs and traditions. Sweat lodge ceremonies, the peyote ceremony, smudging with smoke, and traditional dancing and singing (Jilek 1978, 1994; Manson et al. 1987) are increasingly incorporated into Indian treatment programs. Unfortunately, no randomized trials or other controlled studies have been conducted to test the efficacy of those efforts.

Quality of life on reservations will only improve if tribal leaders are in authoritative positions.

Wakeling

An important lesson from this research is the effect of increased tribal control over tribal institutions. Only those tribes that have acquired meaningful control over their governing institutions have expe- rienced improvements in local economic and social conditions. The research has not found a single case of sustained economic development where the tribe is not in the driver’s seat. While tribal-BIA relation- ships in thriving Indian nations range from [that are] coopera- tive to contentious, they are all characterized by a demotion of the BIA (and of other Federal agen- cies) from decisionmaker to advisor and provider of technical assistance. The general point is that self-determined institutions, ones that reflect American Indian nations’ sovereignty, are more effective.

This lesson has yet to be applied to Indian policing. Federal policies that regulate Indian policing have the twin effect of reducing tribal control and diffus- ing accountability for institutional performance. Tribes regularly blame Federal agencies for the poor state of policing in Indian Country; not only are the resources provided by Federal agencies inadequate, but Federal policies are driven by a misreading of tribes’ real needs and priorities. On the other hand, representatives of Federal agencies express skepti- cism about the ability and intention of tribes to develop and manage effective police departments. The very fact that power is shared between tribal and Federal authorities allows each to avoid their more appropriate roles and, thus, to perpetuate poor policing.

### Impact Frontlines

Alcohol-related crime is the biggest threat to Native societies.

Wakeling 01Stewart Wakeling, Miriam Jorgensen, Susan Michaelson, Manley Begay Policing on

American IndianReservations, National Institute of Justice, 2001

* The overall workload of police departments in Indian Country has been increasing at a significant rate. In other words, the intensity and range of problems to which police departments in Indian Country must respond appear to be increasing. Although many Native reservation residents live in rural, isolated areas, a significant percentage of reservation populations has settled in semiurban communities. Much, if not most, crime on reser- vations occurs in these fairly dense areas. Notwithstanding the recent reports of dramatic increases in violent crime on reservations, espe- cially among youth, the crimes that most occupy police in Indian Country are directly or indirectly related to alcohol abuse. Alcohol-related crime is a deep and complex problem, which—by contrast to the problem of violent crime—has received insufficient attention (and resources).

Natives experience crime at much higher rates than the normal population.

NIJ 13 Tribal Crime and Justice, National Institute for Justice 2013

Studies suggest that **crime rates are much higher for Native Americans compared with the national average.** [[1]](http://www.nij.gov/topics/tribal-justice/welcome.htm#note1) **According to the Bureau of Justice Statistics, American** Indians (AI) and Alaska Natives (AN) **experience violent crimes at rates far greater than the general population.** [[2]](http://www.nij.gov/topics/tribal-justice/welcome.htm#note2) Representative studies of crime and violence, however, have never been done across all tribal communities.

12% of native deaths are alcohol-related. Winkel 10, Bethany Winkel, Alcoholism Among Native Americans, 2010, http://www.treatmentsolutions.com/alcoholism-among-native-americans/

Certain ethnic groups though, like Native Americans, experience alcoholism on an even wider level. Their rate of alcoholism is much higher than the rest of the population — 1-in-10, or nearly 12% Native American deaths are alcohol-related, and nearly 12% of Native American deaths are alcohol-related. Traffic accidents and alcoholic liver disease are the most frequent alcohol-related deaths, along with homicide and suicide.

Motor vehicle accidents are destructive for youth.

Salgado 09, Ernie C. Native American Indian Killers 2009

A 2001 study by US Department of Health and Human Services report that Native American youth are repeatedly exposed to opportunities to participate in self-destructive and illegal behaviors.¶ Resent data point to a pattern of reckless living among Native American youth in Indian Country. Motor vehicle and other accidents are the leading cause of death among Native American youth ages 15-24, whose rate of death due to accidents is almost three times higher than the rate for the total U.S. population (USDHHS, 1999).  Data also indicate the presence of despair. Suicide is the second leading cause of death for Native American youth in the 15-24 age group.

The impact is extinction; loss of cultural biodiversity is the warrant.

Friedberg 2K, PhD Candidate, Germanic Studies, University of Illinois, 2000 (Lilian, “Dare to Compare,” *American Indian Quarterly*; Summer, Vol. 24 Issue 3, p. 353)

**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] **"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] 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] 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."

### **Discourse**

Native American discourse is key to solving back the inadequacy of the school system. **White-Kaulaity 06:**

The Voices of Power and the Power of Voices: Teaching with Native American Literature, Marlinda White-Kaulaity [member of the Diné (Navajo) Nation, and is a doctoral candidate in English Education working on a disertation related to Native American student writing. She taught English for 24 years on the Navajo Indian Reservation prior to returning to Arizona State University], THE ALAN REVIEW Fall 2006

While some educators feel that high stakes testing influences and interferes with what schools teach (or don’t teach), others take a more positive view and find ways to make education meaningful while meeting state standards. A Mohawk woman, Dr. L. Rosa Minoka, cites a family maxim, and says: “Don’t let school interfere with your education” (qtd. in Ortiz 80). Indeed, school has done exactly that when today’s language arts **teachers focus more** on preparing **for** standardized **tests and overlook** what many feel is “**real education**.” Schools should also teach students about the world—the people they live with, the stories and messages of others, the diversity of cultures. Our students need cross-boundary knowledge, interaction, and experiences to learn how to live in an interdependent world. Literature can help achieve such goals. Education should require that students read, recognize, and appreciate literary contributions not only of white Americans and European writers, but also of other ethnic groups. Here, I am especially referring to the literature of more than 250 Native American nations that are indigenous to this land. Too often textbooks drive the curriculum, and if textbooks are any indication of content taught in language arts class­ rooms, **the Native American voice is largely missin**g. Just as my students do, I also look in a literature textbook’s table of contents for Native writers included among the other authors. I yearn to see Native writers like Joy Harjo, Luci Tapahonso (Navajo), Linda Hogan (Chickasaw), and Simon Ortiz, to name a few, but usually they are absent. What does this selective­ ness and exclusion of voices teach our students? What does it maintain and perpetuate? Students do not get “the whole picture” of what literature and language arts can be if they hear only the voices of power. Many voices in multicultural literature are speaking, but not all are seen as “powerful” in the social, economic, and political sense. Native Americans fall into this narrow vision. Although they are a small population, they have influenced and contributed much to this country. They embody an ancient history and they flourish today as unique nations. They were not killed off by John Wayne, and they do not live in cupboards or only in Disney movies. Indian people inhabit every region of this country and their voices resonate strongly and proudly. **This diverse population represents** many **voices and experiences, and their power resonates in** voices of **knowledge and wisdom**. Esther G. Belin, American Indian writer of the Dine (Navajo) Nation, tells about her 1990 university experience when she and other students raised concerns about diversity, expressing their wish for the power of voices in their schooling. Her statement also informs about the expansiveness of Native American identity and existence. She says: My voice and the voices of other Natives on campus were not simply our own. We spoke the voices of our nations, our clan relations, our families. To tell or re-tell our story is not pleasant. And it is not short. It did not begin with the civil rights movement. It is not as simple as the word genocide. It is every voice collective. It is mixed-blood, cross- blood, full-blood, urban, rez, relocated, terminated, nonstatus, tribally enrolled, federally recognized, non-federally recognized, alcoholic, battered, uranium-infested (Belin 62). Her eloquent statement reveals that there is no one­ size-fits-all “Indian” or “Native American,” an important point to understand for anyone choosing to teach Native American Literature. **Many** teachers may **feel that using Native American voices is too complex, too controversial**, too risky, too time-consuming, too political, too painful, and too many other things. It may seem easier to **leave them out of the curriculum,** stick with the literature textbook, concentrate on the big test, and stay in the comfort zone. If such attitudes are prevalent among language arts teachers, my hope is to change this way of thinking.

Every day US citizens must embrace Native Americans and their culture for our own survival,

Churchill ’96 (WARD, AMERICAN WRITER AND POLITICAL ACTIVIST. HE WAS A PROFESSOR OF ETHNIC STUDIES AT THE UNIVERSITY OF COLORADO AT BOULDER FROM 1990 TO 2007. THE PRIMARY FOCUS OF HIS WORK IS ON THE HISTORICAL TREATMENT OF POLITICAL DISSENTERS AND NATIVE AMERICANS BY THE UNITED STATES.(FROM A NATIVE SON PAGE 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 not "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.

Discursive representations are a prerequisite to ethical and political claims, as no object exists or is stable outside discourse.

Campbell

David Campbell, Professor of Cultural and Political Geography in the Department of Geography at Durham University in the UK, 2007 Performing security: The imaginative geographies of current US strategy, Political Geography, Volume 26, Issue 4, May 2007, Pages 405-422

**Discourse refers to a specific series of representations and practices through which meanings are produced**, identities constituted, **social relations established**, **and political** **and ethical** **outcomes made more or less possible**. Those employing the concept are often said to be claiming that ‘everything is language’, that ‘there is no reality’, and because of their linguistic idealism, they are unable to take a political position and defend an ethical stance. These objections demonstrate how understandings of discourse are bedevilled by the view that interpretation involves only language in contrast to the external, the real, and the material. These dichotomies of idealism/materialism and realism/idealism remain powerful conceptions of understanding the world. In practice, however, a concern with discourse does not involve a denial of the world's existence or the significance of materiality. This is well articulated by [Laclau and Mouffe (1985: 108)](http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6VG2-4N1SP7W-1&_user=108452&_coverDate=05%2F31%2F2007&_rdoc=1&_fmt=full&_orig=search&_cdi=6026&_sort=d&_docanchor=&view=c&_acct=C000059732&_version=1&_urlVersion=0&_userid=108452&md5=eabf7935a74b48e3e9ad110756632411#bib45): “**the fact that every object is constituted as an object of discourse has *nothing to do* with whether there is a world external to thought,** or with the realism/idealism opposition…What is denied is not that…objects exist externally to thought, but the rather different assertion that **they could constitute themselves as objects outside of any discursive condition of emergence**.” This means that while nothing exists outside of discourse, there are important distinctions between linguistic and non-linguistic phenomena. There are also modes of representation which are ideational though strictly non-linguistic, such as the aesthetic and pictorial. It is just that there is no way of comprehending non-linguistic and extra-discursive phenomena except through discursive practices. Understanding discourse as involving both the ideal and the material, the linguistic and the non-linguistic, means that discourses are performative. Performative means that discourses constitute the objects of which they speak. For example, **states are made possible by a wide range of discursive practices** that include immigration policies, military deployments and strategies, cultural debates about normal social behaviour, political speeches and economic investments. **The meanings, identities, social relations** and political assemblages that **are enacted in these performances combine the ideal and the material. They are either made or represented in the name of a particular state but that state does not pre-exist those performances.** As a consequence, appreciating that discourses are performative moves us away from a reliance on the idea of (social) construction towards *materialization*, whereby **discourse “stabilizes over time to produce the effect of boundary, fixity and surface**” ([Butler, 1993](http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6VG2-4N1SP7W-1&_user=108452&_coverDate=05%2F31%2F2007&_rdoc=1&_fmt=full&_orig=search&_cdi=6026&_sort=d&_docanchor=&view=c&_acct=C000059732&_version=1&_urlVersion=0&_userid=108452&md5=eabf7935a74b48e3e9ad110756632411#bib18): 9, 12). **Discourse is thus not something that subjects use in order to describe objects; it is that which constitutes both subjects and objects.**

### Identity

There is correlation between Natives who feel isolated from the community and alcoholism.

Milbrodt 02 Breaking the Cycle of Alcohol Problems Among Native Americans: Culturally-Sensitive Treatment in the Lakota Community

Before considering statistics related to Native alcoholics, it must be re- alized that this data takes all Native communities into account to create an aggregate picture. Among Native Americans, levels of alcoholism vary greatly from reservation to reservation. These discrepancies can be attrib- uted to societal dynamics, how strongly the individual is attached to her family and her social groups. Native communities with higher levels of social attachment will generally have lower levels of alcoholism. If indi- viduals do not feel like they are part of a social group, the rate of alcohol- ism increases (May, 1996).

Lack of communication within the community contributes to the problem.

Milbrodt

Another cause for widespread chemical dependency is that traditional Lakota culture involved customs and social mores that were counter to solving the problem of alcoholism. For example, in traditional society one’s demeanor had to be very reserved, careful not to display emotions at the wrong times (Utley, 1993). Acceptable public behaviors did not mesh with building the community-wide discourse needed to bring alcoholism out in the open. Also, in the *tiyospaye* system itself there were social rules about communication. These still prevail today, perhaps inhibiting open discussions about alcoholism or an alcoholic family member. As Larvie explains, some communication within the family continues to go through third parties. “You don’t have interaction with your in-laws or your daughter-in-law . . . you talk to your children and they tell” (Larvie, P.I., July 21, 1999). White Shield adds, “That conflicts with the disease [alco- holism].” She notes that Lakota cultural norms would have to be broken to truly expose the problem of alcoholism on the Rosebud Reservation (White Shield, P.I., July 21, 1999).

Alcohol was introduced to the American Indians in an attempt by the government to subjugate them.

Milbrodt 02 Breaking the Cycle of Alcohol Problems Among Native Americans: Culturally-Sensitive Treatment in the Lakota Community

Considering the failure of liquor laws in Native America, one wonders if government officials could have tried harder to stop the flow of liquor into Native-controlled territory. It has been hypothesized that the federal government possibly schemed to further undermine Native communities through the use of alcohol as a form of biological warfare. Many experts disagree with this theory, believing that alcohol was not intended to be used as a weapon, even though it became a means of destruction for Na- tive peoples (Mancall, 1995). On the other side of the argument, Clifford asserts his opinion that:¶ Historically there was a design to put alcohol into the system, into the Native American community, by Europeans who wanted to rid themselves of Native people. These Europeans knew the devastating effects of alcohol and they couldn’t have found a better form of chemical warfare to gain control. They intended to wipe out the Na- tive Americans, and integrated alcohol as part of the trade system. (Clifford, P.I., July 16, 1999)¶ Perhaps alcohol was not originally intended to be used as a weapon. How- ever, after Europeans noticed the effects of liquor on the Native population, the federal government took advantage of the situation in some instances and¶ used alcohol to gain control. The Choctaw, for example, were given as much liquor as they wanted before treaty negotiations (Uranu, 1996). It is unlikely the gesture was made purely out of good will.

### AT Paternalism

1. Even if the federal government initiated the programs, the procedures are still their own – requires very little involvement from external sources because it doesn’t use a lot of resources. Policing is way more paternalist since it requires constant surveillance and arrests.
2. There’s a set budget for Native programs, so even if we don’t spend it on rehabilitation it will factor into other social service programs; rehab is better than these since it focuses on re-integration into society as opposed to welfare programs that might induce a sense of dependence into participants.
3. Doing the aff solves alcohol addiction which solves the root cause of paternalism.

Milbrodt 02 Breaking the Cycle of Alcohol Problems Among Native Americans: Culturally-Sensitive Treatment in the Lakota Community

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Prohibition is more paternalist

1. Reflects a supreme lack of trust on the part of the government – they can’t even have one beer
2. Discrimination is the strongest link because it’s a limit of expression and changes how self-image, which makes it a much more effective paternalist technique, molding identity to meet the expectations of others.

It’s try or die because the squo is so paternalist we can only go up.

### AT Process CP’s

AT Privatized CPs

1. Federal government is best since its committed to Native sovereignty

Capriccioso 12, Q&A: Obama a 'Voice' for Native Americans, Indian Country Today Media Network, Question & Answer, Rob Capriccioso, Posted: Oct 08, 2012, http://newamericamedia.org/2012/10/qa-obama-a-voice-for-native-americans.php

Not only is this the first time President Obama has done a Q&A with the American Indian press, it is believed to be the first time a sitting president of the United States has conducted such an interview with Native media. It’s a first that aligns with the image Obama has worked hard to cultivate in Indian country. Adopted as “One Who Helps People Throughout the Land” when he was campaigning for president on the Crow Nation reservation in May 2008, he has since hired several Native American staffers, held three annual tribal summits and taken administrative action on multiple long-standing trust and water settlements. He has also supported and signed pro-tribal legislation, including the Indian Health Care Improvement Act, the Tribal Law and Order Act and the Helping Expedite and Advance Responsible Tribal Homeownership [HEARTH] Act. His record has pleased many tribal leaders; some hail him as one of the best presidents for Indian country in recent history.¶ This landmark Q&A—submitted and answered in written form—is the first installment in a series of interviews ICTMN will be conducting this election season with federal, state, local and tribal officials.¶ Why should American Indians vote for you this time around? What has been your proudest accomplishment to date on behalf of American Indians?¶ [With me] as president, you have a voice in the White House. Since the earliest days of my administration, we’ve been working hand in hand between our nations to keep that promise through a comprehensive strategy to help meet the challenges facing Native American communities.¶ That starts with improving the economy and creating jobs. One of the keys to unlocking economic growth on reservations is investments in roads and high-speed rail and high-speed Internet and the infrastructure that will better connect your communities to the broader economy and draw capital and create jobs on tribal lands. That’s why my administration has boosted infrastructure investments through the Bureau of Indian Affairs and the Indian Reservation Roads Program, and we’ve offered loans to reach reservations with broadband.¶ We’ve also made critical investments into pressing needs like renovating schools and devoting resources to job training, especially for young people in Indian country. And we’re working with you to restore tribal homelands in order to help you develop your economies. When it comes to creating jobs, closing the opportunity gap, and leaving something better for our future generations, few areas hold as much promise as clean energy. Native American lands hold great potential wind and solar energy resources, and the potential for solar energy is even higher. My administration will continue to invest in our clean energy future to strengthen our economies and our energy security.

Reflects more lenience in utilization of rituals since they’re committed to independence of American Indians as opposed to a program that tries to micromanage.

1. External programs are incorporated and can be incorporated into my aff – we use AA

AT Agent CPs

Only the feds can do the aff because they’re in charge of prohibition

AT States CP

You can’t commit yourself to states or feds – it’s intertwined. Aff can only be implemented on a state-wide basis because there are only so many states with reservations, but the order has to originate in the federal government since the prohibition policies are based in Congress and the funding is based in the federal budget. Also there are still sweeping policies that are federally based concerning American Indians.

AT Better Ways to do rehab

1. Perm- my aff is not specific to a what type of tribal techniques. As long as it incorporates rituals its aff ground since the advocacy is so open.
2. Perm- do both – if yours are good, that doesn’t deny that mine are good as well, and we could boost the effect
3. Perm- do yours first and wait to see if it works better than what we’re currently doing

Tribal techniques best

1. only thing that solves for alcohol and identity – the rituals distract from drinking but also reconnect the participants to their heritage
2. most efficient – the participants are familiar with the proceedings at least to a degree so it doesn’t require a lot of money or professionals and is engrained into the culture which proves it has to have worked to be passed down

Different type of retribution

1. won’t solve the sense of apathy –drinking will continue to occur because of lack of trust in the law and depression over loss of identity
2. to incarcerate to administer the punishment it has to be through the medium of increased police enforcement, but that doesn’t work via my evidence
3. alcoholism is a cultural predisposition so slaps on the wrists won’t do anything – we have to address the root of the problem
4. positive response is better than a harsh one – harsh responses risk the participants turning to alcohol to deal with the difficulties

AT Community CPs

AT rehab in the community

1. my rehab is in the community – its not in a prison setting or incarceration because you don’t get sent to prison for drinking but
	1. I’m topical because I change the structure of the cjs through changing laws within the cjs.
	2. Attendance to the programs is enforced by the cjs
	3. People running the programs are within the cjs
	4. Considered a criminal offense so any reaction by the government is within the context of the topic

### AT Speaking For Others

1. Non-unique, you speak for them by saying the Natives don’t want us speaking for them and that it won’t help their situation
2. No link – I’m not saying they would consider the aff beneficial – rather that it is good underneath a consequentialist framework. My White-Kaulauty arguments merely say that regardless of the paradigm, talking about how the policy will affect American Indians is important.
3. Inevitable – any impact affects some people and by reading an impact we will be referencing their circumstances
4. There is no “other” I’m speaking for. My White-Kaulauty evidence indicates that we’re all from the same human community and exclusion is bad.
5. Speaking for others is good
	1. Key to actual change – we wouldn’t know if what we’re saying is antithetical to their opinions since their voices are completely excluded. My advantage inspires education about the group so we can understand their position.
	2. No one thinks poverty is good – as long as we increase quality of life it doesn’t matter how we refer to American Indians since representations can be corrected for later.

### Plan Popular

Obama’s support

Capriccioso 12, Q&A: Obama a 'Voice' for Native Americans, Indian Country Today Media Network, Question & Answer, Rob Capriccioso, Posted: Oct 08, 2012, http://newamericamedia.org/2012/10/qa-obama-a-voice-for-native-americans.php

Not only is this the first time President Obama has done a Q&A with the American Indian press, it is believed to be the first time a sitting president of the United States has conducted such an interview with Native media. It’s a first that aligns with the image Obama has worked hard to cultivate in Indian country. Adopted as “One Who Helps People Throughout the Land” when he was campaigning for president on the Crow Nation reservation in May 2008, he has since hired several Native American staffers, held three annual tribal summits and taken administrative action on multiple long-standing trust and water settlements. He has also supported and signed pro-tribal legislation, including the Indian Health Care Improvement Act, the Tribal Law and Order Act and the Helping Expedite and Advance Responsible Tribal Homeownership [HEARTH] Act. His record has pleased many tribal leaders; some hail him as one of the best presidents for Indian country in recent history.¶ This landmark Q&A—submitted and answered in written form—is the first installment in a series of interviews ICTMN will be conducting this election season with federal, state, local and tribal officials.¶ Why should American Indians vote for you this time around? What has been your proudest accomplishment to date on behalf of American Indians?¶ [With me] as president, you have a voice in the White House. Since the earliest days of my administration, we’ve been working hand in hand between our nations to keep that promise through a comprehensive strategy to help meet the challenges facing Native American communities.¶ That starts with improving the economy and creating jobs. One of the keys to unlocking economic growth on reservations is investments in roads and high-speed rail and high-speed Internet and the infrastructure that will better connect your communities to the broader economy and draw capital and create jobs on tribal lands. That’s why my administration has boosted infrastructure investments through the Bureau of Indian Affairs and the Indian Reservation Roads Program, and we’ve offered loans to reach reservations with broadband.¶ We’ve also made critical investments into pressing needs like renovating schools and devoting resources to job training, especially for young people in Indian country. And we’re working with you to restore tribal homelands in order to help you develop your economies. When it comes to creating jobs, closing the opportunity gap, and leaving something better for our future generations, few areas hold as much promise as clean energy. Native American lands hold great potential wind and solar energy resources, and the potential for solar energy is even higher. My administration will continue to invest in our clean energy future to strengthen our economies and our energy security.

The plan’s popular – public opinion proves

Capriccioso 11 – writer for Indian Country Today Media Network [Rob, 11/28/2011, Indian Country Today Media Network, “Zogby Poll Finds Support for Tribal Sovereignty,” <http://indiancountrytodaymedianetwork.com/2011/11/28/zogby-poll-finds-support-for-tribal-sovereignty-64808>, DS]

Results from a new poll by the IBOPE Zogby International polling firm indicate that an overwhelming majority of the American public supports tribal sovereignty—the well-established concept that tribes have the right to govern themselves. The poll, released in mid-November, found that 88 percent of the U.S. public supports a component of sovereignty for Native American tribes. The survey found that the overwhelming majority of respondents supported honoring longstanding treaties between the government and tribes. “This poll shows that almost 9 out of 10 Americans support honoring the sovereignty of Indian country, as established by treaties with the Federal government,” Montana state Democratic Sen. Jonathan Windy Boy, a member of the Chippewa-Cree Tribe, said in a statement accompanying the release of the data.

Republicans support tribal policies.

Cornell and Kalt ’10 (November, Stephen (University of Arizona) and Joseph P. (Harvard University) “American Indian Self-Determination: The Political Economy of a Successful Policy” JOPNA Discussion Papers for Peer Review and Comment [http://nni.arizona.edu/pubs/jopna-wp1\_cornell&kalt.pdf](http://nni.arizona.edu/pubs/jopna-wp1_cornell%26kalt.pdf))

It is true that the party affiliation of the Native electorate is predominantly Democratic,49 and discussions in the mainstream media commonly portray support for American Indians as a liberal cause. These perceptions, however, miss more subtle strains of support and influence. Late Senator Barry M. Goldwater of Arizona, frequently cited as “Mr. Conservative,” and the Republican presidential candidate in 1964, is still remembered by tribes in Arizona as a strong and early sup- porter of nascent pushes by tribal leaders for economic self-sufficiency and local tribal self-rule. The legacy in which Republicans are seen as strong supporters of tribal sovereignty persists in the state, with a former chairman of the Hopi Tribe, one of Arizona’s most traditional, serving in 2008 as the national chairperson of Indians for (Republican presidential nominee John) McCain. In fact, Senator McCain served as chair of the Senate Committee on Indian Affairs in 1995-96 and 2005- 06, and was regarded by tribes as generally quite strong in his support for policies of self-determination (even if he was seen as less supportive on issues of federal spending on Indian matters). The Committee was also chaired over 1997-01 and 2003-05 by Senator Ben Nighthorse Campbell, Democrat-turned-Republican from Colorado and, himself, the only American Indian (Northern Cheyenne) to serve in the Senate in the era of self-determination. Tellingly, the federal legislative foundations of tribal self-determination, including Public Law 95-638 and strengthening amendments, have remained intact in those periods over the last several decades in which Republicans have held majorities of one or both houses of Congress.