

LINCOLN-DOUGLAS DEBATE

Topic Analysis – November/December 2023

Resolved: The United States ought to prohibit the extraction of fossil fuels from federal public lands and waters.

Disclaimer: This analysis serves as an introduction to the topic and offers guidance for areas students can explore further with independent research. It does not attempt to provide limitations on debater's interpretations of the topic

Definitions	2
Background	3
i. Why this topic?	3
ii. Topic Scope	3
iii. Framing Issues	4
iv. Suggested Readings.....	5
Affirmative Arguments.....	10
1. Climate Change Mitigation	10
2. Environmental Racism	10
3. The Rights of Nature	10
4. Social Contract Theory & State Obligations.....	10
Suggested Affirmative Readings	11
Negative Arguments.....	15
1. Tax Income & Jobs	15
2. Settler Colonialism	15
3. Managed Decline, Net-Zero Standard, or Non-Impairment Standard	15
4. Russia & Substitution Arguments	16
Suggested Negative Readings.....	16

Definitions

The United States: A collective agent that most debaters will presume to be the United States federal government, since this is the entity charged with managing federal public lands and waters.

Ought (verb): used to indicate duty or correctness.

Prohibit (verb): formally forbid (something) by law, rule, or other authority.

Extraction (noun): the action of taking out something, especially using effort or force.

Fossil Fuels (noun): a natural fuel such as coal or gas, formed in the geological past from the remains of living organisms.

Federal Public Lands and Waters: According to [The Wilderness Society](#), “Public lands are areas of land and water that today are owned collectively by U.S. citizens and managed by government agencies. Public lands are different from private lands, which are owned by an individual, a business or another type of non-governmental organization. Although public lands are now considered to be owned collectively by United States citizens, these lands include ancestral homelands, migration routes, ceremonial grounds, and hunting and harvesting places for Indigenous Peoples who have been forcibly removed.” Although individual States may own public land, this topic specifically refers to public lands and waters managed by the *federal* government. This certainly includes iconic examples such as the National Parks, but it also includes less protected and far less famous federal lands and waters that are managed by a variety of agencies within the federal government.

Background

i. Why this topic?

The contribution of fossil fuels to global warming has sparked both a warming world and heated debate about how to address the reality of climate change. The United States, as one of the largest countries in the world in terms of population and economic power, plays a large role in anthropogenic global warming. As will be noted later in this analysis, the federal public lands and waters of the United States can't be ignored when considering the carbon footprint of the United States as whole. Still, the reality of global warming and the role of the United States' federal lands and waters in that warming has not led to anything nearing consensus on what policies the U.S. should adopt regarding federal land management. The Trump administration (2016-2020) greatly expanded fossil fuel extraction on federal lands and waters in the interest of "energy supremacy." This policy view is widely shared among other prominent Republicans. The Biden administration (2020-present) has taken a far more restrictive approach to fossil fuel extraction on public lands and waters. Biden has closed off some federal lands and waters to new fossil fuel leasing and has made it more expensive for companies to drill. Still, the current administration has fallen short of the position expressed by nearly all Democratic candidates in the 2020 Democratic presidential election primary, which was to ban fossil fuel extraction on federal public lands and waters (the topic addressed in this resolution). The Biden administration's stated goal, [as per the U.N. Biodiversity Conference](#), is to ultimately protect 30% of **all** lands and waters in the United States.

ii. Topic Scope

Over 640 million acres of land in the United States are federally managed and open to the public. Other sites that are federally managed (such as military bases) may not be open to the public. A wide variety of government agencies manage these lands, but the agency charged with by far the most land is the Department of the Interior (DOI), and principally the The Bureau of Land Management within the DOI. Just the DOI manages one-fifth of all the land in the United States. Other agencies, such as the U.S. Forest Service and U.S. Department of Agriculture, are also charged with managing large areas of federal land and waters. Maps of federal land show that a vast majority of federal land is concentrated in the western half of the continental U.S., and large swathes of federal land are also found in Alaska.

What are federal agencies supposed to do with all this land? The primary duty of these agencies is to act as "stewards" of public lands and waters and manage them for the public benefit, both now and for future generations. There are several different levels of protection for federal

lands and waters. The most protected lands are also some of the most iconic, and generally fall under highly protected [“wilderness”](#) areas. However, many other federal lands fall under the “multiple use” standard (the lowest standard of care), which is defined as “harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment.” While this might sound like it would preclude fossil fuel extraction, the federal government allows for more than [22 million acres of public lands](#) to be leased to oil and gas companies. There is some debate as to whether or not fossil fuel extraction violates the “duty of care” the federal government has when it comes to managing federal lands. As it stands right now, however, fossil fuel extraction is allowed to continue on federal lands that fall under the multiple use standard of care. The fossil fuel extraction that occurs on these federal lands accounts for between 20-25% of all greenhouse gas emissions from the United States as a whole. The scope of this topic is wider than it might appear to many debaters at first glance.

iii. Framing Issues

There are several philosophical issues to consider as debaters approach this topic. Many of these arguments will come up in the affirmative and negative argument sections, but it’s worth considering value conflicts within the topic and how they might influence the decision to run one framework over another.

As noted in the “Topic Scope” section, the federal government has set statutory obligations on the agencies that manage federal lands and waters. While some people debate the merits of whether or not fossil fuel extraction violates the “duty of care” these agencies have for the land – it’s clear from the government’s point of view that such an obligation exists. Debaters might want to consider running a duty-based framework based in social contract theory that argues the State has an obligation to fulfill its stewardship duties and then argue whether or not a ban on fossil fuel extraction is consistent with that duty. Savvy debaters might go one step further and argue from an international relations theory perspective that the United States is treaty obligated (or otherwise obligated through international law) to help prevent climate change and that banning fossil fuel extraction on public lands is therefore the duty of the U.S. federal government.

Other debaters might look to a more justice-based framework since the topic is about how resources are managed, which is something philosophers concerned with justice often write about. As is often the case with climate-change adjacent topics, debaters can argue from the perspective of intergenerational justice and make claims about the rights of future people vs. the rights of people living in the present.

Debaters that argue from a consequentialist perspective are likely to choose between two different approaches. The first is the magnitude-first approach to the topic, which would prioritize big-stick climate impacts on the affirmative and negative arguments that might have a low-probability, but would result in significant harms (think a war scenario or elections argument, for example). On the other hand, both affirmative and negatives can look to more structural harms that are much more probable to occur. Either way, debaters should be prepared to make these framing arguments.

The final framing issue that this analysis will touch on is the rights-based approach. Certainly there are arguments that contend people have a right to a clean and safe environment (see the Montana State Constitution). However, there are also arguments that the federal lands and waters themselves have a right to exist without being harmed. Environmentalists have argued, for example, that rivers have a right to flow unimpeded. Lawyers have argued that specific ecosystems have been harmed by extraction, which constitutes a violation of the rights of nature. Debaters can certainly take this approach with the topic.

iv. Suggested Readings

- [Managing Federal Lands and Waters | U.S. GAO](#)
- [America's Public Lands Explained | U.S. Department of the Interior](#)
- [Biden Approved a Big Oil Project. Now, He's Cracking Down on Drilling. - The New York Times](#)
- <https://www.eli.org/sites/default/files/elr/featuredarticles/48.10295.pdf>
- https://heinonline.org/HOL/Page?handle=hein.journals/narj62&div=22&g_sent=1&casa_token=&collection=journals
 - “The United States owns almost one-third of the nation's land, more than 600 million acres of public forests, plains, mountains, wetlands, deserts, and shorelines, generally holds them open to all, and manages them primarily for conservation, recreation, and education. They are, I believe, one of America's great institutions.” - John Leshy is emeritus professor at U.C. Hastings College of the Law and former Solicitor (general counsel) of the U.S. Department of the Interior.
- [A History of America's Public Lands, with John D. Leshy](#)
- [Our Common Ground: A History of America's Public Lands: Leshy, John D.: 9780300235784](#)
- [Public Land Management's Future Place: Envisioning a Paradigm Shift](#)
 - “Managing the nation's public lands and resources in the Anthropocene, in a society tethered to principles of participatory democracy and yet highly

politicized and governed by ill-fitting federal statutory programs, is not only a daunting task—it seems almost doomed.”

- “That choice ought to be informed by a preservationist ideal of allowing public landscapes to escape any further long-term physical imprint from human activity, a legally enforceable non-impairment standard against which locally driven choices about uses might be measured.”
- [‘One quarter’ of US emissions since 2005 come from fossil fuels on public lands - Carbon Brief](#)
- [The Oil Industry’s Grip on Public Lands and Waters May Be Slowing Progress Toward Energy Independence](#)
 - “But what is the current balance of U.S. public lands and waters? The evidence is clear: Currently, oil and gas development is prioritized above all other land uses. For example, of all lands managed by the Bureau of Land Management, 90 percent are open to oil and gas leasing.” [...] “Leasing on these low-potential lands is not just shutting out land uses such as recreation and conservation; it is also affecting the United States’ transition to homegrown renewable energy.”
 - “The United States can’t depend on oil and gas to lower high gas prices or to secure energy independence; it must transition to clean, renewable energy.”
 - “For example, in a 2015 Resource Management Plan regarding oil and gas development in White River, Colorado, the BLM determined that ‘renewable energy projects could be incompatible with oil and gas activities and future development could be precluded by oil and gas activities.’”
 - “There is significant overlap between lands with high renewable resources and lands with low or no oil potential in nearly every western state analyzed.”
 - “However, to meet President Joe Biden’s climate goal of reaching net-zero carbon emissions by 2050 and to break the economy’s ties to oil price volatility, the United States will need to site renewable energy projects on an estimated 145 million acres, much of which will need to be public lands and waters.”
 - “[T]here are few parameters on which public lands oil companies can access—or when they can access them.”
 - “Prohibiting oil and gas leasing on public lands that are determined at the planning stage to have low or no potential for development would allow those lands to be reprioritized for other uses, such as renewable energy development, conservation, or recreation.”
- [Leaving it in the ground: Examining recent proposals to ban fossil fuel extraction on America’s public lands](#)

- <https://heinonline-org.libproxy.unl.edu/HOL/Page?handle=hein.journals/trends51&div=39&id=&page=&collection=journals>
 - “Federal land leases account for nearly 40 percent of the nation’s coal production, 25 percent of its oil production, and 12 percent of its natural gas production. The emissions from the extraction of these resources accounts for about 20 percent of the nation’s total GHG output.”
 - “Among those with significant investments in federal lands, smaller fossil fuel companies would be hit particularly hard by a ban, as they would not have the resources and flexibility to move to alternative sources. Larger fossil fuel companies might lean more heavily on international options but could alternatively respond by ramping up their investments in renewables and the clean tech sector, including new investments in electric vehicle charging and carbon removal.”
- [Advancing a ‘Climate Plan for Public Lands’ Through Collaborative Advocacy](#)
 - “Changes in public land management policy could dramatically shift incentives for production of both fossil fuels and renewable energy, increase carbon sequestration and ecosystem resilience, and support or hinder a just transition for communities with local economies historically dependent on nonrenewable resource extraction.”
 - “While discussion of climate change solutions often centers on electrification, transportation, and emerging technologies, nature-based solutions are a necessary and important piece of the puzzle.”
 - “Changes in public land management policy could dramatically shift incentives for energy production, facilitating or impeding the transition to a carbon-free future. If, when, and how these solutions are implemented will have life-altering consequences for human communities, particularly those that have historically been dependent upon public lands and/or natural resource extraction.
- [A Road Map to Net-Zero Emissions for Fossil Fuel Development on Public Lands](#)
 - “Requiring net-zero emissions from all new fossil fuel development activity would be one way to create a predictable and transparent method of balancing the interests of current lease holders with the necessity of adhering to a science-based carbon budget. The existing legal framework provides a method of implementing this budgetary restriction in a fair, transparent, justifiable, and efficient manner.”
- [Article Fossil extraction bans and carbon taxes: Assessing their interplay through multiple models](#)

- “Because they directly target the supply of fossil fuels and not their carbon intensity, supply side policies can be less cost efficient than a carbon tax. However, they can mitigate some of the shortcomings of demand side policies because of the opposite mechanism they achieve emissions reductions with: By creating scarcity in the fossil fuel markets, supply side policies would increase the international market price of fossil fuels. Consequently, in case of non-global policy, limiting production decreases fossil fuel consumption even outside the borders of the country/coalition that implements them. Moreover, high fossil fuel prices favor energy exporting countries that so far have largely opposed international mitigation efforts. Furthermore, targeting production should come at low administrative and transaction costs because fossil fuel reserves are geographically concentrated and extraction infrastructure easily monitorable. Finally, supply side policies are not subject to the green paradox, and should therefore avoid anticipation of investments in the fossil fuel upstream sector, reduce future stranded assets, and foster green R&D. Overall, because they are binding only if demand at the unconstrained market equilibrium is higher than the capped supply, supply side measures are disposable and relatively cheap if implemented alongside effective demand side policies.”
- “[F]orcing scarcity on fossil fuel supply can cause energy and economic crisis, social turmoil, and geopolitical strain if the production is reduced unilaterally or too abruptly, as the oil crises of 1973 and 1979 or the current Russian crisis show: Fossil fuels are deeply rooted in the geopolitics of the contemporary world, and ill-managed supply side policies could hinder international cooperation.”
- “Results indicate that although banning only coal is largely insufficient to deviate from NDCs trajectory, extraction bans for all fossil fuels substantially reduce emissions if large producers implement these policies. However, supply side policies can reach PA consistent climate targets at a competitive cost only if coupled with carbon pricing, with the combination of demand and supply side policies producing synergies in policy implementation and effectiveness.”
- “We have shown that a global phase-out of all fossil fuel production can lead to emission reductions consistent with 2C but only until mid-century. Banning only coal proves cheap but largely ineffective in increasing the level of climate ambition relative to current pledges, in part because of a significant substitution effect to the other fossil fuels. After mid-century, fossil bans (even if implemented globally) do not provide the necessary incentives to phase-in CCS and negative emission technologies necessary to reach PA’s temperature goals.”

- “Unlike carbon pricing, coalitions of countries banning fossil extraction can stimulate emission reductions outside the coalition, but we find that this holds true only if the coalition contains a large enough share of the global hydrocarbon supply. The stronger the demand-side policies implemented alongside extraction bans, the larger the coalition must be to affect global fossil fuel prices because of the lower demand for fossil fuels. Otherwise, limiting hydrocarbon production may not have meaningful effects on energy prices and demand, which limits the effectiveness of unilateral supply-side action from small producers and calls for an international agreement.
- [Why the Biden Administration Should Prioritize Renewable Energy Development on Public Lands](#)
- <https://earthjustice.org/our-work/wilderness>
- <https://global.oup.com/academic/product/should-trees-have-standing-9780199736072?cc=us&lang=en&>
 - <https://iseethics.files.wordpress.com/2013/02/stone-christopher-d-should-trees-have-standing.pdf>

Affirmative Arguments

1. Climate Change Mitigation

Insofar as up to one quarter of greenhouse gas emissions in the U.S. come from extraction on public lands and waters, the core of the affirmative ground is the simple point that banning extraction would go a long way to reduce climate change. Articles in the affirmative readings below offer the evidence to back up these claims. Further, there is evidence that points to a federal ban on fossil fuel extraction on public lands and waters would be globally meaningful and would help the U.S., and therefore the globe, reach meaningful climate targets. There is a litany of impacts debaters can choose from when it comes to arguing this point. This is the heart of the affirmative ground, so all debaters on this topic should be well-versed on the ins and outs of this argument.

2. Environmental Racism

There is evidence that fossil fuel extraction on public lands and waters has a disparate impact on communities of color in the United States. A strong argument in favor of a ban on this extraction is that such extraction is structurally racist and ought to be rejected. See the evidence in the affirmative readings below to become acquainted with this literature, because it will play a large role on this topic.

3. The Rights of Nature

As hinted at in the “Framing Issues” section, debaters could choose to approach this topic not from an anthropocentric perspective, but rather from the angle that fossil fuel extraction violates the inalienable rights of nature. This argument comes from both indigenous philosophies as well as western legal perspectives. In fact, because humans cannot live without the integrity of the environment, there are thinkers that argue the rights of nature ought to take precedence over the rights of people. This will probably not be persuasive to every judge, but it’s worth considering as a different perspective on how to affirm.

4. Social Contract Theory & State Obligations

The United States federal government has codified that the management of public lands and waters should be for the public benefit and ought to be managed in a way that does not damage the land or impede the rights of future generations to enjoy said lands. Just because the United States has allowed fossil fuel extraction on public lands in the past doesn’t mean

that it wasn't violating its own obligations in doing so. As the scientific understanding of fossil fuels has advanced, it has become more clear that burning fossil fuels can produce many negative harms. As a result, it would be reasonable for affirmatives to assert that the U.S. ought to ban fossil fuel extraction to remain consistent with its stewardship duties and out of its obligation to care for public lands.

Suggested Affirmative Readings

- [Equitable, effective, and feasible approaches for a prospective fossil fuel transition](#)
 - “Bans and moratoria can be environmentally and cost-effective as they target fossil fuel supply at the source; particularly moratoria are “potentially the most effective supply-side initiatives, since they suspend the extractive activities, with or without compensation for affected fossil fuel companies” (Gaulin & Le Billon, 2020, p. 895). Examples of successful bans on fossil fuels include “Costa Rica, Belize, and France, with Ireland possibly joining this group,” though [n]one of these countries... are significant producers” (Le Billon & Kristoffersen, 2019, p. 1081). One obstacle for a ban or moratorium on fossil fuel production is the accompanying opportunity costs; governments and firms could forgo billions—if not trillions—in sales, export, and tax revenues (e.g., Kartha et al., 2018) and related jobs. Moreover, since circa 85% of proven oil and gas reserves are outside Europe and North America (BP, 2020), “Global South” governments may resist bans which deprive them of their “Right to Development” (e.g., Armstrong, 2019; Gupta & Chu, 2018). Hence, one condition for the feasibility of a ban/moratorium is an accompanying allocation of resources to compensate (particularly nonindustrialized countries) for their forgone opportunity to develop national resources (see Section 4.3.8).”
- <https://laudatosiactionplatform.org/app/uploads/2023/03/ethics-in-action-and-divestment.pdf>
- [Emissions from fossil fuels produced on US federal lands and waters present opportunities for climate mitigation](#)
 - “Between 2005 and 2019, a quarter of US fossil fuel production came from federal lands and waters.”
 - “We estimate that total emissions from fossil fuels produced on federal lands and waters decline 6% below 2019 levels by 2030; and note that absent additional policy, further reductions may be challenging as some of the cheapest fossil fuels occur on federally owned lands and many are effectively subsidized.”
- <https://www.frontiersin.org/articles/10.3389/ffgc.2021.701277/full>

- “Alaska is globally significant for its large tracts of intact habitats, which support complete wildlife assemblages and many of the world’s healthiest wild fisheries, while also storing significant amounts of carbon. Alaska has 1/3 of United States federal lands, the bulk of the United States’ intact and wild lands, and over half of the country’s total terrestrial ecosystem carbon on federal lands. Managing Alaska’s public lands for climate and biodiversity conservation purposes over the next 30–50 years would provide meaningful and irreplaceable climate benefits for the United States and globe. Doing so *via* a co-management approach with Alaska’s 229 federally recognized tribes is likely not only to be more effective but also more socially just. ”
- <https://libkey.io/libraries/304/10.1038/s41558-019-0399-7>
 - “Indeed, the greenhouse gas emissions related to US federal lands in 2014 were greater than all but 4 countries’ total emissions, ahead of Japan and just behind Russia”
- [Fossil Fuels and Public Lands: How the US Interior Department Can Act on Climate Right Now - Union of Concerned Scientists](#)
- [Yes, Curbing U.S. Fossil Fuel Extraction Does Reduce Climate Pollution | The Regulatory Review](#)
 - “Predictably, the fossil-fuel industry and its allies have opposed these reforms. These groups have dredged up old government analyses to argue that restricting domestic energy supply will shift production overseas, purportedly removing business from the United States while doing nothing to solve the climate problem. The logic goes that, because fossil fuel extraction will continue in other countries, the United States should keep making money from extraction while the world burns. This argument has been coined by experts as “perfect substitution.” But this climate nihilism has been widely debunked for violating basic economics. Federal courts have repeatedly rejected analyses that relied on perfect substitution to justify irresponsible levels of extraction. Policymakers should not take the argument seriously but should instead be guided by rigorous science and economics in shaping domestic policies to reduce emissions and address climate change. The notion of perfect substitution violates basic supply-and-demand principles. Fossil-fuel companies want to extract from federal lands mainly because it is a cheap supply option. If such leasing became less available, fossil-fuel producers would have to turn to more expensive alternatives, causing fossil-fuel consumption to fall and renewable substitutes to become more competitive. Given its vast market power, the federal government could level the playing field for sustainable fuels if it prioritized conservation, recreation,

and renewable energy production on federal lands and waters rather than tying up so much land in fossil-fuel extraction.”

- [5 Reasons Why the United States Can't Drill Its Way to Energy Independence](#)
- [Fossil fuel racism in the United States: How phasing out coal, oil, and gas can protect communities - ScienceDirect](#)
 - “In the U.S. the public health hazards from air and water pollution, and risks associated with climate change, fall disproportionately on Black, Brown, Indigenous, and poor communities. “Sacrifice zones” and systemic racism are deeply intertwined within the fossil-fuel based economy. We argue systemic racism subsidizes the fossil fuel industry by enabling it to externalize the costs of pollution and environmental degradation onto communities of color. We position “fossil fuel racism” as a subset of environmental racism and argue that this framing is useful because it shifts analytical and political focus to the systems and structures which are actively protecting and promoting continued production of fossil fuels.”
 - “Phasing out fossil fuel production, is the surest way to remove the sources of pollution that are harming communities all along fossil fuel supply chains, and it is a necessary component for limiting warming to 1.5 °C. Such “supply-side” policies likely have distinct “economic and political advantages” for decarbonization and should be paired with similarly ambitious “demand-side” policies. This plan should include policies to phase out exports of crude oil, LNG, and coal, banning new fossil fuel leasing and permitting on public lands and waters, and eliminating federal fossil fuel subsidies. To hold fossil fuel corporations accountable, “polluter pays” requirements on oil and gas wells and coal mines should be strengthened to cover the full cost of remediation. The U.S. government should also use its diplomatic resources to halt the spread of fossil fuel extraction globally.”
- [A New Way Forward on Climate Change and Energy Development for Public Lands and Waters](#)
- [We should ban all new oil and gas fields](#)
- [Siting Renewable Energy on Public Lands: Existing Regulations and Recommendations - Harvard Law School](#)
- [Biden Administration Moves to Raise the Cost of Drilling on Federal Lands - The New York Times](#)
- ["A Critical 21st Century Role for Public Land Management: Conserving 30" by Robert L. Glicksman and Sandra B. Zellmer](#)
 - “The international goal of conserving 30 percent of the world’s lands and water to stave off the ravages of climate change and widespread species extinctions

has come to the United States. The Biden Administration’s 30 by 30 Initiative commits the nation to placing 30 percent of its lands and waters in some kind of protected status by 2030. Because a substantial portion of the nation’s land base is owned by the federal government, 30 by 30 goals will be beyond reach if conservation commitments do not cover federal lands and resources. And because nearly 70 percent of the federal lands are under the jurisdiction of the U.S. Forest Service and the Bureau of Land Management, those two agencies must take the lead.”

- <https://www.theguardian.com/environment/2021/jul/25/rivers-around-the-world-rivers-are-gaining-the-same-legal-rights-as-people>
 - “The Magpie is one of a growing number of rivers to be recognised as a living entity across the world. The burgeoning rights-of-nature movement is pushing local, national and international authorities to recognise natural features – from lakes to mountains – in law, giving them either legal personhood or an independent right to flourish. Giving rivers the status of people – or more – in courts of law is enlivening environmentalism around the world.”
- <https://edgeeffects.net/30x30-rights-of-nature/>
- [The River’s Legal Personhood: A Branch Growing on Canada’s Multi- Juridical Living Tree](#)
- https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/ucflaegs4§ion=8
- [How the Federal Government Can Hold the Oil and Gas Industry Accountable - Center for American Progress](#)

Negative Arguments

1. Tax Income & Jobs

There are a few nearly unavoidable economic pitfalls of suddenly banning all fossil extraction on public lands and waters across the United States. The first is tax revenue. Due to the fact that the Biden administration has made it more expensive for companies to lease public lands for fossil fuel extraction, the U.S. is making a decent amount in tax revenue from these extraction projects. Cutting off this source of funds could harm federal, State, and/or local municipal budgets. There's also the obvious implication that fossil fuel workers would become unemployed if the source of their work was banned overnight. Debaters could develop more fleshed out impacts to these arguments and claim that because the United States is already pushing toward renewable energy, that any benefit from a fossil fuel extraction ban would be outweighed by the intense economic pressure placed on certain people and communities that are reliant on the fossil fuel extraction industry.

2. Settler Colonialism

All public lands and waters in the United States were “appropriated” (or, more succinctly, stolen) from Native peoples. The management of these lands by the federal government could be argued to be a continuation of this unjust colonization. Some negative debaters may choose to argue not that banning fossil fuel extraction is wrong in and of itself, but that the United States federal government ought to have no say at all when it comes to land that ought to be returned to tribal governments. Debaters who are interested in this argument should look at the “Suggested Negative Readings” section and look further into the philosophical discussion of settler colonialism to have a better grasp of how to make this argument.

3. Managed Decline, Net-Zero Standard, or Non-Impairment Standard

Some negative debaters may choose to focus on the word “ban” and argue that there are more moderate or reasonable approaches. If a ban is to be interpreted as something that would happen right away, some negatives might argue that a slower timetable would allow for the U.S. to adjust to a new, post-fossil fuel reality. Most real policymakers tend to operate on slower timeframes than grassroots advocates that argue for immediate bans. In line with this logic, some debaters might argue for a new “standard of care” than the current multiple use standard. Some such standards could be a “net-zero standard,” which would contend that the goal should be canceling out emissions rather than eliminating extraction, or perhaps a stricter

“non-impairment” standard that would put more rigid environmental standards on federal lands and waters.

4. Russia & Substitution Arguments

Some economists and politicians have argued that if the U.S. were to ban fossil fuel extraction on public lands, then other countries would ramp up their fossil fuel extraction to fill the lack of supply in order to meet the demand for fossil fuels. This is often called the “perfect substitution” argument. This argument doesn’t have much empirical evidence to support it. However, debaters don’t necessarily need to prove a “perfect” substitution. Debaters can *mitigate* the solvency of the affirmative by arguing that some substitution of fossil fuel extraction would occur. Then, negatives can argue that some other harm of affirming would outweigh the mitigated impacts of the affirmative. For example, negative debaters could argue that the U.S. stopping fossil fuel extraction on public lands would raise the global cost of fossil fuels (a very likely outcome) and that this would benefit bad actors like Russia who would use the heightened income from their energy exports for nefarious purposes, such as leading a more efficacious war in Ukraine. This is just one such example, but this is an approach that might prove fruitful as the topic progresses.

Suggested Negative Readings

- [The Colonial Legacy of Public Lands: Exploring Extractivism in the Bears Ears Region](#)
 - “As the colonial ideals that underscore the United States’ founding have bled into modern environmental policy, Indigenous communities have continued to be disenfranchised from and systematically oppressed through the creation, protection, and management of public lands. This, in turn, has manifested as vast human rights abuses through methods of cultural and physical genocide. This thesis examines the role extractivism and land grabs on public lands play in violating the basic human rights of many Indigenous populations, using the case study of extractivism on Bears Ears National Monument as a guiding framework.”
- https://www.journals.uchicago.edu/doi/abs/10.1086/725250?casa_token=beCL-ukpxxQAAAAA%3AmK2LXpzkxewu2IdLouhSlpp4sCaJmIRTGyRUoB0lgNuMTR0upQccoZZEklresqVbUSjGS993RNgOTg&journalCode=reep
 - “We estimate that fossil fuels generate \$138 billion annually for US governments. Although revenues decline under all three scenarios, they fall more quickly under the ambitious climate policy. Taxes on refined petroleum products are the largest source of revenue and decline under all scenarios.”

- <https://www.sciencedirect.com/science/article/abs/pii/B9780128227961000085>
 - “Due to the reality of a rapidly shrinking carbon budget, managing a just transition from fossil fuels requires the democratization of decision-making processes for the use of remaining fossil fuel supplies. Through collective and enduring modes of participatory governance, decisions around carbon emissions and societal needs can be made in a way that allows impacted workers and communities to respond appropriately to inevitable trade-offs and unforeseen consequences.”
- [U.S. lawmakers are using the Ukraine crisis to push for domestic energy production : NPR](#)
- <https://www.nytimes.com/2022/03/02/climate/state-of-the-union-biden-ukraine-climate.html>
- <https://www-nature-com.libproxy.unl.edu/articles/s41558-019-0399-7.pdf>
 - “The Department of the Interior has several policy mechanisms at its disposal to meaningfully rein in emissions. The most straightforward is adding a carbon price to fossil-fuel production on new leases via the royalty payment structure⁹. Plus, carbon pricing on federal lands can have unexpected benefits. Research from the White House Council of Economic Advisors and others have shown that a modest carbon price on federal coal would actually increase state and federal revenue, despite a small decrease in coal production, and provide a fairer return to taxpayers. This spate of federal coal related research was hastened by the Department of the Interior’s 2016 moratorium on new coal leasing but has yet to be extended into the oil and gas domain. Additional policy tools could include requiring mitigation payments for climate damages, reducing direct and indirect methane emissions, and planning for a managed decline of leasing and production in step with international climate science. Further studies in the federal energy space would enable a climate-friendly presidential administration to enact climate policy more rapidly and with greater assurance.”
- <https://www.cnn.com/2023/03/28/energy/eu-us-oil-imports-overtake-russia/index.html>
- <https://www.pbs.org/newshour/economy/how-oil-price-hikes-boost-russias-war-as-drivers-pay-more-for-gas>
 - “Oil is Russia’s main moneymaker, so higher prices help the Kremlin pay for its invasion of Ukraine and weather sweeping Western sanctions aimed at crushing its wartime economy. The recent rise in oil prices, along with a cutback in the discount that sanctions forced Russia to offer Asian customers, means Moscow will earn “significantly more revenue from those exports,” said Benjamin Hilgenstock, senior economist at the Kyiv School of Economics. The additional

revenue could reach an estimated \$17 billion this year and \$33 billion next year, he said in an online talk hosted by the Brussels-based European Policy Center.”