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### 1NC ASPEC

#### Power in the federal government is divided into three branches—the affirmative does not specify

Rotunda 1 (18 Const. Commentary 319, “THE COMMERCE CLAUSE, THE POLITCAL QUESTION DOCTRINE, AND MORRISON,” lexis)

The Framers of our Constitution anticipated that a self-interested "federal majority" would consistently seek to impose more federal control over the people and the states. n10 Hence, they created a federal structure designed to protect freedom by dispersing and limiting federal power. They instituted federalism [\*321] chiefly to protect individuals, that is, the people, not the "states qua states." n11 The Framers sought to protect liberty by creating a central government of enumerated powers. They divided power between the state and federal governments, and they further divided power within the federal government by splitting it among the three branches of government, and they further divided the legislative power (the power that the Framers most feared) by splitting it between two Houses of Congress.

#### Voting Issue

#### One—negative ground—specification is key to generate specific uniqueness and link magnitude so generic energy production now doesn’t non-unique our disads. Gives us textual competition for counterplans and key to high tech solvency arguments

#### Two—education—specification is a prerequisite to energy policy.

Tomain 90—Professor of Law, University of Cincinnati College of Law [Tomain, Joseph P., “The Dominant Model of United States Energy Policy” (1990), Faculty Articles and Other Publications, Paper 130, http://scholarship.law.uc.edu/fac\_pubs/130]

IV. CONCLUSION

The direct message of the dominant model is that United States energy policy is market driven. The implication of this message is equally clear. Given the structural setting of a complex policymaking process that is woven throughout government and is directly affected by the tensions created by separation of powers and federalism, no comprehensive national energy policy of any detail is likely to develop despite executive, legislative, or administrative desires to do so.

There are ideological and pragmatic reasons behind this conclusion. The first reason, grounded in the liberal tradition, is that the country is "generally suspicious" of central planning. Rather than have an imitation Japanese or European industrial policy, the United States economy continues to run on private competition. Granted, the government will attempt to halt large accumulations of corporate power through antitrust enforcement. Still, though, countervailing government control of the economy through heavy central planning is simply not an accepted way of doing business.

A second and corollary reason is that although government is used as a backstop to prevent large aggregations of corporate power, government will also promote and support competitive businesses. The New Deal was not so much an experiment in social policythough it was clearly that-as it was an example of the federal government stimulating the economy by getting business on its feet again.

Third, there is a commitment to the hard energy path of largescale, high-technology, capital intensive energy production. This commitment finds its roots in the industrial revolution of the nineteenth century. This history makes it difficult for policy makers and decision makers to design and implement alternative energy policies, thus putting the burden of change on proponents 'of alternatives.

Fourth, also echoing the liberal tradition, there is an underlying faith in the market. The country's efforts to achieve the virtues of the market-color blindness, individual liberty, eqmility, and technological innovations-may not reach a Utopian plateau, but government controls are worse approximations. The country's faith in the market forms the baseline, and government will only intervene if cracks in the baseline are perceived.

Thus the dominant model of U.S. energy policy is firmly based in the tenets of democratic capitalism: private ownership and production; competition; no overt central planning; wariness of monopoly; and government support of each of the other elements. The hope is that our national economy and our quality of life can flourish if (1) markets are relatively clear, (2) entry and exits are relatively inexpensive, and (3) corporate power is relatively dispersed. Indeed, the ideology of domestic energy policy rests upon the idea that inter-industry and intra-industry competition are highly desirable~' Moreover, such industrial pluralism ultimately serves the public interest by providing relatively abundant energy at relatively stable prices. Economic efficiency, economic growth, economies of scale, and a cautious eye on market power thus define the public interest in energy. So says the dominant model. What remains to be seen is whether the dominant model has significant longevity given contemporary concerns about the continued use of fossil fuels and environmental degradation. Before the environmental consequences of hard path energy production can be adequately addressed, however, the dominant structure of domestic energy policymaking and policy must be acknowledged. Hopefully, this article has provided that acknowledgement.

#### 2AC clarifications are too late—the 1AC plan is used to generate counterplan competition—2AC or CX clarification justifies aff conditionality and kills any neg predictability

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#### A. Interpretation --- Topical restrictions must be ON energy production.

#### Restrictions are strict legal rules that functionally forbid production, and are distinct from regulations

Anell et al. 89 [Lars, Chair of WTO decision panel, Mr. Lars E.R. Anell : Mr. Hugh W. Bartlett Mrs. Carmen Luz Guarda, other members. “CANADA - IMPORT RESTRICTIONS ON ICE CREAM AND YOGHURT” Report of the Panel adopted at the Forty-fifth Session of the CONTRACTING PARTIES on 5 December 1989 (L/6568 - 36S/68) http://www.wto.org/english/tratop\_e/dispu\_e/88icecrm.pdf]

Governmental Measures to Restrict Domestic Production

25. Canada maintained that it effectively managed the supply of all domestically produced milk, through the provincial controls on fluid milk and the joint federal provincial market share quota system for industrial milk. It was an agreed interpretation of the General Agreement that "in interpreting the term "restrict" for the purposes of paragraph 2(c), the essential point was that the measures of domestic restrictions effectively keep output below the level which it would have attained in the absence of restrictions" (Havana reports, page 89). The Canadian programmes restricted production to a level less than would be the case without the governmental controls. Farmers' participation in the supply management programmes was mandatory. Production quotas were ultimately established at the individual farm level, and the imposition of severe financial disincentives for overproduction assured the effectiveness of the system. The level of return received by producers for over-quota industrial milk was lower than the cash cost of production. The over-quota levy thus effectively restricted production above the quantitative level established by the quotas. Over the last decade there had been under-production of milk in some years, and over production in others. In the most recent six years, over-quota production of milk averaged only one per cent of total milk production. While it could not be directly demonstrated that production would be higher in the absence of the programmes, there was considerable indirect evidence that it would be. Each province fully utilized its Market Share Quota (MSQ) and applications for increased MSQs indicated that farmers had the capacity and willingness to produce more milk at the current prices if not restricted by the over-quota levy. Canada further cited recent econometric analyses which indicated that milk production would be 31 to 39 per cent higher in the absence of restrictions.

26. The United States argued that Canada had failed to demonstrate that it effectively restricted domestic production of milk. The differentiation between "fluid" and "industrial" milk was an artificial one for administrative purposes; with regard to GATT obligations, the product at issue was raw milk from the cow, regardless of what further use was made of it. The use of the word "permitted" in Article XI:2(c)(i) required that there be a limitation on the total quantity of milk that domestic producers were authorized or allowed to produce or sell. The provincial controls on fluid milk did not restrict the quantities permitted to be produced; rather dairy farmers could produce and market as much milk as could be sold as beverage milk or table cream. There were no penalties for delivering more than a farmer's fluid milk quota, it was only if deliveries exceeded actual fluid milk usage or sales that it counted against his industrial milk quota. At least one province did not participate in this voluntary system, and another province had considered leaving it. Furthermore, Canada did not even prohibit the production or sale of milk that exceeded the Market Share Quota. The method used to calculate direct support payments on within-quota deliveries assured that most dairy farmers would completely recover all of their fixed and variable costs on their within-quota deliveries. The farmer was permitted to produce and market milk in excess of the quota, and perhaps had an economic incentive to do so.

27. The United States noted that in the past six years total industrial milk production had consistently exceeded the established Market Sharing Quota, and concluded that the Canadian system was a regulation of production but not a restriction of production. Proposals to amend Article XI:2(c)(i) to replace the word "restrict" with "regulate" had been defeated; what was required was the reduction of production. The results of the econometric analyses cited by Canada provided no indication of what would happen to milk production in the absence not only of the production quotas, but also of the accompanying high price guarantees which operated as incentives to produce. According to the official publication of the Canadian Dairy Commission, a key element of Canada's national dairy policy was to promote self-sufficiency in milk production. The effectiveness of the government supply controls had to be compared to what the situation would be in the absence of all government measures.

#### “On” means directly targeted at and focused on production

Oxford Dictionary online, 12 [The World’s most trusted Dictionary, <http://oxforddictionaries.com/definition/american_english/on>]

5. having (the thing mentioned) as a target, aim, or focus: *five* air raids on the city*,* thousands marching on Washington ,*her* eyes were fixed on his dark profile

#### And, this means restrictions must be directly in contact with and is exclusive—restrictions in the resolution must be ONLY on production, not tangentially related or broadly inclusive elements

Graham 16 [Arthur Butler, “Brief for Appellants—Wilson v. Dorflinger & Sons”, Court of Appeals – State of New York, Reg. 108, Fol. 387, 1916, p. 11-12]

The Standard Dictionary defines the word “on” as follows: “In or into such a position with reference to something, as a vehicle, a table, or a stage, as to be in contact with and supported by it; in a position, state, or condition of adherence; as, he go on before the wagon had fully stopped.”¶ In Webster’s International Dictionary, we find as follows: “on—The General signification of “on” is situation, motivation, motion, or condition with respect to contact or support beneath as (1) at or in contact with, the surface or upper part of a thing, and supported by it; placed or lying in contact with the surface; as, the book lies on the table, which stands on the floor of a house on an island.” It is submitted that an elevator is not operated on streets or on highways, as a car, truck or wagon is operated, and that by the use of the word “on” the Legislature intended to include only those appliances therein enumerated, namely, cars, trucks, and wagons. An elevator is not operated on anything, but is operated in or inside a shaft, and is controlled by guides, which deprive the operator of the power to change the course of the lift from right to left. Clearly the Legislature intended to include in Group 41, only those cars, trucks and wagons whose direction and guidance are controlled by the operator, in whatever direction he may deem advisable.

#### B. Violation --- Restrictions on alienation put conditions on how ownership of a lease can be transferred, not on how energy can be produced.

C. Reasons to vote ---

#### 1. Limits --- anything can tangentially restrict energy production, from a bad economy to a lack of exports to a lack of workers or labor laws or political leadership or available markets. They open the floodgates to infinite affs that might effect production in some way but aren’t directly targeted at it. Allowing regulation ANNHILATES limits—over 40 agencies independently regulating hundreds of issues makes predictable debate impossible

Doub 76—member of the U.S. Atomic Energy Commission in 1971-1974, served as a member of the Executive Advisory Committee to the Federal Power Commission in 1968-1971 and was appointed by the President of the United States to the President's Air Quality Advisory Board in 1970. He is immediate past Chairman of the U.S. National Committee of the World Energy Conference and a member of the Atomic Industrial Forum. He currently serves as a member of the nuclear export policy committees of both the Atomic Industrial Forum and the American Nuclear Energy Council [“Energy Regulation: A Quagmire for Energy Policy” Annual Review of Energy Vol. 1—-November, 1976]

FERS began with the recognition that federal energy policy must result from concerted efforts in all areas dealing with energy, not the least of which was the manner in which energy is regulated by the federal government. Energy selfsufficiency is improbable, if not impossible, without sensible regulatory processes, and effective regulation is necessary for public confidence. Thus, the President directed that "a comprehensive study be undertaken, in full consultation with Congress, to determine the best way to organize all energy-related regulatory activities of the government." An interagency task force was formed to study this question.

With 19 different federal departments and agencies contributing, the task force spent seven months deciphering the present organizational makeup of the federal energy regulatory system, studying the need for organizational improvement, and evaluating alternatives.

More than 40 agencies were found to be involved with making regulatory decisions on energy. Although only a few deal exclusively with energy, most of the 40 could significantly affect the availability and/or cost of energy. For example, in the field of gas transmission, there are five federal agencies that must act on siting and land-use issues, seven on emission and effluent issues, five on public safety issues, and one on worker health and safety issues-all before an onshore gas pipeline can be built. The complexity of energy regulation is also illustrated by the case of Standard Oil Company (Indiana), which reportedly must file about 1000 reports a year with 35 different federal agencies. Unfortunately, this example is the rule rather than the exception.

Despite the involvement of a multitude of agencies, there is no central organizational mechanism to coordinate these scattered operations. Until a few years ago, this was not an unworkable situation because, traditionally, regulatory agencies were primarily concerned with economic questions, like rates and competition. Today, however, a different situation prevails. At almost every stage of the energy cycle new technologies and aroused public concern bring forth complex issues—land use, air quality, water pollution, recreational and aesthetic needs, and public health and safety, together with equally valid requirements for economic growth, new sources of energy that may cost more and confront us with higher levels of environmental risk, and more efficient methods of obtaining and using vital fuel resources.

2. Balance of Ground—restrictions not directly ON production give the affirmative random advantages like Trade and Exports that can’t be predicted or debated, and deny the negative core ground about energy markets.

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#### Obama pushing immigration NOW – should pass – avoiding political divisions key. Guns and Money fights now won’t thump it. Fighting for high-skilled workers, path to citizenship, and a guest worker program

PRESTON 1 – 12 – 13 NYT Staff [Julia Preston, Obama Will Seek Citizenship Path in One Fast Push, <http://www.nytimes.com/2013/01/13/us/politics/obama-plans-to-push-congress-on-immigration-overhaul.html?_r=0>]

President Obama plans to push Congress to move quickly in the coming months on an ambitious overhaul of the immigration system that would include a path to citizenship for most of the 11 million illegal immigrants in the country, senior administration officials and lawmakers said last week.

Mr. Obama and Senate Democrats will propose the changes in one comprehensive bill, the officials said, resisting efforts by some Republicans to break the overhaul into smaller pieces — separately addressing young illegal immigrants, migrant farmworkers or highly skilled foreigners — which might be easier for reluctant members of their party to accept.

The president and Democrats will also oppose measures that do not allow immigrants who gain legal status to become American citizens one day, the officials said.

Even while Mr. Obama has been focused on fiscal negotiations and gun control, overhauling immigration remains a priority for him this year, White House officials said. Top officials there have been quietly working on a broad proposal. Mr. Obama and lawmakers from both parties believe that the early months of his second term offer the best prospects for passing substantial legislation on the issue.

Mr. Obama is expected to lay out his plan in the coming weeks, perhaps in his State of the Union address early next month, administration officials said. The White House will argue that its solution for illegal immigrants is not an amnesty, as many critics insist, because it would include fines, the payment of back taxes and other hurdles for illegal immigrants who would obtain legal status, the officials said.

The president’s plan would also impose nationwide verification of legal status for all newly hired workers; add visas to relieve backlogs and allow highly skilled immigrants to stay; and create some form of guest-worker program to bring in low-wage immigrants in the future.

A bipartisan group of senators has also been meeting to write a comprehensive bill, with the goal of introducing legislation as early as March and holding a vote in the Senate before August. As a sign of the keen interest in starting action on immigration, White House officials and Democratic leaders in the Senate have been negotiating over which of them will first introduce a bill, Senate aides said.

“This is so important now to both parties that neither the fiscal cliff nor guns will get in the way,” said Senator Charles E. Schumer of New York, a Democrat who is a leader of the bipartisan discussions.

A similar attempt at bipartisan legislation early in Mr. Obama’s first term collapsed amid political divisions fueled by surging public wrath over illegal immigration in many states. But both supporters and opponents say conditions are significantly different now.

Memories of the results of the November election are still fresh here. Latinos, the nation’s fastest-growing electorate, turned out in record numbers and cast 71 percent of their ballots for Mr. Obama. Many Latinos said they were put off by Republicans’ harsh language and policies against illegal immigrants.

After the election, a host of Republicans, starting with Speaker John A. Boehner, said it was time for the party to find a more positive, practical approach to immigration. Many party leaders say electoral demographics are compelling them to move beyond policies based only on tough enforcement.

Supporters of comprehensive changes say that the elections were nothing less than a mandate in their favor, and that they are still optimistic that Mr. Obama is prepared to lead the fight.

“Republicans must demonstrate a reasoned approach to start to rebuild their relationship with Latino voters,” said Clarissa Martinez de Castro, the director of immigration policy at the National Council of La Raza, a Latino organization. “Democrats must demonstrate they can deliver on a promise.”

Since the election, Mr. Obama has repeatedly pledged to act on immigration this year. In his weekly radio address on Saturday, he again referred to the urgency of fixing the immigration system, saying it was one of the “difficult missions” the country must take on.

#### Capital key to passage – unforeseen events could change it

SHIFTER 12 – 27 – 12 PRESIDENT of the Inter-American Dialogue & adjunct professor of Latin American politics at Georgetown University’s School of Foreign Service [Michael Shifter, Will Obama Kick the Can Down the Road?, <http://www.thedialogue.org/page.cfm?pageID=32&pubID=3186>]

Not surprisingly, Obama has been explicit that reforming the US’s shameful and broken immigration system will be a top priority in his second term. There is every indication that he intends to use some of his precious political capital – especially in the first year – to push for serious change. The biggest lesson of the last election was that the “Latino vote” was decisive. No one doubts that it will be even more so in future elections. During the campaign, many Republicans -- inexplicably -- frightened immigrants with offensive rhetoric. But the day after the election, there was talk, in both parties, of comprehensive immigration reform.

Despite the sudden optimism about immigration reform, there is, of course, no guarantee that it will happen. It will require a lot of negotiation and deal-making. Obama will have to invest a lot of his time and political capital -- twisting some arms, even in his own party. Resistance will not disappear.

There is also a chance that something unexpected could happen that would put off consideration of immigration reform. Following the horrific massacre at a Connecticut elementary school on December 14, for example, public pressure understandably mounted for gun control, at least the ban of assault weapons. But a decision to pursue that measure -- though desperately needed -- would take away energy and time from other priorities like immigration.

#### Plan is unpopular – causes congressional fights

Elizabeth Ann Kronk, 2012. Associate Professor of Law at Kansas. “Tribal Energy Resource Agreements: The Unintended “Great Mischief for Indian Energy Development” and the Resulting Need for Reform,” Pace Envtl. L. Rev. 811 (2012), 5-21.http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1705andcontext=pelr.

If Senator Bingaman’s viewpoint is any indication, Congress may be unwilling to relinquish federal oversight over energy development within Indian country. As a result, the first proposal for reform discussed above may prove to be unacceptable to Congress. Assuming this is the case, this second proposal allows the federal government to maintain an oversight role in Indian county and reinstates the federal government’s liability. Based on the legislative history detailed above, reinstatement of the federal government’s liability would likely address many of the concerns raised by tribes regarding the existing TERA provisions. In this way, this second proposal would also constitute an improvement over the status quo.

#### Labor crisis in aerospace now – temporary workers key to industry competitiveness and innovation

**AIAA 10** [American Institute of Aeronautics and Astronautics, "Recruiting, retaining, and developing a world-class aerospace workforce: An AIAA Information Paper, presented at the AIAA's 13th Annual AIAA Congressional Visits Day in March 2010, pdf, <http://www.doleta.gov/brg/indprof/aerospace_report.pdf>]

Without a strong aerospace workforce, the United States will lose the resulting economic and national security benefits. Incentives are needed for industry to invest in domestic aerospace workforce development, and for U.S. students to choose an engineering career. Barriers to employing talented foreign nationals must also be removed. Aerospace represents about $200 billion (or 1.5%) of the domestic economy and in 1997 provided a $56 billion positive trade balance. The aerospace workforce is the foundation of the industry’s success, yet unique workforce demographics present challenges. Figure 11 shows the age distribution of the aerospace business workforce compared to the total U.S. workforce. Up to half of the current aerospace workforce will be eligible for retirement within five years. Aerospace workforce composition does not match national demographic averages. Compared to the total US workforce, the aerospace industry and NASA have a disproportionately large percentage of workers aged 4055, and a disproportionately small percentage of workers younger than 40. Student loans, research dollars to support universities, and service scholarships can provide incentives for younger workers to consider aerospace and join the industry. If talented young engineers are not recruited, retained, and developed to replace the workforce generation that is near retirement, then the U.S. stands to lose the valuable economic and critical national security benefits of the domestic aerospace industry. As shown in Figure 22, large percentages of engineers are working outside the science and engineering professions. Engineering students burdened with college loans are seeking greener pastures. As shown in Figure 33, aerospace engineering salaries are low compared to other industries. If the U.S. is to retain its edge in this industry, salaries need to rise and incentives given for entering the industry. Further, since 1980, the number of nonacademic science and engineering jobs has grown at more than four times the rate of the U.S. labor force as a whole2. With a growing number of science and engineering jobs anticipated, the supply of visas set aside under law for “highly qualified foreign workers,” – 65,000 a year4 – is not enough. A decline in student, exchange, and temporary high-skilled worker visas issued since 2001 interrupted a long-term trend of growth. The number of student visas and of temporary high-skilled worker visas issued have both declined by more than 25% since FY 2001. These declines were due both to fewer applications and to an increase in the proportion of visa applications rejected2.To add to the supply pressures of science and engineering workers in our economy, there is increased recruitment of high-skilled labor, including scientists and engineers, by many national governments and private firms. For example, in 1999, 241,000 individuals entered Japan with temporary high-skill work visas, a 75 percent increase over 19925. Research and development [R&D] expenditures keep the aerospace industry strong and help maintain US leadership in this sector. As shown in Figure 46, the R&D tax credit is working to increase corporate spending on this important activity. In the early 1990s, after implementation of the R&D tax credit legislation, private expenditures on R&D rose2. Yet even with this incentive, U.S. industry research and development funding is lagging. In 2001, US industry spent more on tort litigation than on research and development4. Perhaps as a result, American companies are lagging in patents. In 2005, only four American companies ranked among the top 10 corporate recipients of patents granted by the United States Patent and Trademark Office4. And to further add to this distressing R&D dollars situation, federal research funding is lagging as well. The amount invested annually by the US federal government in research in the physical sciences, mathematics, and engineering combined is less than what Americans spend on potato chips7,8. RECOMMENDATIONS To remain globally competitive, the U.S. must adopt policies to increase our talent base in science, technology, engineering, and mathematics (STEM), must educate, engage, and retain STEM professionals using means consistent with generational changes in technologies and markets, and must provide incentives for investment in research and development that helps to attract applicable talent. The AIAA recommends policies in three areas to achieve these goals: incentives for college students to study engineering, and corporate incentives for investing in the aerospace workforce, and immigration for STEM professionals. In the area of incentives for college students to study engineering, forgivable loan programs should be implemented for students who study engineering and enter the domestic technical workforce. Service scholarships should be created to pay college for students who desire to and will serve in aerospace-related U.S. government agencies after graduation. In addition, investments must be made in aerospace research infrastructure and increasing R&D funding to universities, since good research opportunities attract talented students into graduate STEM studies. R&D dollars provide a fourfold return by supporting graduate students, generating knowledge, creating innovation opportunities for small businesses around universities, and building the next generation of talented engineers. In the area of corporate incentives for investing in the aerospace workforce, targeted tax credits or incentives should be instituted for domestic aerospace workforce development expenses. An IR&D-like program for aerospace workforce development should be established by allowing a small percentage of government contract funding to aerospace companies to go into a development fund to be used on effective programs to expand domestic workforce capabilities. In addition, the R&D tax credit should be made permanent, providing stability to corporate fiscal policies, and thereby fostering a critical technology and engineering research environment that attracts the best and brightest into the technology and engineering fields. Lastly, in the area of immigration, barriers should be removed so that the US may retain talented foreign nationals in STEM professions critical to the aerospace industry.

#### Military primacy requires the best scientists – denying foreign access kills heg.

**Paarlberg 04** [Prof. of Poli. Sci. at Wellesley, and Assoc.at the Weatherhead Center for International Affairs at Harvard Science, Military Dominance, and U.S. Security, Robert L. Paarlberg, International Security 29.1 (2004) 122-151]

Military primacy today rests on scientific primacy, and the scientific primacy ofthe United States rests on a remarkably durable foundation. Rather than threatening U.S. primacy in science, globalization has strengthened it. Yet science-based military primacy on the battlefield is clearly not a guarantee of security. Determined adversaries can innovate increasingly asymmetric tactics against an endless list of soft targets, and the more domination and resentment they feel under U.S. conventional military hegemony, the more incentive they will have to move toward these unconventional responses. Conventional victories that make new enemies may encourage a dangerous shift toward asymmetry, and if the United States then responds by indiscriminately denying foreigners access to the homeland, U.S. primacy in science could itself be critically weakened. The war against international terror should be fought with science, rather than at the expense of science. The homeland security strategy of the United States should include much larger science investments in disciplines such as chemistry, physics, biotechnology, nanotechnology, and information technology, where promising new counterterror applications are sure to be found. Smart societies can develop not only smart new weapons for conventional use abroad, but also smart new capabilities for threat detection and soft target protection [End Page 150] at home. For example, nanofabrication may hold the key to a timely detection system for some terror bombing threats. Silicon polymer nanowires 2,000 times thinner than a human hair can cheaply detect traces of TNT and piric acid in both water and air, and might someday be developed and deployed into "smart" cargo containers, to protect against terrorist bombs. New information technologies using powerhouse terascale computing capabilities may soon be able to help in tracking and anticipating the behavior of terror networks.90 New systems capable of detecting dangerous amounts of radiation are increasingly affordable and unobtrusive, and the Department of Homeland Security has proposed development of a fully networked national sensor system to monitor the air continuously for pathogens, dangerous chemicals, and other public hazards. One line of defense already in place in thirty cities is a Lawrence Livermore National Laboratory-designed system for monitoring the air for biological attack.

#### Science and technology leadership is key to heg.

**Segal 04** [Adam Segal, November/December 2004. Maurice R. Greenberg Senior Fellow in China Studies @ CFR. “Is America Losing Its Edge?” Foreign Affairs 83:6, Lexis.]

The United States' global primacy depends in large part on its ability to develop new technologies and industries faster than anyone else. For the last five decades, U.S. scientific innovation and technological entrepreneurship have ensured the country's economic prosperity and military power. It was Americans who invented and commercialized the semiconductor, the personal computer, and the Internet; other countries merely followed the U.S. lead. Today, however, this technological edge-so long taken for granted-may be slipping, and the most serious challenge is coming from Asia. Through competitive tax policies, increased investment in research and development (R&D), and preferential policies for science and technology (S&T) personnel, Asian governments are improving the quality of their science and ensuring the exploitation of future innovations. The percentage of patents issued to and science journal articles published by scientists in China, Singapore, South Korea, and Taiwan is rising. Indian companies are quickly becoming the second-largest producers of application services in the world, developing, supplying, and managing database and other types of software for clients around the world. South Korea has rapidly eaten away at the U.S. advantage in the manufacture of computer chips and telecommunications software. And even China has made impressive gains in advanced technologies such as lasers, biotechnology, and advanced materials used in semiconductors, aerospace, and many other types of manufacturing. Although the United States' technical dominance remains solid, the globalization of research and development is exerting considerable pressures on the American system. Indeed, as the United States is learning, globalization cuts both ways: it is both a potent catalyst of U.S. technological innovation and a significant threat to it. The United States will never be able to prevent rivals from developing new technologies; it can remain dominant only by continuing to innovate faster than everyone else. But this won't be easy; to keep its privileged position in the world, the United States must get better at fostering technological entrepreneurship at home.

#### The end result is nuclear wars

Kagan 07 – Senior associate @ Carnegie Endowment for International Peace [Robert Kagan (Senior transatlantic fellow at the German Marshall Fund), “End of Dreams, Return of History,” Policy Review, August & September 2007, pg. http://www.hoover.org/publications/policyreview/8552512.html]

The jostling for status and influence among these ambitious nations and would-be nations is a second defining feature of the new post-Cold War international system. Nationalism in all its forms is back, if it ever went away, and so is international competition for power, influence, honor, and status. American predominance prevents these rivalries from intensifying — its regional as well as its global predominance. Were the United States to **diminish its influence** in the regions where it is currently the strongest power, the other nations would settle disputes as great and lesser powers have done in the past: sometimes through diplomacy and accommodation but often through confrontation and wars of varying scope, intensity, and destructiveness. One novel aspect of such a multipolar world is that most of these powers would possess nuclear weapons. That could make wars between them less likely, or it could simply make them more catastrophic. **It is** easy but also **dangerous to underestimate the role the U**nited **S**tates **plays in providing** a measure of **stability in the world** even as it also disrupts stability. For instance, the United States is the dominant naval power everywhere, such that other nations cannot compete with it even in their home waters. They either happily or grudgingly allow the United States Navy to be the guarantor of international waterways and trade routes, of international access to markets and raw materials such as oil. Even when the United States engages in a war, it is able to play its role as guardian of the waterways. In a more genuinely multipolar world, however, it would not. Nations would compete for naval dominance at least in their own regions and possibly beyond. Conflict between nations would involve struggles on the oceans as well as on land. **Armed embargos**, of the kind used in World War I **and** other **major conflicts**, would disrupt trade flows in a way that is now impossible. Such order as exists in the world rests not merely on the goodwill of peoples but on a foundation provided by American power. Even the European Union, that great geopolitical miracle, owes its founding to American power, for without it the European nations after World War ii would never have felt secure enough to reintegrate Germany. Most Europeans recoil at the thought, but even today Europe ’s stability depends on the guarantee, however distant and one hopes unnecessary, that the United States could step in to check any dangerous development on the continent. In a genuinely multipolar world, that would not be possible without renewing the danger of world war. People who believe greater equality among nations would be preferable to the present American predominance often succumb to a basic logical fallacy. They believe the order the world enjoys today exists independently of American power. They imagine that in a world where American power was diminished, the aspects of international order that they like would remain in place. But that ’s not the way it works. International order does not rest on ideas and institutions. It is shaped by configurations of power. The international order we know today reflects the distribution of power in the world since World War ii, and especially since the end of the Cold War. A different configuration of power, a multipolar world in which the poles were Russia, China, the United States, India, and Europe, would produce its own kind of order, with different rules and norms reflecting the interests of the powerful states that would have a hand in shaping it. Would that international order be an improvement? Perhaps for Beijing and Moscow it would. But it is doubtful that it would suit the tastes of enlightenment liberals in the United States and Europe. The current order, of course, is not only far from perfect but also offers no guarantee against major conflict among the world ’s great powers. Even under the umbrella of unipolarity, regional conflicts involving the large powers may erupt. War could erupt between **China and Taiwan** and draw in both the United States and Japan. War could erupt between **Russia and Georgia**, forcing the United States and its European allies to decide whether to intervene or suffer the consequences of a Russian victory. Conflict between **India and Pakistan** remains possible, as does conflict between **Iran and Israel** or other Middle Eastern states. These, too, could draw in other great powers, including the United States. Such conflicts may be unavoidable no matter what policies the United States pursues. But they are more likely to erupt if the United States weakens or withdraws from its positions of regional dominance. This is especially true in East Asia, where most nations agree that a reliable American power has a **stabilizing and pacific effect** on the region. That is certainly the view of most of China ’s neighbors. But even China, which seeks gradually to supplant the United States as the dominant power in the region, faces the dilemma that an American withdrawal could unleash an ambitious, independent, nationalist Japan. In Europe, too, the departure of the United States from the scene — even if it remained the world’s most powerful nation — could be destabilizing. It could tempt Russia to an even more overbearing and potentially forceful approach to unruly nations on its periphery. Although some realist theorists seem to imagine that the disappearance of the Soviet Union put an end to the possibility of confrontation between Russia and the West, and therefore to the need for a permanent American role in Europe, history suggests that conflicts in Europe involving Russia are possible even without Soviet communism. If the United States withdrew from Europe — if it adopted what some call a strategy of “offshore balancing” — this could in time increase the likelihood of conflict involving Russia and its near neighbors, which could in turn draw the United States back in under unfavorable circumstances. It is also optimistic to imagine that a retrenchment of the American position in the Middle East and the assumption of a more passive, “offshore” role would lead to security became threatened. That commitment, paired with the American commitment to protect strategic oil supplies for most of the world, practically ensures a heavy American military presence in the region, both on the seas and on the ground. The subtraction of American power from any region would not end conflict but would simply change the equation. In the Middle East, competition for influence among powers both inside and outside the region has raged for at least two centuries. The rise of Islamic fundamentalism doesn ’t change this. It only adds a new and more threatening dimension to the competition, which neither a sudden end to the conflict between Israel and the Palestinians nor an immediate American withdrawal from Iraq would changegreater stability there. The vital interest the United States has in access to oil and the role it plays in keeping access open to other nations in Europe and Asia make it unlikely that American leaders could or would stand back and hope for the best while the powers in the region battle it out. Nor would a more “even-handed” policy toward Israel, which some see as the magic key to unlocking peace, stability, and comity in the Middle East, obviate the need to come to Israel ’s aid if its . **The alternative to American predominance** in the region **is not balance and peace**. It is further competition. The region and the states within it remain relatively weak. A diminution of American influence would not be followed by a diminution of other external influences. One could expect deeper involvement by both China and Russia, if only to secure their interests. 18 And one could also expect the more powerful states of the region, particularly Iran, to expand and fill the vacuum. It is doubtful that any American administration would voluntarily take actions that could shift the balance of power in the Middle East further toward Russia, China, or Iran. The world hasn ’t changed that much. An American withdrawal from Iraq will not return things to “normal” or to a new kind of stability in the region. It will produce a new instability, **one likely to draw the U**nited **S**tates **back in** again. The alternative to American regional predominance in the Middle East and elsewhere is not a new regional stability. In an era of burgeoning nationalism, the future is likely to be one of intensified competition among nations and nationalist movements. Difficult as it may be to extend American predominance into the future, no one should imagine that a reduction of American power or a retraction of American influence and global involvement will provide an easier path. // 1nc

### 1NC CP 1

#### The United States federal government should end restrictions on alienation on solar power in Indian Country.

#### Solves the entire case --- if granting title over wind and solar can overcome other energies, than granting title on just solar solves for the same reason.

#### Expanding Wind risks bat extinction

CRYAN 11 Research Biologist, United States Geological Survey, Fort Collins Science Center [Paul M. Cryan, Wind Turbines as Landscape Impediments to the migratory connectivity of Bats, Environmental Law 41: 355-370]

Several species of insectivorous bats migrate hundreds to thousands of kilometers each spring and autumn, crossing a wide variety of landscape features and ecosystems on their journey.1 These long-distance nocturnal flights, combined with the cryptic diurnal habits of migratory bats, have made it extremely difficult to uncover the details of their seasonal whereabouts, movements, and migration behaviors. Beginning around the turn of the millennium, a scatter of reports came to light regarding the surprising numbers of migratory bats found dead beneath wind turbines during autumn across both North America and Europe.2 Since the release of these studies, mortality of migratory bats at wind turbines during latesummer and autumn has become a major conservation issue.3 Whereas there were no known energy-related imminent threats to populations of migratory bats prior to about the year 2000, observed fatality rates of certain species at turbines now indicate the distinct possibility of population declines. At some sites, the estimated number of bats killed range from hundreds to over one thousand in a single autumn migration season, with cumulative estimates for North America ranging into the hundreds of thousands per year, eclipsing any previously observed mortality of these mysterious migrants.4 Over the past decade it has become apparent that wind turbines have the potential to seriously impede and disrupt the migration—and therefore long-term persistence—of several species of bats at a continental scale. Importantly, none of the migratory bats most affected by wind turbines are protected by national conservation laws or international treaties,5 so legal mandates for researching and finding practical solutions to the problem are lacking.

#### They are a keystone species & high risk of extinction

BEST 7 Board on Environmental Studies and Toxicology [Environmental Impacts of Wind-Energy Projects (2007), p. 71]

We can make three general predictions about the large-scale and longterm impacts of individual fatalities. First, life-history theory predicts that characteristics of populations of affected species determine the consequences of increased mortality: organisms whose populations are characterized by low birth rate, long life span, naturally low mortality rates, a high trophic level, and small geographic ranges are likely to be most susceptible to cumulative, long-term impacts on population size, genetic diversity, and ultimately, population viability (e.g., McKinney 1997; Purvis et al. 2000). Bats are unusual among mammals with respect to their life-histories, because they typically have small body sizes but long life spans (Barclay and Harder 2003), and the probability of extinction in bats has been linked to several of these characteristics (Jones et al. 2003). Second, the effects of a decline in one species on entire biotic communities is determined by the role of the species in the larger context: losses of keystone species, organisms that have a disproportionately high impact on ecosystem functioning (Power et al. 1996), and those that provide important ecosystem services (Daily et al. 1997) are of most concern. Species that are important predators and perform critical top-down control over communities, and species that are important prey sources can be keystone species in both natural and human-altered ecosystems (Cleveland et al. 2006). Notably, many raptors and insectivorous bats fill these roles. Finally, we do not know how the migration patterns of affected species will influence regional-scale mortality; we also do not understand the consequences of deaths of individuals of these migrating species to the local populations they originate from. Unfortunately this type of information is nearly impossible to obtain.

#### Key to continued survival on Earth—each species key

Tutchton 11 General Counsel at WildEarth Guardians, House Natural Resources Committee Hearing [Jay; "The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts,” 12-6, LexisNexis]

The vast variety of species with which humans share this planet are of incalculable value to us. As stated by Representative Evans on the House floor in 1982: [I]t is important to understand that the contribution of wild species to the welfare of mankind in agriculture, medicine, industry, and science have been of incalculable value. These contributions will continue only if we protect our storehouse of biological diversity ... [O]ur wild plants and animals are not only uplifting to the human spirit, but they are absolutely essential—as a practical matter—to our continued healthy existence. 128 Cong. Rec. 26,189 (1982) (Statement of Rep. Evans of Delaware). As Americans, we have celebrated the comeback of the bald eagle, the very symbol of our country, from a low of 487 nesting pairs in the continental United States to more than 9,000 nesting pairs. In large part, the Endangered Species Act is responsible for the eagle's recovery. Similarly, we now enjoy the company of approximately 3 million American alligators, a species we almost lost before it was protected under the Act and quickly recovered. The whooping crane, a symbol of wisdom, fidelity, and long life in many cultures, has also benefited from protection under the Endangered Species Act, rebounding from a low of 16 individuals to approximately 400. However, though the Act has prevented the extinction of this species, the Whooper is not yet ready to graduate from the Act's protection. Such charismatic creatures the Act has pulled back from the brink of extinction are frequently invoked in hearings on the Endangered Species Act. The law, however, does not deny its protective shield to creatures whose pictures may never grace a wildlife calendar. While some have criticized the Endangered Species Act for protecting "bugs and weeds," these invertebrates and plants are frequently of the most utilitarian value to humans. As expressed by Harvard professor E. O. Wilson, if we do not protect the little things that run the world: New sources of scientific information will be lost. Vast potential biological wealth will be destroyed. Still undeveloped medicines, crops, pharmaceuticals, timber, fibers, pulp, soil-restoring vegetation, petroleum substitutes, and other products and amenities will never come to light ... it is also easy to overlook the services that ecosystems provide humanity. They enrich the soil and create the very air we breathe. Without these amenities, the remaining tenure of the human race would be nasty and brief. The life-sustaining matrix is built of green plants with legions of microorganisms and mostly small, obscure animals—in other words, weeds and bugs. The Diversity of Life at 346-47. On a global scale, 25 to 40 percent of pharmaceutical products come from wild plants and animals. Kellert, Stephen R., The Value of Life: Biological Diversity and Human Society (1996). A full 70 percent of pharmaceutical products are modeled on a native species, despite only 0.1% of plant species having been examined for their medicinal value. Dobson, Andrew P. Conservation and Biodiversity, Scientific American Library (1996). Invertebrate pollinators are also of high value to humanity. A variety of pollinators, such as some butterflies and bats, are currently protected by the Endangered Species Act, although others are not. The loss of pollinators threatens ecological and economic systems across the country. Committee of the Status of Pollinators in North America, National Research Council, Status of Pollinators in North America, National Academies Press (2006). One of the Endangered Species Act's explicit purposes is "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved." 16 U.S.C. [Sec.] 1532(b). This vision of ecosystem protection appears frequently throughout the Act's legislative history. Rosmarino, Nicole J., Endangered Species Act Under Fire: Controversies, Science, Values and the Law, University of Colorado (2002) The economic benefits healthy ecosystems provide humanity dwarf even our national debt. Economists estimate the global value of "ecosystem services" at $33 trillion annually and in the U.S. alone at $300 billion annually. Pimentel, David, et al., Economic and Environmental Benefits of Biodiversity, BioScience 47(11) (1997) at 747-57; Costanza, R. et al., The Value of the World's Ecosystem Services and Natural Capital, Nature 387 (1997) at 253-260. Even these dramatic estimates are conservative, as the value of ecosystems ultimately equates to the value of everything—as without ecosystems humans could not survive. Leakey, Richard et al., The Sixth Extinction: Patterns of Life and the Future of Humankind (1995). Moreover, most of the services, currently provided to us for free by ecosystems, are so intricate and provided on such a massive scale that it would not be feasible to replicate them at any cost even if scientists possessed the knowledge to do so. The tremendous value of ecosystems is placed at risk by the continued erosion of the biodiversity. Ehrlich, Paul R. and Wilson, E.O., Biodiversity Studies: Science and Policy, Science 253 (1991) at 758-62. Additionally, endangered species are of great aesthetic, symbolic, and recreational value. Animals and nature are ubiquitous in our children's fairly tales and stories, which inform social codes of conduct. Continued destructiveness towards nature may consequently impact human cognition and social relations. "The more we know of other forms of life, the more we enjoy and respect ourselves. Humanity is exalted not because we are so far above other living creatures, but because knowing them well elevates the very concept of life." Wilson, Edward O. Biophilia: The Human Bond with Other Species, Harvard University Press (1984) at 115. The recreational value of wildlife is also very significant. The U.S. Fish and Wildlife Service has determined that approximately 87 million adult Americans, or 38 percent of the adult population, spend more than $120 billion in the course of wildlife-related recreation annually. These expenditures support hundreds of thousands of jobs. U.S. Department of the Interior, 2006 National Survey of Fish, Hunting, and Wildlife-Associated Recreation. These jobs are every bit as valuable to those who hold them as are the jobs the Committee perceives at risk from enforcement of the Endangered Species Act. In short, the protection of biodiversity appears well worth the effort. Just as a nation should not squander its fiscal resources, it should not squander its natural ones. The Endangered Species Act is central to our national effort to conserve our irreplaceable natural resources. B. The Present Rate of the Loss of Species Is Alarming The current rate of species' extinction worldwide is estimated at 1,000 times the natural rate of extinction and is increasing. The impact of seven billion humans on species diversity is comparable to that of the asteroid that wiped out most life on Earth 65 million years ago. Like geologists do today, future intelligent beings, should there be any, will be able to mark the current human-caused extinction epoch by observing the number and diversity of fossils preserved in future rock layers. Unless these trends are reversed, by the year 2020 up to 20 percent of all extant species will no longer exist. Wilson, Edward O., The Diversity of Life at 346. According to the International Union for the Conservation of Nature, one in every four mammals is facing a high risk of extinction in the near future. Almost half of all tortoises and freshwater turtles are threatened. More than one-fifth of the world's birds face extinction according to Birdlife International. One third of the world's amphibians are also vanishing. Stokstad, E., Global Survey Documents Puzzling Decline of Amphibians, Science 306: 391 (2004). At least two out of every five species on earth will go extinct due to human-caused climate change if greenhouse gas emissions are not promptly curtailed. Flannery, Tim, The Weather Makers, Atlantic Monthly Press (2005) at 183. Moreover, there is a trickle-down effect from species' extinction as the loss of one species leads to the loss of other dependent species. For example, researchers recently calculated that the extinction of nearly 6,300 plants listed as threatened or endangered by the International Union for the Conservation of Nature would also result in the loss of nearly 4,700 species of beetles and 136 types of butterflies. Lian Pin Koh, et al., Species Coextinctions and the Biodiversity Crisis, Science 305 (2004) at 1632-34. In sum, there should be no legitimate debate over whether or not our planet's biodiversity is rapidly diminishing. There should also be little debate that this loss is attributable to human activities and dramatic human population increases: Human demographic success has brought the world to this crisis of biodiversity. Human beings—mammals of the 50-kilogram weight class and members of a group, the primates, otherwise noted for scarcity—have become a hundred times more numerous than any other land animal of comparable size in the history of life. By every conceivable measure, humanity is ecologically abnormal. Our species appropriates between 20 and 40 percent of the solar energy captured in organic material by land plants. There is no way that we can draw upon the resources of the planet to such a degree without drastically reducing the state of most other species. Wilson, Edward O., The Diversity of Life at 272. Over ninety-nine percent of scientists agree that a serious, world-wide loss of biodiversity is likely, very likely, or virtually certain. Rudd, Murray A., Scientists' Opinions on the Global Status and Management of Biological Diversity, Conservation Biology 25(6) (2011) at 1165-1175. There is also strong scientific consensus that humans are responsible for this extinction crisis. Id. Indeed, last year the United Nations marked the first ever International Year of Biodiversity to call attention and spur action to address this problem. The United States Endangered Species Act serves as a model for many other nations and exhibits our national commitment to the international effort to save the diversity of life on Earth.

### 1NC CP 2

#### The Relevant Executive Agencies of the United States federal government should provide a waiver for the implementation of restrictions on alienation on solar and wind power in Indian Country.

#### The counterplan solves all the aff—back-end waiver avoid the need to meet restrictions. Insures public engagement in environmental processes

GLICKSMAN & SHAPIRO 4 a. Robert W. Wagstaff Professor of Law, University of Kansas Member Scholar, Center for Progressive Regulation b. John M. Rounds Professor of Law, University of Kansas Member Scholar, Center for Progressive Regulation; University Distinguished Chair in Law, Wake Forest University School of Law [Robert L. Glicksman, Sidney A. Shapiro, Improving Regulation Through Incremental Adjustment, Kansas Law Review, 52 U. Kan. L. Rev. 1179]

Reform of environmental and other regulation has been a popular topic for academics, think-tanks, and interested parties for the last two decades. Claiming that existing regulation is excessive and irrational, critics have successfully convinced Congress and the White House to implement a plethora of procedural requirements to analyze a proposed regulation before it is promulgated.I In our recent book, Risk Regulation at Risk,2 we argued that the previous initiatives address the possibility of regulatory failure on the wrong end of the regulatory policy implementation process. Current efforts to rationalize environmental and other health and safety regulation at the "front end" of the regulatory process are doomed to fail because of moral, methodological, and informational limitations.3 We suggested that one way of improving regulation would be to rely on incremental adjustments in regulation on the "back end" of the regulatory process.4 One important advantage of proceeding in this manner is that regulatory policy is adjusted in light of its actual impact, as compared to the significant guesswork that is required to use front-end analysis. In this manner, a back-end adjustment process is consistent with the pragmatic approach to public policy that we advocated in the book.5

This article addresses in more detail the potential of two types of back-end processes: (1) deadline extensions and (2) waivers, exceptions, and variances.6 Our analysis proceeds in three steps. Part II describes the almost exclusive focus of regulatory reformers on the front end of the process. Part III offers a close examination of five federal statutes that provide opportunities for the two types of adjustments we are studying. The results confirm our earlier assertion that Congress has authorized agencies such as the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and the Interior Department to make these types of back-end adjustments available in a variety of contexts and for a variety of reasons.? Our analysis reveals that Congress has established six different grounds for back-end adjustment, and we assess the potential for each of these grounds to improve regulatory policy. Although we recommend the imposition of conditions on the issuance of some of these back-end adjustments, we find that these adjustments are generally consistent with the precautionary tilt of the statutes in which they are located because they still require the regulated entity to do the best it can to protect people and the environment. Where such protective mechanisms are absent, we urge that the statutes be amended to include them.

Part IV analyzes the procedures by which requests for back-end adjustments are currently processed. We find that agencies consider most applications for back-end adjustments using informal procedures that include public notice and solicitation of public comments, although in a few instances, more formal procedures apply. We favor the informal approach because it is an efficient way for agencies to respond to the issues raised by requests for back-end adjustments and because more elaborate procedures are not necessary to promote rational decisionmaking, given the nature of the issues likely to be raised in back-end adjustment proceedings. We are concerned, however, about the extent to which effective public participation will occur under these procedures. We therefore endorse two steps to enhance the transparency of back-end adjustment decision-making: the establishment of electronic reading rooms and the issuance by agencies of annual reports on back-end ad- justments.8 We argue that these two mechanisms will facilitate involvement by public interest groups and interested citizens by allowing them to prioritize the adjustment proceedings in which they wish to become involved. The result is likely to be enhanced agency accountability and reduced opportunities for agency abuse of the back-end adjustment process.

#### Public engagement is an intrinsic good—evaluate it as a necessary benefit beyond consequential impacts

Hourdequin et al. 12 [Marion Hourdequin a,c,⁎, Peter Landres a, Mark J. Hanson b, David R. Craig a Aldo Leopold Wilderness Research Institute, Rocky Mountain Research Station, USDA Forest Service, Department of Philosophy, The University of Montana , Department of Philosophy, Colorado College. “Ethical implications of democratic theory for U.S. public participation in¶ environmental impact assessment” Environmental Impact Assessment Review 35 (2012) 37–44]

2. The basis and value of public participation in democracy Public participation finds deep roots in the ideals of democratic theory (Dryzek, 1990; Parkins and Mitchell, 2005), which are central to governance in the United States and democracies around the world. Although the details of democratic theory are contested (e.g., Dahl, 1989), at its core democracy embraces the ideal of popular sovereignty, or rule of the people. Because democratic decisions typically reflect the preferences of the majority and place minority rights and interests at risk, democracy incorporates the political philosophy of liberalism, which emphasizes ideals of equality and autonomy.

The first ideal asserts a fundamental equality of persons. Within political arrangements, equality entails each person having an equal right and opportunity to participate in political life (for example, one person-one vote) and equal treatment under the law (Rawls, 1999). Autonomy requires that each person should have the opportunity to define and pursue his or her own vision of the good life. Together, equality and autonomy require that all people be granted the opportunity to participate in decisions that affect them personally as well as in those that concern the public good (Rawls, 1999). These participatory ideals of liberalism are part of the intrinsic value of public participation. Under autonomy and equality, participation is not valued for the ends it achieves, but because of a fundamental belief that each individual deserves and benefits from the opportunity to take part in collective decisions. Liberalism views individuals as ends in themselves; as such, liberalism values each person's right to participate regardless of whether decisions are directly improved by such participation.

The instrumental value of participation is largely based on the sociopolitical benefits derived from involving the public in the decisionmaking process. By incorporating diverse perspectives, for example, participation may raise points that would otherwise be overlooked and thereby generate better decisions (Brody, 2003). John Stuart Mill (1947) argues that we are more likely to arrive at truth by promoting free and open speech than by suppressing it. In addition to providing diverse perspectives, participation fosters trust and understanding, forming the basis for civic friendship between the public and the government (Halvorsen, 2003; Huff, 1998; Rawls, 1999). In this way, participation may reduce conflict and avert the backlash that can result when people feel excluded. This in turn may facilitate more efficient and cost-effective EIA participatory processes, along with improved public support for process outcomes. Although democratic ideals support the participation of individual citizens in these processes, the form of participation and extent of decision-making authority ultimately rests with government agency personnel who communicate with members of the public, receive public input, and consider that input. The ethical principles we develop therefore emphasize the relationship between individual citizens and agency staff engaged in EIA participatory processes.

### 1NC Case

#### They don’t solve anything ---

#### They are mis-explaining their evidence on alienation --- Washburn and Bradford explain that restrictions prevent tribes from transferring title without approval of the DOI, the plan does not give tribes title over land, it simply allows them to transfer without consultation.

#### Even if the plan would grant title, it only does so for solar and wind --- doesn’t even come close to solving their over-arching claims about self-determination. Any spill-over claim is totally contrived and defeated by their own Bradford and Jacques evidence, which says that the government has gone to extreme lengths to strip tribes of sovereignty. Congress and the Court will both fight to keep any title rights limited to solar and wind.

#### Plenary powers doctrine swamps solvency.

William Bradford, 2005. Chiricahua Apache and Associate Professor of Law, Indiana University School of Law. “Beyond Reparations: An American Indian Theory of Justice,” OHIO STATE LAW JOURNAL, VOLUME 66, NUMBER 1, 2005, Lexis Law Reviews, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/03/66.1.bradford.pdf.

Plenary power, as well as judicial review of its exercise, 226 further stifles Indian economic development by enabling Congress to terminate federal benefits 227 and restrict, or even abrogate, Indian rights reserved under treaties. 228 Domestic lobbying to induce Congress to allow non-Indian economic interests access to Indian resources 229 threatens tribal sustenance and culture. 230 Although Indians, as prior sovereigns, reserved rights in treaties to use water, 231 hunt and fish, and engage in traditional modes of production and worship on customary lands and waters, 232 recent cases suggest that these are merely “temporary and precarious” 233 privileges subject to revocation even absent explicit congressional intent to do so. 234 The synergy of the trust doctrine, plenary power, and judicial review in derogation of reserved rights is felt most acutely when tribes employ development methods that promote Indian culture and identity. 235 When Indian “ethnodevelopment” 236 threatens the regulatory jurisdiction, market power, and legal sovereignty of the States 237 and the U.S., 238 federal Indian law checks its expression.

#### No solvency for decentralization --- Fown just says centralized solar bad, there is no solvency claim for why Indian development would be different. He concludes we need fundamental reform in our transmission systems in order to facilitate decentralization.

Aaron Fown, 4/27/2011. “[Why Big Solar is a Colossally Bad Idea (10 Reasons Decentralized Solar is Much Better)](http://cleantechnica.com/2011/04/27/why-big-solar-is-a-colossally-bad-idea-10-reasons-decentralized-solar-is-much-better/),” Clean Technica, <http://cleantechnica.com/2011/04/27/why-big-solar-is-a-colossally-bad-idea-10-reasons-decentralized-solar-is-much-better/#xrkq7H4ol9ilu1sL.99>

Of course, we can’t expect people to build a complete power system themselves. There **still needs to be some large scale investment in such a system**, and I think there is money to be made while strengthening our communities. A number of corporations, like [Boeing](http://cleantechnica.com/2011/04/22/boeing-to-build-its-new-787s-entirely-on-solar-power/), have already seen the value in investing in a form of power that is not tied to the fickle winds of international politics. Decentralized power requires an investment in regional and local power storage devices to hold extra power generated on windy or sunny days and release it back into the system on less active ones. The thing is, our current system really needs such a capability too, as even there is energy lost in off-peak hours by idling generators. Soaking up some of that electricity cheaply and releasing it in peak hours could be a profitable business even now. However, for some reason, I can’t fathom getting financing even for mature and dependable alternative power systems, like geothermal, [is extremely difficult](http://www.scientificamerican.com/article.cfm?id=iceland-geothermal-to-thaw-frozen-economy). Correcting that lack of foresight on behalf of the credit issuers might require some loud complaining by a lot of people. Indeed, the work that is needed to [correct a wide variety of outdated policies](http://www.localpower.org/pol_general.html) is the a greater barrier to the widespread adoption of alternative energy than any technical challenge.

All of the problems that we have with our current, decaying electrical system will need to be fixed, unless we care to look forward to a future of power shortages. It’s going to require a lot of investment, no matter what. We can try to hold together the old system with stopgap measures, but the inherent inefficiency of transporting electricity over long distances simply can not be corrected. If we all take the initiative, we can break up the system into something that is more flexible, and sustainable. One that can stand up to trouble in a way [more like the internet](http://www2.macleans.ca/2011/03/16/japans-internet-proves-quake-proof/) than [a house of cards](http://en.wikipedia.org/wiki/Northeast_Blackout_of_2003#Causes). And one that will pay off it’s greater upfront cost by sharing the load of that cost better, and paying off bigger in the long run. But we all have to understand what is at stake, and that positive change is going to be opposed by people who would rather build new monopolies than give (electrical) power to the people.

#### Navajo nation demonstrates this --- they’re trying to integrate into the national grid to sell their power.

Indian Country Today, 3/8/2012. “Navajo Nation to Invest in Electric Grid Interconnection Project,” <http://ictmncdn1.tgpstage1.com/article/navajo-nation-to-invest-in-electric-grid-interconnection-project-101730>

Navajo Nation President Ben Shelly said the tribe is considering investing in an electricity grid project that would allow the Nation to sell its power nationwide.

Shelly met with the developers behind the 5 billion[Tres Amigas, LLC](http://www.tresamigasllc.com/)on February 29, according to the tribe's media release.

The Tres Amigas Electricity SuperStation—set to break ground in July 2012—will unite the United States' three major electricity grids. The station is being built on 22.5 square miles of range land in Clovis, New Mexico, near the border of Texas.

"Our future in Tres Amigas is to establish a connection to be a major energy partner and to bring a permanent stream of revenue to the nation," Shelly said in the release.

Shelly's office said the tribe might invest at least 2 million in the project, [CBSNews.com](http://www.cbsnews.com/8301-505245_162-57392257/navajos-look-to-invest-in-grid-connection-project/)reported. The president's office has yet to determine how to get the investment funds, although Shelly is expected to work with the Tribal Council on creating a bond initiative.

The current electricity grids in the U.S. "operate as islands," according to Tres Amigas' website, separately serving the eastern and western halves of the country, with a third grid serving Texas.

The new interconnection hub, first proposed in 2009, will open opportunities for the buying and selling of power across the three grids. The goal is to develop and expand the transmission infrastructure to one day provide renewable energy projects—including wind, solar and geothermal—access to multiple power markets nationwide.

#### They don’t solve energy injustice --- Gough says that cutting subsidies for dirty fuels is necessary.

Bob Gough, 2009. Intertribal Council On Utility Policy; paper submitted by Honor the Earth, the Intertribal Council on Utility Policy, the Indigenous Environmental Network, and the International Indian Treaty Council. “Energy Justice in Native America, A Policy Paper for Consideration by the Obama Administration and the 111th Congress,” <http://bsnorrell.blogspot.com/2008/12/ien-to-obama-energy-justice-for.html>.

When considering energy and climate change policy, it is important that the White House and federal agencies consider the history of energy and mineral exploitation and tribes, and the potential to create a dramatic change with innovative policies. Too often tribes are presented with a false choice: either develop polluting energy resources or remain in dire poverty. Economic development need not come at the cost of maintaining cultural identity and thriving ecosystems. Providing incentives to develop further fossil fuels and uranium in Indian country will only continue the pattern of ignoring the well-being of tribes and Alaska Native villages in favor of short-sighted proposals that exploit the vulnerabilities of poor, politically isolated communities.  
• ‘Clean coal’ is an oxymoron; mining coal is never ‘clean,’ coal plant emissions add to climate change impacts, carbon capture and sequestration technology is unproven financially and technically. Coal expansion on and near Native lands should not be incentivized by the administration.  
• Nuclear power is not a solution to climate change: from mining to nuclear waste, the nuclear cycle is far from carbon neutral and disproportionately impacts Native communities. Nuclear power is also economically unfeasible, and will not address climate change at the speed required to mitigate the devastation ahead.  
• Oil drilling in sensitive Arctic regions, including the off shore Outer Continental Shelf areas of the Beaufort and Chukchi Seas, threatens Alaska Natives’ way of life, and perpetuates the nation’s addiction to oil and GHG emissions. It is of utmost importance to institute a federal time-out on the proposed offshore development within the Outer Continental Shelf areas in Alaska. It has not been proven whether or not cleaning up spills in broken ice conditions is possible, the implications to subsistence ways of life and human health of coastal communities have not been reviewed extensively and impacts to Polar Bears and other threatened and endangered Arctic marine species have not been studied.  
• Importing 80% of the Alberta Canada tar/oil sands crude oil to feed US energy needs encourages unprecedented ecological destruction in Canadian Native communities and the use of a fuel far more carbon intensive than conventional oil. This tar sands expansion has been called the tip of the nonconventional fuels iceberg. This iceberg includes oil shale, liquid coal, ultra-heavy oils and ultra-deep off shore deposits. Extraction of these bottom-of-the-barrel fuels, emits higher levels of greenhouse gases and creates ecological devastation.  
• Unchecked expansion of biofuels (agrofuels) production and agricultural monocrops threaten biodiversity and food security and contribute to climate change and the destruction of rainforests, impacting Indigenous communities worldwide.  
• Impacts of climate change are greatest in Native communities because of the close cultural relationship with the land and subsistence farming, hunting and fishing. In Alaska, the entire Indigenous village of Shishmaref will need to relocate (at a cost of $180 million) because rising temperatures have caused ice to melt and rapid erosion of the shoreline. Shishmaref is one of some 180 villages that will either move, at an estimated cost of $1.5 million per household or be lost. All of these burdens fall on tax payers, although one Alaskan Native Village- Kivalina has sued 14 oil companies for the damages.  
Our Native organizations and the communities and tribes we serve believe the Obama Administration should request the new Congress and direct the departments of interior, energy and treasury to review all energy subsidies that go to coal, gas, oil and nuclear industries which have climate or toxic waste impacts on Native communities and to **redirect the billions in subsidies to actualize clean sustainable energy development in Native America**. Subsidies for the nuclear, coal, gas and oil industry should be rapidly phased out with a proportional ramp up of subsidies for renewable technologies and locally administered conservation/efficiency improvements.  
In particular, we believe that any climate change legislation should not allocate funds for nuclear or clean coal technologies, and proposals to provide liability guarantees to nuclear plants, and capitalize research on uranium in situ mining practices must be eliminated.

### 1NC Yes War

#### War still likely --- the world is more dangerous now than during the Cold War.

Paul Miller, 12/20/2011. Assistant professor of international security studies at the National Defense University, former director for Afghanistan on the National Security Council and political analyst in the U.S. intelligence community, specializing in South Asia. “[How Dangerous is the World? Part IV](http://shadow.foreignpolicy.com/posts/2011/12/19/how_dangerous_is_the_world_part_iv),” Foreign Policy, http://shadow.foreignpolicy.com/posts/2011/12/19/how\_dangerous\_is\_the\_world\_part\_iv.

In my [previous](http://shadow.foreignpolicy.com/posts/2011/12/16/how_dangerous_is_the_world_part_i_by_paul_miller) [three](http://shadow.foreignpolicy.com/posts/2011/12/16/how_dangerous_is_the_world_part_ii) posts, I argued that the world today is more dangerous than it was during the Cold War because the threat from Russia and China is still present, on top of which we face new threats from new nuclear autocracies hostile to the United States, including North Korea, soon Iran, and possibly Pakistan.

In addition to the old-fashioned state-centric threats of hostile nuclear powers, the United States now faces a whole new category of threats that simply did not exist during the Cold War:  the threats that come when state failure meets globalization, when non-state actors can operate with impunity outside the write of any law but act with global reach because of new technology.  These are the threats that are the current fads of IR and security studies:  pirates, organized crime, drug cartels, human traffickers, WikiLeaks, hackers, the global Islamist "pansurgency," and, yes, terrorists.  (Throw in pandemic disease and ecological disaster and you get all the research funding you want.)

There is nothing new about the existence of many of these actors, of course.  Pirates and terrorists have existed for centuries.  However, their ability to present an immediate and large-scale threat to the United States is new, or at least greater than during the Cold War.  Travel and communication is easier and weapons technology is more lethal, state failure is more widespread (giving them more space to operate with impunity), while U.S. and allied border, port, and infrastructure security has not kept up.

I earlier argued that the faddish, new-fangled theories about non-state actors were overstated.  They are, but that doesn't mean they're completely wrong.  Osama bin Laden and Julian Assange clearly did massive and irrevocable harm to the United States in ways literally inconceivable for a non-state actor during the Cold War; the same may be true of the drug gangs in Mexico today.  Coupled with the United States' almost complete lack of homeland security, and there is a very real possibility of large-scale, massive, direct harm to the U.S. homeland from a globalized non-state actor.

The preeminent threat of this type is, of course, the global campaign by violent Islamist militants and terrorists to eject the "west" from "Muslim lands," overthrow secular governments and replace them with Islamic regimes, and establish the supremacy of their brand of Islam across the world.  (I agree here with David Kilcullen's [characterization](http://smallwarsjournal.com/documents/kilcullen.pdf) of the conflict as a global insurgency).  Violent Islamist movements have done most of their direct damage to people and states across the Middle East, North Africa, and South Asia.  But those attacks certainly don't make the world safer for the United States, nor would their victory in, for example, Pakistan or Saudi Arabia.  And the movement has, of course, directly attacked the United States and our European allies.  Note that violent Islamist groups-whether al Qaida or Hamas or Hezbollah or al Shabaab or Lashkar-e Taiba-typically flourish in and around weak and failing states.

The only thing comparable to the global proliferation of Islamist insurgencies and terrorist movements over the last two decades was the Soviet Union's sponsorship of communist insurgencies around the world during the Cold War.  But the Islamist insurgencies are likely to be more resilient, harder to defeat, and more dangerous because they are decentralized, because their ideology is not linked to the fate of one particular regime, because globalization has made it easier for them to operate on a global scale, and because of the higher risk that Islamists will acquire and use weapons of mass destruction since they are not accountable to a deterable sponsoring power.

Even setting the threat from violent Islamism aside, a host of other non-state actors threaten the world order and make American leadership more costly.  In fact, the aggregate effect of state failure multiplied across scores of states across the world is so great that "failed states may eventually present a systemic risk to the liberal world order, of which the United States is the principal architect ////

and beneficiary," as I argue in the [current issue of PRISM](http://www.ndu.edu/press/how-to-fix-failed-states.html).  State failure and the rise of non-state actors-a problem non-existent during the cold war-is a threat to American national security.

Conclusion

Essentially, the United States thus faces two great families of threats today:  first, the nuclear-armed authoritarian powers, of which there are at least twice as many as there were during the Cold War; second, the aggregate consequences of state failure and the rise of non-state actors in much of the world, which is a wholly new development since the Cold War.  On both counts, the world is more dangerous than it was before 1989.  Essentially take the Cold War, add in several more players with nukes, and then throw in radicalized Islam, rampant state failure, and the global economic recession, and you have today.

I recognize that the world doesn't feel as dangerous as it did during the Cold War.  During the Cold War we all knew about the threat and lived with a constant awareness-usually shoved to the back of ours minds to preserve our sanity-that we might die an instantaneous firey death at any moment.  We no longer feel that way.

Our feelings are wrong.  The Cold War engaged our emotions more because it was simple, easily understood, and, as an ideological contest, demanded we take sides and laid claim to our loyalties.  Today's environment is more complex and many-sided and so it is harder to feel the threat the same way we used to.  Nonetheless, the danger is real.

## \*\*\* 2NC

### 2NC T O/V

#### And, here’s some evidence to substantiate our limits claims—the NRC made a list of things that “restrict” energy production:

Mikes America, 2011 [Mike has experience in politics and government at every level from the Court House to the White House where he worked for President Reagan. His profile picture is his douche looking self shaking Reagan’s douchey hand. “Documenting Obama's Plan to Restrict American Energy Development and Make Gas More Expensive ¶“ http://mikesamerica.blogspot.com/2011/03/documenting-obamas-plan-to-restrict.html]

The Natural Resources Committee in the U.S. House of Representatives has compiled a lengthy list which documents the many steps the Obama Administration has taken to restrict oil and gas development.

#### Some of these might be topical affs, most of them are a disaster for the topic—let evidence about ON, the preposition involved, be the judge

NRC 12 [http://naturalresources.house.gov/issues/issue/?IssueID=15410]

Costing American Jobs, Increasing Energy Prices

Since taking office, President Obama and his Administration have actively blocked, hindered and delayed American energy production. With gasoline prices quickly headed to $4 per gallon, the Obama Administration must abandon their policies and regulations that are costing American jobs, increasing energy prices, hurting families, harming our economy and threatening our national security by deepening our dependence on foreign energy.

Quick Links: [2009](http://naturalresources.house.gov/issues/issue/?IssueID=15410#2009) | [2010](http://naturalresources.house.gov/issues/issue/?IssueID=15410#2010) | [2011](http://naturalresources.house.gov/issues/issue/?IssueID=15410#2011) | [2012](http://naturalresources.house.gov/issues/issue/?IssueID=15410#2012)

| 2009 |  |
| --- | --- |
| February 4th | [Withdrew](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=134670) areas offered for 77 oil and gas leases in Utah that could cost American taxpayers millions in lost lease bids, production royalties, new jobs and the energy needed to offset rising imports of oil and natural gas. According to a [Uintah County commissioner](http://westernenergyalliance.org/wp-content/uploads/2010/07/BLM-did-not-improperly-rush-canceled-Utah-leases-IG-report-finds.pdf), this prevented the creation of approximately 3,000 jobs. |
| February 10th | [Delayed](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=134669) for six months the development of the new 5-year leasing program for offshore drilling that would have created new jobs, produced more American-made energy, and made us less dependent on foreign oil. |
| February 25th | [Delayed](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=134651) the new round of oil shale research, demonstration, and development (RD&D) leases that would help advance American technology and create high-tech jobs in Colorado, Wyoming and Utah. According to a study prepared for The National Energy Technology Laboratory, over 350,000 jobs would be created by the development of our oil shale resources. |
| February 26th | [Introduced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=134632) a budget that contains page after page of taxes on American energy totaling more than $31 billion and included a cap-and-trade national energy tax that could cost the average American family over $3,100 a year. |
| April 17th | [Listed](http://yosemite.epa.gov/opa/admpress.nsf/0/0EF7DF675805295D8525759B00566924) carbon dioxide as a hazardous pollutant, opening the door for the regulation of all CO2 emissions under the Clean Air Act. |
| April 27th | The Environmental Protection Agency [ordered the cancellation](http://www.reuters.com/article/idUSTRE53R4FL20090428) of a permit for a Navajo Nation power plant that Navajo leadership called the most important development project the tribe has ever undertaken. The plant was expected to create 400 permanent jobs and generate $50 million per year in revenue. |
| June 29th | The Interior Department established new solar reserve areas under the premise of prioritizing solar development, but the actual result was the closing of all but two percent of federal lands from renewable energy development. This was done without public comment. The Department left open only [670,000 acres](http://www.blm.gov/wo/st/en/info/newsroom/2009/june/NR_0629_2009.html) of the nearly [30 million acres](http://www.blm.gov/wo/st/en/prog/energy/renewable_energy.html) of land with solar potential. |
| July 20th | [Blocked](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=139641) new uranium mining for two years on one million acres of land in Arizona. |
| October 8th | Issued a final report on the Utah oil and natural gas leases, [offering only 17 of the 77 leases](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=149382). In November, the Institute for Energy Research [found](http://www.instituteforenergyresearch.org/2009/11/24/actions-speak-louder-than-words/) that the Administration has leased less acreage than any other on record. (See [February 4, 2009](http://naturalresources.house.gov/issues/issue/?IssueID=15410#Feb42009)) |
| October 20th | [Announced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=150715) a new round of oil shale RD&D Leases that included job-destroying variable terms, royalty rates, and lease sizes. (See [February 25, 2009](http://naturalresources.house.gov/issues/issue/?IssueID=15410#Feb252009)) |
| 2010 |  |
| January 6th | [Implemented](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=165190) numerous new hurdles to the leasing and development of new oil and natural gas on onshore federal lands. |
| January 26th | MMS [announced](http://www.reuters.com/article/idUSN2610221420100126) it would delay the Virginia offshore lease sale scheduled for November 2011. |
| January 28th | [Announced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=168232) the results of the most recent round of oil shale RD&D leases, which resulted in an 85% reduction in industry interest under the terms proposed by the Department. (See [October 20, 2009](http://naturalresources.house.gov/issues/issue/?IssueID=15410#Oct202009)) |
| February 1st | [Released](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=168487) the FY 2011 budget proposal that included nearly [$40 billion in direct tax and fee increases](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=174396) on American energy production, which would increase gasoline and energy prices for American families and businesses. |
| February 17th | Department of Energy [notified](http://hastings.house.gov/media/pdfs/021710%20-%20DOE%20Reprogramming%20Letter%20to%20EW.pdf) Congress that it would reprogram $115 million Congress appropriated to continue the Yucca Mountain licensing process, and instead use it to terminate the only national repository for spent nuclear fuel under current law. |
| March 3rd | Department of Energy [filed](http://hastings.house.gov/News/DocumentSingle.aspx?DocumentID=199058) a motion to permanently abandon Yucca Mountain – the nation’s repository for high-level spent nuclear fuel under current law – jeopardizing the future of nuclear energy. |
| March 12th | [Withdrew](http://billingsgazette.com/news/opinion/editorial/gazette-opinion/article_bb25685e-33df-11df-ae5a-001cc4c002e0.html) 61 oil and natural gas leases in Montana as part of a lawsuit settlement over climate change. |
| March 31st | [Ignoring](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=179309) statutory law, the Bureau Of Land Management agreed to settle a lawsuit out of court regarding the use of an “extraordinary circumstances” provision when using “categorical exclusions” for new oil and gas leases as defined by Section 390 in the Energy Policy Act (EPAct) of 2005. |
| March 31st | [Announced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=179211) a new offshore drilling plan that [closed](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=179299) large portions of our offshore areas from future energy production. |
| May 6th | Issued a moratorium on all new drilling in the Gulf of Mexico, creating further economic devastation and costing up to [12,000](http://www.esa.doc.gov/sites/default/files/reports/documents/drillingmoratorium.pdf) jobs according to the Administration’s own estimates. |
| May 17th | Bureau of Land Management [finalized](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=186056) rules, first announced by Secretary Salazar on January 6, 2010, to establish more government hurdles to onshore oil and natural gas production on federal lands. |
| May 28th | Officially lifted the moratorium on shallow water drilling – yet continued to slow-walk the issuing of permits, creating a de facto moratorium. (See [May 6, 2010](http://naturalresources.house.gov/issues/issue/?IssueID=15410#May62010)) |
| June 15th | In an Oval Office [address](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=191058) on the Deepwater Horizon oil spill, President Obama continued to push for implementation of a job destroying cap-and-trade national energy tax. |
| July 12th | [Issued](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=197545) a new moratorium on deepwater drilling after the first moratorium was struck down in federal court. (See [May 6, 2010](http://naturalresources.house.gov/issues/issue/?IssueID=15410#May62010)) |
| July 19th | President’s Ocean Policy Taskforce [issued](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=198995) final recommendations on implementing a Federally-controlled system of ocean zoning that could lock up huge areas of the ocean to energy development. |
| October 12th | Lifted the deepwater drilling moratorium – yet continued to keep the de facto moratorium in place by slow-walking the issuing of permits. (See [May 6, 2010](http://naturalresources.house.gov/issues/issue/?IssueID=15410#May62010)) |
| October 14th | Bureau of Ocean Energy Management issued an [interim safety rule](http://edocket.access.gpo.gov/2010/2010-25256.htm) for the Gulf of Mexico, which stated that OPEC could offset a decrease in Gulf of Mexico deepwater production as a result of the Administration’s de facto moratorium. |
| November 18th | An Interior Department presentation [showed](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=215415) that they plan to postpone new lease sales in the Gulf of Mexico until 2012. |
| November 30th | Interior Department [announced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=216485) it would consider proposals to regulate hydraulic fracturing on public lands – a technique currently regulated by states that is responsible for tremendous growth in natural gas production. |
| December 1st | Effectively [reinstated](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=216586) the ban on offshore drilling, placing the entire Pacific Coast, the entire Atlantic Coast, the Eastern Gulf and parts of Alaska off limits to future energy production until 2017 at the earliest. |
| December 23rd | Interior Department [announced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=218645) a new “Wild Lands” Secretarial Order that could place hundreds of millions of acres of public lands off-limits to American energy production. |
| 2011 |  |
| January 14th | [Retroactively](http://online.wsj.com/article/SB10001424052748703583404576079792048919286.html) pulled a permit for a West Virginia coal mine, costing 250 American jobs. |
| February 2nd | Federal Judge [finds](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=223501) the Interior Department in contempt of court for continuing to slow-walk Gulf of Mexico drilling permits. (See [October 12, 2010](http://naturalresources.house.gov/issues/issue/?IssueID=15410#Oct122010)) |
| February 14th | [Released](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=225077) the FY 2012 budget proposal that includes over $60 billion in direct tax and fee increases on American energy production, which would raise gasoline and energy costs for all Americans. |
| February 15th | [Announced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=225238) further delays to U.S. oil shale production by deciding to re-review the current rules for commercial oil shale leasing. |
| February 17th | Federal Judge [orders](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=225694) the Obama Administration to act on five pending deepwater permits within 30 days. |
| February 28th | [Issued](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=226621) a token deepwater permit, over four months after the moratorium was officially lifted. But continued to slow-walk permits, keeping the de facto moratorium in place and leaving thousands of Americans out of work. |
| March 4th | Rather than end the de facto moratorium, the Administration filed an appeal to a Federal Court [ruling](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=225694) that ordered them to act on stalled deepwater permits. (See [February 17, 2011](http://naturalresources.house.gov/issues/issue/?IssueID=15410#Feb172011)) |
| June 20th | [Announced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=247637) six-month extension of a ban on uranium mining in Arizona. The mining of this land could have produced thousands of high paying, family wage jobs. The U.S. currently remains 90% dependent on foreign sources of uranium. |
| October 26th | Secretary Salazar announces plan to [merge](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=266260) BLM and OSM, an action that could move the coal mining industry one step closer to extinction and cause energy costs to skyrocket. |
| 2012 |  |
| January 9th | [Imposed](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=274183) 20-year ban on uranium mining on one million acres of Federal land. The mining of this land could have produced thousands of high paying, family wage jobs. The U.S. currently remains 90% on foreign sources of uranium. (See [June 20, 2011](http://naturalresources.house.gov/issues/issue/?IssueID=15410#Jun202011)) |
| January 12th | [Released](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=274750) draft action plan to move forward with the President’s goal of mandatory ocean zoning. The policy could place huge portions of the ocean off limits to commercial and recreational activity. |
| January 16th | [Rejected](http://www.washingtonpost.com/national/health-science/obama-administration-to-reject-keystone-pipeline/2012/01/18/gIQAPuPF8P_story.html) TransCanada’s application to build the Keystone XL Pipeline. This project would have created tens of thousands of jobs and transported nearly a million barrels of oil a day into the U.S. |
| February 3rd | [Announced](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=278055) a draft Bureau of Land Management plan to close over a million acres of public land in Colorado, Utah and Wyoming to oil shale development. |
| February 13th | [Released](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=280172) a FY 2013 budget that includes $45 billion in tax and fee increases on American energy production and [shows](http://naturalresources.house.gov/News/DocumentSingle.aspx?DocumentID=280349) declining revenues from offshore drilling. |

### AT: CI (Texas Supreme Court)

#### They read this “Texas supreme court” evidence—the article they’ve cut is a PETITION to the Texas Supreme Court. Their evidence isn’t from the petition itself, it’s from the *appendix*, citing a lower court case. Here’s the petition itself, from *their* article, which ABSOLUTELY CRUSHES their interpretation’s version of what restriction ought to mean:

Texas Supreme Court, Aff’s author, 10 [http://www.supreme.courts.state.tx.us/ebriefs/12/12046401.pdf]

The 1/2 mineral interest is not a lease, easement, restriction, covenant, encroachment or ordinance, and therefore the "subject to language does not relate to the mineral interest. The court of appeals provides a tortured analysis of the words "restriction” and "covenant" reasoning that they somehow mutate into a “mineral interest.” There is no case law to support this proposition. In fact, the case law is the opposite.

A deed will be construed to confer upon the grantee the greatest estate that the terms of the instrument will permit. Waters v. Ellis, 312 S.W.2d 231, 234 (Tex. 1958). It is a principle of universal application that grants are liberally, exceptions strictly, construed against the grantor. Hidalgo County Water Control & Improvement District v. Hippchen, 233 F.2d 712, 715 (5th Cir. 1956). Any doubt as to the proper construction of the deed should be resolved against the grantors, whose language it is, and be held to convey the greatest estate permissible under its language. Garrett v. Dils Company, 299 S.W.2d 904, 906 (Tex. 1957). Where a deed is capable of two constructions the one most favorable to the grantee and which conveys the largest interest the grantor could convey will be adopted. Chestnut v. Casner, 42 S.W.2d 175 (Tex.Civ.App.—Austin 1931, writ ref’d). A reservation in a deed is strongly construed against the grantor and in favor of grantee. Reagan v. Marathon Oil Company, 50 S.W. 3d 70, 80 (Tex.App.—Waco 2001, no. pet.).

The court of appeals attempt to construe “restriction” and “covenant” broadly is diametrically opposed to Texas law. Reservations and exceptions are to be strictly construed against the grantor, not expansively construed for him.

### AT: US CODE

#### Here’s the beginning of the section of the law their plan text refers to, before it gets to the stuff about TERAs, that proves our argument—tribes are EXPLCITILY ALLOWED to do all of these things in the squo by normal regulatory pathways

US Code 5 [section 3504, http://www.gpo.gov/fdsys/pkg/PLAW-109publ58/pdf/PLAW-109publ58.pdf]

‘‘SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

‘‘(a) LEASES AND BUSINESS AGREEMENTS.—In accordance with this section—

‘‘(1) an Indian tribe may, at the discretion of the Indian tribe, enter into a lease or business agreement for the purpose of energy resource development on tribal land, including a lease or business agreement for—

‘‘(A) exploration for, extraction of, processing of, or other development of the energy mineral resources of the Indian tribe located on tribal land; or

‘‘(B) construction or operation of—

‘‘(i) an electric generation, transmission, or distribution facility located on tribal land; or

‘‘(ii) a facility to process or refine energy resources developed on tribal land; and

### AT: “You overlimit!”

#### Limits solve aff ground—it forces creativity.

Gibbert et al. 7—Michael Gibbert, Assistant Professor of Management at Bocconi University (Italy), et al., with Martin Hoeglis, Professor of Leadership and Human Resource Management at WHU—Otto Beisheim School of Management (Germany), and Lifsa Valikangas, Professor of Innovation Management at the Helsinki School of Economics (Finland) and Director of the Woodside Institute, 2007 (“In Praise of Resource Constraints,” *MIT Sloan Management Review*, Spring, Available Online at https://umdrive.memphis.edu/gdeitz/public/The%20Moneyball%20Hypothesis/Gibbert%20et%20al.%20-%20SMR%20(2007)%20Praise%20Resource%20Constraints.pdf, Accessed 04-08-2012, p. 15-16)

Resource constraints can also fuel innovative team performance directly. In the spirit of the proverb "necessity is the mother of invention," [end page 15] teams may produce better results because of resource constraints. Cognitive psychology provides experimental support for the "less is more" hypothesis. For example, scholars in creative cognition find in laboratory tests that subjects are most innovative when given fewer rather than more resources for solving a problem.

The reason seems to be that the human mind is most productive when restricted. Limited—or better focused—by specific rules and constraints, we are more likely to recognize an unexpected idea. Suppose, for example, that we need to put dinner on the table for unexpected guests arriving later that day. The main constraints here are the ingredients available and how much time is left. One way to solve this problem is to think of a familiar recipe and then head off to the supermarket for the extra ingredients. Alternatively, we may start by looking in the refrigerator and cupboard to see what is already there, then allowing ourselves to devise innovative ways of combining subsets of these ingredients. Many cooks attest that the latter option, while riskier, often leads to more creative and better appreciated dinners. In fact, it is the option invariably preferred by professional chefs.

The heightened innovativeness of such "constraints-driven" solutions comes from team members' tendencies, under the circumstances, to look for alternatives beyond "how things are normally done," write C. Page Moreau and Darren W. Dahl in a 2005 Journal of Consumer Research article. Would-be innovators facing constraints are more likely to find creative analogies and combinations that would otherwise be hidden under a glut of resources.

### Solvency

#### Plan fails without providing incentives to facilitate tribal development of renewables --- otherwise they will have to rely on corporations. Also, here’s 15 more things Gough says are necessary for solvency that the aff doesn’t touch.

Bob Gough, 2009. Intertribal Council On Utility Policy; paper submitted by Honor the Earth, the Intertribal Council on Utility Policy, the Indigenous Environmental Network, and the International Indian Treaty Council. “Energy Justice in Native America, A Policy Paper for Consideration by the Obama Administration and the 111th Congress,” <http://bsnorrell.blogspot.com/2008/12/ien-to-obama-energy-justice-for.html>.

Providing clean renewable energy development and reversing the trend from exploitation toward energy justice should be top priority in administration energy decisions. Tribes must be provided federal support to own and operate a new crop of renewable electricity generating infrastructure providing the dual benefits of low carbon power and green economic development where it is needed most. Tribes should be targeted with efficiency programs to reduce consumption of fossil fuels for heating and cooling and creating local jobs weatherizing and retrofitting buildings, helping reduce the tremendous amount of money that exits communities to import energy.  
• Tribal lands have an estimated 535 Billion kWh/year of wind power generation potential.  
• Tribal lands have an estimated 17,000 Billion kWh/year of solar electricity generation potential, about 4.5 times total US annual generation.  
• Investing in renewable energy creates more jobs per dollar invested than fossil fuel energy.  
• Efficiency creates 21.5 jobs for every $1 million invested.  
• The costs of fuel for wind and solar power can be projected into the future, providing a unique opportunity for stabilizing an energy intensive economy.  
Efforts should be made to invest locally first- from training green jobs workers locally to using local building materials to producing energy locally, closing the financial loop will help revitalize Native America’s strangled economies, making them less vulnerable to volatile external costs and maximizing the positive impact of the new green revolution.  
A green jobs economy and a new, forward thinking energy and climate policy will transform tribal and other rural economies, and provide the basis for an economic recovery in the United States. In order to make this possible, we encourage the Obama Administration to provide incentives and assistance to actualize renewable energy development by tribes and Native organizations.  
• Increase the capacity of tribes and tribal colleges education institutions to train the next generation of green job workers and continue to boost the capacity of technical training programs. Included in these programs should be training to use natural local materials with lower embedded energy costs and greater passive survivability in the face of climate extremes.  
• Create financial support for efficiency in federal fuel assistance programs, and for the installation of solar heating panels and other innovations which deflect rising fuel costs, and provide for local employment, especially in rural areas.  
• Ensure the Production Tax Credit for renewable projects is renewed for at least 10 years and made applicable to tribes to encourage tribal ownership, as currently it penalizes tribal ownership of projects.  
• Provide a renewable production refund for tribal projects that can’t utilize tax credits. A refund at face value of the tax credit (valued at 2.1 cents) would be more economic to the federal government than the applied tax credit (valued at 3.5 cents).  
• Provide special financial matching grants to capitalize renewable energy potential in tribal communities.  
• Create a renewable energy specific Investment Tax Credit for tribes to attract the decreasing number of investors that have tax credits.  
• Resolve timeline issues with Clean Renewable Energy Bonds (CREB); history shows that predicting the timeline for any kind of major energy development can be difficult, a reasonable amount of flexibility ought to be built into the program to ensure that project delays don’t result in payback starting before a project is completed.  
• Ensure priority access to the electrical grid for green energy, particularly in the Western Area Power Administration (WAPA) and Bonneville Power Authority (BPA) regions.  
• Direct the WAPA and BPA to regard tribal projects as a “governmental instrumentality” much like the federal dams in terms of transmission preferences on the federal grids. (See: Sovereign Power decision (Sovereign Power, Inc., 84 FERC P 61014 (1998)).  
• Fully authorize the reconductoring of the WAPA transmission system in the Upper Great Plains and the integration of tribal wind power and federal hydropower on the WAPA grid to supplement diminishing federal hydropower and reduce regional carbon emissions.  
• Fully authorize the implementation of a tribal solar project////

to cover the 355 miles of an open federal Central Arizona Project canal with solar photovoltaic cap to reduce 50,000 acre feet of evaporation, generate over 1500 megawatts of clean, efficient solar power in the desert Southwest and provide a just transition for tribal economies displaced by the closing of dirty coal plants.  
• Continue Federal Energy Regulatory Commission (FERC) consideration of destructive dam projects like those on the Klamath River, Snake and other rivers, and replace such hydroelectric sources with renewable sources from tribal communities.  
• Support Tribal Energy Resource Agreements (TERA) only if funded sufficiently to develop standards at least as strong as federal law, hire qualified staff, and not make approval any slower than it is now for tribal projects with US Fish and Wildlife Service and Bureau of Indian Affairs approval. Tribes need to have the legitimate ability to implement and the capacity for enforcement.  
• Ensure international debt reduction programs, to reduce the pressure on governments and Indigenous communities to cut down their forests, or issue large lease holdings. Support preservation of biodiversity and Indigenous rights in these areas.  
• Imposing international sanctions and wood tariffs to prevent deforestation.

## \*\*\* 1NR

**2NC—Util**

d. this moral tunnel vision is complicit with the evil they criticize

**Issac, professor of political science at Indiana University, 2002 (Jeffrey, Dissent, Spring, ebsco)**

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics—as opposed to religion—pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

**2NC—Overview**

#### A shortage in STEM workers cripples US biotech leadership- thas necessary to develop countermeasures to bioterrorism

**Goldberg et al 2004** (Joseph E., Dorsey, Harry, Bartone, Paul, Ortman, Bill, Ashcraft, Paul, Burlingame, Stan, Carter, Anna L., Cofer, Robin D., Elwood, John, Guerts, Jim, Industry Studies 2004: Biotechnology, The Industrial College of the Armed Forces National Defense University)

Biotechnology has the potential to revolutionize all aspects of our daily of life over the next two decades, in much the same way information technology did during the previous two decades. Biotechnology is still an immature industry that has yet to reach its full potential, but it is already an important driver for the U.S. economy overall. It presents the U.S. with a tremendous opportunity to address many of the country’s most pressing defense, health, and economic issues. It also holds promise for improvement in global health and welfare but only to the degree that other nations are willing to utilize the technology and are successful in their respective biotechnology initiatives. Biotechnology is greatly affected by government investment in basic science, government regulation, and the government product approval processes. These factors drive a unique business model. The synergy between U.S. government policies and funding, academia, and the industrial base provides the U.S. with a unique competitive advantage and is a primary reason the U.S. has been able to quickly become the global leader in biotechnology. While the recent recession temporarily cooled the rapid growth of biotech industry, it did not stifle long-term growth in revenues or sales, nor prevent sustained long-term growth. Demographics and a geometric expansion of biotech applications will fuel the biotech market well into the coming century. The U.S. is the world leader in the biotechnology industry in all aspects – the number of companies, size of the research base, number of products and patents, and level of revenue. While the U.S. is the dominant player in today’s biotechnology market, other countries in general, and Asia in particular, are actively investing in government sponsored programs to increase their market share and reduce the US dominance overall. The U.S.’ future lead in biotechnology is threatened by a potential shortage of U.S. scientists and engineers, an increasing global demand for scientists, fewer U.S. college graduates in math and science, and tighter U.S. visa restrictions on foreign students and scientists. Unfortunately, biotechnology’s potential for improving the quality of life in the U.S. and the rest of the world is tempered by the risk of enemy or terrorist use of bioagents and/or bioweapons against the US or its allies. The potential dual use of biotechnology complicates the effort to craft effective non-proliferation policies and mitigate bio-weapons threats. As biotechnology continues to mature as a technology and industrial sector, policy makers at the U.S. and global level must continue to refine global non-proliferation and counter-proliferation regimes to ensure biotechnology’s potential for mis-use does not outweigh its ability to address the world’s most pressing needs.

#### A bioweapons attack threatens human survival

**Carpenter and Bishop 2009** (P. A., P. C., July 10, Graduate Program in Studies of the Future, School of Human Sciences and Humanities, University of Houston-Clear Lake, Houston, TX, USA, Graduate Program in Futures Studies, College of Technology, University of Houston, Houston, TX, USA. A review of previous mass extinctions and historic catastrophic events, ScienceDirect)

The flu of 1890, 1918–1919 Spanish flu, 1957 Asian flu, 1968 Hong Kong flu, and 1977 Russian flu all led to mass deaths. Pandemics such as these remain major threats to human health that could lead to extremely high death rates. The 1918 pandemic is believed to have killed 50 million people [27]. AIDS (HIV) has killed an estimated 23 million people from 1978 to 2001 [15]. And there have been numerous other incidents of diseases such as cholera, dysentery, influenza, scurvy, smallpox, typhus, and plague that have caused the deaths of many millions throughout history. Clearly, these **biological diseases are much greater threats to human survival than other natural or environmental disasters**. Because bacterium and viral strains experience antigenic shifts (which are small changes in the virus that happen continually over time, eventually producing new virus strains that might not be recognized by the body’s immune system), another devastating pandemic could appear at any time. It should also be noted that **the threat from biological weapons is quite real**. In fact, scientists from the former Soviet Union’s bioweapons program claim to have developed an antibiotic-resistant strain of the plague [26].

#### Extinction

**Trewavas 00** [Anthony, Institute of Cell and Molecular Biology – University of Edinburgh, “GM Is the Best Option We Have”, AgBioWorld, 6-5, http://www.agbioworld.org/biotech-info/articles/biotech-art/best\_option.html]

But these are foreign examples; global warming is the problem that requires the UK to develop GM technology. 1998 was the warmest year in the last one thousand years. Many think global warming will simply lead to a wetter climate and be benign. I do not. Excess rainfall in northern seas has been predicted to halt the Gulf Stream. In this situation, average UK temperatures would fall by 5 degrees centigrade and give us Moscow-like winters. There are already worrying signs of salinity changes in the deep oceans. Agriculture would be seriously damaged and necessitate the rapid development of new crop varieties to secure our food supply. We would not have much warning. Recent detailed analyses of arctic ice cores has shown that the climate can switch between stable states in fractions of a decade. Even if the climate is only wetter and warmer new crop pests and rampant disease will be the consequence. GM technology can enable new crops to be constructed in months and to be in the fields within a few years. This is the unique benefit GM offers. The UK populace needs to much more positive about GM or we may pay a very heavy price. In 535A.D. a volcano near the present Krakatoa exploded with the force of 200 million Hiroshima A bombs. The dense cloud of dust so reduced the intensity of the sun that for at least two years thereafter, summer turned to winter and crops here and elsewhere in the Northern hemisphere failed completely. The population survived by hunting a rapidly vanishing population of edible animals. The after-effects continued for a decade and human history was changed irreversibly. But the planet recovered. Such examples of benign nature's wisdom, in full flood as it were, dwarf and make miniscule the tiny modifications we make upon our environment. There are apparently 100 such volcanoes round the world that could at any time unleash forces as great. And even smaller volcanic explosions change our climate and can easily threaten the security of our food supply. Our hold on this planet is tenuous. In the present day an equivalent 535A.D. explosion would **destroy** much of our **civilisation**. Only those with agricultural technology sufficiently advanced would have a chance at **survival**. Colliding asteroids are another problem that requires us to be forward-looking accepting that **technological advance may be the only buffer between us and annihilation**.

**2NC—Hegemony**

**Decline causes US lashout.**

**Goldstein 7** - Professor of Global Politics and International Relations @ University of Pennsylvania [Avery Goldstein, “Power transitions, institutions, and China's rise in East Asia: Theoretical expectations and evidence,” [Journal of Strategic Studies](http://www.informaworld.com/smpp/title%7Edb=all%7Econtent=t713636064), Volume [30](http://www.informaworld.com/smpp/title%7Edb=all%7Econtent=t713636064%7Etab=issueslist%7Ebranches=30#v30), Issue [4 & 5](http://www.informaworld.com/smpp/title%7Edb=all%7Econtent=g780703608) August 2007, pages 639 – 682]

Two closely related, though distinct, theoretical arguments focus explicitly on the consequences for international politics of a shift in power between a dominant state and a rising power. In War and Change in World Politics, Robert Gilpin suggested that peace prevails when a dominant state’s capabilities enable it to ‘govern’ an international order that it has shaped. Over time, however, as economic and technological diffusion proceeds during eras of peace and development, other states are empowered. Moreover, the burdens of international governance drain and distract the reigning hegemon, and challengers eventually emerge who seek to rewrite the rules of governance. As the power advantage of the erstwhile hegemon ebbs, it may become desperate enough to resort to the ultima ratio of international politics, force, to forestall the increasingly urgent demands of a rising challenger. Or as the power of the challenger rises, it may be tempted to press its case with threats to use force. It is the rise and fall of the great powers that creates the circumstances under which major wars, what Gilpin labels ‘hegemonic wars’, break out.13 Gilpin’s argument logically encourages pessimism about the implications of a rising China. It leads to the expectation that international trade, investment, and technology transfer will result in a steady diffusion of American economic power, benefiting the rapidly developing states of the world, including China. As the US simultaneously scurries to put out the many brushfires that threaten its far-flung global interests (i.e., the classic problem of overextension), it will be unable to devote sufficient resources to maintain or restore its former advantage over emerging competitors like China. While the erosion of the once clear American advantage plays itself out, the US will find it ever more difficult to preserve the order in Asia that it created during its era of preponderance. The expectation is an increase in the likelihood for the use of force – either by a Chinese challenger able to field a stronger military in support of its demands for greater influence over international arrangements in Asia, or by a besieged American hegemon desperate to head off further decline. Among the trends that alarm those who would look at Asia through the lens of Gilpin’s theory are China’s expanding share of world trade and wealth (much of it resulting from the gains made possible by the international economic order a dominant US established); its acquisition of technology in key sectors that have both civilian and military applications (e.g., information, communications, and electronics linked with to forestall, and the challenger becomes increasingly determined to realize the transition to a new international order whose contours it will define. the ‘revolution in military affairs’); and an expanding military burden for the US (as it copes with the challenges of its global war on terrorism and especially its struggle in Iraq) that limits the resources it can devote to preserving its interests in East Asia.14 Although similar to Gilpin’s work insofar as it emphasizes the importance of shifts in the capabilities of a dominant state and a rising challenger, the power-transition theory A. F. K. Organski and Jacek Kugler present in The War Ledger focuses more closely on the allegedly dangerous phenomenon of ‘crossover’– the point at which a dissatisfied challenger is about to overtake the established leading state.15 In such cases, when the power gap narrows, the dominant state becomes increasingly desperate. Though suggesting why a rising China may ultimately present grave dangers for international peace when its capabilities make it a peer competitor of America, Organski and Kugler’s power-transition theory is less clear about the dangers while a potential challenger still lags far behind and faces a difficult struggle to catch up. This clarification is important in thinking about the theory’s relevance to interpreting China’s rise because a broad consensus prevails among analysts that Chinese military capabilities are at a minimum two decades from putting it in a league with the US in Asia.16 Their theory, then, points with alarm to trends in China’s growing wealth and power relative to the United States, but especially looks ahead to what it sees as the period of maximum danger – that time when a dissatisfied China could be in a position to overtake the US on dimensions believed crucial for assessing power. Reports beginning in the mid-1990s that offered extrapolations suggesting China’s growth would give it the world’s largest gross domestic product (GDP aggregate, not per capita) sometime in the first few decades of the twentieth century fed these sorts of concerns about a potentially dangerous challenge to American leadership in Asia.17 The huge gap between Chinese and American military capabilities (especially in terms of technological sophistication) has so far discouraged prediction of comparably disquieting trends on this dimension, but inklings of similar concerns may be reflected in occasionally alarmist reports about purchases of advanced Russian air and naval equipment, as well as concern that Chinese espionage may have undermined the American advantage in nuclear and missile technology, and speculation about the potential military purposes of China’s manned space program.18 Moreover, because a dominant state may react to the prospect of a crossover and believe that it is wiser to embrace the logic of preventive war and act early to delay a transition while the task is more manageable, Organski and Kugler’s power-transition theory also provides grounds for concern about the period prior to the possible crossover.19 pg. 647-650

**2NC—Link Debate**

#### -Picking winners

Addison 12—Associate Editor of E & P Magazine [Velda, Logjam Between Congress, Administration Hobbles Oil Policy, http://blogs.epmag.com/rebecca/2012/06/27/logjam-between-congress-administration-hobbles-oil-policy/]

The continued bickering between Congress and the administration of President Barack Obama continues to be a major stumbling block for the industry.

The list of industry projects and initiatives that are being undermined grows on a daily basis. These projects include offshore leasing, the Keystone XL Pipeline, hydraulic fracturing, and exporting LNG. It would be nice, I suppose, to assume that this only happens with Democrats in the White House and Republicans in Congress. But given how many different administrations from both parties have tried to create a national energy policy and how all of those efforts have foundered, it is obvious that partisanship continues to impact policy to the detriment of the country — not just between political parties but also between regions of the country, and consumers and producers. During this administration, more than others, the partisanship seems to be much more bitter and divisive. How will the country be able to overcome such rancor? Why has it been so hard to generate an energy policy given the importance of energy in every country?

Those are questions we may never answer, but we at least need to come close. It is interesting to watch other countries be clear on energy policy. Perhaps being the largest energy user in the world and expecting that energy will always be there has tainted our way of looking at a policy aimed at keeping the US running.

With competition increasing for the remaining energy supplies and environmental considerations driving fuel choices, it would seem that having an energy policy would be even more important in today’s world. Given our reliance on information technology and its need for energy to keep going, we may be headed for a different kind of logjam that we may not be ready to unravel. What if the power plants were idled and the computers shut down? Would that make it important enough to finally devise an energy policy? I would be interested in hearing some solutions to this problem. We do need an energy policy, and we can’t wait for an emergency to create it.

#### -Key constituent groups

Macneil 12—Professor at the University of Sydney [Robert, Alternative climate policy pathways in the US, Climate Policy, Volume No. 10 Sep 2012]

The election of Barack Obama in November 2008 to the Presidency of the US (along with strengthened majorities in both its House and Senate) led many in both the mainstream and academia to cautiously speculate that perhaps the country's hitherto woeful performance on climate-related issues might finally take a turn for the better (e.g. Bomberg and Super, 2009; Matisoff, 2010).1 Indeed, even those analysts who were rather skeptical of the ability of the US to play a leading role in the international climate change negotiations after 2008 emphasized the likelihood that, at the very least, Washington would pass a comprehensive domestic programme featuring the country's most important contribution to contemporary climate policy: a national market for GHG emissions trading (e.g. Paterson, 2009). As with all the serious contenders for the Democratic presidential nomination, Obama had campaigned for the need to enact comprehensive climate legislation. A mere 5 weeks into his first term, he had already requested, in a speech before a joint session of Congress, that a system-wide bill be delivered to him to sign as soon as possible. With large Democratic majorities in both houses, it appeared that the US was indeed all but certain to finally turn over a new leaf on climate and establish the type of emissions trading market that it had sold to the rest of the world a decade earlier at Kyoto. Yet, even the most ostensibly advantageous and progressive legislative dynamic in a quarter of a century proved fruitless, as the famed Senate sister bill of Waxman–Markey (formally known as the American Clean Energy and Security Act of 2009, H.R. 2454)—the Kerry-Boxer Bill (formally known as the Clean Energy Jobs and American Power Act of 2009, S. 1733)—promptly died in the upper chamber with (as noted in Economist, 2010) ‘barely the bathos of a whimper’. Soon after the Republican-dominated 112th House of Representatives rose to power in January 2011, the President stated publicly that such a bill would be unlikely to win passage until 2013 at the earliest. While the factors that led to the death of the bill are often described in fairly idiosyncratic terms—typically blamed on the Democrats’ relative lack of political capital following the debates over healthcare, the stimulus bill, and the auto sector bailout, for example (see Pooley, 2010)—the actual root causes are considerably more structural and complex and stem, inter alia, from the broad nature of energy production and consumption in the US, the emergence of environmentalism as an intensely partisan ‘wedge issue’ over the past three decades, the nature of the Democratic Party's contemporary electoral coalition, and the uniquely prohibitive nature of the legislative process in Washington. From this perspective (to be further discussed below), the US administration's request that such a programme be passed legislatively looks like a fool's errand (or, at least, an extremely optimistic view of the legislative situation), with an exceptionally low probability of success.

**2NC—Uniqueness**

#### Obama’s capital is key – he’s got enough for immigration with the coming debt and gun fights. But will need to be a broker on immigration

FOLEY 1 – 15 – 13 reporter for the Huffington Post in Washington, D.C. She previously worked at The Washington Independent [Elise Foley, Obama Gears Up For Immigration Reform Push In Second Term, <http://www.huffingtonpost.com/2013/01/15/obama-immigration-reform_n_2463388.html>]

Obama has repeatedly said he will push hard for immigration reform in his second term, and administration officials have said that other contentious legislative initiatives -- including gun control and the debt ceiling -- won't be allowed to get in the way. At least at first glance, he seems to have politics on his side. GOP lawmakers are entering -- or, in some cases, re-entering -- the immigration debate in the wake of disastrous results for their party's presidential nominee with Latino voters, who support reform by large measures. Based on those new political realities, "it would be a suicidal impulse for Republicans in Congress to continue to block [reform]," David Axelrod, a longtime adviser to the president, told The Huffington Post.

Now there's the question of how Obama gets there. While confrontation might work with Republicans on other issues -- the debt ceiling, for example -- the consensus is that the GOP is serious enough about reform that the president can, and must, play the role of broker and statesman to get a deal.

It starts with a lesson from his first term. Republicans have demanded that the border be secured first, before other elements of immigration reform. Yet the administration has been by many measures the strictest ever on immigration enforcement, and devotes massive sums to policing the borders. The White House has met many of the desired metrics for border security, although there is always more to be done, but Republicans are still calling for more before they will consider reform. Enforcing the border, but not sufficiently touting its record of doing so, the White House has learned, won't be enough to win over Republicans.

In a briefing with The Huffington Post, a senior administration official said the White House believes it has met enforcement goals and must now move to a comprehensive solution. The administration is highly skeptical of claims from Republicans that immigration reform can or should be done in a piecemeal fashion. Going down that road, the White House worries, could result in passage of the less politically complicated pieces, such as an enforcement mechanism and high-skilled worker visas, while leaving out more contentious items such as a pathway to citizenship for undocumented immigrants.

#### Has the PC now

FRIESS 1 – 15 – 13 Politico Staff [Steve Friess, Obama can navigate immigration reform through Congress, Gary Shapiro says, http://www.politico.com/story/2013/01/obama-immigration-reform-congress-86210.html]

A top technology lobbyist said Tuesday he believes President Barack Obama has the savvy and political skill to navigate an immigration bill through even a divided Congress.

“If President Obama can get health care reform through as divisive as it was, he can get immigration reform done, too,” said Consumer Electronics Association President and CEO Gary Shapiro at a POLITICO Pro Tech Deep Dive focused on the 113th Congress.

Shapiro, joined by Business Roundtable President John Engler and ITIC CEO Dean Garfield, supported a comprehensive bill and hashed out a variety of ideas from more visas to a guest-worker program to high-skilled labor.

Garfield said the trio of House members appearing in the upcoming second panel — Reps. Jason Chaffetz (R-Utah), Raul Labrador (R-Idaho) and Zoe Lofgren (D-Calif.) — could connect with the likes of Sens. Marco Rubio (R-Fla.) and Chuck Schumer (D-N.Y.) to find a way forward.

“This is a challenging issue but we know all the good ideas,” Garfield said “They’ve already been put on the table. You don’t have to get a group of rocket scientists to move them forward here.”

Technology companies have been leaders in the hue and cry to expand the visa program for high-skilled labor, particularly foreigners who earn advanced degrees at United States colleges. Tens of thousands of engineering jobs go unfilled, the companies say, because there are neither enough skilled labor among Americans nor enough visas to hire people from abroad.

**Critical mass for immigration reform**

**Bismarck Tribune 1-23** [http://bismarcktribune.com/news/opinion/editorial/immigration-reform-attainable/article\_8e6c86dc-64a9-11e2-a838-0019bb2963f4.html]

It seems the need for immigration reform has hit a critical mass for Republicans and Democrats in Congress. The time, proponents of reform say, is right to push reform to the forefront. There’s more agreement on what might constitute immigration reform than there is over budgets, debt and government spending. The Republican effort, key to passage in the U.S. House, runs along the lines of tightened border security, employer checks and a path to legal status for non-citizens illegally in this country that includes fines and payment of back taxes. It includes an acknowledgement that there must be pragmatic methods of coming to terms with the 11 million illegal immigrants in the U.S.; it must be a means that’s “earned,” with a goal that’s “attainable.” President Barack Obama alluded to immigration reform in his second inaugural address. Pushing conservatives in the U.S. House is a coalition of business, evangelical and law enforcement leaders. At the same time a bipartisan group of eight U.S. senators is backing comprehensive immigration reform in that chamber. It includes Sens. John McCain, R-Ariz., Jeff Flake, R-Ariz., Charles Schumer, D-N.Y., Dick Durbin, D-Ill., Lindsey Graham, R-S.C., Robert Menendez, D-N.J., Michael Bennet, D-Colo., and Mike Lee, R-Utah. In addition, U.S. Sen. Marco Rubio, R-Fla., a Cuban American, has spoken in support of immigration reform.

**2NC—PC Key**

#### Politicians believe capital matters—so it does

Schier 11—Dorothy H. and Edward C. Congdon Professor of Political Science at Carleton College [Steven E. Schier, The Contemporary Presidency: The Presidential Authority Problem and the Political Power Trap, *Presidential Studies Quarterly*, Volume 41, Issue 4, pages 793–808, December 2011]

The concept of political capital captures many of the aspects of a president's political authority. Paul Light defines several components of political capital: party support of the president in Congress, public approval of the president's conduct of his job, the president's electoral margin, and patronage appointments (Light 1999, 15). Light derived this list from the observations of 126 White House staff members he interviewed (1999, 14). His indicators have two central uses. First, Light's research reveals that they are central to the “players' perspective” in Washington. That is, those “in the game” view these items as crucial for presidential effectiveness. Second, they relate to many central aspects of political authority as defined by Skowronek. So on both theoretical and practical levels, the components of political capital are central to the fate of presidencies. The data here will reveal that presidents over the last 70 years have suffered from a trend of declining levels of political capital, a trend that is at the heart of their political authority problem.

Many scholars have examined particular aspects of presidential political capital, from congressional support (for example, Bond and Fleisher 1992, 2000; Mayhew 2005; Peterson 1993) to job approval (Brace and Hinckley 1991; Kernell 1978; Nicholson Segura and Woods 2002). From these, we know that presidential job approval is influenced by economic performance, tends to drop over time, and that divided government can boost job approval. Also, job approval and control of Congress by fellow partisans boosts presidential success in floor votes but does not produce more important legislation than does periods of divided government. These “micro” findings, however, comport with a “macro trend” of declining presidential political capital over time. This analysis explores that macro trend and relates it to previous micro findings.

#### Political capital key—induces change in voting outcomes

Beckmann & Kumar 11—Professor of Political Science, UC, Irvine [Matthew N. Beckmann and Vimal Kumar, How presidents push, when presidents win: A model of positive presidential power in US lawmaking, *Journal of Theoretical Politics* 2011 23: 3]

Fortunately for those inside the West Wing, some researchers paint a more optimistic picture regarding presidents’ potential for passing important planks of their legislative agenda. Covington et al. (1995), Barrett and Eshbaugh-Soha (2007), Edwards III and Barrett (2000), Kellerman (1984), Light (1982), Peterson (1990), and Rudalevige (2002) all observe that presidents secure greater support for their ‘priority’ items, and when they exert ‘effort’ pushing them. In addition, Covington (1987) concludes that White House officials can occasionally win greater support among legislators by working behind the scenes, while Canes-Wrone (2001, 2005) shows that presidents can induce support from a recalcitrant Congress by strategically ‘going public’ when advocating popular proposals (see also Kernell (1993)). Sullivan (1987, 1988) finds that presidents can amass winning congressional coalitions by changing members’ positions as a bill moves through the legislative process.

However, even among these relative optimists, the prescription for presidents appears to be an ephemeral combination of luck and effort, not a systematic strategy. In discussing the challenge for a president looking to push legislation on Capitol Hill, Samuel Kernell offers a comparable assessment. He writes, The number and variety of choices place great demands upon [presidents’] strategic calculation, so much so that pluralist leadership must be understood as an art…an ability to sense ‘right choices’. (Kernell, 1993: 36) Furthermore, the seemingly paradoxical findings noted above, that is, a general (if modest) pattern of president-supported legislative success on passage and policy content, but not on ‘key’ roll-call votes, remain unexplained.

This paper aims to demystify the White House’s legislative strategies, both their logic and their effects. Developing a non-cooperative game in which the president allocates scarce ‘political capital’ to induce changes in legislators’ behavior, we deduce two lobbying strategies White House officials may execute and, in turn, investigate their impact on the laws that result. Interestingly, we theorize that presidents’ foremost influence comes from bargaining with congressional leaders over policy alternatives before bills reach the floor, not bargaining with pivotal voters for their support once they do. Precisely because so much of the presidents’ influence comes in the legislative earlygame (rather than the endgame), we theorize that typical roll-call-based tests of presidents’ legislative influence have missed most of it.

### AT: Winners Win

#### Winners-lose—Obama has to pick and choose

AP 12/26/12 [Charles Babington, Obama Agenda Provides Long Work List To Tackle When He Returns, http://www.timesleaderonline.com/page/content.detail/id/543590/Obama-has-lengthy-work-list-to-tackle.html?nav=5010]

WASHINGTON (AP) - It's hardly a secret that Barack Obama, like every president no doubt, muses about his ultimate legacy and spot in the presidential pantheon. He approaches his second term confronting tough and shifting challenges that will play big roles in shaping the rest of his presidency and his eventual place in history.

In the coming months, Obama will have to decide where to be ambitious, where to be cautious, and where to buy time.

He draws political strength from his surprisingly easy re-election in a bad economy. It's partly offset, however, by Republicans' continued control of the House, plus their filibuster powers in the Senate.

Some of the big issues awaiting the president's decisions are familiar, long-simmering problems. They include immigration and the need for a tenable balance between taxes, spending and borrowing.

Another issue, gun control, jumped to the national agenda's top tier this month following the massacre of first-graders and teachers in a Connecticut school. And the issue of climate change remains unresolved.

Veteran politicians and presidential historians say it's almost impossible for Obama to "go big" on all these issues. Indeed, it might prove difficult to go big on even one. While some counsel caution, others urge the president to be as bold and ambitious as possible.

"Americans are yearning for leadership," said Gil Troy, a presidential scholar at McGill University.

As a president dealing with policy, he said, Obama has generally failed to give "that visionary, powerful address that we came to know and love and expect in the 2008 campaign."

Rather than let Congress take the lead on big issues, as it did in drafting the 2009 health care overhaul, Obama should be more forceful in pushing new legislation or using his executive powers to bypass Congress where possible, Troy said.

"The gun control issue is a major opportunity for Obama to make his mark on history - and solve a problem that has frustrated Democrats for decades," he added.

Other presidential historians, however, think Obama is severely constrained by political realities. They say he will have to carefully pick and choose which goals to emphasize in his second four years.

"I see Obama as almost uniquely handcuffed by circumstances," said John Baick of Western New England University. The number of big, unresolved problems facing the nation, coupled with a deeply divided public and Congress, he said, leave Obama with fewer viable options than most presidents have enjoyed.

At best, Baick said, the U.S. government "is a gigantic cruise liner, and the most he can do is keep us from hitting icebergs."

For instance, Baick said, "if he goes big on gun control, then it's 1994 all over again."

Then-President Bill Clinton pushed an assault weapons ban through the Democratic-led Congress that year, prompting fierce pushback from gun-rights groups. Clinton later would credit the NRA with shifting the House majority to the GOP for the first time in 40 years. However, other factors - including a House bank scandal - played big roles, too.

Paul Rego, a political scientist at Messiah College in Grantham, Penn., largely agrees with Baick.

"While President Obama does not face the same cataclysmic events that Abraham Lincoln faced, or that FDR encountered in the form of the Great Depression and World War II, his challenges are many and significant," Rego said in an email.

#### Capital finite—using it will destroy his agenda

Golinkin 12/21/12—JD—UT School of Law, Editor and Reporter for the Frum Forum [Jeb Golinkin, Does President Obama know what he wants? The president's puzzling expenditure of political capital on Susan Rice and Chuck Hagel raises real questions, http://theweek.com/article/index/238164/does-president-obama-know-what-he-wants]

The fiscal cliff. The jobless recovery. Comprehensive immigration reform. Climate change. Implementing ObamaCare. Cutting healthcare spending. Rebuilding our infrastructure. Addressing student debt. Fixing the tax code. Gun control. There is no shortage of domestic issues that this president might address. But to govern is to choose, and this president has limited political capital. He will have to choose carefully.

And yet, the nature of President Obama's campaign, coupled with a few odd choices relating to the selection of the president's second-term cabinet, raise questions relating to whether Obama has thought carefully about what he truly cares about, or whether he is instead playing a very complicated game of whack-a-mole, reacting to events as they pop up.

Let us begin with Chuck Hagel and Susan Rice. The president wanted to nominate Susan Rice to be secretary of state (she withdrew because of GOP opposition), and he seems prepared to nominate Chuck Hagel as secretary of defense (Hagel faces similar opposition). Of course, the president has the constitutional authority to nominate members of his cabinet as well as enough Democratic votes in the Senate to confirm virtually any nominee he can get past a potential filibuster. But that he can pick whoever he wants does not mean that he should, which is where Rice and Hagel raise questions.

Being the secretary of either state or defense is undoubtedly a powerful and important position. But in the grand scheme of things, getting the exact nominee a president wants is not vital. Why? Because cabinet members serve directly under the executive (i.e. they answer to the president), and their decisions will mirror the president's wishes. This contrasts quite radically from judicial nominees — especially Supreme Court appointees — who, if confirmed, gain life tenure and play an incredibly important role in shaping the legal landscape while not answering to any political body. The bottom line is that a president with limited political capital has far less incentive to fight for a specific individual to serve in his cabinet than he might for a specific judge. So why is the president bothering with Rice and Hagel? It is utterly puzzling. Obama has limited political capital. Thinking strategically about his long-term political goals, why on Earth would he deliberately rankle GOP senators///

when he could select a similarly valuable candidate without fostering ill will on the right?

Might the Hagel/Rice sagas merely reflect poor political judgment? Perhaps. But one of the dirty little secrets of the 2012 presidential campaign is that Barack Obama provided almost no vision for his next four years in office — his campaign focused almost entirely on destroying Mitt Romney's character. The result: We know almost nothing about what the president really intends to focus on. The fact that President Obama never took the time or effort to paint a clear picture of his vision for the next four years, coupled with the quixotic way he is handling seemingly uncomplicated nomination processes on the Hill, makes me wonder whether that vision even exists, or whether it is being cobbled together on the fly.

Either way, the conclusion is troubling. If the vision does exist, then the fact that he has been so aggressive in pushing potential nominees to which the GOP is overtly hostile suggests that the president failed to learn the most important political lesson of his first four years, which is that he can do very little without Republican support. If, on the other hand, the president is only now thinking about what he wants to do with his next four years, he had better come up with a vision quickly, because trying to navigate from event to event without any comprehensive vision is apt to create an incoherent jumble of policy decisions that result in no real legacy and, more importantly, no real progress in any one direction.

**2NC—Guns**

#### Guns don’t thump the DA – driven by different forces and a strong Obama means he can outmaneuver GOP

**Kayyem 1-21** [Juliette, columnist for Boston Globe, Action on guns and immigration needed, http://bostonglobe.com/opinion/2013/01/21/president-obama-has-opportunities-guns-immigration/uRCngtyVOuJ51De55A8HyK/story.html]

Neither immigration nor gun control had a significant place in Obama’s first-term agenda. Indeed, at their core, both are public safety programs — messy and dark and generally removed from the “hope” that got him to the White House. But in the span of a few weeks, the 2012 presidential election and the massacre at Newtown, Conn., provided the impetus for a renewed push for both comprehensive immigration reform and comprehensive gun controls. The question now is whether the White House can do both, and that has proponents of immigration reform very anxious. Pro-immigration forces had the president’s ear in November. Hispanics are now over 10 percent of the total electorate, twice as big a portion as just 20 years ago, and they gave Obama over 70 percent of their votes. But then all those children were killed in Newtown, and immigration reform became a lesser priority. The moral obligation to address gun violence fell quickly on Obama and Vice President Joe Biden. Their announcement last week of sweeping legislative and administrative changes was driven by a near-universal revulsion at what happened in Connecticut. A CBS News/New York Times poll released last Thursday showed that, among Democrats, 93 percent support background check for gun purchasers; among Republicans, it’s 89 percent. These numbers are more than a mandate; they make some kind of change a foregone conclusion. The political reality today is that immigration reform and gun control can occur simultaneously, because they are being driven by different forces. This is hopeful news for those who believe we should be judged as a nation both by how we treat our newest citizens and protect our youngest ones. With Republicans now eager to engage in a discussion on immigration reform, to undo some of the damage of their past resistance, Obama can leave much of the impetus for immigration to the red states and promote gun control via the blue ones. The last part is already happening: Massachusetts Governor Deval Patrick, Maryland Governor Martin O’Malley, and New York Governor Andrew Cuomo either are pushing, or have already passed, state legislation in tandem with the White House’s gun-control effort. Democrats in conservative states, like Senator Mary Landrieu of Louisiana and Majority Leader Harry Reid of Nevada, will need the White House to stay engaged on gun control, if only to provide them with cover. Meanwhile, as Republicans become more recalcitrant on gun control — and the lunacy of the NRA’s media campaign continues — they will need to find an issue that makes them seem kinder and gentler. Enter immigration reform. The Republicans know that their future rests on embracing a more diverse electorate. They need immigration reform as much as it needs them. This pressure is felt most acutely by state-level Republican leaders aiming for 2016, such as Louisiana Governor Bobby Jindal.

#### Engaging the public on guns – NOT capital with congress

AP 1 – 15 – 13 [Obama Proposing Gun Limits, Faces Tough Obstacles, http://www.npr.org/templates/story/story.php?storyId=169390749]

White House officials signaled that Obama would seek to rally public support for the measures he puts forward, perhaps holding events around the country or relying on Organizing for America, his still-operational presidential campaign.

"The president's success in using this strategy, I think, is pretty notable," Carney said of Obama's efforts to engage the public in previous legislative fights. "He'll absolutely continue to engage with the American people on the policy proposals he's putting forward."

Still, it's unclear how much political capital Obama will exert in pressing for congressional action.