## 1NC

### 1NC ID Politics DA

#### We shouldn’t decide the debate on the basis of first-person traumatic stories – it’s impossible to validate, it’s easily exploited, and it inhibits debate

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What can an academic trained to question and to doubt possibly say to Patricia Williams when effectively she announces, "I hurt bad"? "No, you don't hurt"? "You shouldn't hurt"? "Other people hurt too"? Or, most dangerously - and perhaps most tellingly - "What do you expect when you keep shooting yourself in the foot?" If the majority were perceived as having the well- being of minority groups in mind, these responses might be acceptable, even welcomed. And they might lead to real conversation. But, writes Williams, the failure by those "cushioned within the invisible privileges of race and power... to incorporate a sense of precarious connection as a part of our lives is... ultimately obliterating." 74 "Precarious." "Obliterating." These words will clearly invite responses only from fools and sociopaths; they will, by effectively precluding objection, disconcert and disunite others. "I hurt," in academic discourse, has three broad though interrelated effects. First, it demands priority from the reader's conscience. It is for this reason that law review editors, waiving usual standards, have privileged a long trail of undisciplined - even silly 75 - destructive and, above all, self-destructive arti [\*695] cles. 76 Second, by emphasizing the emotional bond between those who hurt in a similar way, "I hurt" discourages fellow sufferers from abstracting themselves from their pain in order to gain perspective on their condition. 77 [\*696] Last, as we have seen, it precludes the possibility of open and structured conversation with others. 78 [\*697] It is because of this conversation-stopping effect of what they insensitively call "first-person agony stories" that Farber and Sherry deplore their use. "The norms of academic civility hamper readers from challenging the accuracy of the researcher's account; it would be rather difficult, for example, to criticize a law review article by questioning the author's emotional stability or veracity."

#### The concern with ourselves becomes overwhelming – diluting collective liberation

bell hooks 94 Outlaw Culture: Resisting Representations (1994), hooks

Critically examining these blind spots, I conclude that many of us are motivated to move against domination solely when we feel our self-interest directly threatened. Often, then, the longing is not for a collective transformation of society, an end to politics of dominations, but rather simply for an end to what we feel is hurting us. This is why we desperately need an ethic of love to intervene in our self-centered longing for change. Fundamentally, if we are only committed to an improvement in that politic of domination that we feel leads directly to our individual exploitation or oppression, we not only remain attached to the status quo but act in complicity with it, nurturing and maintaining those very systems of domination**.** Until we are all able to accept the interlocking, interdependent nature of systems of domination and recognize specific ways each system is maintained, we will continue to act in ways that undermine our individual quest for freedom and collective liberation struggle.

#### Identity politics results in continual policing of difference and makes social justice impossible

Bhambra 10—U Warwick—AND—Victoria Margree—School of Humanities, U Brighton (Identity Politics and the Need for a ‘Tomorrow’, http://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)

The idea of a politics underpinned by solidarities based on “sameness” has a long history in the critical tradition. Marx’s ini-tial conceptualisation of the standpoint of the proletariat (albeit, signiﬁcantly different from those of subsequent developments of standpoint epistemology) has been used by feminist theorists as well as those arguing for a post-colonial perspective in terms of the subaltern, and, more recently, for a dalit standpoint (Hart-sock 1984, Guha 1983, Rege 1998, 2000). However, while using identity as the basis of political action has been seen to be power-ful (and effective), it has also increasingly become seen as problematic. The exclusionary politics of movements such as black power, much radical and lesbian feminism, and latterly, move-ments for ethnic purity and/or religious integrity, for example, have yielded a deep concern with the programme of separation and isolationism that such movements are often seen to be based upon. For many critics, more troubling still has been the usually accompanying claim that only women can be feminists, or only black people can work against racism, or only dalits against caste oppression, and so on. ¶ A position which states that only those who have experienced an injustice can understand and thus act effectively upon it seems to rest upon an essentialist theory of identity which assumes that the possibility of knowledge about particular situations is res-tricted to one’s possession of the relevant (seemingly) irreducible traits (being female, black, dalit, and so forth). Arguably, one consequence of these separatist tendencies is that they perpetuate the individualist fallacy that oppressive social relationships can be reformed by particular subjects without the broader agreement of others who, together, constitute the social relations within which the injustices are embedded. But even where the limitations of a purely exclusionary form of identity politics are recognised, many theorists continue, nevertheless, to argue for a form of “strategic essentialism” (Fuss 1989, Spivak 2003) sug-gesting that where structures of inequality overlap with catego-ries of identity, then a politics based on those identities is both liberatory and necessary (Bramen 2002). In our view, however, the claim for a “strategic essentialism” remains fraught with problems, for at least three reasons. First, it establishes an epistemological division between those who assert a particular identity in advancing political claims and the observer who is sympathetic to those claims but “recognises” the limitations of basing such claims on a putative identity. 1 There is something highly problematic in claiming to support a political movement from the basis of being able to “see” something that the individuals constituting the movement do not see, and in then not engaging with them with regard to this. This sets the observer up in a privileged position vis-à-vis other members of the movement and thus makes solidarity difﬁcult to achieve. 2 Second, the claim for “strategic essentialism” posits solidarity, that is, collective identiﬁcation around a particular standpoint, as a prerequisite for collective action to address perceived injus-tices. This is as against recognising that solidarities can also emerge through the actions taken to correct particular injustices and can include those who recognise the injustice as the reason for action while not directly being disadvantaged themselves. Third, the assertion of “strategic essentialism” generally occurs in the context of claiming justice through an appeal to the widercommunity but with no explanation as to why the wider commu-nity ought to honour this claim for justice, especially when it is often not deemed possible for them to constitute a part of the movement itself. There is a requirement of inclusivity then – in terms of demanding acceptance of the validity of the claims made – at the same time, as an assertion of its impossibility across what are posited as irreducible, essential traits (for a fullerdiscussion see Holmwood 1995). The arguments of this paper start out from a broad agreement that developing a politics from the basis of occupying a particular social position or having a speciﬁc (singular) identity is problem-atic for the reasons identiﬁed above, as well as for covertly legitimating – “absolving and forgiving”, in Said’s (1993: 35) words –the ignorance of those whose understanding and actions are necessary for countering social injustices. It has to be recognized that issues exist between people and are not in people: that is, problems of social injustice occur in the relationships through which subjectivities are produced and thus, all those implicated in those relationships are involved in their address. For example, sexism is not a problem for women to deal with alone, but is a problem situated in the contemporary relationships of social and material inequalities and requires mutual engagement for its address. This is an address which we consider is best served by the solidarities generated as a consequence of the activities around perceived injustices (that is, solidarities generated through the political movements of people working towards equality, justice) as opposed to those activities having to rely on assumed pre-existing solidarities (that is, being female, gay, black, dalit, etc).This is not an argument for movements against speciﬁc injusticesor inequalities to be subsumed within a wider (say, socialist)movement but, rather, an argument for movements to be conceived inclusively as movements where membership is not restricted to those presumed to suffer the injustice or inequality. As such, a question arises as to what would happen if the“identity” in “identity politics” were rethought along the lines of the solidarities that are generated around the address of injus-tices rather than the solidarity that is presumed to ensue frombeing the victim of an injustice. Defending “identity” against a variety of critiques from the academic left, Bramen (2002) assertsthat identity can also be productive in its construction of moraland other communities. Our question, however, would be why such communities – sites of resistance and the discovery of politi-cal agency – need to be constructed around essentialising rheto-ric and restricted (this is the implication) to those who suffer the injustice. Indeed, Bramen herself recognises that “identity poli-tics certainly has its limitations, primarily in terms of prescribing modes of behaviour that pressure individuals to conform to cer-tain standards of authenticity” (2002: 7-8). And this surely is areal problem; that essentialist rhetoric establishes belonging to acommunity, and thus identity, on the basis of presumed shared attributes or experiences that are imagined to be irreducible. As such, not only may the community itself become oppressive to those who do not share those attributes, or who wish to articulate experiences that differ from those expressed by the majority, but the community itself may be weakened in its resistance to other forms of oppression by the distraction of its internal policing against difference.

### 1NC Case

#### Reforms are possible and desirable---tangible change outweighs the risk of cooption and is still a better strategy than symbolic victories

Michael Omi 13, and Howard Winant, Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, 2013 Special Issue: Symposium - Rethinking Racial Formation Theory

In Feagin and Elias's account, white racist rule in the USA appears unalterable and permanent. There is little sense that the ‘white racial frame’ evoked by systemic racism theory changes in significant ways over historical time. They dismiss important rearrangements and reforms as merely ‘a distraction from more ingrained structural oppressions and deep lying inequalities that continue to define US society’ (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call ‘surface flexibility’ to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase ‘racial democracy’ is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, we disagree. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, capable of being influenced towards more or less inclusive and redistributive economic policies, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that white racial dominance has been continuous and unchanging throughout US history. But such a perspective misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era. Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we ‘overlook the serious reversals of racial justice and persistence of huge racial inequalities’ (Feagin and Elias 2012, p. 21) that followed in its wake. We do not. In Racial Formation we wrote about ‘racial reaction’ in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attenstion to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to ‘rearticulate’ race and racism issues to roll back some of the gains of the civil rights movement, we also believe that there are limits to what the right could achieve in the post-civil rights political landscape. So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act on 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’: second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others. By no means do we think that the post-war movement upsurge was an unmitigated success. Far from it: all the new social movements were subject to the same ‘rearticulation’ (Laclau and Mouffe 2001, p. xii) that produced the racial ideology of ‘colourblindness’ and its variants; indeed all these movements confronted their mirror images in the mobilizations that arose from the political right to counter them. Yet even their incorporation and containment, even their confrontations with the various ‘backlash’ phenomena of the past few decades, even the need to develop the highly contradictory ideology of ‘colourblindness’, reveal the transformative character of the ‘politicization of the social’. While it is not possible here to explore so extensive a subject, it is worth noting that it was the long-delayed eruption of racial subjectivity and self-awareness into the mainstream political arena that set off this transformation, shaping both the democratic and anti-democratic social movements that are evident in US politics today.

#### Identity politics should supplement an advocacy of the resolution – otherwise it collapses into self-satisfied symbolism that infinitely defers social change – the aff is a modern day Nero who fiddles the night away as Rome burns down around him

David Chandler 7, Professor of History, The possibilities of post-territorial political community, Area, Volume 39, Issue 1, pages 116–119

This paper argues that the lack of purchase of traditional territorial constructions of political community does not necessarily indicate the emergence of new post-territorial forms of political belonging. Rather, the claims made for new ‘immanent’ or ‘emerging’ forms of post-territorial political community reflect the highly individuated forms of political activity which have accompanied the break-down of domestic social and political links. This breakdown of territorial forms of belonging has facilitated the development of a variety of unmediated forms of expression of individual claims, tending to privilege the individual over any communal collectivity. This discussion paper concludes by suggesting what the possibilities of a reconstitution of political community might imply. The radical rejection of territorial political communities The immanence of a post-territorial political community is often posed as a radical or critical alternative to the dominant ways of being political today (for example, Appadurai 1996; Kuehls 1996; O'Tuathail 1996; Shapiro and Alker 1996). Territorial state-based politics is held to institutionalize the structuring of grand narratives of ‘the nation’ and to universalize particularist and narrow interests on the basis of the division of those ‘inside’ and those ‘outside’ the territorial boundaries (for example, Ashley 1988; Connolly 1991; Walker 1993; Falk 1995; Campbell 1998; Linklater 1998). Instead of politics being mediated through the divisive institutions of territorial communities, it is argued that the individual can engage directly in the ‘politics of the human’, in ‘global civil society’ or in the struggle against ‘power’ or ‘Empire’ (for example, Deudney 1993; Walker 1994; Baker 2002; Hardt and Negri 2001; Kaldor 2003; Keane 2003; Shaw 2000). Let us consider two different, and in diverse ways, key radical or alternative political sets of actors – radical anti-globalization activists and radical Muslim activism in the form of Al Qaeda. In setting out this brief analysis, three key traits of post-territorial politics will be highlighted: those of non-instrumentality, i.e. the means are self-justifying and no longer attached to instrumental ends: the privileging of activity/emotion over theory/intellect, i.e. there is little emphasis on argument/ideas; and the privileging of difference over communality, i.e. highlighting diverse identities rather than shared interests. It will be suggested that these three traits, essential to post-territorial political activism, privilege the individual over any social collectivity and operate to undermine the possibility of the emergence of post-territorial political community. Radical activism For radical activists – exemplified in the anti-Globalization/Capitalism/War social protests – it would appear that there has been a profound shift away from the politics of parties and collective movements to a much more atomized and individuated form of protest. This was highlighted in the February 2003 anti-Iraq war protest demonstrations which attracted more people than any previous political protests, but which markedly did not produce an anti-war ‘movement’. There was no attempt to win people engaged to a shared position; people expressed disparate and highly personal protests of disengagement, such as the key slogan of ‘Not in My Name’. Being ‘anti-war’ is today an expression of personal ethics rather than of political engagement and does not indicate that the individual concerned is engaged in a campaign of social change or is interested in either understanding or debating the causes of war (capitalism, human nature, etc.). These forms of practical and intellectual engagement with a political community are only relevant if the desire to end war is understood as a practical or instrumental one. Similarly, the anti-Globalization protests and collective comings together in World and European Social Forums are not aimed at producing a collective movement but at sharing the feelings and respecting the identities of various groupings involved (Klein 2002;Kingsnorth 2004). The fact that large numbers of people are engaged in these forms of radical protest is in marked contrast to their political impact. The fact that they appeal to the disengaged is their attractive factor, the inability to challenge this disengagement leads to the lack of political consequences. One of the most individuated expressions of symbolic politics which puts personal ethics above those of a collective engagement is the desire of radical activists to make individual journeys of self-discovery to the conflict areas of the West Bank, Chiapas, Bosnia or Iraq, as humanitarian or aid workers or as ‘human shields’, where they are willing to expose themselves to death or injury as a personal protest against the perceived injustices of the world. Here the ethics lie in the action or personal sacrifice, rather than in any instrumental consequences. This is the politics of symbolism of personal statement, a politics of individual ethics which, through the ability to travel, becomes immediately global in form as well as in content. There is no desire to engage with people from their own country of origin, in fact, this activism is often accompanied by a dismissal of the formal political process, and by implication the views of those trapped in the state-based politics of the ‘self-satisfied West’ (O’Keefe 2002; Chandler 2003). AI Qaeda This disjunction between the human/ethical/global causes of post-territorial political activism and the capacity to 'make a difference' is what makes these individuated claims immediately abstract and metaphysical – there is no specific demand or programme or attempt to build a collective project. This is the politics of symbolism. The rise of symbolic activism is highlighted in the increasingly popular framework of 'raising awareness'– here there is no longer even a formal connection between ethical activity and intended outcomes (Pupavac 2006). Raising awareness about issues has replaced even the pretense of taking responsibility for engaging with the world – the act is ethical in-itself. Probably the most high profile example of awareness raising is the shift from Live Aid, which at least attempted to measure its consequences in fund-raising terms, to Live 8 whose goal was solely that of raising an 'awareness of poverty'. The struggle for 'awareness' makes it clear that the focus of symbolic politics is the individual and their desire to elaborate upon their identity – to make us aware of their 'awareness', rather than to engage us in an instrumental project of changing or engaging with the outside world. It would appear that in freeing politics from the constraints of territorial political community there is a danger that political activity is freed from any constraints of social mediation(see further, Chandler 2004a). Without being forced to test and hone our arguments, or even to clearly articulate them, we can rest on the radical 'incommunicability' of our personal identities and claims – you are 'either with us or against us'; engaging with those who disagree is no longer possible or even desirable. It is this lack of desire to engage which most distinguishes the unmediated activism of post-territorial political actors from the old politics of territorial communities, founded on struggles of collective interests (Chandler 2004b). The clearest example is old representational politics – this forced engagement in order to win the votes of people necessary for political parties to assume political power. Individuals with a belief in a collective programme knocked on strangers' doors and were willing to engage with them, not on the basis of personal feelings but on what they understood were their potential shared interests. Few people would engage in this type of campaigning today; engaging with people who do not share our views, in an attempt to change their minds, is increasingly anathema and most people would rather share their individual vulnerabilities or express their identities in protest than attempt to argue with a peer. This paper is not intended to be a nostalgic paean to the old world of collective subjects and national interests or a call for a revival of territorial state-based politics or even to reject global aspirations: quite the reverse. Today, politics has been 'freed' from the constraints of territorial political community – governments without coherent policy programmes do not face the constraints of failure or the constraints of the electorate in any meaningful way; activists, without any collective opposition to relate to, are free to choose their causes and ethical identities; protest, from Al Qaeda, to anti-war demonstrations, to the riots in France, is inchoate and atomized. When attempts are made to formally organize opposition, the ephemeral and incoherent character of protest is immediately apparent. The decline of territorial political community does not appear to have led to new forms of political community (in territorial or post-territorial forms), but rather to the individuation of ‘being’ political. Therefore ‘being political’ today takes the form of individuated ethical activity in the same way as ‘being religious’ takes a highly personal form with the rejection of organized churches. Being religious and being political are both statements of individual differentiation rather than reflections of social practices and ways of life. One can not ‘be’ political (anymore than one can ‘be’ religious) except by elaborating a personal creed or identity – being political or religious today is more likely to distance one from one's community, or at least to reflect that perception of distance. The elaboration of our individual ‘being’, of our identity, signifies the breakdown of community and the organic ties of the traditional social/political sphere.

#### Institutional focus key---personal expression as politics calcifies the SQ and cedes the political

* occupy vs civil rights movement

Kreiss & Tufekci 13 \*Daniel, assistant prof in the School of Journalism and Mass Communication at the U of North Carolina at Chapel hill, \*\* and Zeynep, assistant prof at the School of Information and Library Science and an adjunct assistant professor at the Department of Sociology Univ of North Carolina, Occupying the Political: Occupy Wall Street, Collective Action, and the Rediscovery of Pragmatic Politics, Cultural Studies ↔ Critical Methodologies 13(3) 163– 167

The drumming crisis was barely contained, but not fully averted, and became moot after the forceful eviction of the encampment from Zuccotti. That said, this tale illuminates a key difference between two movements and, perhaps, a deeper cultural style of contemporary social movements. On one level is the contrast in the leadership style and organization of the civil rights movement and Occupy, and the legitimacy of the concept of leadership to those in the movement. The civil right movement, while an immensely complicated phenomenon that was both professionally channeled (Jenkins & Eckert, 1986) and decentralized through networks of progressive churches, civil society organizations, and grassroots activists, developed a tactical repertoire that was distinct from the political valuation of the organizational form and decision-making structure of the movement. By contrast, in this brief article we argue that Occupy participants cast the values and form of the movement itself—how it operates and makes decisions—in terms that are synonymous with its very identity and survival. Occupy is the change that its members seek. There is both promise and peril in this approach. Occupy is finding it difficult to engage in institutional politics—which we argue is key to broad and durable societal transformations. We suggest that as Occupy goes home, and as it prepares to come back, it should renegotiate the tension between self-expression and strategic institutional action, and between movement itself as a goal and movement goals. In short, we argue that mistaking an anti-institutional style of participatory democracy and self-expression for both real democracy and radical capitalist critique undermines political power—and ultimately results in less progress toward participatory democracy as the movement becomes politically less relevant and less able to bring about societal change. Self-Expression as a Mode of Collectivity The drum circle clash was symptomatic of a larger crisis within the movement over who, if anyone, can impose or even suggest modalities of protest. This is not because collective identity or goals are unimportant to Occupy; rather, it is because collective movement identity itself is premised upon creating a space for individual expression. As a consequence, Occupy has found it difficult to develop the decision-making procedures or legitimate leadership structures that enable individuals to align themselves with the strategic choices of the movement without undermining a key tenet of the very collective identity that secures its existence as a movement. While this is an outcome of the rise of constructed personal identity as a key expression of the political self since the 1960s, it is also a broader phenomenon. One of the defining features of modernity is that identity is less a feature of organized social relations (Calhoun, 1994, p. 11) as a reflexive effort by the individual that involves strategic and performative choices. The assertion of the self as an identity is a political project (Castells, 1997). This emergence of identity as a source of political power has had a major impact on trajectories of social movements. Activism and political activity itself is increasingly also a way to construct a desirable self (Polletta & Jasper, 2001) rather than achieve an external goal. The desirable self is the political project as the arbiter of moral value (Lichterman, 1996). As a consequence, the personal is not only political, the legitimacy of movement organizational forms and tactics is entwined with their realization of personal expression. Certainly, movement participants have long adopted organizational forms based on moral values rather than political efficacy (Jasper, 1997, p. 228). However, the case of Occupy highlights the dilemma faced by a movement where the fullest expression of individual identity and a denial of engagement with the structured demands of institutional politics are its very form of politics. The situation has evolved from one in which there was (naturally) a tension between process and goals to one in which individual expression and the mechanics of internal processes have drowned out most other considerations. Therefore, we are witnessing the transition away from movements that had the capacity to handpick their representatives so as to generate maximum sympathy among the broader public, even at the cost of bowing to and reinforcing the very prejudices it was fighting―to ones which seemingly cannot deal with a mundane problem like loud and continuous drumming by its participants in a residential area. Interestingly, one of the key mechanisms through which the Occupy movement has negotiated this tension between individual self-expression and collective identity is through its signature tactic: The “human microphone.” This tactic, which started as a response to a lack of amplified sound in Zuccotti Park, begins with someone yelling “mic check” and the crowd repeating this in unison. After that, speakers address the crowd in short phrases which are again repeated by the whole gathering, phrase by phrase, so that everyone can hear. The “mic check” has evolved from a meeting tactic to Occupy’s signature form of protest, one that activists have used to challenge public figures. In interviews, Occupy organizers argue that this “unison repetition” alters political dynamics by making everyone, even those who disagree with a point, repeat it, almost as if it were their own point, and also by creating a powerful sense of the collective through shared speech (personal interviews, second author). Further, it cuts the power of individual charisma—and hence sets bounds upon the power of self-expression—as it is difficult to be a great orator and monopolize public attention when one has to stop every few words to be repeated by a large crowd. In other words, the psychodynamics of the human microphone reflect a “collective effervescence” (Durkheim, 1912) and cut against the very individualized and performative processes which dominate the movement. This phenomenon is interesting both theoretically and politically, as it reveals a movement creatively grappling with its constitution through self-expression while maintaining a collective space for action. This tension between self-expression and collectivity remains a significant challenge for Occupy as it limits the depth and breadth of the movement’s impact. In particular, we believe that the movement has failed to engage with institutional politics, limiting the durability of the cultural change it has already effected. Symbolic and Institutional Power The Occupy movement has, to-date, focused on claiming, producing, and wielding the symbolic power of the street. Modeled after the movements of the Arab Spring, Occupy self-consciously appropriated the innovative tactic of materially claiming public space. The contested idea of the street provided the performative context, and the pavement and mass media the platforms, for activists to occupy the public sphere. Through this collective, embodied presence of activists, Occupy has claimed symbolic street power and effected cultural change (Gamson, 1992). For example, while more research is needed, survey data suggests that Occupy has succeeded in changing the media and public discourse around its central mobilizing frame: inequality (Gamson, 2012). Although the public is split on its attitudes toward Occupy and its tactics and overall critique of American capitalism, public salience of inequality has increased (Pew, 2011). As importantly, in helping to create this issue salience Occupy has seemingly created the discursive space that enabled institutional, Democratic Party elites to rhetorically embrace its frame of inequality. Occupy has created a “radical flank effect” (Haines, 1984), staking out a radical position that provided ideological cover for Party elites to turn from the rhetoric of deficits and advance more modest proposals that entail a more active state. While it being an election year certainly helped, Obama’s efforts around the extension of the payroll tax and creation of the “millionaire tax,” as well as embrace of tough rhetoric that echoed the movement’s critique of inequality reveals the discursive space opened by the Occupy movement. While elites have embraced the movement’s themes, it appears that the institutional connections to the Democratic Party stop at this cultural influence. While it is young, the Occupy movement can be read through the lens of populism (Goodwin, 2012). Populism is not a coherent and stable ideology but a reaction to institutional power that has historically assumed both conservative and progressive guises (Kazin, 1998). Its coherence lies in its expression as a political style that rejects calcified institutional and bureaucratic politics and grounds its legitimacy in direct appeals to “the people” (Canovan, 1999, p. 4). Populist politics is expressive and direct. It is personal, unmediated by institutions, organizations, elites, and professionals. For Canovan (1999, p. 13), populism is the “redemptive” face of democracy, ritualistically cleansing pragmatic, institutional forms of governance that are “very far removed from spontaneous expression” (p. 13). For many participants in and supporters of Occupy, pragmatic politics is seemingly an anathema (Dean, 2012). Disillusionment with political institutions, from parties and electoral politics to civil society organizations, appears widespread across the populist left, which has long turned from institutional politics in the attempt to create alternative social (Turner, 2006) and political forms (Gitlin, 1993) that are projects of transformative politics. The Occupy movement, the most significant and sustained class-based mobilization in a generation, echoes these earlier projects of transformative world making. From the beginning Occupy was dually oriented toward experimenting with forms of unmediated self-expression and participatory democratic practice as paths to liberating collectivity. And yet, even as the redemptive is the necessary animating spirit of democracy, Canovan (1999) argues that it is through pragmatic politics that the functions of governance are carried out and institutional power wielded. Actual transformative politics has rarely been without an institutional component, even if it does not involve the institutionalization of movements. Civil rights and the women’s, queer, and disability rights movements have all fought successfully to implement institutional and political change ranging from federal laws to workplace polices. This is not to suggest that cultural change is unimportant. It is to suggest that social transformation can only exist through some engagement with institutional politics that makes change durable. It is the turn from pragmatic politics and institutional engagement that distinguished Occupy from the Tea Party, the most recent manifestation of a five decade old populist conservative movement. Similar to other manifestations of conservative mobilization (McGirr, 2001; Teles, 2008) the Tea Party adopted a dual orientation toward both symbolic and institutional power. The most recent example is the Tea Party’s populist mobilization around the 2010 midterm elections, which reshaped the internal workings of the Republican Party and redoubled its institutional ability to block much of the president’s agenda—including what now passes as progressive reform. In conjunction with party elites and conservative media outlets, in 2010 the Tea Party movement drove turnout in the Republican primaries and the midterm elections (Williamson, Skocpol, & Coggin, 2011). After the elections, the Tea Party and its legislative allies created a 62-member caucus in the House and enlisted four members of the Senate to create a voting block that repeatedly eschewed legislative compromise. Even more, Tea Party activists not only drove turnout in the midterm elections, the presence of activists in districts helped hold members to account for the movement’s policy goals (Bailey, Mummolo, & Noel, 2011). In the process, the Tea Party caucus wielded all of the institutional tools at its disposal for the purposes of thwarting the president’s, and often the Republican House leadership’s, agenda. In this, the Tea Party resembles other movements that have taken advantage of political opportunities to open the space for new configurations of institutional politics (Amenta, 2008; McAdam & Tarrow, 2010). The contemporary conservative movement is, in large part, a story of the successful navigation of the twin faces of redemptive and pragmatic politics. Activists who participated in the redemptive mobilization around Barry Goldwater’s candidacy worked to reshape the Republican Party in the years after his defeat (Perlstein, 2001). All of which enabled movement conservatives to seize the political opportunity that Reagan’s candidacy offered. If Goldwater began to unravel the American consensus ideologically, it was Reagan who drew on the movement to wield the levers of institutional power that had effects that ran much deeper than cultural stylings. Reagan dismantled unions, cut taxes on the wealthy, and gutted social service programs. It was Reagan’s electoral victory that forged a radical reimagining of the American state and its obligations to its citizens, and created the institutional forms to hold it in place, from regulatory changes to the reshaping of the judiciary. Conclusion The Occupy movement may now be melting into a sedimentary network (Chadwick, 2007) of activists that will hang together through new media technologies and reconstitute itself around symbolic events in the coming years ― as it did in protest events at the Democratic and Republican National Conventions. This symbolic power will likely prove fleeting given the deinstitutionalized nature of redemptive politics. Deinstitutionalization can certainly be a strength in some contexts, such as the overthrowing of a dictator or the rapid creation and publicizing of a national political movement. But, in the routine workings of pragmatic politics, these organizational qualities are a distinct disadvantage, as secular liberals discovered in their recent defeat in the Egyptian elections. After the initial flare of the movement’s mediated publicity, the political context in the United States has changed to one that requires political organization able to engage and challenge institutional politics to advance an agenda forward. If Occupy is deeply divided about its engagement with pragmatic, institutional politics and fails to build meaningful ties to unions and civil society and advocacy organizations during the president’s second term it will be a wasted opportunity. Occupy’s redemptive energy, for instance, would be well directed towards the organization of a progressive, “Occupy Congress” voting block inside Congress that can hold Democrats to account for its aims. In effect, this strategy would call for using the master’s pragmatic tools to occupy the master’s institutional house. This strategy does not exclude the potential for transforming these institutional tools through a focus on process—neither does it disallow the regenerative politics which broader room for self expression can facilitate. It does, however, call for rethinking the balance between process and durable goals, and between personal and institutional transformation—which in turn can transform the conditions through which individuals ultimately flourish. Nor is this a call for abandoning redemptive politics which can again be mobilized when the institutional levers of power become, as they will inevitably, calcified.

#### EXPOSURE becomes addictive. Your aff over-focuses on calling the state out, instead of fighting to relieve suffering

Isaac 2 New School for Social Research, (Jeffrey C., Social Research, Summer, p. EXAC)

More to the point, when such exposure becomes itself a political project, and **when it usurps the tasks of judgment, then it becomes insidious, for it lacks all nuance.** In a world of media manipulation and melodramatic sensationalism it may be clever, and may even be in a sense just, to **hoist politicians on their own moral petards**. But in a world of serious violence and injury, in which policies are not simply about rhetoric or appearances but about human consequences, **it is irresponsible** to make the exposure of official hypocrisy the ultimate public intellectual project. For this makes unnecessary, and cynical, concessions to a media culture that there is no reason to embrace and many reasons to resist. Even more significantly, to do so represents **a callous indifference** to real human suffering. For **it implies that the real issue is not what might be done to relieve the suffering**, but rather how certain (American) officials can be caught in their own verbal contradictions. To do so also ignores the important fact that politicians, try though they may, **do not control** moral symbols or political discourse. The discourse of human rights is **not a creation** of the Pentagon or the State Department. While these institutions may seek to use this discourse when it suits their purposes, **the discourse has a seriousness and a truth value independent** of these uses. Citizens, intellectuals, relief workers, and human rights activists who invoke this discourse to justify a range of actions, including but by no means reducible to military interventions in the name of humanitarian relief, are **not creatures of American propaganda**.

#### Native litigation has empirically worked to beat back corporations

Clark 2, -- Brett, Professor Sociology and Anthropology – NC State, “The indigenous environmental movement in the United States”, Organization and Environment, Vol. 15, pg. 4

In contrast to the position taken by Piven and Cloward (1979), which stresses spontaneity in poor peoples' movements, political organization within the IEM is necessary for these contentious politics to take place. McAdam (1999) provided important insights into the potential for organized groups to pursue their demands. The Native American population is quite small, so hopes of individual, spontaneous, unorganized disruptions creating larger social change is quite absurd. So organization remains central to this social movement, as contentious politics (often using the courts) are engaged in locally and nationally. Despite Piven and Cloward's hesitations regarding institutionalized forms of political action, the court system has been necessary given the social-historical conditions of the relationship between Native Americans and the federal government. In fact, the litigation process, whether it concerns treaty rights or endangered animals, has disrupted the ability of Exxon and other mining companies to develop mines in Wisconsin, costing corporations extra money with delays.

#### OPPRESSION IS LARGER THAN BODY POLITICS, your focus becomes insular, crowding out understanding other influences

Ebert 95, Pf Critical and Cultural Theory, University at Albany, 95 (Teresa, (Untimely) Critiques for a Red Feminism, Post-Ality, Marxism and Postmodernism, edited by Mas'ud Zavarzadeh)

For a red feminism this means that issues about the "nature of individuals" — gender, sexuality, pleasure, desire, needs — cannot be separated from the conditions producing individuals: not just the discursive and ideological conditions but most important the material conditions, the relations of production, which shape discourses and ideologies. Thus the struggle to end the exploitation and oppression of all women, and in particular of people of colour, lesbians and gays, within the metropole as well as the periphery, is not simply a matter ofdiscursive or semiotic liberation or a question of the resisting "matter of the body," but a global social relation: it thus requires the transformation of the material conditions — the relations of production — producing these forms of oppression.

#### Pain fails to create a successful strategy against coloniality – it’s too fleeting and it essentializes whiteness

* over-focusing on pain means there’s less focus on strategies for coping
* mechanism to scapegoat and blame for pain

Slocum 8 Rachel, PF University of Wisconsin - La Crosse, graduate research began with work in Mali, West Africa, where she studied women's and men's access to land in a large government rice project called the Office du Niger. Rachel began a study of race and the movement to make food systems more local, research she continues to pursue. She uses ethnographic methods to study racial identity in the context of this movement nationally and locally, *ACME: An E Journal of Critical Geographies*, The Embodied Politics of Pain in US Anti-Racism, volume 7, issue 3

This paper has analyzed instances of anti-racist activism and training in which sadness is drawn out of white participants. Pain as a means to attract concern from whites about racism is too fleeting a basis for anti-racism and may even work against it. This pain is elicited by using a notion of race that essentializes whiteness and does not acknowledge the fuzziness of race and the productiveness of its uncertainty. White people need to be involved in anti-racism, but these elements militate against such involvement. Further, the geographical imaginaries of this anti-racist practice omit differences in how racism manifests and what to do about it that are specific to place. This geographical understanding of the world tends to reduce racism to US-centric binaries and the ‘black-white’ divide, excluding other power geometries. I agree with those who have argued for greater pleasure, humor, absurdity and celebration in politics (e.g. Torgerson, 1999; Grosz, 2001; Merrifield, 2002), but I do not have examples of an anti-racist politics of joy.

#### Your focus on body politics is easily co-opted by the right.

Bojadžijev AND Karakayalı 10 (Manuela, Professor at the Institute for European Ethnology at the Humboldt University of Berlin; Serhat, teaches at the University of Halle, *e- flux* 06/10)

When, in our paper, we criticized the phantasma of “freely accessible identity positions,” it was directed at a concept of hybridity claiming to foreclose the identity with which it is coupled. In particular, we argued that radicalized identities are not essential; they are, rather, the modes of processing social contradictions. In order to reject any core essentialist conception of hybridity conceivable only as a potentized or mixed identity, we prioritized the “wager” through which one could access a “temporary departure” from identitarian interpellation. What we implied with the expression “temporary” deserves closer examination. “Hybrid” identities, in large parts of the Western world, are not only less problematic today than they were twenty, thirty, or forty years ago (as only temporary sites of “political deployment,” which they remain to a lesser extent today); they have also become a trademark of a reflexive modernity that has taken up the cause of its own heterogeneity and tolerance—and is sometimes prepared to fight for it with bombs and threats. This assumed discrepancy between a liberal, cosmopolitan, and capitalist modernity on the one hand, and a fundamentalist Other that refuses intermixing on the other, is itself a hegemonic gesture that must be rejected. Emancipatory language moves from Left to Right and back again, and finds its application in the governance of populations. In this respect, the current uncertainty in designating the political is connected historically to those movements that have opposed their exclusion and insisted upon their rights; or rather, their representation. Numerous examples demonstrate that the language of rights developed in Black, women’s, and migrants’ movements, and in the queer movement, have now entered a right-wing, chauvinistic discourse and are used for the sealing of borders. This language has developed into a military-imperial and anti-migration project. For instance, the discourse legitimizing the Iraq War articulated the need to bomb because of a lack of democracy; in the case of Afghanistan, the lack of women’s rights, among other things, were used as justification. Anti-racist discourses have begun to enter the policies of migration controls (for instance, in the campaigns of the International Organization for Migration). Arguments against immigration to Europe are decorated with the pretention of tolerance for “cultural difference.” Migrants today are no longer attacked in the name of unifying culture and nation, but rather of emancipation and democracy.

#### Poetry cannot be transformative in the current political climate

Daniel 97 [Jamie Owen, English Department, The University of Illinois at Chicago, “Does "poetry makes nothing happen?": The Case for Public Poetry as a Counter-Public Sphere”, http://english.rutgers.edu/does.htm , accessed January 30, 2002]

Thus, as attractive as the idea of public poetry may be as an alternative public sphere, it nonetheless remains fixated and fixed at the level of changing the final product rather than the process of production. Merely allowing "diverse relations of power and privilege" to intermingle in public space, whether a poetry slam or spontaneous street festival or an academic conference such as this one, does not magically render those constituencies equal, given their various histories of deprivation or exploitation. Our inability or unwillingness to confront the bigger, less easily manipulable world outside the institutions of culture is, it seems to me, symptomatic of a key flaw in the celebration of more public poetry as a potential counter-public sphere, for no matter how we de- or reconstruct the hierarchy of authority, no matter how many voices we allow or encourage to intermingle, we still can't make a democratic public sphere, or a democratic culture, in a society based on a system that remains fundamentally anti-democratic.

#### Your aff will never be receptive to the larger public. We should view outside of the academy as more important than our debate spaces – using debate for political agency draws us into the debate community and away from producing effective rhetorics for the outside world

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

What does it mean to say rhetoric scholarship should be relevant to democratic practice? A prevailing answer to this question insists that rhetoric scholars are participants in the democratic contest for power just like all other citizens, no more and no less. Drawing on the work of Slavoj Žižek, the argument of this essay is that reducing scholarship to a mode of political agency not only produces an increasingly uninhabitable academic identity but also draws our attention away from producing results of rhetorical inquiry designed to be useful to citizens in democracy. Clinging to the idea that academic practice is a mode of political action produces a fantastic blindness to the antagonism between scholarly reflection and political agency that structures academic purpose. While empirical barriers to the production of rhetorical resources suitable for democratic appropriation undoubtedly exist, ignoring the self-frustrating character of academic desire is no less of an impediment to the production of democratically consequential rhetoric scholarship.

## 2NC

### 2NC Reforms/Coalitions

#### Reforms are the best approach---it avoids a mobilization of politics around maintaining identity rather than articulating a future of social justice for society

Bhambra 10—U Warwick—AND—Victoria Margree—School of Humanities, U Brighton (Identity Politics and the Need for a ‘Tomorrow’, http://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)

Political mobilisation around suffering engenders solidarities between those who are suffering and those who afford recognition of (and then action around) that suffering. Those who suffergenerally claim their common humanity with others in asking forpeople to look beyond the speciﬁc circumstances of their suffer-ing, and in doing so, the request is to address those speciﬁc circumstances on the basis of a humanity not bound to the circumstances. The mistake of some forms of identity politics, then, is to associate identity with suffering. While a recognition of historical (and contemporary) suffering is an important aspect of the political process of seeking redress for the conditions of suffering, it does not constitute identity singularly. ¶ “Wounded attachments”, we would argue, do not represent the general condition of politicised identities, but rather, are problematic constructions of identities which fail to recognise (or accept) the processes of change associated with movements. The accumulation of different sorts of challenges around similar issues generally leads to the gradual amelioration of the conditions which generated the identity (and the associated movement) in the first instance. If the emphasis in the movement is on identity then successful reform (even partial reform) reduces the injury and thus diminishes the power of the identity claim based upon that injury. This is because reform is necessarily uneven in terms of the impact it has. This then poses a problem for those within the movement who would wish the reforms to go further and who see in the reforms a weakening of the identity that they believe is a necessary prerequisite for political action. As they can no longer mobilise the injured identity – and the associated s uffering – as common to all (and thus requiring address because of its generalised effect), there is often, then, a perceived need to privilege that suffering as particular and to institute a politics of guilt with regard to addressing it – truly the politics of ressentiment. The problems arise by insisting on the necessity of political action being constituted through pre-existing identities and solidarities (for example, those of being a woman). If, instead, it was recognised that equality for women is not separable from (or achievable separated from) wider issues of justice and equality within society then reforms could be seen as steps towards equality. A movement concerned with issues of social justice (of which gender justice is an integral aspect) would allow for provisional reforms to prevailing conditions of injustice without calling into question the basis for the movement – for there would always be more to be achieved.8 Each achievement would itself necessitate further revision of what equality would look like. And it would also necessitate revision of the particular aims that constitute the “identity” afforded by participating in that movement. In this way, identity becomes more appropriately understood as being, in part at least, about participating in a series of dialogues about what is desired for the future in terms of understandings of s ocial justice. Focusing on the future, on how we would like things to be tomorrow, based on an understanding of where we are today, would allow for partial reforms to be seen as gains and not threats. It is only if one believes that political action can only occur in the context of identification of past injustices as opposed to future justice that one has a problem with (partial) reforms in the present. Political identity which exists only through an enunciation of its injury and does not seek to dissolve itself as an identity can lead to the ossifi cation of injured relations. The “wounded attachment” occurs when the politicised identity can see no future without the injury also constituting an aspect of that future. Developing on the work of Brown, we would argue that not only does a “reformed” identity politics need to be based upon desire for the future, but that that desire should actually be a desire for the dissolution (in the future) of the identity claim. The complete success of the feminist movement, for instance, would mean that feminists no longer existed, as the conditions that caused people to become feminist had been addressed. Similarly, with the dalit movement, its success would be measured by the dissolution of the identity of “dalit” as a salient political category. There would be no loss here, only a gain. As we have argued, following Mohanty ([1993] 2000) andNelson (1993), it is participation in the processing of one’s ownand other’s experiences into knowledge about the world, in thecontext of communities that negotiate epistemological premises, which confers a notion of politicised identity. Since it is an under-standing of “tomorrow” (what that would be, and how it is to beachieved) that establishes one as, for example, a feminist, such an identity claim does not exclude others from participation, and it **does not solicit the reiﬁcation of identity around the fact of historical or contemporary** suffering. By removing these obstacles to progress, the “tomorrow” that is the goal, is more readily achievable. Identity politics, then, “needs a tomorrow” in this sense: that the raison d’être of any politicised identity is the bringing about of a tomorrow in which the social injustices of the present have been overcome. But identity p**olitics also needs that tomorrow – today – in the sense that politicised identities need to inscribe that tomorrow into their self-deﬁnition in the present, in order to avoid consolidating activity around the maintenance of the identity rather than the overcoming of the conditions that generated it.** **That the tomorrow to be inscribed – today – in the self-deﬁnition of one’s political identity, is one in which that identity will no longer be required, is not a situation to be regretted, since it is rather the promise of success for any movement for justice.**

### 2NC Grossberg

#### The question of the debate should be how ensure the Left survive and populations can be mobilized instead of a concern for our subjectivities

Grossberg, 92 [Lawrence, “Professor of Communications Studies at the University of North Carolina, We Gotta Get Out of This Place: Popular Conservatism and Postmodern Culture, 1992 p. 388-390]

If the Left can give up its demand for purity, it may be able to make the compromises which may be necessary for effective political opposition in the contemporary world. It will act strategically and tactically, For example, it could use contemporary advertising to its own advantage ie.g., when Reagan came out in support of gun control, or in the "Big (keen" campaign in California, where effec¬tive advertising could have prepared people tor the corporate-spon¬sored media barage opposing the initiative). Politics is always a strategic matter: one must decide where and how to struggle, it has to be decided when identities, or ideologies or state politics are appropriate and important sites of struggle. And this will sometimes involve the need to compare, evaluate and perhaps even prioritize the demandsand claimsof particular struggles**,** based not soley on moral commitments or theoretical reductions (as in alliance;- of solidarity) but on the exigencies and possibilities of the context. Questions need to be raised about the effective mobilization and deployment of resources, about when different fractions have to come together under a common identity, and when one group should act on behalf of another group's interest, rather than its own immediate interest. Such decisions will have to be based on political calculations of importance and possibility, but also on calculations about how best to mobilize peopleinto the particular struggle andinto a broader movement. Sometimes that will mean having to bear defeats in one place, in order to win a victory somewhere else.

### 2NC Ancestry

#### You are a move to innocence

Tuck and Yang 12 Tuck 12—Assistant Professor of Educational Foundations at the State University of New York at New Paltz. (Eve, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society, Vol. 1, No. 1, 2012, pp. 1-40)

In describing settler moves to innocence, our goal is to provide a framework of excuses, distractions, and diversions from decolonization. We discuss some of the moves to innocence at greater length than others, mostly because some require less explanation and because others are more central to our initial argument for the demetaphorization of decolonization. We provide this framework so that we can be more impatient with each other, less likely to accept gestures and half-steps, and more willing to press for acts which unsettle innocence, which we discuss in the final section of this article. Moves to innocence I: Settler nativism In this move to innocence, settlers locate or invent a long-lost ancestor who is rumored to have had “Indian blood,” and they use this claim to mark themselves as blameless in the attempted eradications of Indigenous peoples. There are numerous examples of public figures in the United States who “remember” a distant Native ancestor, including Nancy Reagan (who is said to be a descendant of Pocahontas) and, more recently, Elizabeth Warren9 and many others, illustrating how commonplace settler nativism is. Vine Deloria Jr. discusses what he calls the Indiangrandmother complex in the following account from Custer Died for Your Sins: During my three years as Executive Director of the National Congress of American Indians it was a rare day when some white [person] didn't visit my office and proudly proclaim that he or she was of Indian descent... At times I became quite defensive about being a Sioux when these white people had a pedigree that was so much more respectable than mine. But eventually I came to understand their need to identify as partially Indian and did not resent them. I would confirm their wildest stories about their Indian ancestry and would add a few tales of my own hoping that they would be able to accept themselves someday and leave us alone. Whites claiming Indian blood generally tend to reinforce mythical beliefs about Indians. All but one person I met who claimed Indian blood claimed it on their grandmother's side. I once did a projection backward and discovered that evidently most tribes were entirely female for the first three hundred years of white occupation. No one, it seemed, wanted to claim a male Indian as a forebear. It doesn't take much insight into racial attitudes to understand the real meaning of the Indian-grandmother complex that plagues certain white [people]. A male ancestor has too much of the aura of the savage warrior, the unknown primitive, the instinctive animal, to make him a respectable member of the family tree. But a young Indian princess? Ah, there was royalty for the taking. Somehow the white was linked with a noble house of gentility and culture if his grandmother was an Indian princess who ran away with an intrepid pioneer... While a real Indian grandmother is probably the nicest thing that could happen to a child, why is a remote Indian princess grandmother so necessary for many white [people]? Is it because they are afraid of being classed as foreigners? Do they need some blood tie with the frontier and its dangers in order to experience what it means to be an American? Or is it an attempt to avoid facing the guilt they bear for the treatment of the Indians? (1988, p. 2-4)

### 2NC Specific Demands: Natives

#### The 1ac is a vacuous endorsement of pluralism that accomplishes nothing---proposing comprehensive reforms is crucial

Bradford 3—Chiricahua Apache and Associate Professor of Law, Indiana University School of Law (William, excerpted from: William Bradford, With a Very Great Blame on Our Hearts, academic.udayton.edu/race/02rights/native14.htm)

[\*17] Nevertheless, even if the non-Indian majority would reject the American Myth in the interest of mending national fences, the path to Indian redress winds through terrain unmapped heretofore. Compensation and apologies, gestures potentially part of an amicable settlement, are not germane to the resolution of Indian claims for injustices that cannot be remedied save by reinvestiture of lands and sovereignty in self-determining Indian tribes. n70 This requires not merely an abstract acknowledgment of the value of pluralism but a comprehensive program of legal reform that dispenses with doctrines and precedents perpetuating the denial of the human rights of Indian tribes and people. n71 As law, more than any other social variable, has reproduced the subordination of Indians in the United States, n72 legal reform occupies a central position in the claim for Indian redress. n73¶ [\*18] In short, proponents of Indian redress must not only displace a flawed version of history: they must articulate a proposal for remediation that transports the American people far beyond the strictures of existing law to enable the peaceful restoration of Indian lands and powers of self-government. n74 Such a transformative mission cannot be accomplished by positing Indians and the non-Indian majority as adversaries, as would reparations; rather, redress of Indian claims and the healing of the American nation -- crucial foci of the drive toward perfection -- necessitate dialogue, reconciliation, and joint authorship of a future history of peace, harmony, and justice. n75 Only we access offense---arguments like framework don’t injure people, but policies do---avoiding democratic engagement means the aff can never actually transform the institutions that produce exclusion in the first place---rejecting institutional engagement turns debate into a palliative where they escaped lived realities instead of producing political habits necessary to actualize democratic politics Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290 Probyns piece is a mixture of affective fallacy, argument by authority, and bald ad hominem. There's a pattern here: precisely the tendency to personalize argument and to foreground what Wendy Brown has called "states of injury." Probyn says, for example, that she "felt ostracized by the books content and style." Ostracized? Argument here is seen as directly harming persons, and this is precisely the state of affairs to which I object. Argument is not injurious to persons. Policies are injurious to persons and institutionalized practices can alienate and exclude. But argument itself is not directly harmful; once one says it is, one is very close to a logic of censorship. The most productive thing to do in an open academic culture (and in societies that aspire to freedom and democracy) when you encounter a book or an argument that you disagree with is to produce a response or a book that states your disagreement. But to assert that the book itself directly harms you is tantamount to saying that you do not believe in argument or in the free exchange of ideas, that your claim to injury somehow damns your opponent's ideas. When Probyn isn't symptomatic, she's just downright sloppy. One could work to build up the substance of points that she throws out the car window as she screeches on to her next destination, but life is short, and those with considered objections to liberalism and proceduralism would not be particularly well served by the exercise. As far as I can tell, Probyn thinks my discussion of universalism is of limited relevance (though far more appealing when put, by others, in more comfortingly equivocating terms), but she's certain my critique of appeals to identity is simply not able to accommodate the importance of identity in social and political life. As I make clear throughout the book, and particularly in my discussion of the headscarf debate in France, identity is likely to be at the center of key arguments about life in plural democracies; my point is not that identity is not relevant, but simply that it should not be used to trump or stifle argument. In closing, I'd like to speak briefly to the question of proceduralism's relevance to democratic vitality. One important way of extending the proceduralist arguments put forth by Habeimas is to work on how institutions and practices might better promote participation in democratic life. The apathy and nonparticipation plaguing democratic institutions in the United States is a serious problem, and can be separated from the more romantic theoretical investments in a refusal to accept the terms of what counts as argument, or in assertions of inassimilable difference. With respect to the latter, which is often glorified precisely as the moment when politics or democracy is truly occurring, I would say, on the contrary democracy is not happening then-rather, the limits or deficiencies of an actually existing democracy are making themselves felt. Acknowledging struggle, conflict, and exclusion is vital to democracy, but insisting that exclusion is not so much a persistent challenge for modern liberal democracies but rather inherent to the modern liberal-democratic political form as such seems to me precisely to remain stalled in a romantic critique of Enlightenment. It all comes down to a question of whether one wants to work with the ideals of democracy or see them as essentially normative in a negative sense: this has been the legacy of a certain critique of Enlightenment, and it is astonishingly persistent in the left quarters in the academy. One hears it clearly when Robbins makes confident reference to liberalisms tendency to ignore "the founding acts of violence on which a social order is based." One encounters it in the current vogue for the work of Giorgio Agamben and Carl Schmitt. Saying that a state of exception defines modernity or is internal to the law itself may help to sharpen your diagnoses of certain historical conditions, but if absolutized as it is in these accounts, it gives you nothing but a negative diagnostic and a compensatory flight to a realm entirely other-the kind of mystical, Utopian impulse that flees from these conditions rather than confronts and fights them on terms that derive from the settled-if constantly evolving-normative basis of democratic modernity. If one is outraged by the flagrant disregard of democratic procedures in the current U.S. political regime, then one needs to be able to coherently say why democratic procedures matter, what principles underwrite them, and what historical movements and institutions have helped us to secure and support them. Argument as a critical practice and as a key component of democratic institutions and public debate has a vital role to play in such a task.

#### you assume natives are too passive to handle any form of state power. Your link arguments are backwards – treaties enable confrontations with the state. It increases native experience with resisting state oppression

Clark 2, -- Brett, Professor Sociology and Anthropology – NC State, “The indigenous environmental movement in the United States”, Organization and Environment, Vol. 15, pg. 4

The unique history of Native Americans and the U.S. government, based largely on treaties, creates additional realms for contentious politics (Gedicks, 1993). Despite continual threats to Native lands, the existence of treaties has proven to be a beneficial position for asserting rights during the past three decades. Although treaties are commonly violated, these treaties are useful because they are detailed and clear in addressing what land and rights are given to tribes and what obligations the U.S. government has to this population. This realm of contentious politics has been beneficial to social movements and has spread from location to location with increased communications between groups (Morris, 1981). In addition, the ability to protect the environment through treaty rights increased the alliances between the IEM and the larger environmental movement. In this, the political process model provides important insights regarding the immediate dynamics of a social movement (McAdam, 1999). The contentious politics of the IEM presents a unique situation outside the context for which social movement theory was designed. At the end of Epstein's (1991) study of nonviolent movements, she addressed the need to create a mass-based social movement that presents a new counterhegemonic bloc that will effectively challenge corporate power and the state once it has been substantially formed. Epstein purposely avoided discussing a social movement that directly confronts the state because she sees the formation of a historical counterhegemonic bloc to be the first and foremost project. Although her position is very insightful and I would venture to guess accurate in many ways, I feel that the IEM, due to its unique social-historical position as a long-oppressed and culturally autonomous community, is forced into an immediate confrontation with the state. The exploitation of Native lands has pushed the issue of Native sovereignty to the forefront of this movement, although much of this confrontation takes place within the restricted arena of the courts. Still, at times, this confrontation is more immediate, such as the blockages and occupations of the test site in Nevada. The existence of treaties provides an additional basis and political leverage for sustaining these social movements and confronting the state.

#### Indigenous activists rejects your link and impact arguments - If your argument is so true, why does Winona LaDuke continue to use the law to support the Native environmental movement?

LaDuke 12 Winona, Executive Director of Honor the Earth, A Year End Letter From Winona, http://www.honorearth.org/news/year-end-letter-winona

In the upcoming year we will continue to support the front lines of the Native environmental movement. We will work as partners with Dine, Havasupai, and other Indigenous peoples fighting uranium mining in the southwest. We will provide support through grants, writing, and our voices to the peoples on the front lines of the struggles against the Tar Sands, and opposing the pipelines proposed to take the dirty oil to markets. We will support the Beaver Lake First Nation in legal challenges to the Tar Sands, and, we will stand with people to protect our sacred sites from desecration. We will make a difference. We will do this by stopping some of these projects, and we will make a difference, because we will make a positive future.

### 2NC SQ Resisting

#### Decolonization is alive and vibrant

Sium 13 Aman, Decolonization: Indigeneity, Education & Society, Vol 2, No 1 (2013)

In our preparation for this issue, we had particular expectations and beliefs about what it meant to theorize and map out decolonization. We saw decolonization as under theorized and needing more attention. What the authors of this issue reminded us of is that decolonization does not fit the demands and expectations of the Western Euroversity – it is alive and vibrant, being theorized and enacted in Indigenous communities around the globe through practices such as story telling. In this editorial we examine the role that Indigenous storytelling plays as resurgence and insurgence, as Indigenous knowledge production, and as disruptive of Eurocentric, colonial norms of ‘objectivity’ and knowledge. As the authors in this issue explore the specific and located knowledges that work to decolonization, we finish by asking what the role of the reader is in bearing witness to these profound, powerful, and complex articulations of decolonization and Indigenous being.

#### Cultural knowledge and ways of life are surviving

Lee 13 Lloyd Lance, Decolonization: Indigeneity, Education & Society, Vol 2, No 2, http://decolonization.org/index.php/des/article/view/19265

Indigenous knowledge has sustained Indigenous peoples for centuries. Despite the traumatizing and coercive impacts of European, and later American colonization, Indigenous peoples have been able to maintain many aspects of their cultural knowledge and ways of life. In 2002, the Navajo Nation initiated a process through which they codified ethical standards their ancestors lived by since their emergence to Diné Bikéyah (Diné land).

#### Protests now

Rapid-city Journal 4-28 “Native American Protest Riles Canada”

OTTAWA—A three-week-long hunger strike by a Native American chief in Canada over alleged abuses of land rights and other grievances is stoking wider protests that are also spilling over into the U.S.¶ Theresa Spence, chief of the Attawapiskat First Nation in Northern Ontario, was on the 24th day of a hunger strike Thursday that she says won't end until Prime Minister Stephen Harper agrees to meet with Native American chiefs to address the alleged wrongdoings.¶ Enlarge Image¶ A hunger strike by Chief Spence, center, is becoming a rallying point. Sipa Press¶ Mr. Harper has declined to meet the chief. Canada's minister responsible for aboriginal affairs, John Duncan, has said he would meet with Ms. Spence. But she has refused the offer, calling Mr. Duncan a "program manager," Ms. Spence's spokesman said.¶ Ms. Spence has cited provisions in a recent budget bill that she argues weakens environmental protection on native land, and alleged violations to treaty accords over proposals to lease territory belonging to First Nations, a group of native peoples.¶ The protest has become a rallying point for a broad group of protesters and inspired scattered rallies in some U.S. cities. Some protesters say they will blockade crossings on the U.S.-Canadian border Saturday.¶ "There are a lot of crossings, but there are a lot of Indians to blockade them," said Ron Plain, a spokesman for the blockades, which are being organized by members of the Aamjiwnaang First Nation in southern Ontario.¶ Canadian National Railway Co. CNR.T -1.33% won an injunction Wednesday to end a two-week blockade of a railway line in Sarnia, Ontario, organized by the group.¶ Another group, Idle No More, has promised a series of national protests after setting up rallies across Canada to back Ms. Spence. One of its organizers, Alexandria Wilson, said the group also helped organize recent rallies in Denver, Boston, New York and other U.S. cities.¶ Some Canadians dismiss Ms. Spencer's charges, saying that substantial resources have been plowed into First Nations and that the country has had better relations with its indigenous citizens than the U.S. They say complaints about native people's relative deprivation should be addressed to native leaders who typically manage their resources, such as Ms. Spence.¶ Mark Milke, a director at Fraser Institute, a nonpartisan think tank, said some indigenous leaders haven't addressed economic and internal governance issues. "I don't think Chief Spence is the best spokeswoman for progressive policy, given the problem is a broken system of reserves which often don't have a connection to the wider economy," he said.¶ The Spence spokesman said the chief wasn't available for comment due to her "vulnerable" state. Ms. Spence is holding her protest in a teepee on an island on the Ottawa River, just northwest of Canada's main parliament buildings in the capital.¶ Mr. Duncan will continue to "try to engage" Ms. Spence and other First Nation leaders, a Duncan spokesman said. Under Mr. Harper, annual spending at Canada's aboriginal affairs department has risen by a third to C$7.2 billion (US$7.3 billion) in the past six years, he said. Still, as in the U.S., Canada's indigenous communities lag the wider population in economic well-being and health. The unemployment rate among Canadian aboriginals hit 14.3% in 2010, versus 7.9% rate for other Canadians. First Nations members earned an average of $19,000 a year, against a national average of $33,000, according to the country's 2006 census.¶ But while the protests have attracted support, a number of media commentators and think tanks have criticized the increasingly broad-based movement, calling its aims confused and ridiculing Ms. Spence for allowing herself to eat fish broth in the hunger strike. Her spokesman said the broth was meant "to keep the kidneys going."

#### Lakota protests now against pipelines

Indian Country 10/18/13 “Anishinaabe and Lakota Riders Protest Pipelines, on Horseback” http://indiancountrytodaymedianetwork.com/gallery/photo/anishinaabe-and-lakota-riders-protest-pipelines-horseback-151792

Thundering across the plains on horseback, along the routes of two proposed oil pipelines, Earth’s Army has wound up its journey to draw attention to not just TransCanada’s Keystone XL pipeline, but also a lesser-known one being proposed by Enbridge across White Earth territory.¶ On Monday October 14, while many across Turtle Island were flocking to malls in search of Columbus Day sales, a group of riders were on Day 2 of their 150-mile journey from the Pine Ridge Reservation to the Cheyenne River Reservation in South Dakota, tracing the approximate route of the proposed Keystone XL pipeline.¶ Led by Percy White Plume, a descendant of the survivors of the 1890 Wounded Knee massacre, they rode to oppose the so-called man camps built to house the transient laborers who will be brought in to build the pipeline, as well as “to protect our water,” White Plume said.¶ “We can drink bottled water, but our relatives in the horse nation, the buffalo nation and the animals cannot drink bottled water, our water is sacred,” he said.¶ Keystone XL would cross Lakota territory and the Oglala Aquifer, which is the primary source of water for most of the region, noted the organizers. The ride was organized by the Horse Spirit Society of Wounded Knee, sponsored by Honor the Earth, and supported by the Swift Family Foundation, U.S. Climate Action Network and 350.org.¶ “The ride began the same day as the 800,000 gallon plus pipeline spill from a Tesoro six inch line near Tioga, North Dakota was revealed to the press, and amidst a federal shutdown, in which it is not clear that [pipeline safety inspectors] are available,” the organizers said in a statement on the ride’s second day. “The ride also follows a freak … two-foot blizzard which killed over 100,000 cattle in the largely rural ranching state. Amidst the changing weather, and riding through fields still littered with the carcasses of dead cattle, overturned trees and flooded creeks, 25 riders and supporters continue north.”¶ It was the second ride in as many weeks. During the first week of October a smaller, Anishinaabe group headed by LaDuke rode along the proposed route of another would-be pipeline. The construction of the Sandpiper pipeline and the expansion of the Alberta Clipper pipeline have not garnered the attention that the Keystone XL has, though they too would cut through sacred lands and ecologically sensitive areas.¶ The Minnesota Public Utilities Commission is considering the Enbridge Alberta Clipper expansion proposal, which would create a pipeline much larger than Keystone XL. It would run from Hardisty, Alberta across northern Minnesota to Superior, Wisconsin, according to the Minneapolis Star Tribune.¶ The rides are winding up just as Congress begins hearings on the climate change initiatives proposed by President Barack Obama, as Bloomberg newswire pointed out. In addition, Thursday October 17 “marks the fifth anniversary of the Keystone XL pipeline’s non-approval,” the newswire said, with Friday a deadline imposed by Obama for stronger coal-plant-emission rules.¶ “We will oppose the devastation that the proposed Enbridge Sandpiper pipeline would cause in our home community of White Earth,” said LaDuke in a statement from Honor the Earth. “We will be working in coordination with partner organizations and allies to launch a media campaign and public education effort against the Alberta Clipper expansion and the Sandpiper pipelines. We will also join our Lakota relatives to ride in the west.”¶ This they did, and here is the photographic record of the prayer-filled rides. Below, the riders in action.

## 1NR

### Case

#### Lakota people’s law project –

#### Lakota Law.Org, No Date

http://lakotalaw.org/

Every year in South Dakota the state department of social services removes over 740 American Indian children from their homes, tearing them away from their families, their tribes and their traditions. Since 2006 the Lakota People's Law Project has been waging a comprehensive campaign to stop the state's actions and win the return of these children.

 The Lakota People's Law Project combines litigation, research, investigation, policy, education, and organizing in a unique model for social reform. As a nonprofit project, our work is funded entirely through the generosity of our supporters. We can't do it without you. A gift of any amount will move us forward. Join the fight and together we can create real change! Our legal team is led by one of the most celebrated public advocates of the last 40 years, and our South Dakota staff includes one of the founding member of the American Indian Movement and a number of emerging Lakota leaders. Most importantly, we're all united by our goal of winning justice and renewal for the Oceti Sakowin—the People of the Seven Council Fires.

Chase Iron Eyes,

http://lastrealindians.com/end-the-cultural-genocide-in-south-dakota-against-our-lakota-people-by-chase-iron-eyes/

Hello my relatives. My name is Chase Iron Eyes. I am South Dakota counsel for the Lakota Peoples Law Project, the appointed Eyapaha (messenger) of the Black Hills Sioux Nation Treaty Council, board member of HonorTheTreaties.Org, and co-creator of LastRealIndians.com. I write to you today to introduce myself to the Kos community, to tell you of the important work we are doing in South Dakota on Indian Child Welfare and treaty issues, and to ask you to support us.¶ For far too long our people have been ignored by the United States. Many who are willing to learn of our struggles are kept in the dark by corporate-controlled media and other institutions. Genocide has survived in various forms after the Massacre at Wounded Knee in 1890 and after the deliberate kidnapping, haircutting, beatings, sexual-physical abuse, rape, and other crimes against humanity that happened to our grandmothers and grandfathers at the hands of Christian Churches and the United States Government during the boarding school era. Our blood is all over America’s hands. Yet, we don’t want to exploit White Guilt; we want modern humans to honor the Treaties and the Covenants that both Native and white American ancestors agreed to uphold before God.¶ Our nation, the Lakota Nation, entered into a Treaty, a contract between nations, with the United States in 1868 at the request of the U.S.A. America wished to establish peace with the Lakota, who were defending land, people, and a way of life that Americans were encroaching upon during the Red Cloud wars of 1866-1868. By signing the 1868 Treaty of Fort Laramie, the U.S.A. did not grant any rights or reservations to us whatsoever; our rights inhere in our own Creator-given sovereignty over ourselves and our futures as an internationally capable people and nation. This treaty is still alive. It is an organic document that evolves with time. But, the U.S. refuses to honor the agreement, causing the United Nations to condemn the U.S. recently. How can the United States respect the Treaty it made with us? It can start by giving back the Black Hills (that’s where Mount Rushmore is) to its rightful owners and protectors, our Sioux Nation. Secondly, the United States can intervene in South Dakota to prevent the ongoing removal of Indian Children from their families in violation of our Treaties, Federal Law, and International law. The rate and manner of removal of Indian children is tantamount to genocide; it accomplishes the same results as forced transferal of our children to boarding schools in the past. It leads to the erasure of our dignity as original peoples of this continent.¶ Genocide has survived and been institutionalized in the state of South Dakota’s Department of Social Services, under the guidance of a legendary Indian fighter named William J. Janklow, former governor of South Dakota. Janklow once stated that the best way to deal with the American Indian Movement (AIM)—who forced great, necessary social change within and without Indian Nations—was to “put a gun to the heads of the leaders of AIM and pull the trigger.” For a full briefing on the ongoing, de facto genocide against Indian people in South Dakota, visit the Lakota People’s Law Project website. But suffice it to say that the South Dakota DSS is removing Indian children from Indian parents in violation of federal and international law and placing them into White institutions and homes while Indian homes sit vacant. Every day two of our kids are taken and placed; 740+ every year are subjected to this fate. Further, the state is receiving $56 million per year (roughly 72k per kid) from the federal government to accomplish this. Some are reunited after years of battling with the state, some are kept track of, some are lost and placed in abusive homes like the home of Richard and Wendy Mette (please read our special report on this terrifying issue). What follows is a quick overview of facts and assertions based on research by the Lakota People’s Law Project.¶ But before proceeding, I ask that you support our work in South Dakota by donating $50. You’ll receive a free t-shirt with original artwork by acclaimed artist Shepard Fairey and photographer Aaron Huey. All proceeds will go to pay Lakota professionals and activists.¶ Key Facts and Assertions in re the Indian Child Welfare Act (ICWA):¶ - Fact: In South Dakota Indian children comprise approximately 13% of the total child population yet constitute roughly 54% of all children in state custody.¶ - Fact: In South Dakota approximately 740+ Indian kids are taken out of Indian families every year by the state.¶ - Fact: A lawsuit filed by the ACLU on behalf of the Oglala and Rosebud Sioux Tribes regarding South Dakota’s reported violations of ICWA relating to the 48 hour hearing requirements is currently active.¶ - Fact: When our foster and adoptive children are taken from their families, 90% of the time they are not placed with their kin or another Indian family (as required by ICWA), although eligible Indian foster homes exist and yet sit vacant.¶ -Assertion: When our children are taken from us and placed in non-Indian residential or institutional care they have arguably zero access to culture or teachings which are vital to their self-esteem/identity.¶ - Fact: All foster children are classified as “special needs” children by the state of South Dakota, making them four times more profitable and resulting in a 72,000 per year financial incentive per child.¶ - Fact: the South Dakota economy brings in approximately 56 million dollars per year from the federal government by classifying Indian kids as special needs and removing them from their families. - Fact: Approximately 21% of our kids who are taken from their families end up in institutions other than foster homes, such as detention centers, group homes, and psychiatric care centers.¶ - Assertion: Our children are prescribed psychotropic drugs at such institutions, side effects of which include destabilized mental health and suicidal ideations, and sales of these pharmaceuticals are increased significantly at our children’s expense.¶ - Fact: Within two years of leaving these institutions or turning 18, or otherwise “aging out” of the reach of the DSS, 63% of our kids are on the streets, in prison, or dead.¶ In a nutshell, that describes the on-going state of affairs in South Dakota with respect to Indian Tribes and the Dept. of Social Services. This writing is to make the reader aware of what has been happening to us. This travesty is going on right now. Justice requires that it be stopped. Bill Janklow’s legacy must die for Lakota kids to live. The Lakota Peoples Law Project is seven years deep investigating and raising awareness of this plague. LastRealIndians.com, the Lakota People’s Law Project, and the Standing Rock Sioux Tribe have teamed up and are organizing on every reservation in South Dakota to address this crisis.¶ Our work is broken into a focus on the problem and a focus on solutions. In terms of the problem, we are keeping pressure on South Dakota. On the solutions side, we are helping to organize a coordinated effort among the nine Tribes in South Dakota to, eventually, take over the tens of millions per year in funding that benefits South Dakota DSS and the state as it pertains to Indian children. Nearly all of the nine Tribal governments that deal directly with South Dakota are working to assess their funding and other needs with the overall goal of establishing a direct funding arrangement between the Tribes and the Federal government to the exclusion of the state. This will take time, but I have faith that it will happen eventually. We are willing to engage the Health and Human Services Department, Interior, and others to ensure proper administrative oversight and monitoring as relates to federal funds. The Governor of South Dakota has recently issued a letter supporting such a transfer of funding and oversight responsibility of Indian Children to Indian Tribes. We are thankful for that.

#### If your argument is so true, why does Winona LaDuke continue to use the law to support the Native environmental movement?

LaDuke 12-23 Winona, Executive Director of Honor the Earth, A Year End Letter From Winona, http://www.honorearth.org/news/year-end-letter-winona

In the upcoming year we will continue to support the front lines of the Native environmental movement. We will work as partners with Dine, Havasupai, and other Indigenous peoples fighting uranium mining in the southwest. We will provide support through grants, writing, and our voices to the peoples on the front lines of the struggles against the Tar Sands, and opposing the pipelines proposed to take the dirty oil to markets. We will support the Beaver Lake First Nation in legal challenges to the Tar Sands, and, we will stand with people to protect our sacred sites from desecration. We will make a difference. We will do this by stopping some of these projects, and we will make a difference, because we will make a positive future.

#### Not an extension of the state - Our demand doesn’t increase the legitimacy of the state AND it builds non-state alternatives

Newman 10 Reader in Political Theory at Goldsmiths, U of London, Saul, Theory & Event Volume 13, Issue 2

There are two aspects that I would like to address here. Firstly, the notion of demand: making certain demands on the state – say for higher wages, equal rights for excluded groups, to not go to war, or an end to draconian policing – is one of the basic strategies of social movements and radical groups. Making such demands does not necessarily mean working within the state or reaffirming its legitimacy. On the contrary, demands are made from a position **outside the political order, and they often** exceed the question of the implementation of this or that specific measure**.** They implicitly call into question the legitimacy and even the sovereignty of the state by highlighting fundamental inconsistencies between, for instance, a formal constitutional order which guarantees certain rights and equalities, and state practices which in reality violate and deny them. Jacques Rancière gives a succinct example of this when he discusses Olympe de Gouges, who, at the time of the French Revolution, demanded that women be given the right to go to the Assembly. In doing so, she demonstrated the inconsistency between the promise of equality – invoked in a general sense and yet denied in the particular by the Declaration of the Rights of Man and the Citizen – and the political order which was formally based on this: “They acted as subjects that did not have the rights that they had and had the rights that they had not.”17 While this was a demand for inclusion within the political order, it at the same time exposed a fissure or inconsistency in this order that was potentially destabilising, thus seeking to transcend the limits of that order. Let’s take another example: the demand to end draconian border control measures and to guarantee the rights of ‘illegal’ migrants. While this is also a demand, to some extent, for the inclusion of those currently excluded from the nation state order, it nevertheless comes from a place outside it – challenging the sovereign prerogative of the nation state to determine its borders. It also highlights central contradictions and tensions within global capitalism and its relation to the nation state: while global capitalism claims to promote the free movement of people (as well as capital and technology) across borders, it appears to be having precisely the opposite effect - the intensification of existing borders and the erection of new ones, not to mention the more general control and restrictions placed on the movement of people within national territories. In demanding an end to increasingly brutal border control and surveillance measures, and in mobilising people around this issue, activist groups are engaging in a form of politics which ultimately calls into question the very principle of state sovereignty. The question of the excessiveness or ‘irresponsibility’ of such demands should be turned around: they are demands that are driven by an ‘an-archic’ responsibility for the liberty and equality of others. While a radical politics of today would not be limited to the articulation of demands, and indeed would seek to go beyond this by building viable alternatives to the state, we should nevertheless acknowledge the radical potential of making demands and the position of autonomy already implicit within this practice. The second aspect of Žižek’s critique is the question of the extent to which an anarchist politics outside the state implicitly relies on the continuity of the state. To what extent does this sort of politics signify a retreat or withdrawal from the responsibilities of wielding state power, allowing things to continue as normal, or even to get worse if, for instance, far right forces manage to gain control of the state? In response to this, it could be argued that far right forces have, in the past, used both parliamentary and non-parliamentary means to gain power – and indeed, the formal, parliamentary left has often been **entirely ineffective in preventing this**. Resistance to far right forces **can only be effective** if a genuine political alternative is conceivable, and this would require the mobilisation of people not so much at the state level – i.e. elections – but at the level of civil society. Moreover, one of the ways of demonstrating the capacity of **non-state political alternatives** is the development of autonomous communities, collectives and organisations which exist beyond the control of the state. The countless experiments in autonomous politics taking place everywhere – squatters’ movements, social centres, indigenous collectives, land re-occupation movements, blockades, worker occupations, alternative media centres, communes, numerous activist networks, and so on – are evidence of this possibility. It is here that I would want to push Critchley’s argument beyond its own limits. Critchley is right to suggest that the state today is too powerful for full scale assaults, and that a more effective strategy is working around it, at the interstices of state power. However, this does not mean that the state is a permanent, inevitable feature of political life – as Critchley seems to suggest.18 If autonomous communities and organisations are increasingly able to perform the functions traditionally carried out by the state – for example, the way that in the wake of the economic crisis in Argentina in 2001, cooperatives and local assemblies provided basic social services in the absence of a functioning government – then the future of the state is by no means guaranteed.

### TVA

#### In Prisoner of War Camp #344, the guards have left but the prisoners remain. Detained indefinitely on the Pine Ridge Reservation, the Lakota are forced to endure the structural violence of colonialism—mass unemployment, suicide, alcoholism, and degraded life chances are an everyday reality for the Lakota. Through executive dictum, the Bureau of Indian Affairs was created in the Department of War, setting the violent tone that has characterized US-Indian relations for centuries. Further executive orders have abrogated the treaties signed between the Lakota and the American government, dispossessing the Lakota of the sacred Black Hills. The only ethical politics today must demand the return of the Black Hills.

Mani 9 (Wowitan Yuha (American Name - David Swallow, Jr.) Tetoh Lakota of the Wa Naweg’a Band and lives on the Pine Ridge Indian Reservation in South Dakota, “[The Black Hills Are Everything!](http://www.russellmeansfreedom.com/2009/the-black-hills-are-everything-by-david-swallow/)”, <http://www.russellmeansfreedom.com/tag/prisoner-of-war-camp-344/>, Vance)

The Black Hills used to be occupied by the Crow Tribe.  That was way back, like in the 1700’s, even the 1600’s.  Then, the Black Hills were taken by the Shahiyela (the Cheyenne).  Then, the Lakota took them from the Cheyenne.  Finally, the white man took them from the Lakota. The Lakota look at the Black Hills as having spiritual power.  All the Plains Tribes look at them that way.  But the white man saw only the yellow rock called gold.  They tried to make deals to get the land in the Treaties of 1825, 1851, 1868, and even the Bradley Bill of the 1980’s. However, the only Treaty that should be recognized concerning the Black Hills is the Treaty of 1851.  At that time, all the tribes signed this Treaty and they signed it in a holy way.  The Lakota brought the Sacred White Buffalo Calf C’anunpa, the Cheyenne brought their 7 sacred arrows, and the Crow, Arikara, and other tribes brought their sacred bundles. They all held ceremonies before they held the pen.  They all agreed that no settlers should enter that sacred area, the Black Hills.  The way that Treaty was written, this became a non-negotiable matter from that time on.  No other Treaty would have the right to change that. But the government and homesteaders, the settlers and prospectors kept invading the Black Hills. As a result, the Federal Government renegotiated the terms and called it the Fort Laramie 1868 Treaty.  This time, the original signers of the 1851 Treaty didn’t want to sign.  Many were fighting.  There were no sacred ceremonies done and only one sacred c’anunpa, only one sacred prayer pipe, was present.The prospectors and homesteaders brought in whiskey to get many of the signers drunk so they would sign.  My grandfather told me all about this.  He saw it, personally. Mni wakan, sacred water, is what the Lakota called alcohol because it affected our people so strongly. So this is how we lost the Black Hills. Six years later, in 1874, General George Armstrong Custer took an expedition into the Black Hills which included a geologist and numerous miners.  What they found immediately caused a major gold rush and the white settlers and miners began pouring into the Black Hills.  The treaties were completely ignored. In 1876, the Indian Appropriations Act demanded the Sioux give back the Black Hills or starve under siege.  Then they ordered the destruction of all the buffalo herds.  By 1889, the Federal Government had forced the Lakota into prisoner of war camps which they now call Reservations.  According to government documents, Pine Ridge Indian Reservation is prisoner of war camp #344. Around 1990, I rode 7 years with many young people to the Crazy Horse Monument.  When we crossed our so-called homelands, we were stopped by the white landowners because we didn’t have their permission.  One old homesteader showed us his deed showing where he had bought the land from the Federal Government.  He told us that if we didn’t like it, we should go talk to the Federal Government who got it from the Louisiana Purchase. So, we lost our Black Hills.  Some said we sold them.  If so, I believe somebody took the money without any of us Lakota, Dakota, Nakota, Cheyenne or Arikara knowing it.  There is no money. In 1980, the United States Supreme Court said the Black Hills did rightfully belong to the Lakota.  They wanted to buy them from us but our People have refused that money.  The sacred Black Hills are not for sale. But that’s why the Bradley Bill was introduced in 1987 in Congress, to make it look good.  It supposedly would have let us live in the Black Hills while the Federal Government could still mine, trespass, and do whatever they wanted.  But even that was never approved. So, saying the Black Hills are ours and belong to us are just hollow, empty words.  If they are really ours, why can’t we live there?  It’s only occupied by white people with land deeds. We cannot even go to the Black Hills and exercise our spiritual ways.  We are forbidden.  We have to get permission from the Government and the BLM and then we have to follow their rules and regulations.  But if we are a sovereign nation like they said, we would have our own jurisdiction (county-state-reservation). If we do still own the Black Hills, we need a new treaty, to renegotiate a new treaty.  All the other treaties were violated or abandoned, often with the approval of Congress, without us knowing about it.  That’s not supposed to happen in nation to nation dealings. We have a treaty council, a council of elders, all kinds of councils but none of them are effective.  The government and state have kept us hungry and distracted with their projects which accomplish very little. Every other foreign nation conquered by the United States has received huge efforts towards rehabilitation and rebuilding.  Yet, while the U.S. cries about 20% unemployment, we have 80% unemployment.  We remain isolated and have living conditions which are as bad as or worse than any “third world country.”  Our life expectancy is only 48 years old for men and 52 years old for women. We are the longest prisoners of war in the world’s history.  It must change.  We need to be set free so we can deal with our own people and our children and their children. Unfortunately, most of our old people are in the spirit world.  Today, our young people have no knowledge of the treaties, the massacre of Wounded Knee, the struggle of Wounded Knee 2, or our history.  These are the reasons our culture is dying.  No one remembers the language, culture, virtues, or spirituality.  No one knows the real history. But they need to know.  If we are to survive, people need to understand.  When we’re talking about the Black Hills, it’s not just the land that was lost but our way of life.  It’s not just money.  Money is the least important thing.  We have lost our way of life. When we talk about the Black Hills, it is about everything.  That place is holy and sacred. Ho he’cetu yelo, I have spoken these words.

#### OUR DISAD TURNS THEIR AFF - STAR THIS CARD - WE NEED TO FOCUS ON SURVEILLANCE LAW IN ORDER TO ALLOW SURVIVAL STRATEGIES LIKE EXPRESSION

Cooper 8. Frank Rudy, Professor, Suffolk University Law School. N.Y. U. REVIEW OF LAW & SOCIAL CHANGE, SURVEILLANCE AND IDENTITY PERFORMANCE, Vol. 32:517

The future of surveillance law needs to free people to perform their selves in any way they wish. Surveillance, at least when not based on probable cause, is often more problematic than productive because it has the broader effect of preventing people from performing their identities as they see fit, thereby preventing them from becoming the people they can be. That basic insight about surveillance and identity performance leads to four insights about the Fourth Amendment issues that were the subject of Part III. First, in order to maximize identity performance, the Fourth Amendment must reject the spatial models of privacy suggested by the Olmstead and Ky11o decisions. Those models fail us because they are based on where you are, not who you are. Consequently, they cannot begin to account for the ways in which surveillance might impel an individual to perform her identity in conformity with the status quo. Nor is the Katz model of privacy sufficient. A second performativity insight is that we need to provide at least some protection for people to express themselves to others. From a performativity perspective, the fundamental problem with Katz is its holding that anything one knowingly exposes to public view is unprotected.137 For example, the "misplaced trust" doctrine makes less sense when one considers identity to be performative. That doctrine says that no reasonable expectation of privacy exists whenever one shares information with another.'38 So Jimmy Hoffa could not claim privacy against an undercover agent's revelation of his criminal plans even though he went to great pains to keep the conversations secret.139 Hoffa was said to have assumed the risk that his confederate would share his statements with the government. 4 ° But there is a difference between a friend possibly leaking an imperfect version of your statements and the government's recording the statement verbatim. An analysis informed by performativity theory supports the notion that people need an audience to which they might express themselves to in order to self-actualize. It thus makes sense to require the authorities to have a "reasonable" basis for setting up a false audience.14 " ' The misplaced trust doctrine assumes that if we really valued what we were saying or doing, we would keep it from everyone else. Such a jurisprudence of hermits does not suit a world in which identity is performatively and intersubjectively constituted. A third performativity insight is that Katz's focus on the reasonableness of an expectation of privacy always limits an individual's freedom to perform her identity to the bounds of status quo acceptability. 42 Just as people are made to conform to cultural norms for gender behavior, they may be so constrained with respect to any type of performance of their identities. 43 The "scripts" for culturally acceptable behavior are always wedded to what has happened up to that point. We thus need to not only reject the Olmsteadand Kyllo approaches, but also imagine beyond the Katz decision and develop a performativity-maximizing model of the Fourth Amendment. Fourth, all of this leads to the insight that the burden of new technologies must be placed on state authorities, not civilians. This is so because of three principles that emerge from Part IV's analysis of the application of performativity theory to surveillance. First, we must protect an individual's ability to perform her identities as she sees fit. Since surveillance dampens identity performance, we ought to craft a presumption against the use of new surveillance technologies. Second, we must avoid promoting status quo identities over alternative identities. Allowing the use of new surveillance technologies would make it more likely we would suffer that harm. Finally, we must be conscious of the fact that an audience's response can stifle a person's belief that she is free to perform her identities as she wishes. Allowing the state to weigh-in in favor of the status quo by means of surveilling dissidents without passing Fourth Amendment muster dampens people's performative freedom. In this essay, I do not have a goal of turning the four performativity insights discussed above into doctrinal solutions. Instead, I suggest a sort of disposition toward the Fourth Amendment." While it is often argued that we all want the social control that surveillance begets, that argument is largely false. We do not value social control unconditionally, for we want only as much social control as is necessary to control crime. We balance our desire for control of crime with a simultaneous desire to promote freedom of thought and action. 145 Reactionaries are fond of saying "freedom ain't free"146 ; we might respond by saying "security is meaningless if it destroys liberty." As this study of the FBI's surveillance of King demonstrates, state authorities should not be allowed to decide which expressions of identity are reasonable because they are inherently agents of the status quo. Since unfettered surveillance power encourages the government to curtail the freedom to perform one's identities, it amounts to a suicide pact whereby the government destroys itself in the name of self-preservation. We should void that pact by placing the burden of persuasion on the government when it argues new technologies are consistent with the Fourth Amendment.

### AT Debate exclusive

#### Malcolm X’s debating proves the value of in-depth discussion of topics

Malcolm X once said The Impact Coalition

"I've told how debating was a weekly event there, at the Norfolk prison colony. My reading had my mind like steam under pressure. Some way, I had to start telling the white man about himself to his face. I decided I could do this by putting my name down to debate … Once my feet got wet, I was gone on debating. Whichever side of the selected subject was assigned to me, I'd track down and study everything I could find on it. I'd put myself in my opponents' place, ands decide how I'd try to win if I had the other side; I'd figure a way to knock down all those points." -Autobiography of Malcolm X , 1964

Malcolm X was a prolific debater during his time in prison. His exposure to a range of ideas and an opportunity to engage others are viewed as key elements in his transformation from a convict into one of the foremost civil rights leaders of modern times.