# Round 2 – Neg v UNLV EJ

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#### The aff is not a financial incentive for producing energy - they lift a regulatory mandate which is distinct

US Energy Information Administration, 1 (Renewable Energy 2000: Issues and Trends, Report prepared by the US Energy Information Administration, “Incentives, Mandates, and Government Programs for Promoting Renewable Energy”, http://tonto.eia.doe.gov/ftproot/renewables/06282000.pdf)

Over the years, incentives and mandates for renewable energy have been used to advance different energy policies, such as ensuring energy security or promoting environmentally benign energy sources. Renewable energy has beneficial attributes, such as low emissions and replenishable energy supply, that are not fully reflected in the market price. Accordingly, governments have used a variety of programs to promote renewable energy resources, technologies, and renewable-based transportation fuels.1 This paper discusses: (1) financial incentives and regulatory mandates used by Federal and State governments and Federal research and develop- ment (R&D),2, 3 and (2) their effectiveness in promoting renewables.

A financial incentive is defined in this report as providing one or more of the following benefits:

• A transfer of economic resources by the Government to the buyer or seller of a good or service that has the effect of reducing the price paid, or, increasing the price received, respectively;

• Reducing the cost of production of the good or service; or,

• Creating or expanding a market for producers.

The intended effect of a financial incentive is to increase the production or consumption of the good or service over what it otherwise would have been without the incentive. Examples of financial incentives are: tax credits, production payments, trust funds, and low-cost loans. Research and development is included as a support program because its effect is to decrease cost, thus enhancing the commercial viability of the good(s) provided.4

Regulatory mandates include both actions required by legislation and regulatory agencies (Federal or State). Examples of regulatory mandates are: requiring utilities to purchase power from nonutilities and requiring the incorporation of environmental impacts and other social costs in energy planning (full cost pricing). Another example is a requirement for a minimum percentage of generation from renewable energy sources (viz., a “renewable portfolio standard,” or, RPS). Regulatory mandates and financial incentives can produce similar results, but regulatory mandates generally require no expenditures or loss of revenue by the Government.

#### It is also not a reduction in a restriction - Restrictions must legally mandate a decrease in the quantity produced – regulations are distinct

Anell 89

Chairman, WTO panel

"To examine, in the light of the relevant GATT provisions, the matter referred to the

CONTRACTING PARTIES by the United States in document L/6445 and to make such findings as will assist the CONTRACTING PARTIES in making the recommendations or in giving the rulings provided for in Article XXIII:2." 3. On 3 April 1989, the Council was informed that agreement had been reached on the following composition of the Panel (C/164): Composition Chairman: Mr. Lars E.R. Anell Members: Mr. Hugh W. Bartlett Mrs. Carmen Luz Guarda 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>

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.

#### Two impacts – first is limits - Including regulation cracks the curriculum—even full-time professionals can’t manage that research burden

Stafford 83

<http://felj.org/elj/Energy%20Journals/Vol6_No2_1985_Book_Review2.pdf>

Associate, Ross, Marsh & Foster, Washington, D.C. The assistance of David L. Wallace, a third

year student at the Georgetown University Law Center, in the preparation of this review is greatly appreciated.

#### FEDERAL REGULATION OF ENERGY by William F. Fox, Jr. Shepard'slMcGraw-Hill, 1983, 846 pages Reviewed by G. William Stafford\* It may safely be said that any effort to catalogue "the entire spectrum of federal regulation of energy"' in a single volume certainly requires an enterprising effort on the part of the author. In this regard, Mr. William F. Fox, Jr., an Associate Professor of Law at Catholic University of America, has undertaken an examination of a vital aspect of United States policy in Federal Regulation of Energy, published in 1983 with an annual pocket supplement available. Despite the complex nature of the subject of his work, Mr. Fox has prepared a text that provides a significant description of many aspects of federal energy regulatory policy. Initially, the book's title may prove somewhat misleading in that it approaches the subject from an historical perspective focused more on substantive than procedural issues. Although a reader gets the impression that the author at time has tried to do too much -at least from the standpoint of the energy practitioner- the historical and technical insights it offers the student of federal energy relation are valuable. Moreover; its detailed explanations of the methods used to tneet federal energy goals are useful for those in the position of initiating energy policy. This strength notwithstanding, it appears unlikely that an energy law practitioner would benefit significantly from its use, other than from its historical point of view. A general impression is that the author may have been overly ambitious in his effort to undertake the monumental task of evaluating laws, regulations, and significant judicial decisions in a single work.

#### Second - precision—restrictions must be a distinct term for debate to occur

Eric Heinze (Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard) 2003 “The Logic of Liberal Rights A study in the formal analysis of legal discourse” http://mey.homelinux.org/companions/Eric%20Heinze/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20%28839%29/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20-%20Eric%20Heinze.pdf

Variety of ‘restrictions’

The term ‘restriction’, defined so broadly, embraces any number of familiar concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

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The 50 state governments should:

* establish a uniform Renewable Portfolio Standard requiring that twenty percent of electricity produced comes from renewable sources.
* establish a feed-in tariff that creates long-term purchase contracts for new qualifying facilities that use solar power for energy production to ensure a reasonable rate of return.

#### The CP codifies status quo RPS trends to integrate coordinate with other states – it will rapidly spur renewable integration

**Byrne, 7** –Center for Energy and Environmental Policy (John, “American policy conflict in the greenhouse: Divergent trends in federal, regional, state, and local green energy and climate change policy” Energy Policy Volume 35, Issue 9, September 2007, science direct)

In addition to the creation of voluntary investments in renewables, a number of states have mandated that utilities supply a baseline amount of green power to their customers. Known as Renewable Portfolio Standards (RPS), these policies establish renewable energy procurement quotas for utilities according to a schedule typically running for 10–15 years. As of February 2007, 23 states and the District of Columbia have enacted renewable portfolio standards, while another fourteen states are considering RPS regulation (Fig. 3). No two RPS laws are alike and some policy regimes have performed better than others (van der Linden et al., 2005 N.H. van der Linden, M.A. Uyterlinde, C. Vrolijk, L.J. Nilsson, J. Khan and K. Åstrand et al., Review of International Experience with Renewable Energy Obligation Support Mechanisms, Energy research Centre of the Netherlands, Petten, Netherlands (2005).van der Linden et al., 2005). Generally speaking, however, there is a distinct trend towards stronger RPS policies and regional market integration. Only two states have voluntary standards—Illinois and Vermont—and both are now considering RPS mandates (DSIRE, 2007).Most states with RPS policies in place for three or more years have strengthened their laws, accelerated compliance schedules, or proposed new targets (Rickerson, 2005). For example, in 2006 New Jersey accelerated its compliance schedule and increased its target to 20% by 2020 (DSIRE, 2007). Utilities in Wisconsin over-complied with the initial 2.2% by 2012 goal, and in 2006 the state increased its target to 10% by 2015 (Governor's Task Force, 2004). California has accelerated its RPS schedule partly because one utility, Southern California Edison, is already close to the 20% requirement with 17.7% of its supply derived from renewable energy (California Public Utilities Commission, 2006). As a result, the state has revised its RPS schedule from 20% by 2017 to 20% by 2010 (Doughman et al., 2004).While Texas initially accounted for most of the renewable MW capacity installed in RPS markets (Petersik, 2004), renewable energy installations are now becoming more widely distributed as new and strengthened RPS regimes have appeared across the American landscape. The Union of Concerned Scientists (2006a) projects over 44,900 MW of new renewable capacity will be added to the grid by 2020 to satisfy current RPS mandates (see also Byrne et al., 2005b).Another sign of the growing maturity and momentum of state RPS policies is the trend toward regional coordination and integration. In order to encourage supply diversity, almost every state RPS policy in the US permits its utilities to procure renewable resources from neighboring states. As a result, markets for tradable renewable energy credits (RECs)5 have emerged to facilitate compliance in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, Texas and Washington, DC. The existence of a solar PV “carve out” requirement in New Jersey's RPS has created solar-specific REC prices above $200/megawatt-hour (MWh) (Holt and Bird, 2005, p. 2; Evolution Markets LLC, 2006), and similar requirements in Pennsylvania, New York and Washington, DC could drive solar PV market growth region wide. To support these markets, regional authorities have established credit-tracking systems in the Northeast, Mid-Atlantic, and Texas. Similar systems are also under development for the states of the West and the upper Midwest (Porter and Chen, 2004; Wingate and Lehman, 2003 M. Wingate and M. Lehman, The Current Status of Renewable Energy Certificate Tracking Systems in North America, Center for Resource Solutions, San Francisco, CA (2003) (Prepared for the Commission for Environmental Cooperation).Wingate and Lehman, 2003). These systems facilitate RPS compliance and encourage non-RPS states to develop resources for participation in regional RPS markets. To date, RPS has proven to be the most successful tool used by states in the US to realize rapid development of renewable energy options.

#### Federal preemption is no longer an issue as long as the state also has an RPS – a new FERC ruling means they can set rates in accordance with the higher cost of renewable mandates – this establishes price certainty

**Dorsi, 12** - Fellow, Phillips & Cohen LLP; J.D. Harvard Law School, 2011 (Michael, “Clean Energy Pricing and Federalism: Legal Obstacles and Options for Feed-in Tariffs” 35 Environs Envtl. L. & Pol'y J. 173, lexis)

In 2008, California enacted AB 1613, requiring the California Public Utilities Commission ("CPUC"), in collaboration with other state agencies, to establish what amounts to a new variety of feed-in tariff for energy from combined heat and power facilities ("CHP"). n65 While California is not the only state to enact a feed-in tariff; n66 California was recently involved in the litigation that may determine the fate of most other feed-in tariffs in the United States. n67 AB 1613 requires the CPUC to set rates at which regulated utilities must offer to purchase from CHP generators under twenty megawatts. n68 The CPUC adopted a two-tier structure to implement the feed-in tariff, with a standard contract for units up to twenty megawatts and a simplified feed-in tariff for units under five megawatts. n69

In May 2010, the CPUC sought a declaratory order from FERC stating that [\*188] California's feed-in tariff was not preempted. n70 Days later, the state's three main private utility companies, Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric (collectively "Joint Utilities"), sought the opposite order from FERC. n71 FERC consolidated the proceedings. n72 The Joint Utilities argued that AB 1613 is preempted by the FPA and impermissible under PURPA. n73 The CPUC argued that the policy goals of reducing greenhouse gas emissions suggest that FERC should read PURPA and relevant regulations in a way compatible with AB 1613. n74 The California Attorney General, filing separately, argued that the Federal Power Act only preempts regulations requiring a purchase of energy, not an offer to purchase, because it does not set a wholesale rate. The California Attorney General also argued, in the alternative, that even if such an offer was preempted, there is legal opportunity under PURPA and related FERC regulations for California to proceed with AB 1613. n75

FERC, without explanation, rejected California's argument that an offer to purchase would not set a wholesale rate. n76 However, FERC suggested that California could go forward in accordance with PURPA. n77 After a request for clarification, FERC elaborated that tiered avoided cost rates for different types of QFs (such as a higher rate for CHPs than gas-fired generators) and adders for location-constrained areas may be permissible if they reflect actual costs that would be incurred by utilities given other state policies. n78 The resulting policy may enable a feed-in tariff at a level that would subsidize preferred energy sources because the utility is required by other legal obligations to procure a share of power from more expensive preferred resources. Although that subsidy [\*189] could only match the level required by other policies, the feed-in tariff could establish the benefit of price certainty. For example, if a state established efficiency standards for generation, then the long run avoided cost of meeting these efficiency standards would be above the standard avoided cost for a typical generator. The utility could satisfy this requirement by procuring power from a QF, and the state would be permitted to include an estimate of this cost of compliance with the energy efficiency policy in the feed-in tariff rate. Initially this may seem useless; if the state already mandated the efficiency standard, then there should be no need for a feed-in tariff. However, because other state policies often fail to meet targets, n79 and because price certainty reduces the risk premium demanded by investors, n80 permitting states to create predictable revenue streams for preferred energy sources may serve as a valuable policy tool.

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The plan: The Federal Energy Regulatory Commission ought to temporarily permit states to set rates above the avoided cost for the production of solar energy. The permitted avoided cost will diminish to industry cost competitiveness within a negotiated timeframe. FERC should state that recipients of state feed-in tariff incentives must improve in price and performance in order to continually receive the incentive.

#### Temporary, diminishing incentives are vital to inducing competition, technological innovation and ending subsidy dependence

**Jenkins, 12** – Director of Energy and Climate Policy at the Breakthrough Institute (Jesse, Congressional Testimony before the Senate Committee on Energy and Natural Resources, 5/22, <http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=31b79a1a-83a0-4ae6-8c80-30fe754ad0ea>)

Recognizing that investment horizons, technology development cycles, and market conditions vary across advanced energy technology segments, precise policy mechanisms will likely differ from sector to sector. Yet whether through production or investment subsidies, consumer rebates, market-­‐creating regulations or standards, or other market incentives, we recommend that any advanced energy deployment subsidies meet the following policy design criteria. Reformed policies should:¶ 1. ESTABLISH A COMPETITIVE MARKET. Deployment policies should create market opportunities for advanced clean energy technologies while fostering competition between technology firms.¶ 2. DRIVE COST REDUCTIONS AND PERFORMANCE IMPROVEMENTS. Deployment policies should create market incentives and structures that demand and reward continual improvement in technology performance and cost.¶ 3. PROVIDE TARGETED AND TEMPORARY SUPPORT FOR MATURING TECHNOLOGIES. Deployment policies must not operate in perpetuity, but rather should be terminated if technology segments either fail to improve in price and performance or become competitive without subsidy.¶ 4. REDUCE SUBSIDY LEVELS IN RESPONSE TO CHANGING TECHNOLOGY COSTS. Deployment incentives should decline as technologies improve in price and performance to both conserve limited taxpayer and consumer resources and provide clear incentives for continued technology improvement.¶ 5. AVOID TECHNOLOGY LOCK-OUT AND PROMOTE A DIVERSE ENERGY PORTFOLIO. Deployment incentives should be structured to create market opportunities for energy technologies at different levels of maturity, including new market entrants, to ensure that each has a chance to mature while allowing technologies of similar maturity levels to compete amongst themselves.¶ 6. PROVIDE SUFFICIENT BUSINESS CERTAINTY. While deployment incentives should be temporary, they must still provide sufficient certainty to support key business decisions by private firms and investors.¶ 7. MAXIMIZE THE IMPACT OF TAXPAYER RESOURCES AND PROVIDE READY ACCESS TO AFFORDABLE PRIVATE CAPITAL. Deployment incentives should be designed to avoid creating unnecessarily high transaction costs while opening up clean tech investment to broader private capital markets.

#### Conditioning new incentives on price competition solves the aff better and avoids our disads

**Hayward, 10** – resident scholar at the American Enterprise Institute (Steven, “Post-Partisan Power: How a Limited and Direct Approach to Energy Innovation Can Deliver Clean, Cheap Energy, Economic Productivity and National Prosperity”, October, <http://thebreakthrough.org/blog/Post-Partisan%20Power.pdf>)

The government has a long history of successfully driving innovation and price declines in emerging technologies by acting directly as a demanding customer to spur the early commercialization and largescale deployment of cutting-edge technologies. From radios and microchips to lasers and camera lenses, the federal government, in particular the DOD, has helped catalyze the improvement of countless innovative technologies and supported the emergence of vibrant American industries in the process. 67¶ Yet today’s mess of open-ended energy subsidies reward production of more of the same product, not innovation. The federal government showers subsidies across many energy options, from oil and coal to ethanol and wind power. None of these efforts, however, are designed or optimized to drive and reward innovation and ensure the prices of these technologies fall over time, making the subsidies effectively permanent. This must change.¶ Competitive Deployment Incentives¶ The current energy subsidy and deployment framework should be turned on its head. Government investments succeed not when they are blanket subsidies but rather when they are narrowly targeted to specific outcomes, such as developing computers to allow for rocket systems, building a communications network to survive a nuclear attack, or creating increasingly efficient and powerful jet engines. These public investments paid off handsomely in personal computers, the Internet, and gas turbines used in both commercial air travel as well as modern natural gas power plants. 68¶ In an era of expanding federal debt, across-the-board energy subsidy reform should be pursued. Incentives for energy technology deployment should be targeted and disciplined. Technologies should receive competitive deployment incentives only to the extent that they are becoming cheaper in unsubsidized terms over time. ¶ The strategy that we propose would be aimed at low-carbon technologies that, at a minimum, satisfy the following criteria: ¶  The technology has been demonstrated and has proven technical feasibility at commercial scale; ¶  Is currently priced above normal market rates and is locked out of markets by more mature, ¶ entrenched technology competitors; ¶  Has potential for significant and sustained cost and performance improvements during deployment ¶ and scale-up; ¶ #Has strong prospects for significant market penetration once the technology reaches competitive ¶ prices. ¶ Targeted and competitive deployment incentives could be created for various classes of energy technologies to ensure that each has a chance to mature. Incentive levels should fall at regular intervals, terminating if the technology class either fails to improve in price or reaches cost parity in the absence of any further incentives.¶ Structured in this manner, reformed national energy deployment incentives will not select winners and losers, nor will it create permanently subsidized industries. These public investments will instead provide opportunity for all emerging low-carbon energy technologies to demonstrate progress toward competitive costs while increasing the rate at which early-stage clean and affordable energy technologies are commercialized.

#### The CP prevents the collapse of the energy bubble – avoids economic collapse, key to competitiveness

**Swezey, 11** – project director for The Breakthrough Institute (Devon, “Clean Tech Sector Heading for a Major Crash” 7/11, <http://blacklistednews.com/?news_id=14600&print=1>)

The global clean energy industry is set for a major crash. The reason is simple. Clean energy is still much more expensive and less reliable than coal or gas, and in an era of heightened budget austerity the subsidies required to make clean energy artificially cheaper are becoming unsustainable.

Clean tech crashes are nothing new. The U.S. wind energy industry has collapsed three times before, first in the mid 1990s and most recently in 2002 and 2004 when Congress failed to extend the tax credit that made it profitable. But the impact and magnitude of the coming clean tech crash will far outstrip those of past years.

As part of its effort to combat the economic recession, the federal government pumped nearly $80 billion in direct investment and tax credits into the clean energy sector, catalyzing an unprecedented industry expansion. Solar energy, for example, grew 67% in the United States in 2010. The U.S. wind energy industry also experienced unprecedented growth as a result of the generous Section 1603 clean energy stimulus program. The industry grew by 40% and added 10 GW of new turbines in 2009. Yet many of the federal subsidies that have driven such rapid growth are set to expire in the next few years, and clean energy remains unable to compete without them.

The crash won't be limited to the United States. In many European countries, clean energy subsidies have become budget casualties as governments attempt to curb mounting deficits. Spain, Germany, France, Italy and the Czech Republic have all announced cuts to clean energy subsidies.

Such cuts are not universal, however. China, flush with cash, is bucking the trend, committing $760 billion over 10 years for clean energy projects. China is continuing to invest in low-carbon energy as a way of meeting its voracious energy demand, diversifying its electricity supply, and alleviating some of the negative health consequences of its reliance on fossil energy.

If U.S. and European clean energy markets collapse while investment continues to ramp up in China, the short-term consequences will likely be a migration of much of the industry to Asia. As we wrote in our 2009 report, "Rising Tigers, Sleeping Giant," this would have significant economic consequences for the United States, as the jobs, revenues and other benefits of clean tech growth accrue overseas.

In the long-term, however, clean energy must become much cheaper and more reliable if it is to widely displace fossil fuels on the scale of national economies and become a commercially viable industry.

Breaking the Boom-Bust Cycle

Why is the United States still locked in this self-perpetuating boom-bust cycle in clean energy? The problem, according to a new essay by energy experts David Victor and Kassia Yanosek in this week's Foreign Affairs, is that our system of clean energy subsidization is jury-rigged to support the deployment of only the least-risky and most mature clean energy technologies, while lacking clear incentives for continual innovation that could make clean energy competitive on cost with conventional energy sources. Rather, we should "invest in more innovative technologies that stand a better chance of competing with conventional energy sources over the long haul." According to Victor and Yanosek, nearly seven-eighths of global clean energy investment goes toward deploying existing technologies that aren't competitive without subsidy, while only a small share goes to encouraging innovation in existing technologies or developing new ones.

This must change. Rather than simply subsidize production of current technologies, we need a comprehensive energy innovation strategy to develop, manufacture, and deploy riskier but more promising clean energy technologies that may eventually compete with fossil energy at scale. Instead of rewarding companies for building the same product, we should reward companies who continuously improve designs and cut costs over time.

Such a federal strategy will require major federal investments, but of a different kind than the subsidies that have driven the clean tech industry in years past. For starters, we must dramatically ramp up funding for early-stage clean energy research and development. A growing bipartisan group of think tanks and business leaders have pushed an investment of at least $15 billion annually in energy R&D, up from its current $4 billion level.

Targeted funding is needed to solve technology challenges and ensure that innovative technologies can develop and improve. One key program that helps fulfill this need is ARPA-E, which funds a portfolio of innovative technology companies and helps connect them with private investors. But ARPA-E's budget has continually been under assault in budget negotiations, hampering its ability to catalyze innovation in the energy sector and limiting its impact.

We also need to invest in cutting-edge advanced manufacturing capabilities and shared technology infrastructure that would help U.S. companies cut costs and improve manufacturing processes. As the President's Council of Advisors on Science and Technology wrote in a report released last week, manufacturing is vital to innovation, "because of the synergies created by locating production processes and design processes near to each other." Furthermore, bringing down manufacturing costs, such as by supporting shared infrastructure for small firms, or offering financing for the adoption of innovative technologies in manufacturing, will be a key component of reducing the costs of new clean energy innovations.

Lastly, the nation's hodgepodge of energy deployment subsidies is in dire need of reform. As Breakthrough and colleagues wrote in "Post-Partisan Power," we need an energy deployment regime that demands and rewards innovation, rather than just supporting more of the same. Brookings' Mark Muro (a co-author or PPP) expands, "targeted and competitive deployment incentives could be created for various classes of energy technologies that would ensure that each has a chance to mature even as each is challenged to innovate and locate price declines." Rather than create permanently subsidized industries, such investments would "provide the opportunity for opportunity for all emerging low-carbon energy technologies to demonstrate progress toward competitive costs," while speeding commercialization.

It is clear that the current budgetary environment in the United States presents challenges to the viability of the fast-growing clean energy industry. But it also presents an opportunity. By repurposing existing clean energy policies and investing in clean energy innovation, the United States can be the first country to make clean energy cheap and reliable, a distinction that is sure to bring major economic benefits in a multi-trillion dollar energy market.

### Politics

#### Obama PC is key to convincing the GOP to compromise on the debt ceiling and sequestration now – failure causes global economic collapse

Michael Shear and Jonathan Weisman (writers for the International Herald Tribune) January 3, 2013 “Republicans ready for another battle; Beaten on tax increase, they're spoiling to take on U.S. borrowing limit” Lexis

President Barack Obama's eyes narrowed late Tuesday, just hours after a divided House of Representatives passed legislation to avert big income tax increases on most Americans and prevent major spending cuts, as he looked sternly into the cameras and fired a warning shot in Republicans' direction. After the bruising year-end go-around with congressional Republicans on taxes and spending, he said he had no intention of getting pulled into a new negotiation, this one over raising the nation's borrowing limit or facing a default on government debt. ''I will not have another debate with this Congress over whether or not they should pay the bills that they've already racked up through the laws that they passed,'' the president said, pausing to repeat himself. ''We can't not pay bills that we've already incurred.'' But it is not clear exactly how Mr. Obama can avoid it. Following the president's fiscal victory - which will raise tax rates for the wealthy but do little to rein in spending - Republicans in Congress are betting that their refusal to raise the $16.4 trillion debt ceiling will force Mr. Obama to the bargaining table on spending cuts and issues like reform of Medicare and Social Security. Doing so would inevitably reprise the clash over the debt ceiling in the summer of 2011, when the government came close to defaulting before lawmakers and the president agreed to a $1.2 trillion package of spending cuts in exchange for Republican agreement to raise the debt ceiling by about the same amount. That is exactly what Republicans want. The party's caucus in the House will discuss a debt ceiling strategy at a retreat this month in Williamsburg, Virginia, a top Republican aide said. Party members are determined to insist again on spending cuts that equal the increase in the amount the country is authorized to borrow, the aide said. ''The speaker told the president to his face that everything you want in life comes with a price - that doesn't change here,'' the aide said, referring to John A. Boehner, speaker of the House, which is controlled by the Republicans. ''I don't think he has any choice.'' That strategy could risk a new round of criticism aimed at Republicans from a public fed up by Washington brinksmanship. The 2011 fight ended with a last-minute deal, but led to a downgrade in the rating of the United States' debt and a slump in the economic recovery. But Brendan Buck, a spokesman for Mr. Boehner, said Republicans had made it clear what they wanted in exchange for a willingness to allow borrowing to increase. ''If they want to get the debt limit raised, they are going to have to engage and accept that reality,'' Mr. Buck said. ''The president knows that.'' Mr. Obama also knows that the Republicans he is dealing with are not the Republicans of years past; battle lines and basic demands have shifted, complicating political calculations on both sides. Just a few years ago, the new tax deal would have been a Republican fiscal fantasy, a sweeping bill that locks in virtually all of the Bush-era tax cuts, exempts almost all estates from taxation, and enshrines the former president's credo that dividends and capital gains should be taxed equally and gently. But times have changed. Before the bill's final passage on Tuesday, House Republican leaders struggled all day to quell a revolt among caucus members who threatened to blow up a hard-fought compromise that they could easily have framed as a victory. Many House Republicans seemed almost determined to put themselves in a position to be blamed for sending the economy into a tailspin under the weight of automatic tax increases and spending cuts. The latest internal party struggle on Capitol Hill surprised even Senate Republicans, who had voted overwhelmingly for a deal largely hashed out by their leader, Mitch McConnell of Kentucky, along with Vice President Joseph R. Biden Jr.; only 5 of the chamber's 47 Republicans voted no. Yet 21 hours later, the same measure was opposed by 151 of the 236 Republicans voting in the House. It was further proof that House Republicans are a new breed, less enamored of tax cuts per se than they are driven to shrink government through steep spending cuts. Protecting nearly 99 percent of the nation's households from an income tax increase, as the bill will do, was not enough if taxes rose on some and government spending was untouched. The Republicans' intense focus on cutting spending is not news to the White House; it has been on notice for months that Republicans view the debt ceiling as leverage in the next budget fight. Now, the question is what Mr. Obama and his advisers can do to avoid that fight. Mr. Obama will have to make sure that lawmakers in his own party hold firm. While the president no longer has to worry about another election, Democratic lawmakers in the House and Senate do, and they may be more willing to negotiate in order to avoid a potential government default. The White House might also turn to business executives for help. Many top executives fear that a debt ceiling crisis could wallop the U.S. economy just as it is beginning to grow again - and just as the new fiscal deal brings some of the tax certainty that the financial community has long demanded. Those executives might try to pressure Republican lawmakers not to use the country's credit as a negotiating tool. Mr. Obama might also take to the road again, using the power of his office to secure public backing for his argument that another debt-ceiling fight could bring economic crisis. Public surveys after the last debt ceiling fight suggested that people largely blamed Republicans for the threat of a default. The president and his aides have signaled that they will try to explain to the public that the increase in the borrowing limit is needed to cover debts that the government has incurred. Mr. Obama offered a dire warning in his statement on Tuesday of what would happen if the country did not meet its obligations. ''If Congress refuses to give the United States government the ability to pay these bills on time,'' he said, ''the consequences for the entire global economy would be catastrophic - far worse than the impact of a fiscal cliff.'' The fiscal bill not only worked up the dander of many Republicans; it gave some Democrats pause, since it would make permanent virtually all of the Bush tax cuts. That is a goal that President George W. Bush spent years chasing, and the achievement of which Ari Fleischer, a Bush press secretary, called ''fantastic'' even while bemoaning the failure to bring down spending levels. It would make permanent five of the six income tax rates created in 2001 by the first Bush tax cut. It would codify Mr. Bush's successful push, in 2003, to make tax rates on dividends and capital gains equal so that one form of investment income is not favored over the other. Democrats say they had little choice. The Bush White House and Republican Congresses structured the tax cuts so that letting them expire would be politically difficult. Add the across-the-board spending cuts if Congress did nothing, and Mr. Obama felt he had to extend most of the tax cuts or watch the economy sink back into recession. ''New occasions make for new truths,'' said Representative Danny K. Davis, an Illinois Democrat and a veteran of the partisan wars over the Bush tax cuts. ''New situations make ancient remedies uncouth.'' Most galling for Republicans are provisions projected to add $330 billion in spending over 10 years, including $30 billion in unemployment compensation and $21 billion in payments to Medicare health providers. None of those provisions are objectionable on its own, but collectively they proved almost impossible for Republicans to accept. In the coming days and weeks, Mr. Obama is likely to try to focus negotiations on another looming issue: how to avoid deep, across-the-board cuts to military and domestic programs. The deal passed on Tuesday postpones those cuts for two months, but Mr. Obama and lawmakers in both parties are eager to avoid them, with Republicans focused more on military cuts and Democrats on domestic programs. Instead, the president wants a debate over spending cuts and tax changes that would remove loopholes and deductions for wealthy Americans. That fight is coming. The question is whether the president can avoid conducting it in the middle of a nasty, drawn-out debate over the debt limit.

#### Plan kills pc and causes a fight– no one supports it

**Mulkern 9 –** (Anne C. March 24th,“Some see daylight at last for U.S. feed-in tariffs” <http://www.nytimes.com/gwire/2009/03/24/24greenwire-some-see-daylight-at-last-for-us-feedin-tariff-10271.html?pagewanted=all>) Jacome

But feed-in tariffs are controversial. They are blamed for sharply higher electricity prices in countries where they exist. Some question whether Americans accustomed to comparatively low electricity costs would tolerate paying more.

Utility companies also argue that they are not needed, since Congress is poised to pass legislation that would set financial penalties for carbon emissions from traditional power sources. And there might not be a political appetite for a fight over a national tariff.

It is sensitive enough that the Solar Energy Industries Association's president and spokeswoman did not want to talk about the question of lobbying for it, except to call the tariff "a heavy lift."

But Efird said that when the issue came up at the association's board of directors' meeting last month, there was "pretty much a consensus that the political atmosphere at this point would justify us investing some of our resources in a lobbying effort for a feed-in tariff."

Since then, a policy task force has been meeting about twice a week, Efird said, "working on the details of what we think the ideal feed-in tariff should look like."

'New ideas take time'

Congress does not appear likely to embrace a feed-in tariff anytime soon, however.

"There is no interest on the Energy Committee's part to examine the concept of feed-in tariffs," said Bill Wicker, spokesman for the Senate Energy and Natural Resources Committee, the most likely starting place for such discussions. "We believe a better way to accomplish the same goal -- creating a market for renewables -- is with a renewable electricity standard."

#### Without crowding out issues like the plan – Obama wont have the negotiating position to shift their views

Richard McGregor (writer for the Financial Times) January 2, 2013 “Fiscal fights threaten US policy goals” <http://www.ft.com/cms/s/0/8f8ef804-5501-11e2-a628-00144feab49a.html?ftcamp=published_links%2Frss%2Fworld%2Ffeed%2F%2Fproduct#axzz2GtNWiw3I>

In the short term, fiscal fights will dominate politics for months to come and threaten to crowd out serious consideration of other issues, with a large potential downside for the economy in 2013. The fiscal cliff compromise alone will act as a drag on the economy, largely because of the end of the payroll tax holiday, which had added substantially to middle-class incomes, economists said. “The economy needs a stimulus, but under the agreement, taxes will go up in 2013 relative to 2012,” said William Gale of the Tax Policy Center in Washington in a blog post. “For most households, the payroll tax takes a far bigger bite than the income tax does, and the payroll tax cut therefore was a more effective stimulus than income tax cuts were.” The forthcoming confrontations will probably have a similar impact, as Republicans feel they enter talks over raising the debt ceiling in the coming weeks playing a far stronger hand than they had in the fiscal cliff. Under the fiscal cliff, taxes were going up no matter what Republicans did. The debt ceiling, however, cannot be lifted unless they vote for it. Barack Obama’s new cabinet will form the backbone of his administration, setting the tone for his second term in the White House Dave Camp, who chairs the congressional committee overseeing tax policy, said that House Republicans had not settled on a strategy for the debt ceiling but the central aim was to leverage it to cut spending further. “Before we raise the debt limit we have to reduce spending,” Mr Camp said. Many Republicans are less diplomatic in private and see the debt ceiling fight as a chance to get revenge both on the White House and the dealmakers within their own party for being forced into accepting a tax increase this week. Of all the issues crowding Mr Obama’s agenda, immigration has the best hope of passing in some form, as the disastrous vote recorded by Republicans among minorities in 2012 gives them a huge incentive to address the issue. But on everything else, with the Republicans remaining in control of the House, Mr Obama needs all the skills of cajoling, seducing and manipulating Congress that he has so far shown no signs of developing. “I find it remarkable that the president apparently continues to believe that he will not have to deal with people that he does not agree with,” said Mr Galston. “A president who is not disdainful of the art of legislating can get things done.” Forging a consensus on issues such as gun control and climate change, if the White House does take them on, will require Mr Obama to do more than just persuade some Republicans to support him. Many Democrats are wary of such reforms or oppose them outright, and a second-term president with declining political capital will face an uphill battle to shift their views.

#### Economic collapse causes global nuclear war

Friedberg and Schoenfeld, 2008[Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>]

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

#### Independently, Sequestration destroys US global military power---triggers multiple scenarios for nuclear war

Hunter 9/30 Duncan is a U.S. Representative from Alaska. “SEQUESTRATION SENDS WRONG MESSAGE TO U.S. FRIENDS AND FOES ALIKE,” 2012, http://www.utsandiego.com/news/2012/sep/30/tp-sequestration-sends-wrong-message-to-us/?page=1#article

Over the next 10 years, because of sequestration, the Pentagon will be forced to absorb $500 billion in budget cuts that will strike at the heart of America’s military. Making this even more dangerous is the fact that the legislation triggering sequestration, the Budget Control Act, also imposed an additional $450 billion in defense budget cuts for a total of nearly $1 trillion of reductions over the next decade. The next 10 years are sure to be no different from the last. In the Middle East, Iran is desperately searching to fill a regional power vacuum and enhance its weapons program**,** while threatening to close the Strait of Hormuz and targeting Israel with unapologetic provocation. Meanwhile, the United States still has an obligation to Iraq. There is a necessity for diplomatic support and engagement, even though the ground combat mission is over. Africa is also experiencing power struggles of its own. The situations in Libya and Egypt are evolving, while Yemen and Somalia are acting as staging grounds for al-Qaeda. There is also the threat of Somali pirates in international waters. Multiple high-profile hostage situations and combat rescues show just how serious of a threat that rogue bands of pirates are to naval and commercial shipping lanes. There is also the threat of North Korea with its aggressive pursuit of advanced aerial weaponry, Russia with its focus on arms modernization, and China with its large-scale and rapid military buildup. China’s display of hostility toward Taiwan — a friend and ally of the United States — also shows no sign of diminishing. With all of this, more than 70,000 American troops are in Afghanistan, facing down a dangerous enemy. For the United States and other nations, interest in Afghanistan and the region will continue long after the last of the coalition ground forces leave and the next phase of the mission begins. Ignoring America’s obligation as a world leader and the patchwork of threats that exist today won’t eliminate the risk posed by an Iran that one day acquires nuclear weapons or a North Korea that eventually acquires effective strike capability. More likely, these and other threats will develop more quickly and efficiently, putting the global interests of the U.S. directly in the cross hairs. Through a robust national defense, the United States has always sent a clear message around the world that American intentions are good and we stand by our allies. The strength of the U.S. military has dissuaded conflict and suggested to adversaries that challenging freedom is a losing proposition. It was this deterrent, in fact, that won the Cold War and turned the U.S. military into the world’s most effective fighting force. Sequestration would change all of this, for the worse.In the words of Defense Secretary Leon Panetta, sequestration is a “nutty formula, and it’s goofy to begin with, and it’s not something, frankly, that anybody responsible ought to put into effect.” He also said sequestration is the equivalent of “shooting ourselves in the head.” Tough words, but Secretary Panetta is right. Sequestration would produce the smallest ground force since 1940, the smallest Navy since 1915 and the smallest tactical fighter force in Air Force history. Ironically, the president’s defense policy shift to the Pacific increases reliance on the Navy, but with the smallest fleet in nearly a century, controlling the oceans and projecting force will become an even more difficult and selective process, requiring prioritization that would create vulnerabilities elsewhere. Resetting America’s armed forces after a decade-plus of combat action is another necessity that cannot be overlooked. There is also a guarantee of pink slips throughout the uniformed services and every industry that directly supports the U.S. military. In San Diego, the military sustains hundreds of thousands of jobs, and billions of dollars in economic productivity. San Diego — even for all of its strategic value — is not immune to job loss and other economic impacts accompanying deep budget cuts. Sequestration is a term Americans should get to know and understand, because it will have real and lasting consequences if left unchecked. The upside is that the risks and dangers can be avoided as long as Congress and the president act in the coming months. The clock is ticking to stave off sequestration — a move that would signal to our friends and enemies alike that we uphold our promises and stand ready to defend our interests against any threat.

### Warming

#### Global coal emissions will substantially overwhelm the effect of the plan

**Berlin and Sussman, 07** – \* former Chairman of the Board of the Environmental Law Institute and a former member of the Board of the Environmental Alliance AND \*\* served as Deputy Administrator of the Environmental Protection Agency and on the Board of Directors of the Environmental Law Institute (Ken and Robert, “Global Warming and the Future of Coal Carbon Capture and Storage”, 5/31, http://www.americanprogress.org/issues/2007/05/pdf/coal\_report.pdf

In the United States alone, about 145 gigawatts of new power from coal-fired plants are projected to be built by 2030, resulting in CO2 emissions of 790 million metric tons per year in the absence of emission controls. By comparison, annual U.S. emissions of CO2 from all sources in 2005 were about 6 billion metric tons.3

Policymakers and scientists now recognize that the current growth of greenhouse gas emissions must be reversed and that emissions must be reduced substantially in order to combat the risk of climate change. Yet a dramatic increase in coal-fired power generation threatens to overwhelm all other efforts to lower emissions and virtually guarantees that these emissions will continue to climb. This would preclude any possibility of stabilizing greenhouse gas concentrations in the atmosphere at levels that would acceptably moderate the predicted rise in global temperatures.

In China and other developing countries experiencing strong economic growth, demand for power is surging dramatically, with low-cost coal the fuel of choice for new power plants. Emissions in these countries are now rising faster than in developed economies in North America and Europe: China will soon overtake the United States as the world’s number one greenhouse gas emitter. With the power sector expanding rapidly, China and India will fall further behind in controlling greenhouse gas emissions unless new coal plants adopt emission controls. Lack of progress in these countries would doom to failure global efforts to combat global warming.

The Promise of Carbon Capture and Storage

Fortunately, there is a potential pathway that would allow continued use of coal as an energy source without magnifying the risk of global warming. Technology currently exists to capture CO2 emissions from coal-fired plants before they are released into the environment and to sequester that CO2 in underground geologic formations. Energy companies

boast extensive experience sequestering CO2 by injecting it into oil fields to enhance oil recovery. Although additional testing is needed, experts are optimistic this practice can be replicated in saline aquifers and other geologic formations that are likely to constitute the main storage reservoirs for CO2 emitted from power plants.

#### Modeling won’t happen unless coal is given priority in energy policy decisions, it’s the cheapest source for developing countries and perceived as vital to their economy

**Roberts, 4** [Paul, Contributor to Harper's Magazine, The End of Oil: on the Edge of a Perilous New World, pg. 284-5

Politically, the energy poverty of the developing world will influence the transformation of the energy economy in important ways. Because developing nations currently have little choice but to use the cheapest energy available (coal, in China and India), they regard policies to reduce carbon emissions as undercutting their own efforts to escape energy poverty and to modernize. By the same token, because developing countries rely on “dirty” energy, any success they have in achieving economic growth will doom global efforts to shift to cleaner energy. This implicit threat gives developing nation a surprising measure of power over such global energy decisions as climate policy. Countries like China, India, and even Russia, with its obsolete and energy-intensive industrial base, will refuse to support global initiatives like CO2 reduction unless wealthy developed nations promise financial and technological aid. But developing countries will also become political pawns as industrialized nations – mainly the United States and Europe – maneuver for advantage on issues such as climate policy.

**There’s no evidence that says that the plan causes a feed in tariff – their evidence jumps from FERC ruling makes FIT impossible to FIT solves warming without an internal link**

#### Renewables fail

Zehner 6/12Visiting scholar at the University of California, MS in Science and Technology Studies)(Ozzie Zehner, June 12, 2012, “Solar Cells and Wind Turbines Don't Offset Fossil Fuel Use, According to New Book, Green Illusions,” The Wall Street Journal, <http://www.marketwatch.com/story/solar-cells-and-wind-turbines-dont-offset-fossil-fuel-use-according-to-new-book-green-illusions-2012-06-12)//DR>. H

BERKELEY, Calif., June 12, 2012 /PRNewswire via COMTEX/ -- Renewable energy technologies *do not offset* fossil fuel use in the United States according to a new environmental book, Green Illusions (June 2012, University of Nebraska Press), by University of California - Berkeley visiting scholar Ozzie Zehner. In fact, building more solar cells and wind turbines could actually *accelerate* fossil fuel use unless nations take other steps to avoid a rebound effect. Many renewable energy researchers assume that building solar cells and wind farms will displace coal use and lower carbon dioxide levels. However, Zehner explains that subsidizing renewable energy merely expands energy supplies, which exerts a downward pressure on prices. Energy demand subsequently increases. "This brings us right back to where we started: high demand and so-called insufficient supply," says Zehner. "Historically, we've filled that added demand by building more coal-fired power plants, not fewer." "We create an energy boomerang," Zehner remarked during a recent PBS interview. "The harder we throw energy into the grid, the harder demand comes back to hit us on the head. More efficient solar cells, taller wind turbines, and advanced biofuels are all just ways of throwing harder."

#### Warming’s not anthropogenic

**Carter 2-8–** Robert, PhD, Adjuct Research Fellow, James Cook University, Craig Idso, PhD, Chairman at the Center for the Study of Carbon Dioxide and Global Change, Fred Singer, PhD, President of the Science and Environmental Policy Project, Susan Crockford, evolutionary biologist with a specialty in skeletal taxonomy , paleozoology and vertebrate evolution, Joseph D’Aleo, 30 years of experience in professional meteorology, former college professor of Meteorology at Lyndon State College, Indur Goklany, independent scholar, author, and co-editor of the Electronic Journal of Sustainable Development, Sherwood Idso, President of the Center for the Study of Carbon Dioxide and Global Change, Research Physicist with the US Department of Agriculture, Adjunct Professor in the Departments of Geology, Botany, and Microbiology at Arizona State University, Bachelor of Physics, Master of Science, and Doctor of Philosophy, all from the University of Minnesota, Madhav Khandekar, former research scientist from Environment Canada and is an expert reviewer for the IPCC 2007 Climate Change Panel, Anthony Lupo, Department Chair and Professor of Atmospheric Science at the University of Missouri, Willie Soon, astrophysicist at the Solar and Stellar Physics Division of the Harvard-Smithsonian Center for Astrophysics, Mitch Taylor (Canada) (February 2012, “Eight Centuries of Climate Change in Northeast Spain” <http://www.nipccreport.org/articles/2012/feb/8feb2012a3.html>) Jacome

According to Morellon *et al*. (2011), "in the context of present-day global warming, there is increased interest in documenting climate variability during the last millennium," since "it is crucial to reconstruct pre-industrial conditions to discriminate anthropogenic components (i.e., greenhouse gases, land-use changes) from natural forcings (i.e., solar variability, volcanic emissions)."

Against this backdrop, Morellon *et al*. conducted a multi-proxy study of several short sediment cores they recovered from Lake Estanya (42°02'N, 0°32'E) in the Pre-Pyrenean Ranges of northeast Spain, which "provides a detailed record of the complex environmental, hydrological and anthropogenic interactions occurring in the area since medieval times." More specifically, they say that "the integration of sedimentary facies, elemental and isotopic geochemistry, and biological proxies (diatoms, chironomids and pollen), together with a robust chronological control, provided by AMS radiocarbon dating and 210Pb and 137Cs radiometric techniques, enabled precise reconstruction of the main phases of environmental change, associated with the Medieval Warm Period (MWP), the Little Ice Age (LIA) and the industrial era." And what did they find?

The thirteen researchers identified the MWP as occurring in their record from AD 1150 to 1300, noting that their pollen data reflect "warmer and drier conditions," in harmony with the higher temperatures of the Iberian Peninsula over the same time period that have been documented by Martinez-Cortizas *et al*. (1999), the higher temperatures of the Western Mediterranean region found by Taricco *et al*. (2008), and the global reconstructions of Crowley and Lowery (2000) and Osborn and Briffa (2006), which "clearly document warmer conditions from the twelfth to fourteenth centuries," which warmth, in the words of Morellon *et al*. is "likely related to increased solar irradiance (Bard *et al*., 2000), persistent La Niña-like tropical Pacific conditions, a warm phase of the Atlantic Multidecadal Oscillation, and a more frequent positive phase of the North Atlantic Oscillation (Seager *et al*., 2007)."

Following hard on the heels of the MWP, Morellon *et al*. note the occurrence of the LIA, which they recognize as occurring from AD 1300 to 1850. And here they report that, on the Iberian Peninsula, "lower temperatures (Martinez-Cortizas *et al*., 1999) characterize this period," which "coincided with colder North Atlantic (Bond *et al*., 2001) and Mediterranean sea surface temperatures (Taricco *et al*., 2008) and a phase of mountain glacier advance (Wanner *et al*., 2008)." And following the LIA they identify the transition period of AD 1850-2004 that takes the region into the Current Warm Period.

In discussing all three of these distinctive periods, they say that "a comparison of the main hydrological transitions during the last 800 years in Lake Estanya and solar irradiance (Bard *et al*., 2000) reveals that lower lake levels dominated during periods of enhanced solar activity (MWP and post-1850 AD) and higher lake levels during periods of diminished solar activity (LIA)." And *within* the LIA, they note that periods of higher lake levels or evidence of increased water balance occurred during the solar minima of Wolf (AD 1282-1342), Sporer (AD 1460-1550), Maunder (AD 1645-1715) and Dalton (AD 1790-1830).

In light of these several observations it would appear that the multi-centennial climate oscillation uncovered by Morellon *et al*. has been driven by a similar oscillation in solar activity, as well as by multi-decadal solar activity *fluctuations* superimposed upon that longer-period *oscillation*. And these relationships suggest that **there is no compelling need to attribute 20th-century global warming to the concomitant increase in the air's CO2 content**. **Natural variability appears** quite **capable of explaining it all.**

#### Warming’s irreversible

**Solomon et al ‘10** Susan Solomon et. Al, Chemical Sciences Division, Earth System Research Laboratory, National Oceanic and Atmospheric Administration, Ph.D. in Climotology University of California, Berkeley, Nobel Peace Prize Winner, Chairman of the IPCC, Gian-Kasper Plattner, Deputy Head, Director of Science, Technical Support Unit Working Group I, Intergovernmental Panel on Climate Change Affiliated Scientist, Climate and Environmental Physics, Physics Institute, University of Bern, Switzerland, John S. Daniel, research scientist at the National Oceanic and Atmospheric Administration (NOAA), Ph.D. in physics from the University of Michigan, Ann Arbor, Todd J. Sanford, Cooperative Institute for Research in Environmental Science, University of Colorado Daniel M. Murphy, Chemical Sciences Division, Earth System Research Laboratory, National Oceanic and Atmospheric Administration, Boulder Gian-Kasper Plattner, Deputy Head, Director of Science, Technical Support Unit Working Group I, Intergovernmental Panel on Climate Change, Affiliated Scientist, Climate and Environmental Physics, Physics Institute, University of Bern, Switzerland Reto Knutti, Institute for Atmospheric and Climate Science, Eidgenössiche Technische Hochschule Zurich and Pierre Friedlingstein, Chair, Mathematical Modelling of Climate Systems, member of the Science Steering Committee of the Analysis Integration and Modeling of the Earth System (AIMES) programme of IGBP and of the Global Carbon Project (GCP) of the Earth System Science Partnership (ESSP) (Proceedings of the National Academy of the Sciences of the United States of America, "Persistence of climate changes due to a range of greenhouse gases", October 26, 2010 Vol 107.43: 18354-18359)

Carbon dioxide, methane, nitrous oxide, and other greenhouse gases increased over the course of the 20th century due to human activities. The human-caused increases in these gases are the primary forcing that accounts for much of the global warming of the past fifty years, with carbon dioxide being the most important single radiative forcing agent (1). Recent studies have shown that the human-caused warming linked to carbon dioxide is nearly irreversible for more than 1,000 y, even if emissions of the gas were to cease entirely (2–5). The importance of the ocean in taking up heat and slowing the response of the climate system to radiative forcing changes has been noted in many studies (e.g., refs. 6 and 7). The key role of the ocean’s thermal lag has also been highlighted by recent approaches to proposed metrics for comparing the warming of different greenhouse gases (8, 9). Among the observations attesting to the importance of these effects are those showing that climate changes caused by transient volcanic aerosol loading persist for more than 5 y (7, 10), and a portion can be expected to last more than a century in the ocean (11–13); clearly these signals persist far longer than the radiative forcing decay timescale of about 12–18 mo for the volcanic aerosol (14, 15). Thus the observed climate response to volcanic events suggests that some persistence of climate change should be expected even for quite short-lived radiative forcing perturbations. It follows that the climate changes induced by short-lived anthropogenic greenhouse gases such as methane or hydrofluorocarbons (HFCs) may not decrease in concert with decreases in concentration if the anthropogenic emissions of those gases were to be eliminated. In this paper, our primary goal is to show how different processes and timescales contribute to determining how long the climate changes due to various greenhouse gases could be expected to remain if anthropogenic emissions were to cease. Advances in modeling have led to improved AtmosphereOcean General Circulation Models (AOGCMs) as well as to Earth Models of Intermediate Complexity (EMICs). Although a detailed representation of the climate system changes on regional scales can only be provided by AOGCMs, the simpler EMICs have been shown to be useful, particularly to examine phenomena on a global average basis. In this work, we use the Bern 2.5CC EMIC (see Materials and Methods and SI Text), which has been extensively intercompared to other EMICs and to complex AOGCMs (3, 4). It should be noted that, although the Bern 2.5CC EMIC includes a representation of the surface and deep ocean, it does not include processes such as ice sheet losses or changes in the Earth’s albedo linked to evolution of vegetation. However, it is noteworthy that this EMIC, although parameterized and simplified, includes 14 levels in the ocean; further, its global ocean heat uptake and climate sensitivity are near the mean of available complex models, and its computed timescales for uptake of tracers into the ocean have been shown to compare well to observations (16). A recent study (17) explored the response of one AOGCM to a sudden stop of all forcing, and the Bern 2.5CC EMIC shows broad similarities in computed warming to that study (see Fig. S1), although there are also differences in detail. The climate sensitivity (which characterizes the long-term absolute warming response to a doubling of atmospheric carbon dioxide concentrations) is 3 °C for the model used here. Our results should be considered illustrative and exploratory rather than fully quantitative given the limitations of the EMIC and the uncertainties in climate sensitivity. Results One Illustrative Scenario to 2050. In the absence of mitigation policy, concentrations of the three major greenhouse gases, carbon dioxide, methane, and nitrous oxide can be expected to increase in this century. If emissions were to cease, anthropogenic CO2 would be removed from the atmosphere by a series of processes operating at different timescales (18). Over timescales of decades, both the land and upper ocean are important sinks. Over centuries to millennia, deep oceanic processes become dominant and are controlled by relatively well-understood physics and chemistry that provide broad consistency across models (see, for example, Fig. S2 showing how the removal of a pulse of carbon compares across a range of models). About 20% of the emitted anthropogenic carbon **remains in the atmosphere for** many **thousands of years** (with a range across models including the Bern 2.5CC model being about 19 4% at year 1000 after a pulse emission; see ref. 19), until much slower weathering processes affect the carbonate balance in the ocean (e.g., ref. 18). Models with stronger carbon/climate feedbacks than the one considered here could display larger and more persistent warmings due to both CO2 and non-CO2 greenhouse gases, through reduced land and ocean uptake of carbon in a warmer world. Here our focus is not on the strength of carbon/climate feedbacks that can lead to differences in the carbon concentration decay, but rather on the factors that control the climate response to a given decay. The removal processes of other anthropogenic gases including methane and nitrous oxide are much more simply described by exponential decay constants of about 10 and 114 y, respectively (1), due mainly to known chemical reactions in the atmosphere. In this illustrative study, we do not include the feedback of changes in methane upon its own lifetime (20). We also do not account for potential interactions between CO2 and other gases, such as the production of carbon dioxide from methane oxidation (21), or changes to the carbon cycle through, e.g., methane/ozone chemistry (22). Fig. 1 shows the computed future global warming contributions for carbon dioxide, methane, and nitrous oxide for a midrange scenario (23) of projected future anthropogenic emissions of these gases to 2050. Radiative forcings for all three of these gases, and their spectral overlaps, are represented in this work using the expressions assessed in ref. 24. In 2050, the anthropogenic emissions are stopped entirely for illustration purposes. The figure shows nearly irreversible warming for at least 1,000 y due to the imposed carbon dioxide increases, as in previous work. **All published studies to date**, which use multiple EMICs and one AOGCM, show largely irreversible warming due to future carbon dioxide increases (to within about 0.5 °C) on a timescale of at least 1,000 y (3–5, 25, 26). Fig. 1 shows that the calculated future warmings due to anthropogenic CH4 and N2O also persist notably longer than the lifetimes of these gases. The figure illustrates that emissions of key non-CO2 greenhouse gases such as CH4 or N2O could lead to warming that both temporarily exceeds a given stabilization target (e.g., 2 °C as proposed by the G8 group of nations and in the Copenhagen goals) and remains present longer than the gas lifetimes even if emissions were to cease. A number of recent studies have underscored the important point that reductions of non-CO2 greenhouse gas emissions are an approach that can indeed reverse some past climate changes (e.g., ref. 27). Understanding how quickly such reversal could happen and why is an important policy and science question. Fig. 1 implies that the use of policy measures to reduce emissions of short-lived gases will be less effective as a rapid climate mitigation strategy than would be thought if based only upon the gas lifetime. Fig. 2 illustrates the factors influencing the warming contributions of each gas for the test case in Fig. 1 in more detail, by showing normalized values (relative to one at their peaks) of the warming along with the radiative forcings and concentrations of CO2 , N2O, and CH4 . For example, about two-thirds of the calculated warming due to N2O is still present 114 y (one atmospheric lifetime) after emissions are halted, despite the fact that its excess concentration and associated radiative forcing at that time has dropped to about one-third of the peak value.

#### No extinction – empirically denied

**Carter 11–** Robert, PhD, Adjuct Research Fellow, James Cook University, Craig Idso, PhD, Chairman at the Center for the Study of Carbon Dioxide and Global Change, Fred Singer, PhD, President of the Science and Environmental Policy Project, Susan Crockford, evolutionary biologist with a specialty in skeletal taxonomy , paleozoology and vertebrate evolution, Joseph D’Aleo, 30 years of experience in professional meteorology, former college professor of Meteorology at Lyndon State College, Indur Goklany, independent scholar, author, and co-editor of the Electronic Journal of Sustainable Development, Sherwood Idso, President of the Center for the Study of Carbon Dioxide and Global Change, Research Physicist with the US Department of Agriculture, Adjunct Professor in the Departments of Geology, Botany, and Microbiology at Arizona State University, Bachelor of Physics, Master of Science, and Doctor of Philosophy, all from the University of Minnesota, Madhav Khandekar, former research scientist from Environment Canada and is an expert reviewer for the IPCC 2007 Climate Change Panel, Anthony Lupo, Department Chair and Professor of Atmospheric Science at the University of Missouri, Willie Soon, astrophysicist at the Solar and Stellar Physics Division of the Harvard-Smithsonian Center for Astrophysics, Mitch Taylor (Canada) (March 8th, “[Surviving](file:///C:\Users\Marc\Desktop\Surviving) the Unpreceented Climate Change of the IPCC” <http://www.nipccreport.org/articles/2011/mar/8mar2011a5.html>) Jacome

On the other hand, they indicate that some biologists and climatologists have pointed out that "many of the predicted increases in climate have happened before, in terms of both magnitude and rate of change (e.g. Royer, 2008; Zachos *et al*., 2008), and yet biotic communities have remained remarkably resilient (Mayle and Power, 2008) and in some cases thrived (Svenning and Condit, 2008)." But they report that those who mention these things are often "placed in the 'climate-change denier' category," although the purpose for pointing out these facts is simply to present "a sound scientific basis for understanding biotic responses to the magnitudes and rates of climate change predicted for the future through using the vast data resource that we can exploit in fossil records." Going on to do just that, Willis *et al*. focus on "intervals in time in the fossil record when atmospheric CO2 concentrations increased up to 1200 ppm, temperatures in mid- to high-latitudes increased by greater than 4°C within 60 years, and sea levels rose by up to 3 m higher than present," describing studies of past biotic responses that indicate "the scale and impact of the magnitude and rate of such climate changes on biodiversity." And what emerges from those studies, as they describe it, "is evidence for rapid community turnover, migrations, development of novel ecosystems and thresholds from one stable ecosystem state to another." And, most importantly in this regard, they report "there is very little evidence for broad-scale extinctions due to a warming world." In concluding, the Norwegian, Swedish and UK researchers say that "based on such evidence we urge some caution in assuming broad-scale extinctions of species will occur due solely to climate changes of the magnitude and rate predicted for the next century," reiterating that "the fossil record indicates remarkable biotic resilience to wide amplitude fluctuations in climate.

#### Turn – CO2 helps ag – key to biodiversity and crop yields

**Carter 11**, Robert, PhD, Adjuct Research Fellow, James Cook University, Craig Idso, PhD, Chairman at the Center for the Study of Carbon Dioxide and Global Change, Fred Singer, PhD, President of the Science and Environmental Policy Project, Susan Crockford, evolutionary biologist with a specialty in skeletal taxonomy , paleozoology and vertebrate evolution, Joseph D’Aleo, 30 years of experience in professional meteorology, former college professor of Meteorology at Lyndon State College, Indur Goklany, independent scholar, author, and co-editor of the Electronic Journal of Sustainable Development, Sherwood Idso, President of the Center for the Study of Carbon Dioxide and Global Change, Research Physicist with the US Department of Agriculture, Adjunct Professor in the Departments of Geology, Botany, and Microbiology at Arizona State University, Bachelor of Physics, Master of Science, and Doctor of Philosophy, all from the University of Minnesota, Madhav Khandekar, former research scientist from Environment Canada and is an expert reviewer for the IPCC 2007 Climate Change Panel, Anthony Lupo, Department Chair and Professor of Atmospheric Science at the University of Missouri, Willie Soon, astrophysicist at the Solar and Stellar Physics Division of the Harvard-Smithsonian Center for Astrophysics, Mitch Taylor (Canada) [“Climate Change Reconsidered 2011 Interim Report,” September, Science and Environmental Policy Project, Center for the Study of Carbon Dioxide and Global Change, Published by The Heartland Institute]

Several years ago, Waggoner (1995) rhetorically asked: How much land can ten billion people spare for nature? That was the title of an essay he wrote to illuminate the dynamic tension between the need for land to support the agricultural enterprises that sustain mankind and the need for land to support the natural ecosystems that sustain all other creatures. As noted by Huang et al. (2002), human populations ―have encroached on almost all of the world‘s frontiers, leaving little new land that is cultivatable.‖ And in consequence of humanity‘s ongoing usurpation of this most basic of natural resources, Raven (2002) has noted ―species-area relationships, taken worldwide in relation to habitat destruction, lead to projections of the loss of fully two-thirds of all species on earth by the end of this century.‖ In addition, Wallace (2000) has calculated we will need to divert essentially all usable non-saline water on the face of the Earth to the agricultural enterprises that will be required to meet the food and fiber needs of humanity‘s growing numbers well before that. So what parts of the world are likely to be hit hardest by the great land-grabbing and water-consuming machine of humanity? Tilman et al. (2001) report developed countries are expected to withdraw large areas of land from farming between now and the middle of the century (2050), leaving developing countries to shoulder essentially all of the growing burden of feeding our expanding population. In addition, they calculate the loss of these countries‘ natural ecosystems to crops and pasture represent about half of all potentially suitable remaining land, which ―could lead to the loss of about a third of remaining tropical and temperate forests, savannas, and grasslands,‖ along with the many unique species they support. If one were to pick the most significant problem currently facing the biosphere, this would probably be it: a single species of life, Homo sapiens, is on course to annihilate two-thirds of the ten million or so other species with which we share the planet within the next several decades, simply by taking their land and water. Global warming, by comparison, pales in significance, as its impact is nowhere near as severe and in fact may be neutral or even positive. In addition, its chief cause is highly debated, and actions to thwart it are much more difficult, if not impossible, to define and implement. Furthermore, what many people believe to be the main cause of global warming—anthropogenic CO2 emissions—may actually be a powerful force for preserving land and water for nature. In an analysis of the problem of human land-use expansion, Tilman et al. (2002) introduced a few more facts before suggesting some solutions. They noted, for example, that by 2050 the human population of the globe is projected to be 50 percent larger than it was in 2000, and that global grain demand could double because of expected increases in per-capita real income and dietary shifts toward a higher proportion of meat. Hence, they stated the obvious when they concluded, ―raising yields on existing farmland is essential for ‗saving land for nature‘.‖ So how is it to be done? Tilman et al. (2002) suggested a strategy built around three essential tasks: (1) increasing crop yield per unit land area, (2) increasing crop yield per unit of nutrients applied, and (3) increasing crop yield per unit of water used. Regarding the first of these requirements, Tilman et al. note that in many parts of the world the historical rate of increase in crop yields is declining, as the genetic ceiling for maximal yield potential is being approached. This observation, in their words, ―highlights the need for efforts to steadily increase the yield potential ceiling.‖ With respect to the second requirement, they indicate, ―without the use of synthetic fertilizers, world food production could not have increased at the rate it did [in the past] and more natural ecosystems would have been converted to agriculture.‖ Hence, they state the solution ―will require significant increases in nutrient use efficiency, that is, in cereal production per unit of added nitrogen, phosphorus,‖ and so forth. Finally, as to the third requirement, Tilman et al. remind us ―water is regionally scarce,‖ and ―many countries in a band from China through India and Pakistan, and the Middle East to North Africa either currently or will soon fail to have adequate water to maintain per capita food production from irrigated land.‖ Increasing crop water use efficiency, therefore, is also a must. Although the impending biological crisis and several important elements of its potential solution are thus well defined, Tilman et al. (2001) noted ―even the best available technologies, fully deployed, cannot prevent many of the forecasted problems.‖ This was also the conclusion of Idso and Idso (2000), who stated that although ―expected advances in agricultural technology and expertise will significantly increase the food production potential of many countries and regions,‖ these advances ―will not increase production fast enough to meet the demands of the even faster-growing human population of the planet.‖ Fortunately, we have a powerful ally in the ongoing rise in the air‘s CO2 content that can provide what we can‘t. Since atmospheric CO2 is the basic ―food‖ of essentially all plants, the more of it there is in the air, the bigger and better they grow. For a nominal doubling of the air‘s CO2 concentration, for example, the productivity of Earth‘s herbaceous plants rises by 30 to 50 percent (Kimball, 1983; Idso and Idso, 1994), and the productivity of its woody plants rises by 50 to 80 percent or more (Saxe et al. 1998; Idso and Kimball, 2001). Hence, as the air‘s CO2 content continues to rise, the land use efficiency of the planet will rise right along with it. In addition, atmospheric CO2 enrichment typically increases plant nutrient use efficiency and plant water use efficiency. Thus, with respect to all three of the major needs identified by Tilman et al. (2002), increases in the air‘s CO2 content pay huge dividends, helping to increase agricultural output without the taking of new land and water from nature.

#### Biodiversity loss leads to extinction

**Young 10 –** PhD coastal marine ecology[Ruth, “Biodiversity: what it is and why it’s important”, February 9th, <http://www.talkingnature.com/2010/02/biodiversity/biodiversity-what-and-why/>]

Different species within ecosystems fill particular roles, they all have a function, **they all have a niche**. They interact with each other and the physical environment to provide ecosystem services that are **vital for our survival**. For example plant species convert carbon dioxide (CO2) from the atmosphere and energy from the sun into useful things such as food, medicines and timber. Pollination carried out by insects such as bees enables the [production of ⅓ of our food crops](http://www.talkingnature.com/2010/01/biodiversity/bees-pollination/). Diverse mangrove and coral reef ecosystems provide a wide variety of habitats that are essential for many fishery species. To make it simpler for economists to comprehend the magnitude of services offered by biodiversity, a team of researchers estimated their value – it amounted to $US33 trillion per year. “By protecting biodiversity we maintain ecosystem services” Certain species play a *“keystone”* role in maintaining ecosystem services. Similar to the removal of a keystone from an arch, the removal of these species can result in the collapse of an ecosystem and the subsequent removal of ecosystem services. The most well known example of this occurred during the 19th century when sea otters were almost hunted to extinction by fur traders along the west coast of the USA. This led to a population explosion in the sea otters’ main source of prey, sea urchins. Because the urchins graze on kelp their booming population decimated the underwater kelp forests. This loss of habitat led to declines in local fish populations. Sea otters are a keystone species once hunted for their fur (Image: Mike Baird) Eventually a treaty protecting sea otters allowed the numbers of otters to increase which inturn controlled the urchin population, leading to the recovery of the kelp forests and fish stocks. In other cases, ecosystem services are maintained by entire functional groups, such as apex predators (See [Jeremy Hance’s post at Mongabay)](http://news.mongabay.com/2010/0202-hance_toppredators.html). During the last 35 years, over fishing of large shark species along the US Atlantic coast has led to a population explosion of skates and rays. These skates and rays eat bay scallops and their out of control population has led to the closure of a century long scallop fishery. These are just two examples demonstrating how biodiversity can maintain the services that ecosystems provide for us, such as fisheries. One could argue that to maintain ecosystem services we don’t need to protect biodiversity but rather, we only need to protect the species and functional groups that fill the**keystone roles**. However, there are a *couple of problems with this idea*. First of all, for most ecosystems **we don’t know which species are the keystones!** *Ecosystems are so complex* that we are still discovering which species play vital roles in maintaining them. In some cases its *groups of species* not just one species that are *vital for the ecosystem*. Second, even if we did complete the enormous task of identifying and protecting all keystone species, **what back-up plan would we have** if an unforseen event (e.g. pollution or disease) led to the demise of these ‘keystone’ species? **Would there be another species to save the day** and take over this role? Classifying some species as ‘keystone’ implies that the others are not important. This may lead to the non-keystone species being considered ecologically worthless and subsequently over-exploited. Sometimes we may not even know which species are likely to fill the keystone roles. An example of this was discovered on Australia’s Great Barrier Reef. This research examined what would happen to a coral reef if it were over-fished. The “over-fishing” was simulated by fencing off coral bommies thereby excluding and removing fish from them for three years. By the end of the experiment, the reefs had changed from a coral to an algae dominated ecosystem – the coral became overgrown with algae. When the time came to remove the fences the researchers expected herbivorous species of fish like the parrot fish (Scarus spp.) to eat the algae and enable the reef to switch back to a coral dominated ecosystem. But, surprisingly, the shift back to coral was driven by a supposed ‘unimportant’ species – the bat fish (Platax pinnatus). The bat fish was previously thought to feed on invertebrates – small crabs and shrimp, but when offered a big patch of algae it turned into a hungry herbivore – a cow of the sea – grazing the algae in no time. So a fish previously thought to be ‘unimportant’ is actually a keystone species in the recovery of coral reefs overgrown by algae! *Who knows how many other species are out there with unknown ecosystem roles!* In some cases it’s easy to see who the keystone species are but in many ecosystems seemingly unimportant or redundant species are also capable of changing niches and maintaining ecosystems. The **more biodiverse** an ecosystem is, the more likely these species will be present and the **more resilient** an ecosystem is to future impacts. Presently we’re only scratching the surface of understanding the full importance of biodiversity and how it helps maintain ecosystem function. The scope of this task is immense. In the meantime*, a wise insurance policy for maintaining ecosystem services would be to conserve biodiversity*. In doing so, we increase the chance of maintaining our ecosystem services in the event of future impacts such as disease, invasive species and of course, climate change. This is the international year of biodiversity – a time to recognize that biodiversity makes **our survival on this planet** possible and that our protection of biodiversity maintains this service.

#### World War Three

**Calvin 2** (William H, Univ Washington, A Brain For All Seasons,  http://faculty.washington.edu/wcalvin/BrainForAllSeasons/NAcoast.htm)

The population-crash scenario is surely the most appalling.  Plummeting crop yields will cause some powerful countries to try to take over their neighbors or distant lands – if only because their armies, unpaid and lacking food, will go marauding, both at home and across the borders.  The better-organized countries will attempt to use their armies, before they fall apart entirely, to take over countries with significant remaining resources, driving out or starving their inhabitants if not using modern weapons to accomplish the same end: eliminating competitors for the remaining food. This will be a worldwide problem – and could easily lead to a Third World War – but Europe's vulnerability is particularly easy to analyze.  The last abrupt cooling, the Younger Dryas, drastically altered Europe's climate as far east as Ukraine.  Present-day Europe has more than 650 million people.  It has excellent soils, and largely grows its own food.  It could no longer do so if it lost the extra warming from the North Atlantic.

#### Ice age is coming soon killing billions

**Chapman**, geophysicist and astronautical engineer, **2008**

(Phil. April 23. “Sorry to ruin the fun, but an ice age cometh.” http://www.theaustralian.news.com.au/story/0,25197,23583376-7583,00.html)

Disconcerting as it may be to true believers in global warming, the average temperature on Earth has remained steady or slowly declined during the past decade, despite the continued increase in the atmospheric concentration of carbon dioxide, and now the global temperature is falling precipitously. All four agencies that track Earth's temperature (the Hadley Climate Research Unit in Britain, the NASA Goddard Institute for Space Studies in New York, the Christy group at the University of Alabama, and Remote Sensing Systems Inc in California) report that it cooled by about 0.7C in 2007. This is the fastest temperature change in the instrumental record and it puts us back where we were in 1930. If the temperature does not soon recover, we will have to conclude that global warming is over. There is also plenty of anecdotal evidence that 2007 was exceptionally cold. It snowed in Baghdad for the first time in centuries, the winter in China was simply terrible and the extent of Antarctic sea ice in the austral winter was the greatest on record since James Cook discovered the place in 1770. It is generally not possible to draw conclusions about climatic trends from events in a single year, so I would normally dismiss this cold snap as transient, pending what happens in the next few years. This is where SOHO comes in. The sunspot number follows a cycle of somewhat variable length, averaging 11 years. The most recent minimum was in March last year. The new cycle, No.24, was supposed to start soon after that, with a gradual build-up in sunspot numbers. It didn't happen. The first sunspot appeared in January this year and lasted only two days. A tiny spot appeared last Monday but vanished within 24 hours. Another little spot appeared this Monday. Pray that there will be many more, and soon. The reason this matters is that there is a close correlation between variations in the sunspot cycle and Earth's climate. The previous time a cycle was delayed like this was in the Dalton Minimum, an especially cold period that lasted several decades from 1790. Northern winters became ferocious: in particular, the rout of Napoleon's Grand Army during the retreat from Moscow in 1812 was at least partly due to the lack of sunspots. That the rapid temperature decline in 2007 coincided with the failure of cycle No.24 to begin on schedule is not proof of a causal connection but it is cause for concern. It is time to put aside the global warming dogma, at least to begin contingency planning about what to do if we are moving into another little ice age, similar to the one that lasted from 1100 to 1850. There is no doubt that the next little ice age would be much worse than the previous one and much more harmful than anything warming may do. There are many more people now and we have become dependent on a few temperate agricultural areas, especially in the US and Canada. Global warming would increase agricultural output, but global cooling will decrease it. Millions will starve if we do nothing to prepare for it (such as planning changes in agriculture to compensate), and millions more will die from cold-related diseases. There is also another possibility, remote but much more serious. The Greenland and Antarctic ice cores and other evidence show that for the past several million years, severe glaciation has almost always afflicted our planet. The bleak truth is that, under normal conditions, most of North America and Europe are buried under about 1.5km of ice. This bitterly frigid climate is interrupted occasionally by brief warm interglacials, typically lasting less than 10,000 years. The interglacial we have enjoyed throughout recorded human history, called the Holocene, began 11,000 years ago, so the ice is overdue. We also know that glaciation can occur quickly: the required decline in global temperature is about 12C and it can happen in 20 years. The next descent into an ice age is inevitable but may not happen for another 1000 years. On the other hand, it must be noted that the cooling in 2007 was even faster than in typical glacial transitions. If it continued for 20 years, the temperature would be 14C cooler in 2027. By then, most of the advanced nations would have ceased to exist, vanishing under the ice, and the rest of the world would be faced with a catastrophe beyond imagining. Australia may escape total annihilation but would surely be overrun by millions of refugees. Once the glaciation starts, it will last 1000 centuries, an incomprehensible stretch of time. If the ice age is coming, there is a small chance that we could prevent or at least delay the transition, if we are prepared to take action soon enough and on a large enough scale. For example: We could gather all the bulldozers in the world and use them to dirty the snow in Canada and Siberia in the hope of reducing the reflectance so as to absorb more warmth from the sun. 1 of methane (a potent greenhouse gas) from the hydrates under the Arctic permafrost and on the continental shelves, perhaps using nuclear weapons to destabilise the deposits. We cannot really know, but my guess is that the odds are at least 50-50 that we will see significant cooling rather than warming in coming decades. The probability that we are witnessing the onset of a real ice age is much less, perhaps one in 500, but not totally negligible. All those urging action to curb global warming need to take off the blinkers and give some thought to what we should do if we are facing global cooling instead.

#### Global warming prevents an ice age – we must continue to burn fossil fuels

**Science Daily, 2007** (“Next Ice Age Delayed By Rising Carbon Dioxide Levels.” August 30. <http://www.sciencedaily.com/releases/2007/08/070829193436.htm>)

Future ice ages may be delayed by up to half a million years by our burning of fossil fuels. That is the implication of recent work by Dr Toby Tyrrell of the University of Southampton's School of Ocean and Earth Science at the National Oceanography Centre, Southampton.Arguably, this work demonstrates the most far-reaching disruption of long-term planetary processes yet suggested for human activity.Dr Tyrrell's team used a mathematical model to study what would happen to marine chemistry in a world with ever-increasing supplies of the greenhouse gas, carbon dioxide. The world's oceans are absorbing CO2 from the atmosphere but in doing so they are becoming more acidic. This in turn is dissolving the calcium carbonate in the shells produced by surface-dwelling marine organisms, adding even more carbon to the oceans. The outcome is elevated carbon dioxide for far longer than previously assumed. Computer modelling in 2004 by a then oceanography undergraduate student at the University, Stephanie Castle, first interested Dr Tyrrell and colleague Professor John Shepherd in the problem. They subsequently developed a theoretical analysis to validate the plausibility of the phenomenon.The work, which is part-funded by the Natural Environment Research Council, confirms earlier ideas of David Archer of the University of Chicago, who first estimated the impact rising CO2 levels would have on the timing of the next ice age.Dr Tyrrell said: 'Our research shows why atmospheric CO2 will not return to pre-industrial levels after we stop burning fossil fuels. It shows that it if we use up all known fossil fuels it doesn't matter at what rate we burn them. The result would be the same if we burned them at present rates or at more moderate rates; we would still get the same eventual ice-age-prevention result.'Ice ages occur around every 100,000 years as the pattern of Earth's orbit alters over time. Changes in the way the sun strikes the Earth allows for the growth of ice caps, plunging the Earth into an ice age. But it is not only variations in received sunlight that determine the descent into an ice age; levels of atmospheric CO2 are also important. Humanity has to date burnt about 300 Gt C of fossil fuels. This work suggests that even if only 1000 Gt C (gigatonnes of carbon) are eventually burnt (out of total reserves of about 4000 Gt C) then it is likely that the next ice age will be skipped. Burning all recoverable fossil fuels could lead to avoidance of the next five ice ages.

### Solar Manufacturing

#### The Solar industry is strong now – adaption solves and no competitiveness internal

**Alic, 12** [July 16th, Jen, Oil Prices.Com, US Solar Companies can compete Despite Chinese Subsidies, <http://www.valuewalk.com/2012/07/us-solar-companies-can-compete-despite-chinese-subsidies/>]

The US solar industry is undergoing some serious growing pains, with bankruptcies and mergers a necessary part of that process; meanwhile, competition from Chinese solar panels has many believing that American solar simply cannot compete. Not so.¶ Solar’s track record is certainly not inspiring: The past couple of years have seen a number of high-profile bankruptcies, including Solyndra, Q-Cells, Evergreen Solar and Abound Solar. At the same [time](http://www.valuewalk.com/2012/07/us-solar-companies-can-compete-despite-chinese-subsidies/), while Chinese solar companies have managed to avoid bankruptcy, they are in trouble and are posting sharp losses, and debts are not government-owned as most might think. Perhaps the Chinese government will bail these heavily subsidized solar companies out, but not necessarily as such a move would further imbalance the solar market.¶ While solar installers have benefitted from the market, US solar manufacturers have taken a hit, with solar panel prices falling by some 47% over last year due to global oversupply.¶ Quite simply, competition means that solar companies will have be a bit more innovative in reducing costs and improving efficiency.¶ Not all solar companies are going under: [First Solar](http://investor.firstsolar.com/secfiling.cfm?filingID=1274494-12-22&CIK=1274494), Inc. (NASDAQ:FSLR)is doing fine. First Solar has net debt, indeed, but it stands to have a positive cash flow for the next two years. Two other companies, SunPower and Trina Solar, are also projecting a return to profitability for 2013. By 2014, First Solar will be restructured into a utility-focused [company](http://www.valuewalk.com/2012/07/us-solar-companies-can-compete-despite-chinese-subsidies/), giving up the rooftop solar market. This is how it is adapting and changing with the market.¶ Solar companies will not be successful until they give up on markets in which their only recourse for competing is through government subsidies. This mindset is what is weeding out the future solar winners from the losers.¶ [General Electric](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=1&ved=0CDYQqQIwAA&url=http://www.technologyreview.com/news/428449/ges-solar-setback-reflects-a-new-technology/&ei=T7f9T7DpJ8fBrQGdz92LCQ&usg=AFQjCNHN9MznNo7ittGO35DBJUxjuW1Oq) Company ([NYSE](http://www.valuewalk.com/2012/07/us-solar-companies-can-compete-despite-chinese-subsidies/):GE) was hoping to produce thin-film solar panels which are less bulky and more efficient than conventional solar panels. GE was hoping to be able to produce these panels at a low enough price as to be attractive to the average homeowner. However, those plans have been delayed (not scrapped) because of the falling price of thin-film panels to the point that GE cannot cover the cost of producing them. Still, GE is not ready to throw in the towel. Instead, it’s planning to improve its technology in order to increase production efficiency to rival its Chinese competitors. It’s called innovation and it is essential for competition-subsidies or no.¶ Things are not as bad as they seem. According to a recent [report](http://www.greentechmedia.com/research/ussmi/) from GTM Research and the solar Energy Industries Association, the first quarter of 2012 was one of its best in terms of installation (506 mw to [power](http://www.valuewalk.com/2012/07/us-solar-companies-can-compete-despite-chinese-subsidies/) over 350,000 homes). Furthermore, installed solar power is forecast to increase 75% in 2012, adding another 3.3 gigawatts of solar power to the current 4.4 gigawatts already installed across the country. But the rooftop installation market will not be forging solar’s future in the US. The future will be in solar power installation by big utility companies. While this category saw installation decline sharply in late 2011, the scale and scope of these projects is vast and construction time-consuming, so quarterly figures are not as relevant.¶ There are also alternatives to subsidies that solar power could latch on to. The Solar Renewable Energy Certificates ([SREC](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=1&ved=0CDIQqQIwAA&url=http://www.dailyrecord.com/article/20120626/NJOPINION03/306240002/Solar-energy-investment-boosts-New-Jersey-s-economy&ei=w7X9T6-KMoG26wG0rsT7Bg&usg=AF)) program grants anyone who installs solar access to the state market to sell credits for every 1,000 kilowatt-hour of electricity generated. This is currently on offer in New Jersey, and other states are considering similar programs.¶ Slapping harsh tariffs on Chinese solar panels was the result of some heavy-handed lobbying led most relentlessly by German-owned SolarWorld AG (ETR:SWV), which is now planning to file an anti-dumping case against Chinese firms in the European market.¶ According to SolarWorld, the company will [pursue](http://www.bloomberg.com/news/2012-07-03/solarworld-plans-china-anti-dumping-case-with-eu-peers.html) ”anti-subsidy” and “anti-dumping” cases against Chinese solar panel manufacturers in Europe in cooperation with a coalition of European manufacturers.¶ This is a rather rich move coming from a company that has itself been built on government subsidies.¶ It also comes on the heels of a decision by the US Commerce Department in May to impose a 31% tariff on the main Chinese manufacturers of solar panels in the US-a move led by petitioning efforts from SolarWorld’s US branches.¶ China is not entirely to blame for the global oversupply, of course. All manufacturers continued to produce massive quantities of solar panels despite overstocked inventories.¶ What most fail to understand, however, is that the US wants (and needs) Chinese clean-energy cash in order to make its clean-energy ambitions a reality-especially at a time when federal subsidies are dwindling.¶ More important than the solar panel dumping debate is what China can do for the US clean energy industry through cash investments-and China is aggressively pursuing this avenue with the American blessing. China invested $264 million last year in renewable-energy deals in the US. Beijing-based [GSR Ventures](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=1&ved=0CCsQqQIwAA&url=http://www.sacbee.com/2012/07/09/4619742/protean-electric-announces-84.html&ei=hLX9T6WyBumz6wHZjszSBg&usg=AFQjCNFhVGW9aF-XYNOLpJskI4bhWQd70g&sig2=8wE9), from its offices in Silicon Valley, helped [fund](http://www.valuewalk.com/2012/07/us-solar-companies-can-compete-despite-chinese-subsidies/) electric battery manufacturer Boston-Power Inc’s move into China. Meanwhile, San Francisco has come up with the [ChinaSF](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=1&ved=0CC4QqQIwAA&url=http://www.sfgate.com/business/bottomline/article/Chinese-bank-looks-to-finance-to-major-SF-projects-3665212.php&ei=ULX9T7HdO-jr6wHsnr3qCg&usg=AFQjCNFoK) program, whose ultimate goal is to lure Chinese [investment](http://www.valuewalk.com/2012/07/us-solar-companies-can-compete-despite-chinese-subsidies/) in clean energy.¶ In the end, it will be Chinese cash and American access to (massive) Chinese consumers for clean-energy products that saves the industry and allows it to gain a competitive edge over fossil fuels.¶ As such, slapping tariffs on Chinese solar panels for “dumping” is tantamount to biting the hand that will feed the US clean-energy industry. And as for US solar panel manufacturers, well, competition means finding ways to survive in the real market, beyond subsidies that were never intended to last forever. Solar companies must adapt or shut down.

#### China is losing its overall comparative advantage

**Hill, 12/25**/12 (Patrice, Washington Times, “Trade deficit on course for surplus” <http://www.washingtontimes.com/news/2012/dec/25/trade-deficit-heading-for-surplus/?utm_source=RSS_Feed&utm_medium=RSS>)

Analysts see progress as well on the other major cause of the trade deficit: China. After decades of jobs and industries lost to China, some analysts say, the pendulum is starting to swing back toward the United States.

“There is growing evidence that China’s challenge to U.S. manufacturing has peaked, and its competitive advantage is in decline,” said Jerry Jasinowski, former president of the National Association of Manufacturers. “The resurgence may be even stronger and more broader-based than most people realize.”

A study last year by the Boston Consulting Group found that the cost of producing goods in China is rising rapidly. China has the fastest growing wages of any country and has had to pay steeply higher bills for the oil, coal, copper and other raw materials it imports in massive quantities from abroad to feed its manufacturing base. The costs of industrial real estate, energy and transportation have been escalating in China as well, and citizens are demanding more safety and environmental controls, making it more expensive for manufacturers to locate there.

China’s sharply rising costs for basic materials and housing drove up inflation 7 percent there last year, forcing the government to douse the inflation fires with tighter lending policies that produced a sharp slowdown in China this year. Within five years, the Boston Consulting Group predicts, the cost of producing goods in China’s coastal cities will be only 10 percent to 15 percent less than in some regions of the U.S. — not enough of an advantage to overcome the high legal, transportation and inventory costs of manufacturing there.

For this reason, the group cites a growing list of companies moving production back to the U.S. from China, including NCR Corp., the Coleman Co., Ford Motor Co. and the Outdoor GreatRoom Co.

“The tide is turning in our favor,” said Mr. Jasinowski, citing the “strongest productivity growth in the industrial world” and subdued wage growth that has made the U.S. more attractive to global companies such as General Electric Co. and Apple Inc., both of which have announced plans to locate facilities at home after years of moving abroad.

#### No impact to the trade deficit

Fisher Investments 9-15-2011; Trade Gap Irrelevant for U.S. Economic Growth <http://www.thestreet.com/story/11250198/1/trade-gap-irrelevant-for-us-economic-growth.html>

NEW YORK (TheStreet) -- International trade is an important and volatile component of global economic growth, one that's commonly misunderstood. For example, last Thursday's U.S. Commerce Department report on trade led off with a discussion of a $6.8 billion reduction in our trade deficit, to a minus $44.8 billion. And, as is customary, the trade gap is what led off most coverage of the report. Some argue an expanding trade gap is bad. And counterintuitively, last week some argued the shrinking trade gap was also bad -- supposedly as a sign of a slowing economy. But in reality, the trade gap simply doesn't describe U.S. economic conditions. (Although the trade deficit does affect GDP, it's mostly a statistical anomaly. As discussed in our recent article, "What GDP Doesn't Say ," it's a reason why GDP isn't completely synonymous with economic health.) The more telling metric is total trade. Calculating total trade calls for adding exports and imports but it is rarely done. However, in our view, this is the most correct way to view trade. Imports can detract from a nation's GDP calculation, but rising imports can be sign of strong demand. Imports can also create massive economic value for consumers and businesses -- by helping firms stay competitive and even resulting in lower prices. Moreover, over half of U.S. imports aren't children's toys, cars or food, but equipment and components U.S. businesses use to produce or reassemble goods for final sale or re-export. For example, in the first seven months of this year (the latest data available), one category -- industrial supplies -- outweighed foodstuffs, vehicles and consumer goods combined, according to the U.S. Bureau of Economic Analysis. Since imports have a positive economic value and can be indicative of healthy demand, it makes little sense to us to statistically account for them as a negative. And it reinforces the point that total trade can be more instructive regarding overall economic health than the trade deficit.

#### Competitiveness resilient

**Galama and Hosek 08 –**RAND Corporation, (Titus and James, “U.S. Competitiveness in Science and Technology,”, http://www.rand.org/pubs/monographs/2008/RAND\_MG674.sum.pdf)

We find that the United States continues to lead the world in science and technology. The United States grew faster in many measures of S&T capability than did Japan and Europe, and developing nations such as China, India, and South Korea showed rapid growth in S&T output measures, but they are starting from a small base. These developing nations do not yet account for a large share of world innovation and scientific output, which continues to be dominated by the United States, Europe, and Japan.

The United States accounts for 40 percent of total world R&D spending and 38 percent of patented new technology inventions by the industrialized nations of the Organisation for Economic Cooperation and Development (OECD), employs 37 percent (1.3 million) of OECD researchers (FTE), produces 35 percent, 49 percent, and 63 percent, respectively, of total world publications, citations, and highly cited publications, employs 70 percent of the world’s Nobel Prize winners and 66 percent of its most-cited individuals, and is the home to 75 percent of both the world’s top 20 and top 40 universities and 58 percent of the top 100.

**No China war or impact to China rise**

Robert J. Art, Fall 2010 Christian A. Herter Professor of International Relations at Brandeis University and Director of MIT's Seminar XXI Program The United States and the rise of China: implications for the long haul Political Science Quarterly 125.3 (Fall 2010): p359(33)

The workings of these three factors should make us cautiously optimistic about keeping Sino-American relations on the peaceful rather than the warlike track. The peaceful track does not, by any means, imply the absence of political and economic conflicts in Sino-American relations, nor does it foreclose coercive diplomatic gambits by each against the other. What it does mean is that the conditions are in place for war to be a low-probability event, if policymakers are smart in both states (see below), and that an all-out war is nearly impossible to imagine. By the historical standards of recent dominant-rising state dyads, this is no mean feat. In sum, there will be some security dilemma dynamics at work in the U.S.-China relationship, both over Taiwan and over maritime supremacy in East Asia, should China decide eventually to contest America's maritime hegemony, and there will certainly be political and military conflicts, but nuclear weapons should work to mute their severity because the security of each state's homeland will never be in doubt as long as each maintains a second-strike capability vis-a-vis the other. If two states cannot conquer one another, then the character of their relation and their competition changes dramatically. These three benchmarks--China's ambitions will grow as its power grows; the United States cannot successfully wage economic warfare against a China that pursues a smart reassurance (peaceful rise) strategy; and Sino-American relations are not doomed to follow recent past rising-dominant power dyads--are the starting points from which to analyze America's interests in East Asia. I now turn to these interests.

**No impact to heg**

**Goldstein 2011**, Professor IR at American University [Joshua S. Goldstein, Professor emeritus of international relations at American University, “Thing Again: War,” Sept/Oct 2011,

http://www.foreignpolicy.com/articles/2011/08/15/think\_again\_war?print=yes&hidecomments=yes&page=full]

Nor do shifts in the global balance of power doom us to a future of perpetual war. While some political scientists argue that an increasingly multipolar world is an increasingly volatile one -- that peace is best assured by the predominance of a single hegemonic power, namely the United States -- **recent geopolitical history** suggests otherwise. Relative U.S. power and worldwide conflict have **waned in tandem** over the past decade. The exceptions to the trend, Iraq and Afghanistan, have been lopsided wars waged by the hegemon, not challenges by up-and-coming new powers. The best precedent for today's emerging world order may be the 19th-century Concert of Europe, a collaboration of great powers that largely maintained the peace for a century until its breakdown and the bloodbath of World War I.

**Regional cooperation fills in**

**Sachs, 11** – Director of The Earth Institute, Quetelet Professor of Sustainable Development, and Professor of Health Policy and Management at Columbia University. He is also Special Advisor to United Nations Secretary-General Ban Ki-moon (Jeffrey, “A World of Regions,” 5/26, http://www.social-europe.eu/2011/05/a-world-of-regions/)

In almost every part of the world, long-festering problems can be solved through closer cooperation among neighboring countries. The European Union provides the best model for how neighbors that have long fought each other can come together for mutual benefit. Ironically, today’s decline in American global power may lead to more effective regional cooperation. This may seem an odd time to praise the EU, given the economic crises in Greece, Spain, Portugal, and Ireland. Europe has not solved the problem of balancing the interests of strong economies in the North and those of weaker economies in the South. Still, the EU’s accomplishments vastly outweigh its current difficulties. The EU has created a zone of peace where once there was relentless war. It has provided the institutional framework for reuniting Western and Eastern Europe. It has fostered regional-scale infrastructure. The single market has been crucial to making Europe one of the most prosperous places on the planet. And the EU has been a global leader on environmental sustainability. For these reasons, the EU provides a unique model for other regions that remain stuck in a mire of conflict, poverty, lack of infrastructure, and environmental crisis. New regional organizations, such as the African Union, look to the EU as a role model for regional problem-solving and integration. Yet, to this day, most regional groupings remain too weak to solve their members’ pressing problems. In most other regions, ongoing political divisions have their roots in the Cold War or the colonial era. During the Cold War, neighbors often competed with each other by “choosing sides” – allying themselves with either the United States or the Soviet Union. Pakistan tilted towards the Americans; India towards the Soviets. Countries had little incentive to make peace with their neighbors as long as they enjoyed the financial support of the US or the USSR. On the contrary, continued conflict often led directly to more financial aid. Indeed, the US and Europe often acted to undermine regional integration, which they believed would limit their roles as power brokers. Thus, when Gamal Abdel Nasser launched a call for Arab unity in the 1950’s, the US and Europe viewed him as a threat. The US undercut his call for strong Arab cooperation and nationalism, fearing a loss of American influence in the Middle East. As a result, Nasser increasingly aligned Egypt with the Soviet Union, and ultimately failed in the quest to unite Arab interests. Today’s reality, however, is that great powers can no longer divide and conquer other regions, even if they try. The age of colonialism is finished, and we are now moving beyond the age of US global dominance. Recent events in the Middle East and Central Asia, for example, clearly reflect the decline of US influence. America’s failure to win any lasting geopolitical advantage through the use of military force in Iraq and Afghanistan underscore the limits of its power, while its budget crisis ensures that it will cut its military resources sooner rather than later. Similarly, the US played no role in the political revolutions underway in the Arab world, and still has not demonstrated any clear policy response to them. President Barack Obama’s recent speech on the Middle East is a further display of America’s declining influence in the region. The speech drew the most attention for calling on Israel to return to its 1967 borders, but the effect was undercut when Israel flatly rejected the US position. The world could see that there would be little practical follow-up. The rest of the speech was even more revealing, though it drew little public notice. When Obama discussed the Arab political upheavals, he noted the importance of economic development. Yet when it came to US action, the most that the US could offer financially was slight debt relief for Egypt ($1 billion), scant loan guarantees ($1 billion), and some insurance coverage for private investments. The real message was that the US government would contribute very little financially to the region’s economic recovery. The days when a country could depend on large-scale American financing are over. We are, in short, moving to a multi-polar world. The Cold War’s end has not led to greater US dominance, but rather to the dissemination of global power to many regions. East Asia, South Asia, Latin America, and the Middle East have new geopolitical and economic influence. Each region, increasingly, must find its own path to economic development, energy and food security, and effective infrastructure, and must do so in a world threatened by climate change and resource scarcity. Each region, therefore, will have to secure its own future. Of course, this should occur in a context of cooperation across regions as well as within them. The Middle East is in a strong **position to help itself**. There is a high degree of economic complementarity between Egypt and the oil-rich Gulf States. Egypt can supply technology, manpower, and considerable expertise for the Arab region, while the Gulf provides energy and finance, as well as some specialists. The long-delayed vision of Arab economic unity should be returned to the table. Israel, too, should recognize that its long-term security and prosperity will be enhanced as part of an economically stronger region. For the sake of its own national interests, Israel must come to terms with its neighbors. Other regions also will find that the decline of US power increases the **urgency of stronger cooperation** between neighbors. Some of the greatest tensions in the world – say India and Pakistan, or North and South Korea – should be defused as part of region-wide strengthening. As the EU shows, ancient enmities and battle lines can be turned into mutually beneficial cooperation if a region looks forward, to resolving its long-term needs, rather than backward, to its long-standing rivalries and conflicts.

## 2nc states

### A2 ferc pre-empt

#### The new FERC rule allows states to effectively set their own rates. They are still limited to only charging the avoided cost, but they can set the avoided cost for renewables higher than the normal avoided cost to comply with renewables mandates

**Motl, 11 -** J.D., University of Wisconsin Law School (Bradley, “RECONCILING GERMAN-STYLE FEED-IN TARIFFS WITH PURPA” 28 Wis. Int'l L.J. 742, Winter, lexis)

The FERC has given states "great latitude" to determine a procedure for calculating a utility's "avoided cost." n152 This latitude comes from the state's authority to implement PURPA. n153 FERC has stated that determining if a rate was "above avoided cost was best left to the appropriate state or judicial forum." n154 FERC provides the state with a list of factors within its regulations that should be used to calculate avoided cost and maintains that the "factors shall, to the extent practical, be taken into account." n155 States retain discretion over how they apply these factors. As the Idaho Supreme Court held, FERC "provides no precise formula for calculating a utility's avoided cost." n156 For example, one factor is the relationship between the availability of a QF's energy and capacity compared to a utility's ability to avoid costs associated with deferring construction of new capacity or reducing the use of fossil fuels. n157 When determining the utility's avoided costs, states may account for environmental costs that a utility actually incurs, but will avoid by purchasing from a QF. n158 The list of avoided cost factors also includes "the availability of capacity or energy from a qualifying facility during the system daily and seasonal peak periods." n159 The use of these factors when determining a utility's avoided cost makes the process individualized to a utility's operation at a specific place and time. Because FERC's regulations require individualized avoided cost calculations for each utility, feed-in tariff rates that mandate a uniform value for all utilities may be facially invalid under PURPA and FERC regulations.

When a state's determination of an avoided cost is challenged, state courts tend to give a fair amount of deference to their state's public service commission. For example, the supreme court of North Carolina found that the North Carolina Utilities Commission's methodology for calculating avoided cost was appropriate even though it resulted in a total avoided cost of $ 1.39 million less than the Virginia State Corporation [\*762] Commission's avoided cost calculation for the same utility and QF. n160 The court held that FERC regulations require that each state ensure that a utility does not pay more than its avoided cost. n161 Furthermore, each state may use its own measures for calculating avoided cost, even for a utility operating in multiple states. n162

The supreme court of Idaho upheld the Idaho Public Utilities Commission's decision to calculate avoided cost based on one type of generating facility instead of another because the first type of facility represented what the Idaho commission decided was the utility's "actual avoided" costs. n163 The court refused to overturn the state agency's determination of avoided costs unless "it appears that the clear weight of the evidence is against the conclusion." n164 In a separate case, the supreme court of Idaho also affirmed the Idaho Commission's decision to set an avoided cost rate that was fixed for the entire length of contract between a utility and QF and was "not subject to the Commission's continuing jurisdiction." n165

The supreme court of New Hampshire held that the state Public Utilities Commission had the authority to approve rates that reflected a utility's avoided cost at the time a QF applied for a rate, even if that rate exceeded the utility's avoided costs in the subsequent rate order. n166 Furthermore, the court upheld the commission's decision to issue a "front-end loaded, long-term rate order" whose rate exceeded the utility's avoided cost in the early years of the contract, then declined in the later years of the contract. n167 A justification for the greater front-end rate is that the risk to the utility's ratepayers is balanced with the benefits of the QF project. n168 The court stated that it "will not reverse a decision of the [commission] ... unless the appealing party demonstrates by a clear preponderance of the evidence that the order was unjust or unreasonable." n169

A state's wide latitude when calculating avoided cost means it can effectively achieve desired feed-in tariff rates by justifying a greater [\*763] avoided cost. A state should review its process for calculating avoided cost to ensure it is including all the costs the utility would actually avoid when it buys power from a QF. For example, a state will likely find additional authority to raise avoided costs under the "reduction of fossil fuel use" factor of FERC's regulations. n170 A state can take into account all aspects of reducing fossil fuel use when calculating an avoided cost. A determination of the present and future value of renewable energy credits that count toward a utility's required renewable portfolio standard could increase the avoided cost value. As the federal government progresses toward cap-and-trade and carbon tax measures, a state can reassess the likely economic cost to the utility of complying with future carbon regulation. However, FERC cautions states that they "may not set avoided cost rates ... by imposing environmental adders or subtractors that are not based on real costs that would be incurred by utilities." n171

A fundamental element of PURPA is that it requires a state to calculate each utility's avoided cost separately. A state will not be able to set a single feed-in tariff rate that applies to all QFs of a certain type and size. In addition, FERC regulations set limits as to what factors a state can consider when determining an avoided cost. Even after a state justifies a new maximum avoided cost, the resulting value may still be much less than the state's desired feed-in tariff rate. But, reevaluating avoided cost from a broader point of view can raise the rate paid to a QF and may make a QF's renewable resource project profitable.

#### Their preemption argument assumes the dormant Commerce Clause where state action imposes greater costs on utilities from out of the state

**Ferrey, 12 -** Professor of Law, Suffolk University Law School; Visiting Professor of Law, Harvard Law School (Steven, “THREADING THE CONSTITUTIONAL NEEDLE WITH CARE: THE COMMERCE CLAUSE THREAT TO THE NEW INFRASTRUCTURE OF RENEWABLE POWER” 7 Tex. J. Oil Gas & Energy L. 59, lexis)

If not entitled to the market participant exception, in designing state programs, one goal is to avoid the strict scrutiny test, if challenged. n387 This test is almost always fatal to the program challenged, in the absence of the narrow, and seldom granted, quarantine exemption. n388 In recent Supreme Court precedent, where a state imposed greater cost disadvantage on certain out-of-state articles in commerce in the regulating state, it was found to be subject to strict scrutiny and to not satisfy the dormant Commerce Clause. n389

[\*107] If geographic discrimination is not facially incorporated in the statute or regulations, the Pike balancing test could be applied instead to any challenge, in which case there is an opportunity to demonstrate that the benefits to the state outweigh the burdens on interstate commerce. n390 More carefully drafting broader RPS and SBC incentive programs at the state level, exclusive of geographic restrictions and treating external locations equally, are an obvious means to this end to avoid strict scrutiny and constitutional challenge.

Of particular note, RPS and SBC discrimination does not confront the more formidable constitutional problem faced by state feed-in tariffs for renewable power. n391 In 2010, FERC issued a definitive ruling on state feed-in tariffs that made crystal clear their constitutional limits. n392 It reiterated that the Commission's authority under the Federal Power Act includes the exclusive jurisdiction to regulate the rates, terms, and conditions of sales for resale of electric energy in interstate commerce by public utilities. n393 State efforts to regulate wholesale power transactions, to set prices in excess of market prices, were entirely stricken. n394 Despite this, RPS and SBC programs, if structured consciously and carefully, remain two state renewable power incentives that can fit within the requirements imposed by the U.S. Constitution. Feed-in tariffs do not so fit. n395

In part, these jurisdictional and constitutional issues explain why twenty-nine states have adopted RPSs, eighteen states have adopted SBCs, and less than a handful of the contiguous U.S. states have attempted feed-in tariffs. n396 Although feed-in tariffs internationally are the most utilized type of renewable power incentive, n397 they work at the federal level but do not pass constitutional muster under the U.S. Constitution when implemented by states. They are also facing some skepticism on cost determinations internationally and in the U.S. n398

### A2 50 state fiat

#### b.Literature supports 50 state uniformity

**Northrop and Sassoon, 08** - Program Director for Sustainable Development at the Rockefeller Brothers Fund and administrator of SolveClimate.com (Michael David, Yale Environment 360, 6-3, <http://e360.yale.edu/content/feature.msp?id=2015>)

But the states have far more to offer. They also have approved a host of energy-efficiency measures affecting all sectors of the economy. For example, one set of policies provides both emissions reductions and substantial economic savings from the building sector through improved building codes, insulation and weatherization programs, and lighting retrofits. From the waste management sector, waste reduction and recycling programs yield similar two-pronged benefits.

These policies go hand-in-hand with others mandating that an increasing percentage of a state’s energy come from renewable sources, such as solar and wind power. Many states — chief among them California — have shown similar national leadership by significantly toughening auto emissions standards, leading Congress to increase national vehicle standards last December and the Environmental Protection Agency (EPA) to challenge the states in court.

The fact that so many states are acting with a similar impetus begs an important question: What would happen if you aggregated these policies and applied them on a national scale?

One study conducted by the Center for Climate Strategies (CCS) — a non-partisan group that has worked on climate policymaking and analysis with many of these states — indicates that the adoption of a comprehensive, nationwide climate and energy policy would have substantial economic benefits. Using data from 12 states that are leaders in the field of climate change and energy, CSS calculated that were all 50 states to adopt similar rules and legislation, the aggregate economic savings would be $25 billion. The nation could achieve a 33% reduction in projected greenhouse gas emissions by 2020 — a common interim target — and save money doing so.

**Relevant Policy Choice – State Lawmakers must compare and choose in the absence of Federal Action – means our cp provides a real-world policy option**

**Biering 8 –** former Executive Fellow in the California Resources Agency (Brian, 23 J. Envtl. L. & Litig. 35)

Federalism issues aside, the fundamental question policymakers need to resolve is whether it is more appropriate for the states to act now in the area of climate change, or whether the field should be simply left to the federal government to address in its own time.

#### 50 state fiat isn’t unprecedented

**Mountjoy 4,** (John J., Director of National Center for Interstate Compacts and Associate Director for National Policy Coordination, The Council of State Governments, “Solutions for States: Interstate Compacts as a Tool,” http://www.csg.org/programs/ncic/documents/SolutionsForStates.pdf)

Interstate compacts are contracts between states and carry with them the force and effect of statutory law. While most interstate compacts are rudimentary in function (regulating boundaries and water rights) and have signatories numbering below fifteen, several interstate compacts maintain membership of all 50 states (or close to it) and have administrative/regulatory agencies that oversee the functionality of the compact between states. The Drivers’ License Compact and its American Association of Motor Vehicle Administrators regulate and allow states to recognize drivers’ licenses issued in other states. The Interstate Compact for Education and its Education Commission of the States maintain close cooperation and understanding among executive, legislative, professional, educational leadership on a nationwide basis at the State and local levels.

### A2 links poltics

#### State action avoids national controversy

**Rabe 4** (Barry, Statehouse and Greenhouse, p 22)

But this is not what occurred in the states examined in this study. Instead, a much quieter process of policy formation has emerged, even during more recent years, when the pace of innovation has accelerated and the intent of many policies has been more far-reaching. This is not to suggest that climate-related episodes have been irrelevant or that leading environmental groups have played no role in state policy development. Contrary to the kinds of political brawls so common in debates about climate change policy at national and international venues, however, state-based policymaking has been far less visible and contentious, often cutting across traditional partisan and interest group fissures. It has, moreover, been far more productive in terms of generating actual policies with the potential to reduce greenhouse gas releases.

## 2nc Politics

**Econ decline turns every advantage**

**Silk 93** (Leonard, Professor of Economics – Pace University, “Dangers of Slow Growth”, Foreign Affairs, 72(1), Winter, p. 173-174)

In the absence of such shifts of human and capital resources to expanding civilian industries, there are strong economic pressures on arms-producing nations to maintain high levels of military production and to sell weapons, both conventional and dual-use nuclear technology, wherever buyers can be found. Without a revival of national economies and the global economy, the production and proliferation of weapons will continue, creating more Iraqs, Yuugoslavias, Somalias and Cambodias - or worse. Like the Great Depression, the current economic slump has fanned the fires of nationalist, ethnic and religious hatred around the world. Economic hardship is not the only cause of these social and political pathologies, but it aggravates all of them, and in turn they feed back on economic development. They also undermine efforts to deal with such global problems as environmental pollution, the production and trafficking of drugs, crime, sickness, famine, AIDS and other plagues. Growth will not solve all those problems by itself But economic growth - and growth alone - creates the additional resources that make it possible to achieve such fundamental goals as higher living standards, national and collective security, a healthier environment, and more liberal and open economies and societies.

**Economic decline turns environment**

**The Wildlife Society 09**, Making Life: The Wildlife Society Blog, international non-profit scientific and educational association dedicated to excellence in wildlife stewardship through science and education, 3/31/9

There is no doubt that a deep recession has the potential to hurt wildlife professionals and the important work they do. Wildlife management and conservation are not free–salaries must be paid and project expenses covered. Decreased tax revenues and private and corporate donations flowing into state and federal agencies, universities, consulting companies and NGOs could result in widespread personnel reductions, either through layoffs, hiring freezes, or regular furloughs. In addition, money for critical research and conservation projects could dry up. All this means fewer people spending fewer hours managing and conserving our precious wildlife resources. This also means fewer people studying wildlife and fewer projects intended to recover threatened or endangered species. Should these trends continue or worsen, it will not be good for wildlife. Indeed, wildlife management and conservation activities were seriously underfunded before the recession began. In addition, fewer qualified students or their families may have the resources to support a relevant college or post-graduate education, thus making pursuit of a career in wildlife management and conservation difficult, if not impossible. This comes at a time when many baby boomers are seriously contemplating retirement and up to 70% of leaders in natural resource fields, including the wildlife profession, are slated to retire within the next 10-15 years. The economic downturn may delay some retirement plans, making it difficult for young wildlife professionals to find jobs. Many could go on to work in other professions as a result. However, baby boomers cannot delay their decisions forever and must leave their jobs at some point due to age or failing health. Thus, one impact of this poorly timed recession could be a huge demographic hole in the next generation of wildlife and other natural resource professionals. Hopefully, this will be partially offset by what appears to be an increasing interest by students in public service and in so-called “green” jobs, of which the wildlife profession is certainly a leading indicator. As far as the impact of the recession on wildlife itself is concerned, the jury is still out. A significant decrease in rampant, poorly thought-out development could, in fact, be good for wildlife, especially if it results in fewer habitats being modified, fragmented or destroyed. Such trends could be accelerated by economic concerns, which may finally force people to pay more attention to gas mileage and other forms of wasteful consumerism that harm the environment. On the other hand, a long recession could also become a convenient excuse for new and even more destructive waves of construction, energy development, industrialization and agricultural activity across the landscape, many of which will be characterized as “necessary” for economic recovery. Without a careful assessment of the consequences, this could hurt wildlife conservation. In such times, science will become even more critical for assessing the potential consequences and making well-considered decisions.

### A2 ferc no link

#### Agencies don’t shield and no risk of a turn---Obama is velcro and will only get blamed---no credit

**Nicholas & Hook 10** Peter and Janet, Staff Writers---LA Times, “Obama the Velcro president”, LA Times, 7-30, http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730/3

If Ronald Reagan was the classic Teflon president, Barack **Obama is made of Velcro.¶** Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become ensnared in blame.¶ Hoping to better insulate Obama, White House aides have sought to give **other Cabinet officials** a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public.¶ But Obama remains **the colossus of his administration** — to a point where trouble anywhere in the world is often his to solve.¶ The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape¶ What's not sticking to Obama is a legislative track record that his recent predecessors might envy. Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting.¶ Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll.¶ "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?' " said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations."¶ Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration.¶ Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants.¶ Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole.¶ "I can't suck it up with a straw," he said.¶ But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish.¶ Clinching the Democratic nomination two years ago, Obama described the moment as an epic breakthrough when "we began to provide care for the sick and good jobs to the jobless" and "when the rise of the oceans began to slow and our planet began to heal."¶ Those towering goals remain a long way off. And most people would have preferred to see Obama focus more narrowly on the "good jobs" part of the promise.¶ A recent Gallup poll showed that 53% of the population rated unemployment and the economy as the nation's most important problem. By contrast, only 7% cited healthcare — a single-minded focus of the White House for a full year.¶ At every turn, Obama makes the argument that he has improved lives in concrete ways.¶ Without the steps he took, he says, the economy would be in worse shape and more people would be out of work. There's evidence to support that. Two economists, Mark Zandi and Alan Blinder, reported recently that without the stimulus and other measures, gross domestic product would be about 6.5% lower.¶ Yet, Americans aren't apt to cheer when something bad doesn't materialize.¶ Unemployment has been rising — from 7.7% when Obama took office, to 9.5%. Last month, more than 2 million homes in the U.S. were in various stages of foreclosure — up from 1.7 million when Obama was sworn in.¶ "Folks just aren't in a mood to hand out gold stars when unemployment is hovering around 10%," said Paul Begala, a Democratic pundit.¶ **Insulating the president from bad news has proved impossible**. Other White Houses have tried doing so with more success. Reagan's Cabinet officials often took the blame, **shielding the boss**.¶ But theObama administration is about one man. Obama is the White House's chief spokesman, policy pitchman, fundraiser and negotiator. **No Cabinet secretary has emerged as an adequate surrogate**. Treasury Secretary Timothy F. Geithner is seen as a tepid public speaker; Energy Secretary Steven Chu is prone to long, wonky digressions and has rarely gone before the cameras during an oil spill crisis that he is working to end.¶ So, more falls to Obama, reinforcing the Velcro effect: **Everything sticks to him**. He has opined on virtually everything in the hundreds of public statements he has made: nuclear arms treaties, basketball star LeBron James' career plans; Chelsea Clinton's wedding.¶ Few audiences are off-limits. On Wednesday, he taped a spot on ABC's "The View," drawing a rebuke from Democratic Pennsylvania Gov. Edward G. Rendell, who deemed the appearance unworthy of the presidency during tough times.¶ "Stylistically he creates some of those problems," Eddie Mahe, a Republican political strategist, said in an interview. "His favorite pronoun is 'I.' When you position yourself as being all things to all people, the ultimate controller and decision maker with the capacity to fix anything, you set yourself up to be blamed when it doesn't get fixed or things happen."¶ A new White House strategy is to forgo talk of big policy changes that are easy to ridicule. Instead, aides want to market policies as more digestible pieces. So, rather than tout the healthcare package as a whole, advisors will talk about smaller parts that may be more appealing and understandable — such as barring insurers from denying coverage based on preexisting conditions.¶ But at this stage, it may be late in the game to downsize either the president or his agenda.

#### No – new agency transparency measures.

Lucas, 4-8-2010

[Fred, Staff Writer, CNS News, “White House Touts New Transparency Rules, As Watchdogs Decry Administration’s Poor FOIA Responses,” http://www.cnsnews.com/news/article/63891]

(CNSNews.com) – The White House on Wednesday touted new rules as another “historic milestone” in government transparency, even as transparency advocates criticized the Obama administration for its poor response in providing public records to taxpayers. Federal departments and agencies – at the direction of the White House – released their “Open Government Plans” Wednesday, including data sets, many of which seem to promote President Obama’s policies.   These include: community health data from the Department of Health and Human Services with information on Medicare and Medicaid; more than 60 clean energy resources available from the Department of Energy; a forum for public recommendations to improve services from the Department of Veterans Affairs; and data about homelessness from the Department of Housing and Urban Development.    Norm Eisen, special counsel to the president for ethics and government reform, called the initiatives the “latest and we think, historic milestone in taking the president’s directive to make this the most open and transparent government in history.”  Eisen, during a conference call with reporters, stressed that President Obama already has posted the White House visitor logs online, as well as financial disclosure information on White House staff and their salaries. However, the Obama administration has been worse than the Bush administration in complying with the Freedom of Information Act (FOIA), said Tom Fitton, president of Judicial Watch, a conservative government watchdog group that has more than 300 pending FOIA lawsuits with the federal government.   “To say you’re being transparent by putting junk out that the government produces on a daily basis is disingenuous when they withhold tens of thousands of pages of politically sensitive material,” Fitton told CNSNews.com.    In January, the Federal Housing Finance Agency told Judicial Watch that documents from government-sponsored enterprises Fannie Mae and Freddie Mac “are private corporate documents. They are not ‘agency records’ subject to disclosure by under FOIA.” Fitton further said that the Obama administration’s Treasury Department has been a “black hole for basic information requests on various government bailouts.” Also, last month an analysis from the Associated Press found that the Obama administration withheld government documents from taxpayers more often than the Bush administration even though FOIA requests declined during Obama’s first year in office. The AP’s review of 17 major federal agencies found that nearly all of FOIAs nine exemptions were used to withhold information from the public during fiscal year 2009. Agencies cited exemptions at least 466,872 times last year compared with 312,683 times the previous year, when Bush was president, the AP review found. During that same time, the number of information requests declined by about 11 percent, from 493,610 requests in fiscal 2008 to 444,924 in 2009. Eisen said there was a presidential “memorandum to reform the government’s FOIA system that we are starting to see positive results on and adopted a policy of disclosing vast amounts of government information.” Eisen cited during the conference call with reporters that four independent “good government groups” gave the administration a grade of A for its first year on transparency. These organizations – Common Cause, Democracy 21, the League of Women Voters and U.S. PIRG – are all left-leaning. A joint report from these groups in January said, “The cumulative effect of the administration’s actions has been to adopt the strongest and most comprehensive lobbying, ethics and transparency rules and policies ever established by an administration to govern its own activities.”

#### President gets the blame

**Shane 1995** - Dean and Professor of Law, University of Pittsburgh (Peter, “Political Accountability in a System of Checks and Balances: The Case of Presidential Review of Rulemaking”, 48 Ark. L. Rev. 161, 1995)

The reason for the insignificance of the transparency argument is that, even without plenary power to second-guess all bureaucratic policy makers, the President may well be held generally and properly accountable for overall bureaucratic performance in any event. That is because voters know the President has appointed all key policy makers and the most important managers of executive affairs. The President's value structure is likely to dominate the bureaucracy even if he is not formally able to command all important policy decisions. Professor Abner Greene has recently catalogued a series of reasons why this is so: OMB reviews virtually all agency budgets; the Attorney General controls most agency litigation; the President's support may be critical to an agency in its negotiations with Congress. 184 For these reasons, Presidents do not inevitably have less influence over "independent" agencies than they do over "purely executive" establishments.

### A2 ww

#### Winners lose---PC’s not renewable, is zero-sum, and diminishes fast

Ryan 9 Selwyn, Professor Emeritus and former Director, Institute of Social and Economic Research, University of the West Indies, “Obama and political capital,” 1/18 http://www.trinidadexpress.com/index.pl/article\_opinion?id=161426968

Like many, I expect much from Obama, who for the time being, is my political beast of burden with whom every other politician in the world is unfavourably compared. As a political scientist, I however know that given the structure of American and world politics, it would be difficult **for him** to deliver half of what he **has** promised, let alone all of it. Reality will force **him to make** many "u" turns and detours which may well land him in quick sand. Obama will, however, begin his stint with a **vast accumulation of political capital**, perhaps more than that held by any other modern leader. Seventy-eight per cent of Americans polled believe that his inauguration is one of the most historic the country will witness. Political capital is, however, a lumpy and fast diminishing **asset** in today's world of instant communication, which once misspent, is **rarely ever renewable**. The world is full of political leaders like George Bush and Tony Blair who had visions, promised a lot, and probably meant well, but who did not know how to husband the political capital with which they were provided as they assumed office. They squandered it as quickly as they emptied the contents of the public vaults. Many will be watching to see how Obama manages his assets and liabilities register. Watching with hope would be the white young lady who waved a placard in Obama's face inscribed with the plaintive words, "I Trust You." Despite the general optimism about Obama's ability to deliver, many groups have already begun to complain about being betrayed. Gays, union leaders, and women have been loud in their complaints about being by-passed or overlooked. Some radical blacks have also complained about being disrespected. Where and when is Joshua going to lead them to the promised land, they ask? When is he going to pull the troops out of Iraq? Civil rights groups also expect Obama to dis-establish Guantanamo as soon as he takes office to signal the formal break with Dick Cheney and Bush. They also want him to discontinue the policy which allows intelligence analysts to spy on American citizens without official authorisation. In fact, Obama startled supporters when he signalled that he might do an about-turn and continue this particular policy. We note that Bush is signalling Obama that keeping America safe from terrorists should be his top priority item and that he, Bush, had no regrets about violating the constitutional rights of Americans if he had to do so to keep them safe. Cheney has also said that he would do it again if he had to. The safety of the republic is after all the highest law. Other groups-sub-prime home owners, workers in the automobile sector, and the poor and unemployed generally all expect Obama to work miracles on their behalf, which of course he cannot do. Given the problems of the economy which has not yet bottomed out, some promises have to be deferred beyond the first term. Groups, however, expect that the promise made to them during the campaign must be kept. Part of the problem is that almost every significant social or ethnic group believes that it was instrumental in Obama's victory. White women felt that they took Obama over the line, as did blacks generally, Jews, Hispanics, Asians, rich white men, gays, and young college kids, to mention a few of those whose inputs were readily recognisable. Obama also has a vast constituency in almost every country in the world, all of whom expect him to save the globe and the planet. Clearly, he is the proverbial "Black Knight on a White Horse." One of the "realities" that Obama has to face is that American politics **is not a winner-take-all system**. It is pluralistic vertically and horizontally, and getting anything donepolitically, even when the President and the Congress are controlled by the same party, requiresgroups to negotiate, bargain and engage in **serious horse trading.** No one takes orders from the President who can only use moral or political suasion and promises of future support for policies or projects. The system was in fact deliberately engineered to prevent overbearing majorities from conspiring to tyrannise minorities. The system is not only institutionally diverse and plural, but socially and geographically so. As James Madison put it in Federalist No 10, one of the foundation documents of republicanism in America, basic institutions check other basic institutions, classes and interests check other classes and interests, and regions do the same. All are grounded in their own power bases which they use to fend off challengers. The coalitions change from issue to issue, and there is no such thing as party discipline which translated, means you do what I the leader say you do. Although Obama is fully aware of the political limitations of the office which he holds, he is fully aware of the vast stock of political capital which he currently has in the bank and he evidently plans to enlarge it by drawing from the stock held by other groups, dead and alive. He is clearly drawing heavily from the caparisoned cloaks of Lincoln and Roosevelt. Obama seems to believe that by playing the all-inclusive, multipartisan, non-ideological card, he can get most of his programmes through the Congress without having to spend capital by using vetoes, threats of veto, or appeals to his 15 million strong constituency in cyberspace (the latent "Obama Party").

#### PC is finite---fights on one issue make pushing others harder

Hayward 12 John is a writer at Human Events. “DON’T BE GLAD THE BUFFETT RULE IS DEAD, BE ANGRY IT EVER EXISTED,” 4/17, http://www.humanevents.com/2012/04/17/dont-be-glad-the-buffett-rule-is-dead-be-angry-it-ever-existed/

Toomey makes the excellent point that Obama’s class-warfare sideshow act is worse than useless, because it’s wasting America’s valuable time, even as the last fiscal sand runs through our hourglass. Politicians speak of “political capital” in selfish terms, as a pile of chips each party hoards on its side of the poker table, but in truth America has only a finite amount of political capital in total. When time and energy is wasted on pointless distractions, the capital expended---in the form of the public’s attention, and the debates they hold among themselves---cannot easily be regained. ¶ There is an “opportunity cost” associated with the debates we aren’t having, and the valid ideas we’re not considering, when our time is wasted upon nonsense that is useful only to political re-election campaigns. Health care reform is the paramount example of our time, as countless real, workable market-based reforms were obscured by the flaccid bulk of ObamaCare. The Buffett Rule, like all talk of tax increases in the shadow of outrageous government spending, likewise distracts us from the real issues.

### A2 no Obama involve

#### Obama’s previous negotiating tactics ensures deep involvement – his rhetoric about refusing to negotiate is hollow

Huffington Post January 3, 2013 “Fiscal Cliff Deal Fails To Neutralize Debt Ceiling Hostage Takers, So Everything Is Still Terrible” Lexis

Molly Ball has the essential run-down of how the playmakers are all disappointed today[2]. Our own Dave Jamieson has the story of forgotten stakeholders -- minimum-wage workers who were looking forward to a modest hike in take-home pay[3] -- who have had whatever measly uptick in fortune dashed to hell now by the demise of the payroll tax holiday. (That's something that both parties had long agreed to do, so score yet another victory for "bipartisanship" and the terrific benefits it provides to the people of this nation.) But while there's a lot of disappointment to go around this morning, it all pales in comparison to the gigantic calamity that still looms: the future fight over the debt ceiling. It's coming in March, and it will likely be a repeat of the last round, in which Republican legislators weaponized the process and threatened to destroy the global economy. They are planning to do so again: "This is the best that could be done," said Senator Lindsey Graham (R-S.C.), who added[4], "It's not all I would have liked, but it's called American democracy, so on to the debt ceiling." (And Graham is supposed to be a "reasonable" senator whom Democrats can "work with" to pass bipartisan legislation.) The "debt ceiling" is like the "fiscal cliff" in at least one important way -- it's a metaphor that doesn't describe what's actually going on, while being simultaneously easy to deploy as a means to drive panic. The whole concept of "raising the debt ceiling" has come to mean, in the popular consciousness, an act that permits Congress to spend more. People visualize this ritual process as one that creates brand-new space for brand-new spending. That is almost perfectly incorrect: the act of raising the debt ceiling is actually a ritual in which Congress acknowledges the expenses of its collective past actions and reaffirms its promise to make good on its obligations. Imagine, for a moment, that you are in one of those college-style living arrangements in which you and a handful of roommates occupy an apartment, and each of you has agreed in advance to pay a portion of the rent that, in total, keeps you in the clear with your landlord. Every month, you and your flatmates write a check, and you pay the amount stipulated in your lease. Naturally, from time to time, having to pay rent puts a crimp in what you'd like to do, budget-wise, but you are a reasonable person and, like a reasonable person, you recognize that shelter from the elements is essential to your well being. But one day, one of the people with whom you've entered into this arrangement says, "I need to free up money in my budget, so I'm going to be paying $200 less each month." How will you, as a group that's entered into a mutual obligation to pay the landlord, continue to meet it? "Not my problem," says the suddenly intransigent roommate, "You guys can come up with the money out of your budgets, or agree to accommodate my wishes through concessions, like reducing my expenses for me in another way, but I'm holding firm to this position." When you point out the part where the refusal to pay the entire monthly rent could result in everyone "defaulting" on the obligation and being tossed into the street, the lunatic roommate says, "Well, I guess you'd better figure out what to do then, because that sounds bad." That's essentially what happened in the previous debt ceiling fight, but in a concession that has to be made to the werewolves who glommed onto this tactic as a means of extracting concessions, it should be pointed out that President Barack Obama made the mistake of inviting negotiations over the debt ceiling in order to craft a "grand bargain."[5] By doing so, he emboldened the debt ceiling lunatics -- it was the first drop of blood that made them hungry for more. As you might recall, those negotiations did not end in a "grand bargain." Rather, they resulted in a grand disaster: the Budget Control Act, which begat the Super Committee, which begat the sequestration cuts, which begat the fiscal cliff, which begat yesterday's temporary solution to the fiscal cliff, which now spawns the next crisis. And that crisis hilariously combines the next required lift of the debt ceiling with the unresolved sequestration cuts and forces a new deadline for both at the beginning of March. That's right! We combine the cause of all our fiscal problems with the presumed solution to those same problems in a KFC-style Double Down of Fried Fiscal Offal that we have to "avert" in March[6]. And unlike the so-called fiscal cliff, there are actual, immediate consequences that include a possible government shutdown and the default on our sovereign credit. At one point in time, it was rumored that the White House was not going to accept any fiscal cliff deal that did not include the immediate de-weaponization of the debt ceiling -- which was probably the single-most responsible demand the White House could make in the negotiations. But as the path wended its way to the New Year's Day punt, this de-weaponization came off the table as a demand and was replaced with a simple rhetorical insistence from Obama that his days of negotiating over the debt ceiling were over. That would all mean something to somebody somewhere were it not for two factors: 1. As the deadline for raising the debt ceiling coincides with the conclusion to long and complicated negotiations over what will replace the sequestration cuts, it's not plausible to think that someone, at some point, isn't going to use the debt ceiling as leverage to extract concessions on a final spending deal. (And while you can count on the Pentagon being spared its share of pain, you can't guarantee the safety of earned benefit programs like Medicare and Social Security.) 2. No one in America actually believes that a "simple rhetorical insistence from Obama that his days of negotiating over the debt ceiling were over" translates into an iron-clad agreement that he will hold the line, since holding a line in any bargaining session does not seem to be something he's particularly into doing. (Though it should be said: you aren't "caving" if the end result to which you concede is actually the result you secretly wanted. And there's every possibility that Obama, in considering his legacy above any policies that could benefit working- and middle-class Americans, may just pay down those debts and dare the Republicans to stop him.) But in the short term, Obama seems to be counting on the idea that the GOP legislators he'll face in March of 2013 are not really crazy enough to plunge the country into default in exchange for a slightly greater impoverishment of the elderly or a level of discretionary spending that's so low that Obama can't live with it. On one hand, this is maybe not a terrible hand to play. If it were a President Romney being sworn in this January, you could all but guarantee that GOP legislators would not give him even a moment of guff over the debt ceiling -- they'd happily raise it every time Romney asked, without complaint or regard to his spending requests (which, judging by his platform, included substantial new military spending and a tax plan that would've jacked up the deficit). On the other hand, it's a truism in theatre that the weapon that's introduced in Act One must be fired in Act Five, and the debt ceiling has been transformed from a strange little ritual of our American government into such a weapon. Given an opportunity to disassemble it, Obama passed. And so the danger remains. Nevertheless, it's really essential for the media to start doing a better job of getting this story right, and to stop pretending like the side that's considering not raising the debt ceiling is simply presenting a credible argument in a grand debate or expressing an interesting point of view that deserves to be considered alongside everyone else's. Greg Sargent defines the stakes correctly[7]:

#### Debt ceiling will be a fight and Obama will get drawn in – impossible to ignore

**USA Today 1-2** - Susan Davis, David Jackson, Richard Wolf and Susan Page, USA TODAY, (4 lessons for Round 2 of 'fiscal cliff' fight, USA Today, http://www.usatoday.com/story/news/politics/2013/01/02/four-lessons-for-round-two-of-fiscal-cliff-fight/1805547/)

Lesson 1: The danger of ignoring spending cuts

Before the dust settles from the fight over the fiscal cliff, policymakers are positioning for looming battles between Obama and a divided Congress over issues that will affect the bottom line for the nation's economy and American households.

Republicans are relishing a debate over federal spending in the new 113th Congress, particularly for entitlement programs such as Medicare and Social Security. They see three big opportunities as Washington faces deadlines in February on the debt ceiling and in March on spending cuts and government funding.

"We intend to use the debt ceiling debate and the government funding debate as a way to negotiate real spending reductions," vows Rep. Mick Mulvaney of South Carolina, a fiscal conservative elected in the 2010 Tea Party wave. Like many fellow Republicans, he expresses frustration at the GOP's record of cutting spending in the past two years. "Fiscal conservatives — and you can include Tea Party people in that but it's more than just that — we're frustrated that the battle over spending is always going to be next time."

Republicans waged a similar fight in 2011 over the debt ceiling, which rattled financial markets and prompted Standard & Poor's to downgrade the nation's credit rating. It led to the creation of a special congressional panel to come up with a deficit reduction package — it failed — as well as the automatic spending cuts that were part of the fiscal cliff. The new deal defers that so-called budget sequester for two months.

Also ahead: Funding to keep the government running ends March 27.

Obama has declared he won't allow Congress to use the debt ceiling as a lever to win spending concessions, but it's not clear how he can avoid that. McConnell said Wednesday that Republicans are working on a package of spending cuts they want to see enacted, including entitlement reforms, in exchange for voting to raise the nation's borrowing limit.

The potential for the United States to default on its debt is a far more terrifying economic threat than the fiscal cliff posed, Hoagland says. "That's what scares me more than anything else," he says of the global ramifications of a default. "If we lose the ability to be the best place in the world to lend money to, then we really have real problems."

GOP willingness to battle over the debt ceiling again has exacerbated the ideological divide between the two parties. "These artificial crises create uncertainty that's reflected in the economy, and the economy is not growing as fast because of these crises we're manufacturing," says Rep. Jim McGovern, D-Mass. "I feel like this is the 'Twilight Zone' Congress. It just never ends."

## 2nc Case – Manufacturing

### Manufacturing resilient

#### Manufacturing sector is overwhelmingly powerful now – no risk of collapse

Mark Perry (professor of economics at the University of Michigan, Flint, is also a visiting scholar at the American Enterprise Institute) February 25, 2011 “The Truth About U.S. Manufacturing “ http://online.wsj.com/article/SB10001424052748703652104576122353274221570.html.html

Is American manufacturing dead? You might think so reading most of the nation's editorial pages or watching the endless laments in the news that "nothing is made in America anymore," and that our manufacturing jobs have vanished to China, Mexico and South Korea. Yet the empirical evidence tells a different story—of a thriving and growing U.S. manufacturing sector, and a country that remains by far the world's largest manufacturer. This is a particularly sensitive topic in my hometown of Flint, Mich., where auto-plant closings have meant lost jobs and difficult transitions for the displaced. But while it's true that the U.S. has lost more than seven million manufacturing jobs since the late 1970s, our manufacturing output has continued to expand. International data compiled by the United Nations on global output from 1970-2009 show this success story. Excluding recession-related decreases in 2001 and 2008-09, America's manufacturing output has continued to increase since 1970. In every year since 2004, manufacturing output has exceeded $2 trillion (in constant 2005 dollars), twice the output produced in America's factories in the early 1970s. Taken on its own, U.S. manufacturing would rank today as the sixth largest economy in the world, just behind France and ahead of the United Kingdom, Italy and Brazil. In 2009, the most recent full year for which international data are available, our manufacturing output was $2.155 trillion (including mining and utilities). That's more than 45% higher than China's, the country we're supposedly losing ground to. Despite recent gains in China and elsewhere, the U.S. still produced more than 20% of global manufacturing output in 2009. The truth is that America still makes a lot of stuff, and we're making more of it than ever before. We're merely able to do it with a fraction of the workers needed in the past. Consider the incredible, increasing productivity of America's manufacturing workers: The average U.S. factory worker is responsible today for more than $180,000 of annual manufacturing output, triple the $60,000 in 1972. Increases in productivity are a direct result of capital investments in productivity-enhancing technology, such as GM's next generation Ecotec engine. These increases are a direct result of capital investments in productivity-enhancing technology, which last year helped boost output to record levels in industries like computers and semiconductors, medical equipment and supplies, pharmaceuticals and medicine, and oil and natural-gas equipment.

## 1nr T

### Limits

#### 1. Predictable limits—restrictions affs already sidestep core incentive DAs and mechanism-based counterplans with an automatic fed key warrant—the worst possible way to restore balance is assuming any policy discouraging production is a de facto restriction or, conversely, that repealing any policy discouraging production is an incentive. Only defining restrictions as policies that necessarily prevent production gives us a thematically coherent subject with a check on bad faith readings. This is worse with incentives because then it’s contingent on solvency

#### It’s an impossible neg burden

Edwards 80

JUDGES: Before EDWARDS, LEAR and WATKINS, JJ. OPINION BY: EDWARDS

AYOU BOUILLON CORPORATION, ET AL. v. ATLANTIC RICHFIELD COMPANY

No. 13229 Court of Appeal of Louisiana, First Circuit 385 So. 2d 834; 1980 La. App. LEXIS 3972; 67 Oil & Gas Rep. 240 May 5, 1980 PRIOR HISTORY: [\*\*1] ON APPEAL FROM THE 18TH JUDICIAL DISTRICT COURT, PARISH OF IBERVILLE, HONORABLE EDWARD N. ENGOLIO, JUDGE.

Comprehending the applicability and complexity of federal energy regulation necessitates both a stroll down the tortuous legislative path and a review of legal challenges so numerous as to require the establishment of a Temporary Emergency Court of Appeals.

#### Regulations add 5 million research hours

Tugwell 88

The Energy Crisis and the American Political Economy: Politics and Markets in the Management of Natural Resources

Previously, Dr. Tugwell was the executive director of the Heinz Endowments of Pittsburgh, the founder and president of the Environment Enterprises Assistance Fund, and as a senior consultant for International Projects and Programs at PG&E Enterprises. He served as a deputy assistant administrator at USAID (1980-1981) and as a senior analyst for the energy program at the U.S. Office of Technology Assessment (1979-1980). Dr. Tugwell was also a professor at Pomona College and an adjunct distinguished professor at the Heinz School of Carnegie Mellon University. Additionally, he serves on the Advisory Board and International Committee of the American Council on Renewable Energy and on the Joint Board of Councilors of the China-U.S. Center for Sustainable Development. He also serves on the Board of Eucord (European Cooperative for International Development). Dr. Tugwell received a PhD in political science from Columbia University.

Finally, administering energy regulations proved a costly and cumbersome endeavor, exacting a price all citizens had to pay. As the energy specialist Paul MacAvoy has noted: "More than 300,000 firms were required to respond to controls, ranging from the three dozen major refining companies to a quarter of a million retailers of petroleum products. The respondents had to file more than half a million reports each year, which probably took more than five mil- lion man-hours to prepare, at an estimated cost alone of $80 mil- lion."64 To these expenditures must be added the additional costs to the government of collecting and processing these reports, monitor- ing compliance, and managing the complex process associated with setting forth new regulations and adjudicating disputes. All to- gether, it seems likely that the administrative costs, private and public, directly attributable to the regulatory process also exceeded $1 billion a year from 1974 to 1980.^

#### Hold the line on restrictions—no good reason to broaden the term

**Pashman**, justice – New Jersey Supreme Court, 3/25/**’63**

(Morris, “ISIDORE FELDMAN, PLAINTIFF AND THIRD-PARTY PLAINTIFF, v. URBAN COMMERCIAL, INC., AND OTHERS, DEFENDANT,” 78 N.J. Super. 520; 189 A.2d 467; 1963 N.J. Super. LEXIS 479)

HN3A title insurance policy "is subject to the same rules of construction as are other insurance policies." Sandler v. N.J. Realty Title Ins. Co., supra, at [\*\*\*11] p. 479. It is within these rules of construction that this policy must be construed.

Defendant contends that plaintiff's loss was occasioned by restrictions excepted from coverage in Schedule B of the title policy. The question is whether the provision in the deed to Developers that redevelopment had to be completed [\*528] within 32 months is a "restriction." Judge HN4 Kilkenny held that this provision was a "condition" and "more than a mere covenant." 64 N.J. Super., at p. 378. The word "restriction" as used in the title policy cannot be said to be synonymous with a "condition." A "restriction" generally refers to "a limitation of the manner in which one may use his own lands, and may or may not involve a grant." Kutschinski v. Thompson, 101 N.J. Eq. 649, 656 (Ch. 1927). See also Bertrand v. Jones, 58 N.J. Super. 273 (App. Div. 1959), certification denied 31 N.J. 553 (1960); Freedman v. Lieberman, 2 N.J. Super. 537 (Ch. Div. 1949); Riverton Country Club v. Thomas, 141 N.J. Eq. 435 (Ch. 1948), affirmed per curiam, 1 N.J. 508 (1948). It would not be inappropriate to say that the word "restrictions," as used [\*\*\*12] by defendant insurers, is ambiguous. The rules of construction heretofore announced must guide us in an interpretation of this policy. I find that the word "restrictions" in Schedule B of defendant's title policy does not encompass the provision in the deed to Developers which refers to the completion [\*\*472] of redevelopment work within 32 months because (1) the word is used ambiguously and **must be strictly construed** against defendant insurer, and (2) the provision does not refer to the use to which the land may be put. As the court stated in Riverton Country Club v. Thomas, supra, at p. 440, "HN5equity will not aid one man to restrict another in the uses to which he may put his land unless the right to such aid is clear, and that restrictive provisions in a deed are to be construed most strictly against the person or persons seeking to enforce them." (Emphasis added)

#### The distinction is clear

CJ Veeraswami (Former Chief Justice of the Madras High Court, India) 1966 “T.M. Kannappa Mudaliar And Ors. vs The State Of Madras” Majority opinion,

http://www.indiankanoon.org/doc/838831/)

The collection of a toll or a tax for the use of a road or for the use of a bridge or for the use of an aerodrome is no barrier or burden or deterrent to traders, who, in their absence, may have to take a longer or less convenient or more expensive route. Such compensatory taxes are no hindrance to anybody's freedom so long as they remain reasonable; but they could of course, be converted into a hindrance to the freedom of trade. If the authorities concerned really wanted to hamper anybody's trade they could easily raise the amount of tax or toll to an amount which would be prohibitive or deterrent or create other impediments which instead of facilitating trade and commerce would hamper them. It is here that the contrast, between 'freedom' (Article 301) and 'restrictions' (Articles 302 and 304) clearly appears; that which in reality facilitates trade and commerce is not a restriction, and that which in reality hampers or burdens trade and commerce is a restriction. It is the reality or substance of the matter that has to be determined. It is not possible apriori to draw a dividing line between that which would really be a charge for a facility provided and that which would really be a deterrent to a trade, but the distinction, if it has to be drawn is real and clear. For the tax to become a prohibited tax it has to be a direct tax the effect of which is to hinder the movement part of trade. So long as a tax remains compensatory or regulatory it cannot operate as a hindrance. 12. Subba Rao, J. as he then was, concurring with Das, J. took substantially the same view and observed (at page 1430);: The word ' freedom ' is not capable of precise definition, but it can be stated what would infringe or detract from the said freedom. Before a particular law can be said to infringe the said freedom, it must be ascertained whether the impugned provision operates as a restriction impeding the free movement of trade or only as a regulation facilitating the same. Restrictions obstruct the freedom, whereas regulations promote it. Police regulations, though they may superficially appear to restrict the freedom of movement, in fact provide the necessary conditions for the free movement. Regulations such as provision for lighting, speed, good condition of vehicles, timings, rule of the road and similar others, really facilitate the freedom of movement rather than retard it. So too, licensing system with compensatory fees would not be restrictions but regulatory provisions;, for without it, the necessary lines of communication such as roads, waterways and airways, cannot effectively be maintained and the freedom declared may in practice turn out to be an empty one....It is for the Court in a given case to decide whether a provision purporting to regulate trade is in fact a restriction on freedom. The further observations as to what was meant by Restrictions in Article 302 are (at page 1433): But the more difficult question is, what does the word " restrictions " mean in Article 302? The dictionary meaning of the word " restrict" is "to confine, bound, limit." Therefore any limitations placed upon the freedom is a restriction on that freedom. But the limitation must be real, direct and immediate, but not fanciful, indirect or remote....Of all the doctrines evolved in my view, the doctrine of ' direct and immediate effect' on the freedom would be a reasonable solvent to the difficult situation that might arise under our Constitution. If a law, whatever may have been its source, directly and immediately affects the free movement of trade, it would be restriction on the said freedom. But a law which may have only indirect and remote repercussions on the said freedom cannot be considered to be a restriction on it. 13. Subba Rao, J., as he then was summed up his views in the following words (at page 1436): The foregoing discussions may be summarised in the following propositions : (1) Article 301 declares a right of free movement of trade without any obstructions by way of barriers, inter-State or intra-State or other impediments operating as such barriers. (2) The said freedom is not impeded, but on the other hand, promoted by regulations creating conditions for the free movement of trade, such as, police regulations, provision for services, maintenance of roads, provision for aerodromes, wharfs, etc. with or without compensation. (3) Parliament may by law impose restrictions on such freedom in the public interest and the said law can be made by virtue of any entry with respect whereof Parliament has power to make a law. (4) The State also, in exercise of its legislative power, may impose similar restrictions, subject to the two conditions laid down in Article 304 (b) and subject to the Proviso mentioned therein. (5) Neither Parliament nor the State Legislature can make a law giving preference to one State over another or making discrimination between one State and another, by virtue of any entry in the Lists, infringing the said freedom. (6) This ban is lifted in the case of Parliament for the purpose of dealing with situations arising out of scarcity of goods in any part of the territory of India and also in the case of a State under Article 304 (h), subject to the conditions mentioned therein. And (7) the State can impose a non-discriminatory tax on goods imported from other States or the Union territory to which similar goods manufactured or produced in the State are subject. 14. It is thus well established that regulatory provisions which do not directly or immediately impede or burden the free movement of trade, commerce and intercourse but provide or intend to provide facilities for trade, commerce and intercourse are not restrictions within the meaning of Part XIII and are compatible with the freedom of trade declared by Article 301. Atiabari Tea Co., Ltd. v. State of Assam , and Automobile Transport Ltd. v. State of Rajasthan , are both cases of imposition of tax. The first was concerned with the Assam Taxation (on Goods carried by Roads or Inland Waterways) Act, 1954,, which was successfully attacked on the ground that it violated Article 301 and was not saved by Article 304 (b). The Act imposed a tax on specified goods transported by road or inland waterways in the State of Assam. The majority in that case held that the Act put a direct restriction on the freedom of trade and, since in doing so, had not complied with the provisions of Article 304 (b), it must be declared to be void. In the second case the Rajasthan Motor Vehicles Taxation Act, 1951, was impugned as violating Article 301. But the majority did not accept the contention on the view that the Act was merely a regulatory measure imposing compensatory taxes for the use of trading facilities. The scope of Article 301 was again in the light of the earlier decisions referred to in Khyerbari Tea Co. v. State of Assam , where the Assam Taxation (On goods carried by Roads or Inland Waterways) Act as amended after Atiabari Tea Co. Ltd. v. State of Assam , was attacked on various grounds but without success. 15. As already seen, the distinction between a restriction and a regulation is fine but real, though the dividing line is not capable in the nature of things of a comprehensive and satisfactory definition. The test, broadly speaking, is whether the impugned provisions lay a direct and immediate burden on the movement of trade, commerce and intercourse or are intrinsically beneficial to and provide, in the ultimate analysis, facilities for better conduct of trade, commerce and intercourse. Observed Das, J., in Automobile Transport Ltd. v. State of Rajasthan

#### This card is devastating

**Shapiro**, associate – Energy, Environment & Public Utilities Practice Group @ Cozen O'Connor, publisher – Green Building Law Blog, **2011**

(Shari, “Code Green: Is 'Greening' the Building Code the Best Approach to Create a Sustainable Built Environment?” Planning & Environmental Law 63:6, p. 3-12)

The explosion of state and local green building regulations has been extraordinary and has led to interesting regulatory experimentation. Many state and local governments begin by mandating green building practices for public buildings. Some local governments have expanded that mandate to require green building practices for both public and private development, often for new construction over a certain square footage. Others have sought to encourage green building practices through financial incentives. Still others have used non-financial incentives like expedited permitting or increased density to encourage the development of green buildings.

Mandatory green building requirements work very much like traditional "command and control" environmental regulations, the Clean Water Act and the Clean Air Act being preeminent examples. Direct regulation may mandate specific green building practices or the achievement of a green building standard such as the USGBCs Leadership in Energy and Environmental Design (LEED) standard.3 Green building codes such as CALGreen, discussed in detail below, fall into this regulatory category.

Financial incentives have taken the form of direct grants from government entities,4 tax incentives, and rebates.5 Other forms of financial incentives for green buildings are rebates of the typical government-related costs of building, such as application fees.6

Local governments are also experimenting with nonfinancial incentives for green building practices. These incentives are often attractive to municipalities because they do not deplete public finances directly and are therefore easier to get passed in difficult financial times or with teluctant constituencies.7 Examples of nonfinancial incentives include increased floor-to-area ratios for green buildings**8** and expedited permitting processes**.**

**Predictable Research ----narrow topics encourage in-depth research on a singular issue by both sides ---- that kind of research is a core part of any academic or legal career --- it enables case-specific strategies instead of things like process cps**

**Strategy ---- a large topic encourages just cutting a slew of bad new affs ---- undermines sustained aff research or discussion of various parts of the topic and makes being neg impossible ---- also forces neg teams to just read Consult every round instead of real strategies to deal with new affs.**

**No impact to aff innovation or creativity ---- new advantages, internal links, add-ons, and link turns solve**

**Constraints actually** fuel **innovation and creativity**

David Intrator, President of The Creative Organization, October 21, 2010, “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.” As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.” The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not. In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired. But, in fact, creativity is not about divine inspiration or magic. It’s about problem-solving, and by definition a problem is a constraint, a limit, a box. One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities. What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution. This can be quite demanding, both intellectually and emotionally. Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary. More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like. Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered. But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works. That’s the hard part. It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated. It also can be emotionally difficult. You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

### Precision

#### 2. Precision—“restrictions” is a term of art chosen deliberately, that's Heinze. Blurring the line generates legal confusion which creates divergent understandings of core topic controversies—prereq to any of their offense.

#### Restrictions go beyond inducements and disadvantages—formal, legal interpretation is key to avoid effects topicality and mixing burdens

**Groves 97**

Sourcebook on Intellectual Property Law

Dr Peter J Groves, LLB, MA, PhD, MITMA, Solicitor

Then I come to the word 'restrict', A person though not prohibited is restricted from using something if he is permitted to use it to a certain extent or subject to certain conditions but otherwise obliged not to use it, but I do not think that a person is properly said to be restricted from using something by a condition the effect of which is to offer him some inducement not to use it, or in some other way to influence his choice. To my mind, the more natural meaning here is restriction of the licensee's right to use the article and I am fortified in that opinion by two considerations. If I am right in thinking that 'require' and 'prohibit' refer to legal obligations to buy or not to use, I see nothing to suggest that 'restrict' is used in quite a different sense which has nothing to do with legal obligation but which relates to financial disadvantage. And, second, to say that the effect will be to restrict seems to me much more appropriate if restriction refers to restriction of the licensee's right to use than it would be if restriction refers to an inducement not to use. The legality of the condition has to be determined at the time when the licence is granted and if the terms of the conditions are such as to restrict the licensee's right to use an article in certain circumstances then it can properly be said that its effect will be to restrict him from using it. But if, as in the present case, all that can be said is that the effect of the condition in some circumstances will be to offer a financial advantage, which may be considerable or may be small, if the licensee uses the licensor's goods, I do not see how it can be said that its effect will be to restrict the licensee from using other goods. The licensee may be influenced by this financial advantage or he may, perhaps for good reason, choose to disregard it; it is impossible to say in advance what the effect will be.

#### Anell defines ‘restriction on production’—they don’t—key to predictability

**Haneman**, justice – Superior Court of New Jersey, Appellate Division, 12/4/**’59**

(J.A.D., “RUSSELL S. BERTRAND, ET AL., PLAINTIFFS-RESPONDENTS, v. DONALD T. JONES, ET AL., DEFENDANTS-APPELLANTS,” 58 N.J. Super. 273; 156 A.2d 161; 1959 N.J. Super. LEXIS 569)

HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.

HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word **is known from its associates**. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

### 2nc at: reasonability

#### 1. Voting for the better topic is the only standard not manipulated to set the bar just low enough for questionable affs. The existence of any other aff proves they chose this one for strategic gain, not out of necessity.

#### 2. Begs the question—reasonability is a function of everything above, asserting a general standard for “good enough” takes the debate out of the hands of the debaters and crushes predictability.

#### Lit doesn’t check—we hve literature if they broke a CTBT aff but that doesn’st mean it’s a predictable standard to base the topic off of.

#### Precision is vital—turns solvency and research quality

**Resnick 1** [Evan Resnick, Journal of International Affairs, 0022197X, Spring 2001, Vol. 54, Issue 2, “Defining Engagement”]

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

#### Precision outweighs

Gene Whitney (Section Research Manager at the Congressional Research Service), Carl E. Behrens (Specialist in Energy Policy at the CRS) and Carol Glover (Information Research Specialist at the CRS) November 2010 “U.S. Fossil Fuel Resources:

Terminology, Reporting, and Summary” http://epw.senate.gov/public/index.cfm?FuseAction=Files.view&FileStore\_id=04212e22-c1b3-41f2-b0ba-0da5eaead952

Terminology A search for energy statistics in the literature quickly reveals a large number of terms used to describe amounts of fossil fuels. Most of these terms have precise and legitimate definitions, and even a careful comparison of statistics for diverse forms of fossil fuels can become quite difficult to reconcile or understand. Not only do oil, natural gas, and coal occur in many diverse geologic environments, but each commodity may occur in different modes or in different geologic settings that impose vastly different economics on their recovery and delivery to market. A vocabulary of terms has developed over the decades to capture the nature of deposits in terms of their likelihood of being developed and their stage of development.

## 1nr warming

### Warming

#### Can’t compete with fossil fuels

#### a.) Massive Fossil Fuel Subsidies

**Mormann, their author, 11** (Felix, German JD and JSD from University of Passau School of law, as well as an LMM from UC BerkeleySchool of Law and is a research Fellow at Stanford’s Steyer Center for Energy Policy and Finance, writing for Economic Law Quarterly, "Requirements for a Renewables Revolution." 05/02/11. [http://www.boalt.org/elq/documents/elq38\_4\_03\_2012\_0808.pdf)](http://www.boalt.org/elq/documents/elq38_4_03_2012_0808.pdf%29) Jacome

Impediments to the innovative process are not the only obstacles to a timely transition from fossil fuels to renewable sources of energy. Even when the level of innovation is such that renewable energy technologies become mature enough for their large-scale deployment, they have to overcome a number of economic barriers to successfully enter the electricity generation market. Where renewables compete with fossil fuels, they encounter an uneven playing field, tilted in favor of long-established, deeply entrenched incumbents. The latter benefit from a history of fossil fuel subsidies, discussed in Part II.B.1, a lack of product differentiation, discussed in Part II.B.2, and structural peculiarities of the electricity market, discussed in Part II.B.3.

1. A History of Fossil Fuel Subsidies

Across the globe, the generation of electricity from fossil fuels has long received and continues to receive substantial government subsidies, both direct and indirect. In fact, direct financial support for fossil fuels is estimated at $150 billion to $250 billion annually worldwide.79 In addition, producers of electricity from fossil fuels benefit from a multitude of indirect subsidies, ranging from tax privileges over export credit guarantees to government underwriting of power plant accidents.80 Most of all, in the absence of an emissions tax or a cap-and-trade system, energy incumbents are permitted to shift the environmental costs of their activities to society at large.

Subsidies tend to be highest in developing and transition economies to keep domestic electricity rates low for the benefit of low-income households.81 In practice, however, these rates mostly benefit affluent households and industrial electricity consumers, who tend to consume more electricity. Thus, these energy subsidies tend to foster increased energy consumption while delaying investment in energy efficiency and renewable energy technologies.82 They have brought forth economically and politically powerful energy incumbents and given rise to a political culture that assumes fossil fuels to be the basis of the economy.83 The result, in the words of two commentators, is a deeply felt public sense of entitlement “that cheap and readily available energy is part of the American birthright.”84

#### b.) the economics of the grid prevents renewables

**Mormann, their author, 11** (Felix, German JD and JSD from University of Passau School of law, as well as an LMM from UC BerkeleySchool of Law and is a research Fellow at Stanford’s Steyer Center for Energy Policy and Finance, writing for Economic Law Quarterly, "Requirements for a Renewables Revolution." 05/02/11. [http://www.boalt.org/elq/documents/elq38\_4\_03\_2012\_0808.pdf)](http://www.boalt.org/elq/documents/elq38_4_03_2012_0808.pdf%29) Jacome

3. The Electricity Market’s Physical and Virtual Barriers to Entry

Other barriers to the entry of renewables relate to the market structure of the electricity sector. Despite recent efforts to deregulate and liberalize the sector, the regionally or nationally defined power generation markets around the world still tend to be dominated by a limited number of big players, and in some cases by only one formerly government-run utilities company.92 In the absence of special incentives, these incumbents will be reluctant to give up their costly, well-established infrastructure of fossil fuel power plants for an increased share of renewables in their energy portfolio. Producers of electricity from renewable sources who enter the market will likely find themselves in a competition similar to that of David versus Goliath. To make matters worse, they need access to the grid in order to sell their power. Electricity distribution, however, represents a natural monopoly.93 Without a strong regulatory obligation to grant grid access to incoming players, producers of electricity from renewables are therefore left at the mercy of local network operators, who themselves tend to be electricity producers eager to eliminate additional competition.94

Successful grid integration of renewables depends not only on the local provider’s obligation to grant access to its network, but, just as importantly, on how the connection costs are distributed. The electricity market literature distinguishes between three different cost allocation models.95 Under the “deep” connection charging approach, the incoming power producer bears the cost for the transmission lines connecting the new plant to the grid as well as any grid reinforcements the newly added capacity may require. The “shallow” connection charging model requires the new power generator to pay only for the new electricity line to the closest grid connection point, while the grid operator is responsible for any upgrades to the grid infrastructure. At the extreme end of the cost allocation spectrum, the “super-shallow” approach requires the grid operator to pay for the connection to the new power plant and necessary grid reinforcement measures. Figure 1 illustrates these cost allocation models Traditionally, the “deep” connection charging practice has worked well for conventional large-scale plants, such as nuclear or coal-fired facilities.97 In relation to the overall cost of investment and the enormous output capacity of these projects, the financial burden of grid connection and reinforcement tends to be negligible. Furthermore, conventional power plants are far more flexible in their siting than, for instance, hydroelectric, wind or solar power plants that require very specific siting conditions to ensure the availability of the energy resource they aim to harness. As a result, fossil fuel power plant projects can limit the cost of grid access because their choice of location is less resource-dependent, and they can be sited based on existing grid availability, location, and capacity.

While the “deep” connection charging approach may make sense for conventional power plants, it represents a huge barrier to the deployment of plants that rely on renewable sources of energy.98 The generally smaller scale of renewables projects renders the cost of connection a much heavier burden relative to the plant capacity, thereby threatening its profitability. For offshore wind energy projects, for instance, the cost of grid connection can account for more than 25 percent of the overall investment cost.99 Many renewables, such as hydroelectric, wind, or solar power plants have very particular operating conditions that often require siting away from established grid networks. In addition, the intermittency of wind and solar energy is likely to require substantial grid reinforcements to handle the load peaks when these plants are operating at full capacity. Therefore, the cost of connection for many renewables plants is likely to be higher than for conventional plants, even in absolute terms. Successful grid integration of renewables thus requires not only a strong and enforceable right to gain grid access but also a departure from the presently prevailing “deep” connection charging regime.

#### c.) Economics of selling electricity blocks renewables

**Mormann, their author, 11** (Felix, German JD and JSD from University of Passau School of law, as well as an LMM from UC BerkeleySchool of Law and is a research Fellow at Stanford’s Steyer Center for Energy Policy and Finance, writing for Economic Law Quarterly, "Requirements for a Renewables Revolution." 05/02/11. [http://www.boalt.org/elq/documents/elq38\_4\_03\_2012\_0808.pdf)](http://www.boalt.org/elq/documents/elq38_4_03_2012_0808.pdf%29) Jacome

Even where producers of renewable energy gain physical access to the grid and electricity market, they will encounter considerable difficulties selling their electricity in the wholesale electricity market. In order to ensure a stable supply of electricity, power is usually traded in forward markets. In these markets, generators typically offer to supply electricity to the system operator for five-minute intervals on a day-ahead basis.100 The next day, when the relevant five-minute window opens, the generator has to deliver the promised amount of electricity. Otherwise, the generator must compensate the system operator under their imbalance settlement for balancing services the latter uses to cover for the generator’s lack of performance under their contract. The cost of these balancing services varies depending on the time horizon that needs to be balanced—the so-called replacement reserve (called upon hours ahead) is cheapest, with rates going up for the secondary reserve (called upon minutes ahead) and peaking for the primary reserve (called upon seconds ahead).101

Many renewable energy technologies—such as those using solar or wind power to generate electricity—cannot predict their output with sufficient accuracy one day in advance. By the time their predictions become sufficiently accurate, approximately four hours before production, most national and international electricity transmissions have already been traded, and the remaining liquidity in the intra-day market tends to be low.102 By virtue of their intermittency, producers relying on these renewable energy sources are therefore at a considerable disadvantage when exposed to the balancing market and its imbalance settlement mechanisms the same way as their fossil fuel competitors.103 There are good efficiency-related arguments to expose renewables to the electricity market’s forecast and balancing obligations in the long run, especially once the market share of renewables has reached critical mass and they have proven competitive. However, the objective—dictated by the urgency of climate change—to quickly shift from fossil fuels to renewables suggests that, for now, their risks and market responsibility be minimized.104

### Tech Solves 2NC

**Long timeframe means intervening actors and tech solve**

**Michaels 7** – Cato senior fellow (Patrick, 2/2, Live with Climate Change, http://www.cato.org/pub\_display.php?pub\_id=7502)

Consequently, the best policy is to live with some modest climate change now and encourage economic development, which will generate the capital necessary for investment in the more efficient technologies of the future.

Fortunately, we have more time than the alarmists suggest. The warming path of the planet falls at the lowest end of today's U.N. projections. In aggregate, our computer models tell us that once warming is established, it tends to take place at a constant, not an increasing, rate. Reassuringly, the rate has been remarkably constant, at 0.324 degrees F per decade, since warming began around 1975. The notion that we must do "something in 10 years," repeated by a small but vocal band of extremists, enjoys virtually no support in the truly peer reviewed scientific literature.

Rather than burning our capital now for no environmental gain (did someone say "ethanol?"), let's encourage economic development so people can invest and profit in our more efficient future.

People who invested in automobile companies that developed hybrid technology have been rewarded handsomely in the past few years, and there's no reason to think environmental speculators won't be rewarded in the future, too.

### XT – No Impact

**A doubling of CO2 would, worst-case, only cause 2 degrees of warming**

**Nature 12**—quoting a study by Gillett et al. at the Canadian Centre for Climate Modelling and Analysis, Environment Canada, Victoria, British Columbia, Canada (1/26/12, “Climate Change: Warming, but not as much,” RBatra)

The climate system may be less sensitive to greenhouse-gas warming than many models have predicted.

Nathan Gillett and his co-workers at Environment Canada in Victoria, British Columbia, analysed how well the latest Canadian Earth System Model tracked temperature changes attributable to volcanoes, man-made aerosols and rising greenhouse-gas emissions. They adjusted the model using temperature records from 1851 to 2010 — 60 years of data more than most previous analyses. **The model predicted a short-term increase of 1.3–1.8 °C for a doubling of atmospheric carbon dioxide levels, which is low in the range of estimates** from previous forecasts.

#### Solar activity explains the climate

**Carter 11**, Robert, PhD, Adjuct Research Fellow, James Cook University, Craig Idso, PhD, Chairman at the Center for the Study of Carbon Dioxide and Global Change, Fred Singer, PhD, President of the Science and Environmental Policy Project, Susan Crockford, evolutionary biologist with a specialty in skeletal taxonomy , paleozoology and vertebrate evolution, Joseph D’Aleo, 30 years of experience in professional meteorology, former college professor of Meteorology at Lyndon State College, Indur Goklany, independent scholar, author, and co-editor of the Electronic Journal of Sustainable Development, Sherwood Idso, President of the Center for the Study of Carbon Dioxide and Global Change, Research Physicist with the US Department of Agriculture, Adjunct Professor in the Departments of Geology, Botany, and Microbiology at Arizona State University, Bachelor of Physics, Master of Science, and Doctor of Philosophy, all from the University of Minnesota, Madhav Khandekar, former research scientist from Environment Canada and is an expert reviewer for the IPCC 2007 Climate Change Panel, Anthony Lupo, Department Chair and Professor of Atmospheric Science at the University of Missouri, Willie Soon, astrophysicist at the Solar and Stellar Physics Division of the Harvard-Smithsonian Center for Astrophysics, Mitch Taylor (Canada) [“Climate Change Reconsidered 2011 Interim Report,” September, Science and Environmental Policy Project, Center for the Study of Carbon Dioxide and Global Change, Published by The Heartland Institute]

The study of sun-climate connections long has been plagued by the lack of suitably extensive and continuous data for solar activity and climatic variables. Helama et al. (2010), however, overcame some of those difficulties by examining the sun-climate relationship **in unprecedented detail** from the Mid- to Late-Holocene, beginning a new exploration of sun-climate co-variations on bimillennial and millennial timescales. In conducting their study, for example, they produced a well-dated and annually resolved tree-ring proxy temperature reconstruction from 5500 BCE to 2004 CE, which was representative of the high Arctic region of Northern Lapland, Finland, and Norway (68–70°N, 20–30°E), after which they employed the reconstructed sunspot series for the past 11,000 years that was developed by Solanki and colleagues in 2004 as a proxy for their solar activity index. Although Helama et al. were able to confirm relevant temperature oscillations on centennial and bicentennial timescales, they chose to focus their study on bimillennial and millennial timescale variations. Figure 2.3.1 shows the band-pass filtered (900–1100 years) millennial-scale variations of the sunspot number series and reconstructed tree-ring temperature series are very well correlated if one introduces a time lag of about 70 years. The statistical correlations between the two sun-climate variables change with time but become more significant during the last 2,000 years with r = 0.796 and p = 0.0066. In contrast, the authors cannot demonstrate similar positive or significant correlations for the sun-climate variables for bimillennial (band-pass filtering of 1,150 to 3,000 years) scale variations for the last two thousand years (late Holocene), but stronger correlations (with r = 0.877 and p = 0.0121) were shown to exist between sunspot activity and temperatures at high-latitude Lapland for the Mid Holocene interval at the bimillennial timescale (not shown). Helama et al. (2010) suggest the statistical correlations for the sun and temperature series on millennial timescales depicted in the figure above are probably **realistic and physically meaningful**, especially if one takes into account the time lag of 60–80 years. They explain that the probable scenario for explaining this relationship would be that solar activity could have driven the advection of cold surface waters southward and eastward in the subpolar North Atlantic and that cold water perturbation may ultimately influence the production of the North Atlantic deep water down to a depth of 2,000 meters. This chain of processes would probably need to include a time delay for actions within the high Arctic to propagate further south to affect the formation and working of the famous North Atlantic oceanic flywheel known as the North Atlantic Meridional Overturning Circulation. It also should be noted that such physical time delays, although in a shorter time range of five to 30 years, have been pointed out to be necessary for a physical connection between changes in the Sun and climatic conditions around Europe and North and tropical Atlantic regions by Eichler et al. (2010) and Soon (2009). The authors also provide a brief discussion of plausible sun-climate mechanisms through the atmosphere, invoking changing tropospheric-stratospheric temperature gradients. But they ultimately conclude that a pathway and mechanism involving the ocean for both memory and redistribution of heat are probably needed to explain what they observed for bimillennial and millennial temperature variations during the Mid to Late Holocene in the high Arctic. Finally, it is important to note Helama et al.‘s observation that ―the near-centennial delay in climate in responding to sunspots indicates that the Sun‘s influence on climate arising from the current episode of high sunspot numbers [which are the most pronounced of the entire record] may not yet have manifested itself fully in climate trends,‖ and ―if neglected in climate models, this lag could cause an underestimation of twenty-first-century warming trends.‖

# Round 3 – Neg v GW BS

## 1nc

### 1

#### Restrictions must legally mandate less production, not just regulate it

Anell 89

Chairman, WTO panel

"To examine, in the light of the relevant GATT provisions, the matter referred to the

CONTRACTING PARTIES by the United States in document L/6445 and to make such findings as will assist the CONTRACTING PARTIES in making the recommendations or in giving the rulings provided for in Article XXIII:2." 3. On 3 April 1989, the Council was informed that agreement had been reached on the following composition of the Panel (C/164): Composition Chairman: Mr. Lars E.R. Anell Members: Mr. Hugh W. Bartlett Mrs. Carmen Luz Guarda 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>

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.

#### The decreases regulations, not restrictions. Voter for limits because they manipulate the terminology to expand the hardest part of the resolution to debate

Sinha 6

<http://www.indiankanoon.org/doc/437310/>

Supreme Court of India Union Of India & Ors vs M/S. Asian Food Industries on 7 November, 2006 Author: S.B. Sinha Bench: S Sinha, Mark, E Katju CASE NO.: Writ Petition (civil) 4695 of 2006 PETITIONER: Union of India & Ors. RESPONDENT: M/s. Asian Food Industries DATE OF JUDGMENT: 07/11/2006 BENCH: S.B. Sinha & Markandey Katju JUDGMENT: J U D G M E N T [Arising out of S.L.P. (Civil) No. 17008 of 2006] WITH CIVIL APPEAL NO. 4696 OF 2006 [Arising out of S.L.P. (Civil) No. 17558 of 2006] S.B. SINHA, J :

We may, however, notice that this Court in State of U.P. and Others v. M/s. Hindustan Aluminium Corpn. and others [AIR 1979 SC 1459] stated the law thus:

"It appears that a distinction between regulation and restriction or prohibition has always been drawn, ever since Municipal Corporation of the City of Toronto v. Virgo. Regulation promotes the freedom or the facility which is required to be regulated in the interest of all concerned, whereas prohibition obstructs or shuts off, or denies it to those to whom it is applied. The Oxford English Dictionary does not define regulate to include prohibition so that if it had been the intention to prohibit the supply, distribution, consumption or use of energy, the legislature would not have contented itself with the use of the word regulating without using the word prohibiting or some such word, to bring out that effect."

#### Precision—restrictions must be a distinct term for debate to occur

Eric Heinze (Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard) 2003 “The Logic of Liberal Rights A study in the formal analysis of legal discourse” http://mey.homelinux.org/companions/Eric%20Heinze/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20%28839%29/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20-%20Eric%20Heinze.pdf

Variety of ‘restrictions’

The term ‘restriction’, defined so broadly, embraces any number of familiar concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

### 2

#### Passive solar isn’t topical—solar power is distinct from solar energy, which is much broader and explodes limits

**Sklar, ‘7** founder and president of The Stella Group, Ltd., in Washington, DC, is the Chair of the Steering Committee of the Sustainable Energy Coalition and serves on the Boards of Directors of the Sustainable Buildings Industry Council, the Business Council for Sustainable Energy, and the Renewable Energy Policy Project. The Stella Group, Ltd., a strategic marketing and policy firm for clean distributed energy users and companies using renewable energy (Scott Sklar, 23 October 2007, “What’s the Difference Between Solar Energy and Solar Power?” http://www.renewableenergyworld.com/rea/news/article/2007/10/whats-the-difference-between-solar-energy-and-solar-power-50358)//CC

Lee, this is a question I get often, and believe it is worth addressing. Solar "power" usually means converting the sun's rays (photons) to electricity. The solar technologies could be photovoltaics, or the various concentrating thermal technologies: solar troughs, solar dish/engines, and solar power towers. Solar "energy" is a more generic term, meaning any technology that converts the sun's energy into a form of energy—so that includes the aforementioned solar power technologies, but also solar thermal for water heating, space heating and cooling, and industrial process heat. Solar energy includes solar daylighting and even passive solar that uses building orientation, design and materials to heat and cool buildings. Now in the early 1980's, I was Political Director of the Solar Lobby, formed by the big nine national environmental groups, that embraced all solar technologies—which we viewed as wind, hydropower, and biomass, along with the long list of traditional solar conversion technologies. The thesis, which is correct, is that the sun contributes to growing plants, wind regimes, and evaporation and rain (hydropower), so that all the renewables are part of the solar family. Now, of course, most would argue that geothermal, and tidal and wave (effected by the gravitational force of the moon) are not solar, but we included these technologies as well.

#### Limits outweigh—they expand the topic to include any technology tangentially related to solar which inhibits stable topic research and explodes advantage diversity.

#### Also hurts ground—core strategies are predicated on alternative means of generating electricity, including ancillary aspects of solar generation makes it impossible to generate offense.

### 3

#### The United States Supreme Court should rule that compliance orders from federal enforcement agencies regarding restrictions on passive solar construction in federally assisted housing are unconstitutional on grounds of equal protection.

#### This solves and competes – it doesn’t ‘reduce’ a legal restriction – it just makes it unenforceable

William **Treanor** (associate professor of law at Fordham University) **and** Gene **Sperling** (Deputy assistant to the president for economic policy University of Minnesota) **1993** “Prospective overruling and the revival of Unconstitutional statutes” JSTOR

Unlike the Supreme Court, several state courts have explicitly addressed the revival issue. The relevant state court cases have concerned the specific issue of whether a statute that has been held unconstitutional is revived when the invalidating decision is over- turned.42 With one exception, they have concluded that such statutes are immediately enforceable. The most noted instance in which the revival issue was resolved by a court involved the District of Columbia minimum wage statute pro- nounced unconstitutional in Adkins. After the Court reversed Adkins in West Coast Hotel, President Roosevelt asked Attorney General HomerCummings for an opinion on the status of the District of Columbia's statute. The Attorney General responded, The decisions are practically in accord in holding that the courts have no power to repeal or abolish a statute, and that notwithstanding a decision holding it unconstitutional a statute continues to remain on the statute books; and that if a stat- ute be declared unconstitutional and the decision so declaring it be subsequently overruled the statute will then be held valid from the date it became effective.43 Enforcement of the statute followed without congressional action.44 When this enforcement was challenged, the Municipal Court of Appeals for the District of Columbia inJawish v. Morlet 45 held that the decision in West Coast Hotel had had the effect of making the statute enforceable. The court observed that previous opinions addressing the revival issue proceed on the principle that a statute declared unconstitutional is void in the sense that it is inoperative or unenforceable, but not void in the sense that it is repealed or abolished; that so long as the decision stands the statute is dormant but not dead; and that if the decision is reversed the statute is valid from its first effective date.46 The court declared this precedent sound since the cases were "in ac- cord with the principle 'that a decision of a court of appellate jurisdic- tion overruling a former decision is retrospective in its operation, and the effect is not that the former decision is bad law but that it never was the law.' "47 Adkins was thus, and had always been, a nullity. The court acknowledged that, after Adkins, it had been thought that the District of Columbia's minimum wage statute was unconstitutional. As the court put it, "'[J]ust about everybody was fooled.' "48 Nonetheless, the court's view was that since the minimum wage law had always been valid, although for a period judicially unenforceable, there was no need to reenact it.49 Almost all other courts that have addressed the issue of whether a statute that has been found unconstitutional can be revived have reached the same result as theJawish court, using a similar formalisticanalysis.50 The sole decision in which a court adopted the nonrevival position is Jefferson v. Jeferson,51 a poorly reasoned decision of the Louisiana Supreme Court. The plaintiff in Jeferson sought child sup- port and maintenance from her husband. She prevailed at the trial level; he filed his notice of appeal one day after the end of the filing period established by the Louisiana Uniform Rules of the Court of Ap- peals. The Court of Appeals rejected his appeal as untimely, even though the Louisiana Supreme Court had previously found that the ap- plicable section of the Uniform Rules violated the state constitution. One of Ms. Jefferson's arguments before the state Supreme Court was that that court's previous ruling had been erroneous and that the rules should therefore be revived. In rejecting this claim and in finding for the husband, the Court stated: Since we have declared the uniform court rule partially unconstitutional, it appears to be somewhat dubious that we have the right to reconsider this ruling in the instant case as counsel for the respondent judges urges us to do. For a rule of court, like a statute, has the force and effect of law and, when a law is stricken as void, it no longer has existence as law; the law cannot be resurrected thereafter by a judicial de- cree changing the final judgment of unconstitutionality to con- stitutionality as this would constitute a reenactment of the law by the Court-an assumption of legislative power not dele- gated to it by the Constitution.52 The Louisiana Court thus took a mechanical approach to the revival question. According to its rationale, when a statute is found unconstitutional, it is judicially determined never to have existed. Revival there- fore entails judicial legislation and thereby violates constitutionally mandated separation of powers: because the initial legislative passage of the bill has no legitimacy, the bill's force is considered to be purely a creature of judicial decision-making. Jefferson has little analytic appeal. Its view of the separation of pow- ers doctrine is too simplistic. Contrary to the Jeferson rationale, a "re- vived" law is not the pure product of judicial decision-making. It is, instead, a law that once gained the support of a legislature and that has never been legislatively repealed. Its legitimacy rests on its initial legis- lative authorization. Moreover, the view that a statute that has been found unconstitutional should be treated as if it never existed may have had some support in the early case law, but it has been clearly rejected by the Supreme Court. Instead of treating all statutes that it has found unconstitutional as if they had never existed, the Court has recognized a range of circumstances in which people who rely on an overturned decision are protected. Indeed, as will be developed, the doctrine of prospective overruling evolved to shield from harm those who relied on subsequently overruled judicial decisions.53 In short, the one case in which there was a holding that a statute did not revive does not offer a convincing rationale for nonrevival.

**Equal protection ruling solves racism and oppression – exclusive Court ruling reverses signal of a Supreme Court out of touch with equality and sets standards for solving racism**

Miller 6 (Jeremy M. Miller, Professor of Law at Chapman University School of Law. “The Potential for an Equal Protection Revolution”, Lexis)

VI. Conclusion  The purpose of this paper is to provide a guide for the application of the Equal Protection Clause to individual rights issues in the context of criminal procedure. Although Lawrence v. Texas revealed the Due Process Clause's tired impact on such issues, it has consistently functioned as the "norm" for challenging a law or act as a constitutional right violation of a criminal defendant. However, this paper has revealed that it is by no means the only approach. Clearly, equal protection claims have been alleged and are increasingly, though unevenly, accepted by the Supreme Court. In spite of its pitted legacy, this constitutional provision is a crucial tool for advocating and vindicating the rights of the accused and convicted. The advantage of the use of this clause is that a High Court predisposed to originalism, [n342](http://www.lexisnexis.com.proxy.lib.umich.edu/us/lnacademic/frame.do?tokenKey=rsh-20.26441.19863525274&target=results_DocumentContent&reloadEntirePage=true&rand=1246128531039&returnToKey=20_T6857277496&parent=docview" \l "n342) that is, the original intent of the Framers, need not stretch for meaning that all Americans are required to be given the equal protection of our land and our law, priding itself on fairness and liberty. The three-tiered approach of scrutiny simply answers the question by unprincipled construct. The classification will usually determine the result. A mandate of equal protection of the law does not need such an obfuscated and apparently disingenuous mode of analysis. All equal protection questions need "strict scrutiny" (or words/concepts to that effect) analysis. [n343](http://www.lexisnexis.com.proxy.lib.umich.edu/us/lnacademic/frame.do?tokenKey=rsh-20.26441.19863525274&target=results_DocumentContent&reloadEntirePage=true&rand=1246128531039&returnToKey=20_T6857277496&parent=docview" \l "n343) The contradictory, non-use, inconsistent use, and over-ruling of equal protection cases, paradoxically, gives the High Court a near blank, but principled, slate to help solve some of the terribly pressing problems of today. That other courts have often missed the mark with equal protection analysis allows the present Court the freedom it needs, and rightfully has, to be arbiter of the United States Constitution. Two Hundred and Thirty Years ago, our Declaration of Independence averred that all are created equal. [n344](http://www.lexisnexis.com.proxy.lib.umich.edu/us/lnacademic/frame.do?tokenKey=rsh-20.26441.19863525274&target=results_DocumentContent&reloadEntirePage=true&rand=1246128531039&returnToKey=20_T6857277496&parent=docview" \l "n344) As we enter into the Twenty-First Century, our country is terribly and shamefully divided by race, ethnicity, gender, religion, sexual orientation, body type, and other forms of prejudice. We have had one Civil War based on non-equal protection. Not only is such ethically and axiomatically evil; pragmatically, this discrimination threatens to destroy the Republic. In beginning to all live together in peace at home, the Equal Protection Clause is the principled [n345](http://www.lexisnexis.com.proxy.lib.umich.edu/us/lnacademic/frame.do?tokenKey=rsh-20.26441.19863525274&target=results_DocumentContent&reloadEntirePage=true&rand=1246128531039&returnToKey=20_T6857277496&parent=docview" \l "n345) legal tool to begin to eradicate the growing tensions. In using the clause, the transparent outcome-determinative classification standards should be abandoned. Either one who is similarly situated was treated by the government dissimilarly, or not. It amazes this author that a test that classifies and then reaches an answer without mature and honest legal analysis has lasted to this day. The United States of America must begin to set an example to a world which is tragically best characterized as one divided and at war based on race, religion, ethnicity - and a world that is armed to fight these issues. Charity and clarity must begin at home. The mechanism is there. There is a principled tabula rasa waiting to enliven our law.

### 4

#### COUNTERPLAN: The fifty state governments should substantially increase Energy Efficiency Resource Standard programs.

#### Fifty state EERS policy solves efficiency across the board

**Glatt and Schwentker 2010** – \* Technology Delivery Team Member, Office of Industrial Technologies Program, DOE, \*\*Research Associate at BCS Incorporated (July, Sandy and Beth, DOE, “State Energy Efficiency Resource Standards Analysis”, http://www1.eere.energy.gov/manufacturing/states/pdfs/eers\_web\_final.pdf, WEA)

The effect of state energy policies in supporting energy efficiency in the residential, commercial, and industrial sectors is clear—states with strong energy efficiency policies save energy. Utilities’ citing these policies as the primary impetus for offering energy efficiency and other demand-side management programs prove the impact strong policies have. One tool in the energy efficiency policy toolbox, the state-implemented Energy Efficiency Resource Standard (EERS) program, has been instrumental in encouraging energy efficiency across the nation. EERS policies are adopted by state legislatures and implemented and managed by utilities. They require that electric and natural gas utilities offer programs and incentives to encourage their customers to reduce energy use by a specified amount each year, based on a percentage of total energy sales.

EERS policy programs typically start with modest targets that increase over time. Typical savings goals can range from the relatively modest 0.25% savings annually to the more aggressive end of the scale such as 1.25% annually, with the most successful states setting even more ambitious targets. Terms of performance standard goals can vary—some are annual while others are cumulative, but an EERS is a long-term strategy to achieve energy savings and realize the financial and environmental benefits of those savings over time. EERS programs typically offer utilities the flexibility to utilize a market-based trading system to reach their set targets, and they provide support and incentives for utilities to successfully manage their own and their customers’ energy use.

Utilities can work towards these goals by improving their own processes and distribution systems, implementing new efficiency standards in equipment and infrastructure, and encouraging their end-use customers to participate in energy-saving programs. In addition, they can purchase energy credits from over-performing utilities that have exceeded the set goals. 1

EERS is a tested policy measure that has successfully reduced energy use in multiple states. Texas was the first state to adopt an EERS in 1999. As of April 2010, 24 states had some form of EERS in place, with three others strongly considering it. Having a state EERS policy in place ensures uniform energy efficiency goals across the state. It also provides a mechanism to create support programs that lead to reduced energy use. As increasing attention is focused on cutting energy consumption and the accompanying benefits of lower energy costs and less environmental pollution, it behooves states to have the ability to track performance against goals.

If all states were to adopt their own EERS, the United States could significantly lower energy costs, reduce air pollution, mitigate climate change, and improve energy reliability. These policies also lead to job creation as utilities implement new efficiency programs and monitoring systems. Despite these benefits and successes in individual states, no federal EERS mandate or Energy Efficiency Portfolio Standard (EEPS), as they are also known, currently exists.

### 5

#### The 1ac seeks to craft policies for the oppressed from above: this produces political passivity and nihilism resulting in tyranny

**Antonio 1995** [Robert; Professor of Sociology at the University of Kansas; Nietzsche’s Antisociology: Subjectified Culture and the End of History; American Journal of Sociology; Volume 101, No. 1; July 1995]

While modern theorists saw differentiated roles and professions as a matrix of autonomy and reflexivity, Nietzsche held that persons (especially male professionals) in specialized occupations overidentify with their positions and engage in gross fabrications to obtain advancement. They look hesitantly to the opinion of others, asking themselves, "How ought I feel about this?" They are so thoroughly absorbed in simulating effective role players that they have trouble being anything but actors-"The role has actually become the character." This highly subjectified social self or simulator suffers devastating inauthenticity. The powerful authority given the social greatly amplifies Socratic culture's already self-indulgent "inwardness." Integrity, decisiveness, spontaneity, and pleasure are undone by paralyzing overconcern about possible causes, meanings, and consequences of acts and unending internal dialogue about what others might think, expect, say, or do (Nietzsche 1983, pp. 83-86; 1986, pp. 39-40; 1974, pp. 302-4, 316-17). Nervous rotation of socially appropriate "masks" reduces persons to hypostatized "shadows," "abstracts," or simulacra. One adopts "many roles," playing them "badly and superficially" in the fashion of a stiff "puppet play." Nietzsche asked, "Are you genuine? Or only an actor? A representative or that which is represented? . . . [Or] no more than an imitation of an actor?" Simulation is so pervasive that it is hard to tell the copy from the genuine article; social selves "prefer the copies to the originals" (Nietzsche 1983, pp. 84-86; 1986, p. 136; 1974, pp. 232- 33, 259; 1969b, pp. 268, 300, 302; 1968a, pp. 26-27). Their inwardness and aleatory scripts foreclose genuine attachment to others. This type of actor cannot plan for the long term or participate in enduring networks of interdependence; such a person is neither willing nor able to be a "stone" in the societal "edifice" (Nietzsche 1974, pp. 302-4; 1986a, pp. 93-94). Superficiality rules in the arid subjectivized landscape. Neitzsche (1974, p. 259) stated, "One thinks with a watch in one's hand, even as one eats one's midday meal while reading the latest news of the stock market; one lives as if one always 'might miss out on something. ''Rather do anything than nothing': this principle, too, is merely a string to throttle all culture. . . . Living in a constant chase after gain compels people to expend their spirit to the point of exhaustion in continual pretense and overreaching and anticipating others." Pervasive leveling, improvising, and faking foster an inflated sense of ability and an oblivious attitude about the fortuitous circumstances that contribute to role attainment (e.g., class or ethnicity). The most mediocre people believe they can fill any position, even cultural leadership. Nietzsche respected the self-mastery of genuine ascetic priests, like Socrates, and praised their ability to redirect ressentiment creatively and to render the "sick" harmless. But he deeply feared the new simulated versions. Lacking the "born physician's" capacities, these impostors amplify the worst inclinations of the herd; they are "violent, envious, exploitative, scheming, fawning, cringing, arrogant, all according to circumstances. " Social selves are fodder for the "great man of the masses." Nietzsche held that "the less one knows how to command, the more urgently one covets someone who commands, who commands severely- a god, prince, class, physician, father confessor, dogma, or party conscience. The deadly combination of desperate conforming and overreaching and untrammeled ressentiment paves the way for a new type of tyrant (Nietzsche 1986, pp. 137, 168; 1974, pp. 117-18, 213, 288-89, 303-4).

#### And, it makes good policy less likely to happen, which applies to the plan if they win it’s a good idea

**Kappeler** – associate professor at al-akhawayn university – **1995** [susanne, the will to violence: the politics of personal behavior, pg. 10-11]

Yet our insight that indeed we are not responsible for the decisions of a Serbian general or a Croatian president tends to mislead us into thinking that therefore we have no responsibiiitv at all, not evenfor forming our own judgment, and thus into underrating the responsibility we do have within our own sphere of action. In particular, it seems to absolve us from having to try to see any relation between our own actions and those events, or to recognize the connections between those political decisions and our own personal decisions. It not only shows that we participate in what Beck calls 'organized irresponsibility', upholding the apparent lack of connection between bureaucratically, institutionally, nationally, and also individually organized separate competences. It also proves the phenomenal and unquestioned alliance of our personal thinking with the thinking of the major power mongers, Forxtend to think that we cannot 'do' anvthing. say, about a war, because we deem ourselves to be in the wrong situation because we are not where the maior decisions are made. Which is why many of those not yet entirely disillusioned with politics tend to engage in a form of mental deputy politics, in the style of ‘What would I do if I were the general, the prime minister, the president, the foreign minister or the minister of defence?’ Since we seem to regard their mega spheres of action as the only worthwhile and truly effective ones, and since our political analyses tend to dwell there first of all, any question of what I would do if I were indeed myself tends to peter out in the comparative insignificance of having what is perceived as ‘virtually no possibilities’: what I could do seems petty and futile. For my own action I obviously desire the range of action of a general, a prime minister, or a General Secretary of the UN — finding expression in ever more prevalent formulations like ‘I want to stop this war’, ‘I want military intervention’, ‘I want to stop this backlash’, or ‘I want a moral revolution.’7 ‘We are this war’, however, even if we do not command the troops or participate in so—called peace talks, namely as Drakuli~ says, in our non-comprehension’: our willed refusal to feel responsible for our own thinking and for working out our own understanding, preferring innocently to drift along the ideological current of prefabricated arguments or less than innocently taking advantage of the advantages these offer. And we ‘are’ the war in our ‘unconscious cruelty towards you’, our tolerance of the ‘fact that you have a yellow form for refugees and I don’t’ — our readiness, in other words, to build identities, one for ourselves and one for refugees, one of our own and one for the ‘others’. We share in the responsibility for this war and its violence in the way we let them grow inside us, that is, in the way we shape ‘our feelings, our relationships, our values’ according to the structures and the values of war and violence.

#### That’s crucial to political relevance and action – also no offense because the benefits of policymaking they create are worthless – this is a gateway issue—if they win political simulation is good, the rest of the 1NC applies—we won’t cross-apply to prove links

**Carpentier 2011** (Nico, asst prof comm @  Vrije Universiteit Brussel “Policy’s Hubris: Power, Fantasy, and the Limits of (Global) Media Policy Interventions” The Handbook of Global Media and Communication Policy, First Edition.)

This discussion on the nature of policy brings us to an encounter with a set of key assumptions which will be theorized here as fantasies, using a Lacanian framework.4 The reason for using this framework is that there are implicit claims embedded within policy debates that are partially (discursive) power strategies but, partially also, fantasies about control and harmony. And within a Lacanian framework, fantasy beholds the promise of the unachievable wholeness and the harmonious resolution of social antagonism. Although this access to the Real is impossible, the fantasy, as such, and the desire for wholeness and harmony that lies behind it remain crucial driving forces and feed into the strategies that the diversity of (policy) actors develop. This also implies that these fantasies become part of our social realities in many different ways, for instance, as utopian driving forces for political activity and as discursive strategies for legitimating policies. A first fantasy has already been mentioned in the discussion about the classic perspective on policy. In the introductory part of his discussion of media policy, which carries the title “Is policy political?,” Freedman (2008: 2) refers to the mechanical perspective of policy-making, which marginalizes “political agency in favour of administrative technique and scientific principles” and becomes “the domain of small thoughts, bureaucratic tidiness and administrative effectiveness.” This fantasy of isolating policy from politics (and from the political) is a protective strategy to generate a harmonious and consensual zone within the social, out side political conflicts and antagonisms, which is believed to be governed by bureaucratic principles and/or legalistic mechanisms. This way of thinking is very much related to the ideology of “endism,” which proclaimed the end of ideology and claimed that this would lead to the replacement of politics by a managerial culture (see, for instance, Burnham (1941) and Bell (1960) ). More contemporary critical frameworks refer to (and critique) the post-political and the post-democratic, where the latter is defined by Rancière (2007: 88) as “the rule of the principle of unification of the multitude under the common law of the One.” Not only does this lead to the conflation of the “pays légal” and the “pays reél” (to use the two marvellous French concepts that allow us to distinguish between legislation and social practice), but it also becomes a form of strategic power that allows for the mobilization of actors (and their minds and bodies), discourses, and objects to legitimize the hegemonization of specific political projects by reverting to the claim that these projects are outside the political. However important this fantasy may be, it is structurally frustrated by the permanent reemergence of antagonisms and conflicts. This brings us to Mouffe’s (2005: 9) argument that the political is structurally defined by “power, conflict and antagonism.” Her work challenges the post-political status quo, which assumes that a societal consensus is reached or reachable. Not surprisingly, the last sentence of her 2005 book On the Political is a plea for “abandoning the dream of a reconciled world that would have overcome power, sovereignty and hegemony” (Mouffe 2005: 130; my emphasis). Through the contingency of the social, any hegemony and social imaginary, however phantasmagorically comforting it may be, remains vulnerable to contestation, and even the most sedimented and takenfor-granted certainties can become unfixed and fluid, as they are permanently vulnerable to rearticulation. In Mouffe’s (2005: 18) words: “What is at a given moment considered as the ‘natural’ order – jointly with the ‘common sense’ which accompanies it – is the result of sedimented practices; it is never the manifestation of a deeper objectivity exterior to the practices that bring it into being.”

### 6

#### Obama PC is key to convincing the GOP to compromise on the debt ceiling and sequestration now – failure causes global economic collapse

Michael Shear and Jonathan Weisman (writers for the International Herald Tribune) January 3, 2013 “Republicans ready for another battle; Beaten on tax increase, they're spoiling to take on U.S. borrowing limit” Lexis

President Barack Obama's eyes narrowed late Tuesday, just hours after a divided House of Representatives passed legislation to avert big income tax increases on most Americans and prevent major spending cuts, as he looked sternly into the cameras and fired a warning shot in Republicans' direction. After the bruising year-end go-around with congressional Republicans on taxes and spending, he said he had no intention of getting pulled into a new negotiation, this one over raising the nation's borrowing limit or facing a default on government debt. ''I will not have another debate with this Congress over whether or not they should pay the bills that they've already racked up through the laws that they passed,'' the president said, pausing to repeat himself. ''We can't not pay bills that we've already incurred.'' But it is not clear exactly how Mr. Obama can avoid it. Following the president's fiscal victory - which will raise tax rates for the wealthy but do little to rein in spending - Republicans in Congress are betting that their refusal to raise the $16.4 trillion debt ceiling will force Mr. Obama to the bargaining table on spending cuts and issues like reform of Medicare and Social Security. Doing so would inevitably reprise the clash over the debt ceiling in the summer of 2011, when the government came close to defaulting before lawmakers and the president agreed to a $1.2 trillion package of spending cuts in exchange for Republican agreement to raise the debt ceiling by about the same amount. That is exactly what Republicans want. The party's caucus in the House will discuss a debt ceiling strategy at a retreat this month in Williamsburg, Virginia, a top Republican aide said. Party members are determined to insist again on spending cuts that equal the increase in the amount the country is authorized to borrow, the aide said. ''The speaker told the president to his face that everything you want in life comes with a price - that doesn't change here,'' the aide said, referring to John A. Boehner, speaker of the House, which is controlled by the Republicans. ''I don't think he has any choice.'' That strategy could risk a new round of criticism aimed at Republicans from a public fed up by Washington brinksmanship. The 2011 fight ended with a last-minute deal, but led to a downgrade in the rating of the United States' debt and a slump in the economic recovery. But Brendan Buck, a spokesman for Mr. Boehner, said Republicans had made it clear what they wanted in exchange for a willingness to allow borrowing to increase. ''If they want to get the debt limit raised, they are going to have to engage and accept that reality,'' Mr. Buck said. ''The president knows that.'' Mr. Obama also knows that the Republicans he is dealing with are not the Republicans of years past; battle lines and basic demands have shifted, complicating political calculations on both sides. Just a few years ago, the new tax deal would have been a Republican fiscal fantasy, a sweeping bill that locks in virtually all of the Bush-era tax cuts, exempts almost all estates from taxation, and enshrines the former president's credo that dividends and capital gains should be taxed equally and gently. But times have changed. Before the bill's final passage on Tuesday, House Republican leaders struggled all day to quell a revolt among caucus members who threatened to blow up a hard-fought compromise that they could easily have framed as a victory. Many House Republicans seemed almost determined to put themselves in a position to be blamed for sending the economy into a tailspin under the weight of automatic tax increases and spending cuts. The latest internal party struggle on Capitol Hill surprised even Senate Republicans, who had voted overwhelmingly for a deal largely hashed out by their leader, Mitch McConnell of Kentucky, along with Vice President Joseph R. Biden Jr.; only 5 of the chamber's 47 Republicans voted no. Yet 21 hours later, the same measure was opposed by 151 of the 236 Republicans voting in the House. It was further proof that House Republicans are a new breed, less enamored of tax cuts per se than they are driven to shrink government through steep spending cuts. Protecting nearly 99 percent of the nation's households from an income tax increase, as the bill will do, was not enough if taxes rose on some and government spending was untouched. The Republicans' intense focus on cutting spending is not news to the White House; it has been on notice for months that Republicans view the debt ceiling as leverage in the next budget fight. Now, the question is what Mr. Obama and his advisers can do to avoid that fight. Mr. Obama will have to make sure that lawmakers in his own party hold firm. While the president no longer has to worry about another election, Democratic lawmakers in the House and Senate do, and they may be more willing to negotiate in order to avoid a potential government default. The White House might also turn to business executives for help. Many top executives fear that a debt ceiling crisis could wallop the U.S. economy just as it is beginning to grow again - and just as the new fiscal deal brings some of the tax certainty that the financial community has long demanded. Those executives might try to pressure Republican lawmakers not to use the country's credit as a negotiating tool. Mr. Obama might also take to the road again, using the power of his office to secure public backing for his argument that another debt-ceiling fight could bring economic crisis. Public surveys after the last debt ceiling fight suggested that people largely blamed Republicans for the threat of a default. The president and his aides have signaled that they will try to explain to the public that the increase in the borrowing limit is needed to cover debts that the government has incurred. Mr. Obama offered a dire warning in his statement on Tuesday of what would happen if the country did not meet its obligations. ''If Congress refuses to give the United States government the ability to pay these bills on time,'' he said, ''the consequences for the entire global economy would be catastrophic - far worse than the impact of a fiscal cliff.'' The fiscal bill not only worked up the dander of many Republicans; it gave some Democrats pause, since it would make permanent virtually all of the Bush tax cuts. That is a goal that President George W. Bush spent years chasing, and the achievement of which Ari Fleischer, a Bush press secretary, called ''fantastic'' even while bemoaning the failure to bring down spending levels. It would make permanent five of the six income tax rates created in 2001 by the first Bush tax cut. It would codify Mr. Bush's successful push, in 2003, to make tax rates on dividends and capital gains equal so that one form of investment income is not favored over the other. Democrats say they had little choice. The Bush White House and Republican Congresses structured the tax cuts so that letting them expire would be politically difficult. Add the across-the-board spending cuts if Congress did nothing, and Mr. Obama felt he had to extend most of the tax cuts or watch the economy sink back into recession. ''New occasions make for new truths,'' said Representative Danny K. Davis, an Illinois Democrat and a veteran of the partisan wars over the Bush tax cuts. ''New situations make ancient remedies uncouth.'' Most galling for Republicans are provisions projected to add $330 billion in spending over 10 years, including $30 billion in unemployment compensation and $21 billion in payments to Medicare health providers. None of those provisions are objectionable on its own, but collectively they proved almost impossible for Republicans to accept. In the coming days and weeks, Mr. Obama is likely to try to focus negotiations on another looming issue: how to avoid deep, across-the-board cuts to military and domestic programs. The deal passed on Tuesday postpones those cuts for two months, but Mr. Obama and lawmakers in both parties are eager to avoid them, with Republicans focused more on military cuts and Democrats on domestic programs. Instead, the president wants a debate over spending cuts and tax changes that would remove loopholes and deductions for wealthy Americans. That fight is coming. The question is whether the president can avoid conducting it in the middle of a nasty, drawn-out debate over the debt limit.

#### Plan costs political capital and will be attributed to Obama

Restuccia 3/21/12 (Andrew Restuccia Reporter at Politico, “Obama: 'We will not walk away' from clean-energy agenda,” <http://thehill.com/blogs/e2-wire/e2-wire/217393-obama-we-will-not-walk-away-from-clean-energy>)

“You’d think that everybody would be supportive of solar power,” Obama said during a speech at a solar plant in Boulder City, Nev. “That’s what you’d think. And yet, if some politicians had their way, there won’t be any more public investment in renewable energy.” Obama’s speech, part of a four-state energy tour, signals that the White House continues to believe that investing in clean energy is a winning political issue, despite the GOP’s attacks on Solyndra, the now-defunct California solar panel maker that received a $535 million Obama administration loan guarantee in 2009. “As long as I’m president, we will not walk away from the promise of clean energy,” Obama said. The president spoke Wednesday afternoon at the Copper Mountain Solar 1 Facility, which the White House said was the largest photovoltaic solar power plant in the country. While Obama didn’t mention Solyndra in the speech, he acknowledged that some investments “won’t pan out.” But he stressed that long-term investment in the renewable energy industry will boost the economy and create thousands of jobs. “When it comes to new technologies, the pay-offs aren’t always going to start right away,” Obama said. “Sometimes you need a jumpstart to make it happen.” The president sought to portray Republicans as out of touch and clinging to old notions. “If these guys were around when Columbus set sail, they’d be charter members of the Flat Earth Society,” Obama said, reprising a line from an earlier speech. “One member of Congress who shall remain unnamed called these jobs ‘phony,’ ” he said. Obama praised Tuesday’s decision by the Commerce Department to impose modest tariffs on imports of Chinese solar panels into the United States. “China wasn’t playing fair when it comes to solar power,” he said. “When the playing field is level, then American workers and American businesses always win. That’s why we’ve got to make sure that our laws are properly enforced.” Republicans have been working for months to punish Obama politically for the administration’s clean-energy investments, focusing in on the Solyndra failure. The GOP alleges that officials missed red flags that hinted at the Solyndra’s financial problems and that the administration approved the loan to please Obama’s campaign donors.

#### Without crowding out issues like the plan – Obama wont have the negotiating position to shift their views

Richard McGregor (writer for the Financial Times) January 2, 2013 “Fiscal fights threaten US policy goals” <http://www.ft.com/cms/s/0/8f8ef804-5501-11e2-a628-00144feab49a.html?ftcamp=published_links%2Frss%2Fworld%2Ffeed%2F%2Fproduct#axzz2GtNWiw3I>

In the short term, fiscal fights will dominate politics for months to come and threaten to crowd out serious consideration of other issues, with a large potential downside for the economy in 2013. The fiscal cliff compromise alone will act as a drag on the economy, largely because of the end of the payroll tax holiday, which had added substantially to middle-class incomes, economists said. “The economy needs a stimulus, but under the agreement, taxes will go up in 2013 relative to 2012,” said William Gale of the Tax Policy Center in Washington in a blog post. “For most households, the payroll tax takes a far bigger bite than the income tax does, and the payroll tax cut therefore was a more effective stimulus than income tax cuts were.” The forthcoming confrontations will probably have a similar impact, as Republicans feel they enter talks over raising the debt ceiling in the coming weeks playing a far stronger hand than they had in the fiscal cliff. Under the fiscal cliff, taxes were going up no matter what Republicans did. The debt ceiling, however, cannot be lifted unless they vote for it. Barack Obama’s new cabinet will form the backbone of his administration, setting the tone for his second term in the White House Dave Camp, who chairs the congressional committee overseeing tax policy, said that House Republicans had not settled on a strategy for the debt ceiling but the central aim was to leverage it to cut spending further. “Before we raise the debt limit we have to reduce spending,” Mr Camp said. Many Republicans are less diplomatic in private and see the debt ceiling fight as a chance to get revenge both on the White House and the dealmakers within their own party for being forced into accepting a tax increase this week. Of all the issues crowding Mr Obama’s agenda, immigration has the best hope of passing in some form, as the disastrous vote recorded by Republicans among minorities in 2012 gives them a huge incentive to address the issue. But on everything else, with the Republicans remaining in control of the House, Mr Obama needs all the skills of cajoling, seducing and manipulating Congress that he has so far shown no signs of developing. “I find it remarkable that the president apparently continues to believe that he will not have to deal with people that he does not agree with,” said Mr Galston. “A president who is not disdainful of the art of legislating can get things done.” Forging a consensus on issues such as gun control and climate change, if the White House does take them on, will require Mr Obama to do more than just persuade some Republicans to support him. Many Democrats are wary of such reforms or oppose them outright, and a second-term president with declining political capital will face an uphill battle to shift their views.

#### Economic collapse causes global nuclear war

Friedberg and Schoenfeld, 2008[Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>]

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

#### Independently, Sequestration destroys US global military power---triggers multiple scenarios for nuclear war

Hunter 9/30 Duncan is a U.S. Representative from Alaska. “SEQUESTRATION SENDS WRONG MESSAGE TO U.S. FRIENDS AND FOES ALIKE,” 2012, http://www.utsandiego.com/news/2012/sep/30/tp-sequestration-sends-wrong-message-to-us/?page=1#article

Over the next 10 years, because of sequestration, the Pentagon will be forced to absorb $500 billion in budget cuts that will strike at the heart of America’s military. Making this even more dangerous is the fact that the legislation triggering sequestration, the Budget Control Act, also imposed an additional $450 billion in defense budget cuts for a total of nearly $1 trillion of reductions over the next decade. The next 10 years are sure to be no different from the last. In the Middle East, Iran is desperately searching to fill a regional power vacuum and enhance its weapons program**,** while threatening to close the Strait of Hormuz and targeting Israel with unapologetic provocation. Meanwhile, the United States still has an obligation to Iraq. There is a necessity for diplomatic support and engagement, even though the ground combat mission is over. Africa is also experiencing power struggles of its own. The situations in Libya and Egypt are evolving, while Yemen and Somalia are acting as staging grounds for al-Qaeda. There is also the threat of Somali pirates in international waters. Multiple high-profile hostage situations and combat rescues show just how serious of a threat that rogue bands of pirates are to naval and commercial shipping lanes. There is also the threat of North Korea with its aggressive pursuit of advanced aerial weaponry, Russia with its focus on arms modernization, and China with its large-scale and rapid military buildup. China’s display of hostility toward Taiwan — a friend and ally of the United States — also shows no sign of diminishing. With all of this, more than 70,000 American troops are in Afghanistan, facing down a dangerous enemy. For the United States and other nations, interest in Afghanistan and the region will continue long after the last of the coalition ground forces leave and the next phase of the mission begins. Ignoring America’s obligation as a world leader and the patchwork of threats that exist today won’t eliminate the risk posed by an Iran that one day acquires nuclear weapons or a North Korea that eventually acquires effective strike capability. More likely, these and other threats will develop more quickly and efficiently, putting the global interests of the U.S. directly in the cross hairs. Through a robust national defense, the United States has always sent a clear message around the world that American intentions are good and we stand by our allies. The strength of the U.S. military has dissuaded conflict and suggested to adversaries that challenging freedom is a losing proposition. It was this deterrent, in fact, that won the Cold War and turned the U.S. military into the world’s most effective fighting force. Sequestration would change all of this, for the worse.In the words of Defense Secretary Leon Panetta, sequestration is a “nutty formula, and it’s goofy to begin with, and it’s not something, frankly, that anybody responsible ought to put into effect.” He also said sequestration is the equivalent of “shooting ourselves in the head.” Tough words, but Secretary Panetta is right. Sequestration would produce the smallest ground force since 1940, the smallest Navy since 1915 and the smallest tactical fighter force in Air Force history. Ironically, the president’s defense policy shift to the Pacific increases reliance on the Navy, but with the smallest fleet in nearly a century, controlling the oceans and projecting force will become an even more difficult and selective process, requiring prioritization that would create vulnerabilities elsewhere. Resetting America’s armed forces after a decade-plus of combat action is another necessity that cannot be overlooked. There is also a guarantee of pink slips throughout the uniformed services and every industry that directly supports the U.S. military. In San Diego, the military sustains hundreds of thousands of jobs, and billions of dollars in economic productivity. San Diego — even for all of its strategic value — is not immune to job loss and other economic impacts accompanying deep budget cuts. Sequestration is a term Americans should get to know and understand, because it will have real and lasting consequences if left unchecked. The upside is that the risks and dangers can be avoided as long as Congress and the president act in the coming months. The clock is ticking to stave off sequestration — a move that would signal to our friends and enemies alike that we uphold our promises and stand ready to defend our interests against any threat.

### Case

#### They don’t solve—non-federal regulations and investor uncertainty

**Walsh 11**

Bryan, Energy: The Obstacles to Scaling Up Solar Power, senior writer for TIME and TIME.com, focuses on environmental issues, general interest and national stories

<http://science.time.com/2011/01/31/energy-the-obstacles-to-scaling-up-solar-power/>

President Obama laid down a bold challenge to America in his State of the Union speech last week: get to 80% clean energy by 2035. Clean energy is a deliberately vague goal, since it will likely include nuclear, natural gas and (not really existing) clean coal in the mix. But traditional renewable energy like wind and solar will need to be a big part of the American clean energy transition Obama is planning. In a speech at NDN today (which used to stand for New Democrat Network but now stands for…nothing, as far as I can tell), Democratic Senator Jeff Bingaman of New Mexico reiterated his support for Obama’s energy goals, and raised hopes that a bill with a clean energy standard might be resurrected in this Congress. (Bingaman last year pushed a bill focused on a national renewable energy standard, but with much of the legislative focus placed on a carbon cap bill, Bingaman’s work never earned much momentum.) But he warned that it won’t be easy. “Perhaps no topic garnered more scrutiny during the 2009 markup in our committee than the renewable electricity standard,” he said. But there’s a lot more holding back renewable power in the U.S. than gridlock in Congress. One of the biggest obstacles to scaling up solar power in particular is regulation—not just from the federal government, but at the state, city and even community level. Rules on installing solar systems differ from town to town, and the work of researching and filling out permits adds to the cost of solar power across the country. According to a study by the solar installer SunRun, struggles over permits adds an average of $2,500 to the costs of each solar installation—while an effort to streamline regulations could provide a $1 billion stimulus to the residential and commercial solar markets over the next five years. “The costs to the solar market are really staggering,” says Ed Fenster, CEO of SunRun. SunRun compared U.S. regulations to those in more friendly markets for solar, like Germany and Japan. They found that Germany—which has more streamlined regulations for solar installation, as well as more generous government subsidies—keeps solar installation costs 40% lower than those in the U.S. Not coincidentally, one million new homes have gone solar in Germany over the past two years, while only about 80,000 homes in total have solar in the U.S. “Regulation is a major issue that’s holding us back,” says Lyndon Rive, the CEO of SolarCity, a major California-based solar installer. SolarCity’s experience is constructive. The company—which coves solar installation from design to financing to monitoring—has grown at a healthy clip, employing over 1,000 people and expanding from its base in California to Maryland and Washington, DC. But Rive says that the variety of regulations for solar installation are a major bottleneck on growth. It takes SolarCity a few days at most to actually install a solar system, but it often takes two to three months, if not longer, to get the permits and other preparations ready. If you’re trying to make solar a significant part of the American energy supply—currently it makes up far less than 1% of total U.S. power—red tape isn’t helping. “The wait incurred is annoying and it adds to costs overall,” says Rive. SunRun has shared the report with the Department of Energy and the White House, and the company is urging the federal government to create incentives that would push towns and cities to adopt common codes and fees for solar installation—something countries like Germany and Japan already do. The report argues that such permit standardization could make solar cost competitive for half the homes in the nation within two years. “At some level this is all about local and state governments, but the federal government can nudge things,” says Fenster. “This could drive an economy of scale.” Still, good intentions on the national level don’t always translate to the community, where parochial concerns sometimes win out. (Witness the fight over smart meters in California, which some libertarians on the right and some ultra-greens on the left have opposed over liberty and health fears.) And as important as smoother regulations are, a broad national energy policy is needed to really jump-start solar and other renewables—but climate still remains a divisive political subject. (Just look at Republican Senator John Barrasso’s new bill, which would block greenhouse gas regulations under the Clean Air Act, the Clean Water Act, the National Environmental Policy Act and the Endangered Species Act.) The least we can do now is pull the red tape off our solar panels.

#### AFF doesn’t change broader structures – doesn’t do anything for homeless people, not living in those housing – proves voting aff doesn’t uniquely solve - also plan doesn’t change power relations in broader technocracy

#### The only coherent rubric is to maximize number of lives saved

**Greene 2010** – Associate Professor of the Social Sciences Department of Psychology Harvard University (Joshua, Moral Psychology: Historical and Contemporary Readings, “The Secret Joke of Kant’s Soul”, [www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf](http://www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf), WEA)

What turn-of-the-millennium science is telling us is that human moral judgment is not a pristine rational enterprise, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is anyrationallycoherentnormativemoral theory that can accommodateourmoral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization.

It seems then, that we have somehow crossed the infamous "is"-"ought" divide.  How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977).

Missing the Deontological Point  
I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstoodwhatKant and like-minded deontologistsare all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b).This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are notdistinctivelydeontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view.  
In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people asmereobjects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-beingin the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be.  
What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will getcharacteristically deontological answers. Some will betautological: "Because it's murder!"Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about thembecause they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question.

#### Even if our impacts are extremely unlikely they still outweigh—it’s more devastating than repetitive systemic harm

**Sunstein 2007** – Felix Frankfurter Professor of Law at Harvard Law School, clerked for Justice Marshall in the Supreme Court (Cass, Harvard University Press, “Worst-case scenarios”, pages 138-9)

A Catastrophic Harm Precautionary Principle, of the modest kind just sketched, raises several questions. The most obvious is whether a low-probability risk of catastrophe might not deserve more attention than higher-probability risks, even when the expected value appears to be equal. The reason is that the loss of 200 million people may be more than 1,000 times worse than the loss of 2,000 people. Pause over the real-world meaning of a loss of 200 million people in the United States. The nation would find it extremely hard to recover. Private and public institutions would be damaged for a long time, perhaps forever. **What kind of government would emerge? What would its economy look like? Future generations would inevitably suffer.** The effect of a catastrophe greatly outruns a simple multiplication of a certain number of lives lost. The overall "cost" of losing two-thirds of the American population is far more than 100,000 times the cost of losing 2,000 people.

The same point holds when the numbers are smaller. Following the collapse of a dam that left 120 people dead and 4,000 homeless in Buffalo Creek, Virginia, psychiatric researchers continued to find significant psychological and sociological changes two years after the disaster occurred. Survivors still suffered a loss of direction and energy, along with other disabling character changes.41 One evaluator attributed this "Buffalo Creek Syndrome" specifically to "the loss of traditional bonds of kinship and neighborliness."42

Genuine catastrophes, involving tens of thousands or millions of deaths, would magnify that loss to an unimaginable degree. A detailed literature on the "social amplification of risk" explores the secondary social losses that greatly outrun the initial effects of given events.43 The harm done by the attacks of 9/11, for instance, far exceeded the deaths on that day, horrendous as those were. One telling example: Many people switched, in the aftermath of the attack, to driving long distances rather than flying, and the switch produced almost as many highway deaths as the attacks themselves, simply because driving is more dangerous than flying.44 The attacks had huge effects on other behaviors of individuals, businesses, and governments, resulting in costs of hundreds of billions of dollars, along with continuing fear, anxiety, and many thousands of additional deaths from the Afghanistan and Iraq wars.

We might therefore identify a second version of the Catastrophic Harm Precautionary Principle, also attuned to expected value but emphasizing some features of catastrophic risk that might otherwise be neglected**: Regulators should consider the expected value of catastrophic risks, even when the worst-case scenario is highly unlikely.** In assessing expected value, regulators **should consider the distinctive features of catastrophic harm, including the "social amplification” of such harm.** Regulators should choose cost-effective measures to reduce those risks and should attempt to compare the expected value of the risk with the expected value of precautionary measures.

#### Rescher agrees

**Rescher, 83** (Nicholas, Department of Philosophy at the University of Pittsburgh, Risk: A Philosophical Introduction to the theory of risk evaluation, p. 67)

In such situations we are dealing with hazards that are just not in the same league. Certain hazards are simply unacceptable because they involve a relatively unacceptable threat—things may go wrong so badly that, relative to the alternatives, it’s just not worthwhile to “run the risk,” even in the face of a favorable balance of probabilities. The rational man is not willing to trade off against one another by juggling probabilities such outcomes as the loss of one hair and the loss of his health or his freedom. The imbalance or disparity between risks is just too great to be restored by probablistic readjustments. They are (probablistically) incommersuable: confronted with such “incomparable” hazards, we do not bother to weigh this “balance of probabilities” at all, but simply dismiss one alternative as involving risks that are, in the circumstances, “unacceptable”.

#### We control uniqueness—human well-being is on the rise because of economic growth – poverty and suffering will decline unless growth ceases

Goklany 9**—**Worked with federal and state governments, think tanks, and the private sector for over 35 years. Worked with IPCC before its inception as an author, delegate and reviewer. Negotiated UN Framework Convention on Climate Change. Managed the emissions trading program for the EPA. Julian Simon Fellow at the Property and Environment Research Center, visiting fellow at AEI, winner of the Julian Simon Prize and Award. PhD, MS, electrical engineering, MSU. B.Tech in electrical engineering, Indian Institute of Tech. (Indur, “Have increases in population, affluence and technology worsened human and environmental well-being?” 2009, <http://www.ejsd.org/docs/HAVE_INCREASES_IN_POPULATION_AFFLUENCE_AND_TECHNOLOGY_WORSENED_HUMAN_AND_ENVIRONMENTAL_WELL-BEING.pdf>)

Although global population is no longer growing exponentially, it has quadrupled since 1900. Concurrently, affluence (or GDP per capita) has sextupled, global economic product (a measure of aggregate consumption) has increased 23-fold and carbon dioxide has increased over 15-fold (Maddison 2003; GGDC 2008; World Bank 2008a; Marland et al. 2007).4 But contrary to Neo- Malthusian fears, average **human well-being,** measured by any objective indicator, **has never been higher**. Food supplies, Malthus’ original concern, are up worldwide. Global food supplies per capita increased from 2,254 Cals/day in 1961 to 2,810 in 2003 (FAOSTAT 2008). This helped reduce hunger and malnutrition worldwide. The proportion of the population in the developing world, suffering from chronic hunger declined from 37 percent to 17 percent between 1969–71 and 2001–2003 despite an 87 percent population increase (Goklany 2007a; FAO 2006). The reduction in hunger and malnutrition, along with improvements in basic hygiene, improved access to safer water and sanitation, broad adoption of vaccinations, antibiotics, pasteurization and other public health measures, helped reduce mortality and increase life expectancies. These improvements first became evident in today’s developed countries in the mid- to late-1800s and started to spread in earnest to developing countries from the 1950s. The infant mortality rate in developing countries was 180 per 1,000 live births in the early 1950s; today it is 57. Consequently, global life expectancy, perhaps the single most important measure of human well-being, increased from 31 years in 1900 to 47 years in the early 1950s to 67 years today (Goklany 2007a). Globally, average **annual per capita incomes tripled** since 1950. The proportion of the world’s population outside of high-income OECD countries living in absolute poverty (average consumption of less than $1 per day in 1985 International dollars adjusted for purchasing power parity), fell from 84 percent in 1820 to 40 percent in 1981 to 20 percent in 2007 (Goklany 2007a; WRI 2008; World Bank 2007). Equally important, the world is more literate and better educated. Child labor in low income countries declined from 30 to 18 percent between 1960 and 2003. In most countries, people are freer politically, economically and socially to pursue their goals as they see fit. More people choose their own rulers, and have freedom of expression. They are more likely to live under rule of law, and less likely to be arbitrarily deprived of life, limb and property. Social and professional mobility has never been greater. It is easier to transcend the bonds of caste, place, gender, and other accidents of birth in the lottery of life. People work fewer hours, and have more money and better health to enjoy their leisure time (Goklany 2007a). Figure 3 summarizes the U.S. experience over the 20th century with respect to growth of population, affluence, material, fossil fuel energy and chemical consumption, and life expectancy. It indicates that population has multiplied 3.7-fold; income, 6.9-fold; carbon dioxide emissions, 8.5-fold; material use, 26.5-fold; and organic chemical use, 101-fold. Yet its life expectancy increased from 47 years to 77 years and infant mortality (not shown) declined from over 100 per 1,000 live births to 7 per 1,000. It is also important to note that not only are people living longer, they are healthier. The disability rate for seniors declined 28 percent between 1982 and 2004/2005 and, despite better diagnostic tools, major diseases (e.g., cancer, and heart and respiratory diseases) occur 8–11 years later now than a century ago (Fogel 2003; Manton et al. 2006). If similar figures could be constructed for other countries, most would indicate qualitatively similar trends, especially after 1950, except Sub-Saharan Africa and the erstwhile members of the Soviet Union. In the latter two cases, life expectancy, which had increased following World War II, declined after the late 1980s to the early 2000s, possibly due poor economic performance compounded, especially in Sub-Saharan Africa, by AIDS, resurgence of malaria, and tuberculosis due mainly to poor governance (breakdown of public health services) and other manmade causes (Goklany 2007a, pp.66–69, pp.178–181, and references therein). However, there are signs of a turnaround, perhaps related to increased economic growth since the early 2000s, although this could, of course, be a temporary blip (Goklany 2007a; World Bank 2008a). Notably, in most areas of the world, the healthadjusted life expectancy (HALE), that is, life expectancy adjusted downward for the severity and length of time spent by the average individual in a less-than-healthy condition, is greater now than the unadjusted life expectancy was 30 years ago. HALE for the China and India in 2002, for instance, were 64.1 and 53.5 years, which exceeded their unadjusted life expectancy of 63.2 and 50.7 years in 1970–1975 (WRI 2008). Figure 4, based on cross country data, indicates that contrary to Neo-Malthusian fears, both life expectancy and infant mortality improve with the level of affluence (economic development) and time, a surrogate for technological change (Goklany 2007a). Other indicators of human well-being that improve over time and as affluence rises are: access to safe water and sanitation (see below), literacy, level of education, food supplies per capita, and the prevalence of malnutrition (Goklany 2007a, 2007b).

#### Value to life is inevitable, subjective, and they don’t control the link to it—death turns the imapct

**Shermer, 8** –Michael, founder of the Skeptics Society and Editor of Skeptic Magazine, “"The Meaning of Life, the Universe, and Everything"”—Commencement Speech at Whittier College, 5/23/08 http://www.whittier.edu/News/Articles/2008CommencementSpeech.aspx

Purpose is personal, and there are countless activities people engage in to satisfy this deep-seated need. There are, however, a handful of powerful means by which we can bootstrap ourselves toward higher goals that have proven to be especially beneficial to both individuals and society. Science tells us that there are five things you can do to create meaning and purpose in your life. Here they are: 1. Love and family—the bonding and attachment to others increases one's sphere of moral inclusion to care about others as much as, if not more than, oneself. And here I shall take a moment to acknowledge the courage of the California State Supreme Court to increase the possibility of marital happiness to the tens of thousands of gays and lesbians in our state who wish to enjoy the same rights and liberties as everybody else. 2. Meaningful work and career—the sense of purpose derived from discovering one's passion for work drives people to achieve goals so far beyond the needs of themselves that they lift all of us to a higher plane, either directly through the benefits of the work, or indirectly through inspiration. And here let me shift my politics slightly rightward to tell you that not only is it okay to make a lot of money, it is a moral virtue to earn your way to wealth and prosperity, and that market capitalism—conjoined with liberal democracy—is the best hope for humanity's future that we have. 3. Recreation and play—it is vital to take time off from work, get away from the office, hang out with your friends, see new places, veg out, goof off, and explore new activities with no purpose other than their shear enjoyment. (In other words, build into your purpose no purpose at all.) 4. Social and political involvement—as a social primate species endowed by evolution with the moral emotions of guilt and pride, shame and joy, we have a social obligation to our local community and our larger society to participate in the process of determining how best we should live together, and a moral duty to reach out and help those in need. Research shows that those who do so are happier and more fulfilled people. 5. Transcendency and spirituality—a capacity unique to our species, as far as we can tell, that includes aesthetic appreciation, spiritual reflection, and transcendent contemplation through a variety of expressions such as art, music, dance, exercise, meditation, prayer, quiet contemplation, and religious revere, connecting us on the deepest level with that which is outside of ourselves.

#### All lives infinitely valuable—only ethical option is maximizing number saved

Cummisky, 96 (David, professor of philosophy at Bates, Kantian Consequentialism, p. 131)

Finally, even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one—because dignity cannot be added and summed this way—this point still does not justify deontological constraints. On the extreme interpretation, why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that I may still save two; it is just that my reason cannot be that the two compensate for the loss of one. Consider Hill’s example of a priceless object: If I can save two of three priceless statutes only by destroying one, then I cannot claim that saving two is not outweighed by the one that was not destroyed. Indeed, even if dignity cannot be simply summed up, how is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible? Even if two do not simply outweigh and thus compensate for the loss of one, each is priceless; thus, I have good reason to save as many as I can. In short, it is not clear how the extreme interpretation justifies the ordinary killing/letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.

#### No impact to security rhetoric

**Abrahamsen 5** (Rita, Department of International Politics, University of Wales, Blair's Africa: The Politics of Securitization and Fear, Alternatives 30:1, AG)

The war on Iraq can be seen to demonstrate the willingness of the British government to engage in illiberal acts to defend the liberal values of the "international community," but it is important to note that the process of securitization does not automatically dictate such spectacular responses. As argued above, the process of securitization is gradual and incremental, and an issue can move along a continuum of risk/fear without ever reaching the stage of "existential threat" where it merits "emergency action" (as with Iraq). Instead, **most** security politics is concerned with the more mundane everyday management and containment of risk, and the securitization of Africa is thus entirely compatible with the feeble response to the brutal and prolonged conflict in the DRC or the Sudan. Rather than spectacular emergency politics or military action, securitization is **more likely** to give rise to policies of containment or policing.

## 2NC Courts

### 2NC – A2 Perm Do Both

#### Links to politics – Only PRIOR court action solves

Garrett and Stutz, 2005 (Robert T. Garrett and Terrence Stutz, Dallas Morning News, “School finance now up to court Justices to decide if overhaul needed after bills fail in Legislature” lexis)

That could foreshadow the court's response to a chief argument by state attorneys – that the court should butt out and leave school finance to the Legislature. A court finding against the state would put the ball back in the hands of lawmakers, who have tended to put off dealing with problems in schools, prisons and mental health facilities until state or federal judges forced them to act. "It's the classic political response to problems they don't want to deal with," said Maurice Dyson, a school finance expert and assistant law professor at Southern Methodist University. "There is no better political cover than to have a court rule that something must be done, which allows politicians to say their hands are tied."

#### Mootness – the CP wont happen in a world of the perm

Lee, 1992 (Evan Tsen Lee, Associate Professor, University of California, Hastings College of the Law, Harvard Law Review, January, lexis)

ONE of the major impediments to the judicial protection of collective rights 1 is the group of doctrines falling under the rubric [\*606] of "justiciability" -- standing, ripeness, and mootness. 2 These are the gatekeeper doctrines; each regulates a different dimension of entrance to the federal courts. The law of standing considers whether the plaintiff is the proper person to assert the claim, the law of ripeness ensures that the plaintiff has not asserted the claim too early, 3 and the law of mootness seeks to prevent the plaintiff from asserting the claim too late. 4 By keeping certain public-minded plaintiffs and public-law claims out of federal court, these doctrines have shifted much of the battle for collective rights to the more steeply pitched fields of state courts or the political process. 5 In particular, defendants in public law litigation have had considerable success keeping such cases out of the federal courts by invoking the "case or controversy" requirement [\*607] of Article III. 6 Under current Supreme Court precedent, if a plaintiff cannot demonstrate that she possesses an ongoing "personal stake" in the outcome of the litigation, a federal court has no jurisdiction to adjudicate the claim on the merits. 7 No amount of judicial discretion can overcome this jurisdictional defect, because Article III demarcates the outer limit of federal court power. 8 As a result, many attempts to establish entitlements to important collective rights fail before courts can give them full consideration.

#### Even if the ruling happens, it would not make a constitutional claim.

Lee, 1992 (Evan Tsen Lee, Associate Professor, University of California, Hastings College of the Law, Harvard Law Review, January, lexis)

Doubtless some will point to Supreme Court opinions characterizing decisions in moot cases as advisory opinions and stating that the [\*651] court has no jurisdiction to proceed in moot cases. A few such opinions exist, 270 although many more imply that the mootness and advisory opinions doctrines are distinct (but related) ideas. 271 The most satisfying way to view the present doctrinal relationship of mootness, advisory opinions, and Article III is as follows: decisions in moot cases are currently prohibited because they are said to exceed the jurisdictional grants of Article III; additionally, decisions in moot cases implicate the prudential component of the advisory opinions doctrine, but they do not implicate the doctrine's constitutional core. Thus, the constitutional dimension to the prohibition against deciding moot cases stems directly from Article III and not from an analogy to advisory opinions. If the Court were to repudiate its position that the mootness doctrine is constitutionally compelled, the analogy to advisory opinions would pose no independent constitutional obstacle to deciding moot cases on the merits.

### 2NC – A2 Perm Do the CP

#### First, it severs the agent. “The” means whole [USFG].

Merriam-Websters, 2010 (Online dictionary)

used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole

#### Courts can’t reduce—they rely on acquiescence.

Hanson et al, 2006 (Jon D. Hanson, professor at Harvard Law School; and Adam Benforado, Frank Knox Fellow at Cambridge University, “The drifters: Why the supreme court makes justices more liberal” January/February, online)

It would be a mistake to believe that the only situation that influences justices comes from within the Supreme Court building or individual judges’ limited spheres of interaction. The mechanisms designed to keep the judiciary independent of the other branches of government are necessarily incomplete, and there is good evidence that judges frequently interpret laws in ways that align with the particular policy desires of sitting members of Congress and the current president. This is not surprising given the forces that Congress and the president can bring to bear on the judiciary—including limiting or even stripping jurisdiction in certain areas, altering the size of federal courts, and instituting impeachment hearings. Just as important is the fact that the court cannot implement its orders without the acquiescence and assistance of other government actors. In addition, lower-court judges may be constrained by pressures not to be overruled by higher courts or the need to stake out particular positions in order to improve their chances of promotion within the judiciary.

#### Also, unenforceability.

Treanor and Sperling, 1993 (William Michael Treanor, Associate Professor of Law, Fordham University; and Gene B. Sperling, J.D., Yale Law School, Columbia Law Review, December, lexis)

Commentators have generally agreed with the overwhelming majority of courts that an overruling decision has the effect of automatically reviving statutes. For example, Erica Frohman Plave observed that revival was a necessary function of the limited scope of a judicial determination of unconstitutionality: "Such laws found unconstitutional are merely unenforceable until such time as they are found valid." 54 Professor Gerald Gunther has pronounced Attorney General Cummings's conclusion that Adkins "simply "suspended' enforcement" 55 of the District of Columbia minimum wage statute "persuasive," 56 and Professor Melville Nimmer similarly declared that "it seems clear that Attorney General Homer Cummings' opinion was correct." 57 Finally, Professor Oliver Field noted that a statute that has been found unconstitutional becomes enforceable when the case in which it was held unconstitutional is reversed because "a declaration of unconstitutionality does not operate as a repeal of a statute." 58 [\*1916]

#### ‘reduce’ modifies ‘restriction’ – means there must be legislative action

Hill and Hill (Gerald, Executive Director of the California Governor’s Housing Commission, Practice law for more than four decades, Kathleen, M.A. in political psychology from California State University. She was also a Fellow in Public Affairs with the prestigious Coro Foundation) 2005 “restriction” http://legal-dictionary.thefreedictionary.com/restriction

restriction n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects, managed by homeowners' associations or similar organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions," intended to enhance the use of common facilities and property, recorded and incorporated into the title of each owner.

### Solvency

#### Courts have authority to rule over energy production

Brenda Bowers April 2011 “Future Of American Energy Production At Stake In US Supreme Court – Big Government” http://brendabowers.wordpress.com/2011/04/19/%C2%BB-future-of-american-energy-production-at-stake-in-us-supreme-court-big-government/

We all know how important energy is in our lives, just as commercial energy is critical to free market capitalism and the pursuit of prosperity in America. Now, thanks to environmental activists and several states, that may all be at risk in the US Supreme Court. In 2004, unhappy that the duly elected Bush administration wasn’t restricting carbon emissions in the alleged cause of global warming, environmental activism prompted several states to file a “public nuisance” lawsuit, which would empower the courts in this regard. They lost in the lower court but that was reversed in 2007. This case is novel, and far more aggressive and disruptive than the global warming case the Court previously permitted. In a 2007 decision, Massachusetts v. EPA, a closely divided Court agreed with 12 states and several cities that the Environmental Protection Agency has authority to regulate carbon dioxide as a pollutant under the Clean Air Act. Though that case dealt with a narrow claim to enforce a federal statute, the Court’s decision emboldened what had already become a cottage industry of lawsuits designed to slow global warming by asking federal courts to enact what interest groups have been unable to secure through the democratic process: carbon caps and other limits on the way energy is produced in this country. Under the guise of “public nuisance,” the plaintiffs in these suits seek to impose enormous damages and binding emissions caps on energy companies. The plaintiffs have acknowledged that their goal is a veritable sea change in the way energy is produced, sold, and used in this country. Incredibly, they assert that these companies can make major changes to lower emissions – such as the adoption of wind and solar alternatives – “without significantly increasing the cost of electricity.” But never before has the “public nuisance” doctrine been used to set national economic and energy policy. While litigation may be therapeutic for those frustrated by political inaction, this case is at odds with this country’s legal tradition. Meanwhile, a recently elected Republican House is taking steps to go in the other direction through budget cuts to the EPA. Environmental activism in the US is, in effect, looking to up-end the democratic process – an all too common theme across the Left – by empowering the courts to make policy in perhaps the single most critical policy area for American prosperity.

### A2 no enforce

#### Recent data proves – Court will have the last word

Adam Litpak (Writer for the New York Times) August 20, 2012 “In Congress’s Paralysis, a Mightier Supreme Court” http://www.nytimes.com/2012/08/21/us/politics/supreme-court-gains-power-from-paralysis-of-congress.html

The Supreme Court does not always have the last word. Sure, its interpretation of the Constitution is the one that counts, and only a constitutional amendment can change things after the justices have acted in a constitutional case. But much of the court’s work involves the interpretation of laws enacted by Congress. In those cases, the court is, in theory at least, engaged in a dialogue with lawmakers. Lately, though, that conversation has become pretty one-sided, thanks to the legislative paralysis brought on by Congressional polarization. The upshot is that the Supreme Court is becoming even more powerful. Here is the way things are supposed to work. In cases concerning the interpretation of ambiguous federal statutes, the justices give their best sense of what the words of the law mean and how they apply in the case before them. If Congress disagrees, all it needs to do is say so in a new law. The most prominent recent example of this dynamic was Ledbetter v. Goodyear Tire and Rubber Company, the 2007 ruling that said Title VII of the Civil Rights Act of 1964 imposed strict time limits for bringing workplace discrimination suits. In her dissent, Justice Ruth Bader Ginsburg reminded lawmakers that on earlier occasions they had overridden what she called “a cramped interpretation of Title VII.” “Once again,” she wrote, “the ball is in Congress’s court.” Congress responded with the Lilly Ledbetter Fair Pay Act of 2009, which overrode the 2007 decision. This sort of back and forth works only if Congress is not paralyzed. An overlooked consequence of the current polarization and gridlock in Congress, a new study found, has been a huge transfer of power to the Supreme Court. It now almost always has the last word, even in decisions that theoretically invite a Congressional response. “Congress is overriding the Supreme Court much less frequently in the last decade,” Richard L. Hasen, the author of the study, said in an interview. “I didn’t expect to see such a dramatic decline. The number of overrides has fallen to almost none.” The few recent overrides of major decisions, including the one responding to the Ledbetter case, were by partisan majorities. “In the past, when Congress overturned a Supreme Court decision, it was usually on a nonpartisan basis,” said Professor Hasen, who teaches at the University of California, Irvine. In each two-year Congressional term from 1975 to 1990, he found, Congress overrode an average of 12 Supreme Court decisions. The corresponding number fell to 4.8 in the decade ending in 2000 and to just 2.7 in the last dozen years. “Congressional overruling of Supreme Court cases,” Professor Hasen wrote, “slowed down dramatically since 1991 and essentially halted in January 2009.” Tracking legislative overrides is not an exact science, as some fixes may be technical and trivial. And there may be other reasons for the decline, including drops in legislative activity generally and in the Supreme Court’s docket. But scholars who follow the issue say that Professor Hasen has discovered something important. “Particularly since the 2000 elections, there has been a big falloff in overrides,” said William N. Eskridge Jr., a law professor at Yale and the author of a seminal 1991 study on which Professor Hasen built his own. “It gives the Supreme Court significantly more power and Congress significantly less power.” Richard H. Pildes, a law professor at New York University, said the findings were further proof that “the hyperpolarization of Congress is the single most important fact about American governance today.” It is, he said, a phenomenon that has “been building steadily over the last 30 years and is almost certainly likely to be enduring for the foreseeable future.” “The assumption,” he added, “has long been that when the court interprets a federal statute, Congress can always come back in and fix the statute if it disagrees with the court. Now, however, **the court’s decisions are likely to be the last word**, not the first word, on what a statute means.”

#### Courts solve – no rollback

Richard Hasan (Chancellor’s Professor of Law and Political Science, UC Irvine School of Law) August 14, 2012 “END OF THE DIALOGUE? POLITICAL POLARIZATION, THE SUPREME COURT, AND CONGRESS” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2130190>

Whether or not one subscribes to the view of positive political theorists that Supreme Court Justices interpret federal statutes in line with their personal preferences and their strategic calculations about the chances of reversal, there seems little doubt that as things currently stand that a majority of Supreme Court Justices is usually getting its way when it comes to statutory interpretation. Supreme Court interpretations of federal statutes are now very likely to be final. The combination of Supreme Court interpretive rules premised on the CourtCongress dialogue, and the failure of Congress to override any significant number of Court interpretations of federal statutes, has given the Justices the last word on statutory interpretation questions almost as often as they get the last word on constitutional questions.

### A2 links ptix

#### Courts don’t link to politics- shielded from political pressure

Ward, 2009 (Artemus Ward, Professor at NIU, Political Foundations of Judicial Supremacy, Congress and The Presidency, pg. 119)

After the old order has collapse the once- united, new-regime coalition begins to fracture as original commitments are extended to new issues. In chapter 3 Whittington combines Skowronek's articulation and disjunctive categories into the overarching "affiliated" presidencies as both seek to elaborate the regime begun under reconstructive leaders. By this point in the ascendant regime, Bourts are staffed by justices from the dominant ruling coalition via the appointment process - and Whittington spends time on appointment politics here and more fully in chapter 4. Perhaps counter-intuitively, affiliated political actors - including presidents - encourage Courts to exercise vetoes and operate in issue areas of relatively low political salience. Of course, this "activism" is never used against the affiliated president per se. Instead, affiliated Courts correct for the overreaching of those who operate outside the preferred constitutional vision, which are often state and local governments who need to be brought into line with nationally dominant constitutional commitments. Whittington explains why it is easier for affilitated judges, rather than affiliated presidents, to rein in outliers and conduct constitutional maintenance. The latter are saddled with controlling opposition political figures, satisfying short-term political demands, and navigating intraregime gridlock and political thickets. Furthermore, because of their electoral accountability, politicians engage in position-taking, credit-claiming, and blame-avoidance behavior. By contrast, their judicial counterparts are relatively sheltered from political pressures and have more straightforward decisional processes. Activist Courts can take the blame for advancing and legitimizing constitutional commitments that might have electoral costs. In short, a division of labor exists between politicians and judges affiliated with the dominant regime.

#### Court action avoids energy lobby backlash

Matthew Hall (JD, Loyola Law School, former associate attorney at a litigation firm, and was an Adjunct Professor of Law at Loyola Law School) Winter 2010 “ A Catastrophic Conundrum, But Not a Nuisance: Why the Judicial Branch is Ill-Suited to Set Emissions Restrictions on Domestic Energy Producers Through the Common Law Nuisance Doctrine” 13 Chap. L. Rev. 265, Lexis

The energy lobby has long been accused of attempting to prevent, delay or at a minimum, assure the energy industry favorable terms in any comprehensive policy on climate change. 167 Energy companies have committed large sums of money to these causes. For instance, The American Coalition for Clean Coal Electricity, an advocacy group consisting of 48 energy producers, mining companies, and railroads, had committed $ 9.95 million to those ends as of March 2009. 168 Energy producers routinely make large campaign contributions to high-ranking members of Congressional committees charged with energy regulation and environmental action. For example, one of the largest contributors during the 2009-2010 campaign cycle to Rep. Joe Barton, Chairman of the House Committee on Energy & [\*295] Commerce, is none other than American Electric Power Co., the lead defendant in Connecticut v. American Electric Power Co. 169 The industries making the two largest contributions to Rep. Barton are the lectric utilities and oil & gas industries. 170 Given the aggressive attempts to influence climate change legislation that the energy lobby has demonstrated, an event causing energy producers to support emissions reduction legislation would be significant in making progress in this area. A decision authorizing piecemeal judicial regulation of emissions could be such an event. While the energy lobby has long resisted comprehensive emissions reduction policies, if such policies are to be initiated, it follows that energy producers would prefer they come from a source over which influence can be asserted to assure favorable terms. A judicially created emissions restriction seems to be a worst case scenario for energy producers. Unlike the political branches of government, the judiciary is intended to be beyond reproach by lobbyists. Without the need for (or the ability to accept) political contributions, the influence that can be asserted over the judiciary should be markedly less than that over the legislative process in Congress. The executive can be influenced in a similar manner, especially a first-term President needing cooperation on other major policy initiatives, including health care reform.

## 2nc Case

### 2nc

#### Their arguments miss the boat—the probability might be low but the risk is still neg higher

**Wiener 5** (Jonathan B., Perkins Professor of Law, Environmental Policy, and Public Policy at Duke University, and a University Fellow of Resources for the Future, “Book Review: Catastrophe: Risk and Response; Collapse: How societies choose to fail or succeed”, Journal of Public Analysis and Management, Autumn, Volume 24, Issue 4, pp. 885-9)

Moreover, there are at least two major questions about the remedies for risks of catastrophe and collapse. The first is how to prioritize among the wide array of potential end-of-the-world scenarios. The number and diversity of such doomsday forecasts in the literature is bracing, as evidenced by Posner’s own extensive survey, Martin Rees’s Our Final Hour (2003), John Leslie’s The End of the World (1996), and Corey Powell’s article “20 Ways the World Could End” in Discover magazine (Octo- ber 2000), as well as prior retrospective studies cited by Diamond such as Joseph Tainter’s The Collapse of Complex Societies (1988). The lower the probability of catastrophe that one is willing to consider, the greater the number of conceivable catastrophes. Indeed, as the probability asymptotically approaches zero, the num- ber of imaginable scenarios approaches infinity. And if the end of all life on Earth is valued at infinity, rather than at $600 trillion, then the expected value of the cat- astrophic risk is an infinitesimal probability multiplied by an infinite impact. These conundrums make priority-setting nearly impossible. Attempting to sort out which are “real” or “plausible” risks (remember the Y2K computer disaster?) can recapit- ulate the error that Posner seeks to avoid, of neglecting low-probability risks. At the same time, Posner worries that crying wolf—false positives—lull the public into inattention. Diamond argues that we must tolerate some false alarms in order to have warning systems sensitive enough to issue true alarms; zero false alarms would imply the failure to issue some true alarms. His calculus of optimal alarm accuracy is very similar to Posner’s BCA. Ex ante, the real question is not whether the risk is “real” or “true,” but whether the expected value of the low (but non-zero) probability multiplied by the catastrophic impact (with a premium for risk aver- sion) justifies some cost of prevention.

## 2nc T – restrictions

### 2nc prefer our evidence

#### Restrictions is a term of art that was added to the resolution out of the fear that financial incentives alone might not allow certain affs related to oil or gas production because there are certain moratoria that they wanted to keep from writing out half of the energy types—the WORST possible way to advance the topic from there is to exploit the superior link defense and counterplan answers of restrictions aff by construing everything that discourages development to be a restriction.

#### 2 impacts—

#### 1. Limits—restrictions affs already sidestep core incentive DAs and mechanism-based counterplans with an automatic fed key warrant—the worst possible way to restore balance is assuming any policy discouraging production is a de facto restriction. Only defining restrictions as policies that necessarily prevent production gives us a thematically coherent subject with a check on bad faith readings.

#### 2. Precision—“restrictions” is a term of art chosen deliberately, that's Heinze. Blurring the line generates legal confusion which creates divergent understandings of core topic controversies—prereq to any of their offense.

#### This card is devastating

**Shapiro**, associate – Energy, Environment & Public Utilities Practice Group @ Cozen O'Connor, publisher – Green Building Law Blog, **2011**

(Shari, “Code Green: Is 'Greening' the Building Code the Best Approach to Create a Sustainable Built Environment?” Planning & Environmental Law 63:6, p. 3-12)

The explosion of state and local green building regulations has been extraordinary and has led to interesting regulatory experimentation. Many state and local governments begin by mandating green building practices for public buildings. Some local governments have expanded that mandate to require green building practices for both public and private development, often for new construction over a certain square footage. Others have sought to encourage green building practices through financial incentives. Still others have used non-financial incentives like expedited permitting or increased density to encourage the development of green buildings.

Mandatory green building requirements work very much like traditional "command and control" environmental regulations, the Clean Water Act and the Clean Air Act being preeminent examples. Direct regulation may mandate specific green building practices or the achievement of a green building standard such as the USGBCs Leadership in Energy and Environmental Design (LEED) standard.3 Green building codes such as CALGreen, discussed in detail below, fall into this regulatory category.

Financial incentives have taken the form of direct grants from government entities,4 tax incentives, and rebates.5 Other forms of financial incentives for green buildings are rebates of the typical government-related costs of building, such as application fees.6

Local governments are also experimenting with nonfinancial incentives for green building practices. These incentives are often attractive to municipalities because they do not deplete public finances directly and are therefore easier to get passed in difficult financial times or with teluctant constituencies.7 Examples of nonfinancial incentives include increased floor-to-area ratios for green buildings**8** and expedited permitting processes**.**

#### It’s an impossible neg burden

Edwards 80

JUDGES: Before EDWARDS, LEAR and WATKINS, JJ. OPINION BY: EDWARDS

AYOU BOUILLON CORPORATION, ET AL. v. ATLANTIC RICHFIELD COMPANY

No. 13229 Court of Appeal of Louisiana, First Circuit 385 So. 2d 834; 1980 La. App. LEXIS 3972; 67 Oil & Gas Rep. 240 May 5, 1980 PRIOR HISTORY: [\*\*1] ON APPEAL FROM THE 18TH JUDICIAL DISTRICT COURT, PARISH OF IBERVILLE, HONORABLE EDWARD N. ENGOLIO, JUDGE.

Comprehending the applicability and complexity of federal energy regulation necessitates both a stroll down the tortuous legislative path and a review of legal challenges so numerous as to require the establishment of a Temporary Emergency Court of Appeals.

#### Regulations add 5 million research hours

Tugwell 88

The Energy Crisis and the American Political Economy: Politics and Markets in the Management of Natural Resources

Previously, Dr. Tugwell was the executive director of the Heinz Endowments of Pittsburgh, the founder and president of the Environment Enterprises Assistance Fund, and as a senior consultant for International Projects and Programs at PG&E Enterprises. He served as a deputy assistant administrator at USAID (1980-1981) and as a senior analyst for the energy program at the U.S. Office of Technology Assessment (1979-1980). Dr. Tugwell was also a professor at Pomona College and an adjunct distinguished professor at the Heinz School of Carnegie Mellon University. Additionally, he serves on the Advisory Board and International Committee of the American Council on Renewable Energy and on the Joint Board of Councilors of the China-U.S. Center for Sustainable Development. He also serves on the Board of Eucord (European Cooperative for International Development). Dr. Tugwell received a PhD in political science from Columbia University.

Finally, administering energy regulations proved a costly and cumbersome endeavor, exacting a price all citizens had to pay. As the energy specialist Paul MacAvoy has noted: "More than 300,000 firms were required to respond to controls, ranging from the three dozen major refining companies to a quarter of a million retailers of petroleum products. The respondents had to file more than half a million reports each year, which probably took more than five mil- lion man-hours to prepare, at an estimated cost alone of $80 mil- lion."64 To these expenditures must be added the additional costs to the government of collecting and processing these reports, monitor- ing compliance, and managing the complex process associated with setting forth new regulations and adjudicating disputes. All to- gether, it seems likely that the administrative costs, private and public, directly attributable to the regulatory process also exceeded $1 billion a year from 1974 to 1980.^

## 1nr

### Overview

#### Decline turns the case – racism and inequality

**Blackwill 2009** – former US ambassador to India and US National Security Council Deputy for Iraq, former dean of the Kennedy School of Government at Harvard (Robert D., RAND, “The Geopolitical Consequences of the World Economic Recession—A Caution”, http://www.rand.org/pubs/occasional\_papers/2009/RAND\_OP275.pdf, WEA)

So what are the likely effects of the global economic problem so far?9 It will cause the fall of some governments (Iceland, Latvia, Estonia, Hungary, and the Czech Republic, with more to come). It will lead to more poverty, more disease, more crime, more migration, and more Third World military conflict.10 It will trigger street violence in numerous countries, as has already occurred in Greece, China, Haiti, Latvia, Bolivia, Bulgaria, Russia, Italy, Ireland, Iceland, and Lithuania. It will increase Third World questioning of the Western economic model—Luis de Silva, President of Brazil, has stunningly asserted that “This crisis was caused by the irrational behavior of white people with blue eyes, who before the crisis appeared to know everything and now demonstrate that they know nothing.”11

#### Econ = Poverty and inequality

**Vasquez**, director of the Project on Global Economic Liberty at the Cato Institute, **2001** [Ian, Ending Mass Poverty, September, Cato Institute, http://www.cato.org/research/articles/vas-0109.html]

Economic growth is the "only path to end mass poverty," says economist Ian Vásquez, who argues that redistribution or traditional poverty reduction programs have done little to relieve poverty. Vásquez writes that the higher the degree of economic freedom -- which consists of personal choice, protection of private property, and freedom of exchange -- the greater the reduction in poverty. Extending the system of property rights protection to include the property of poor people would be one of the most important poverty reduction strategies a nation could take, he says.

The historical record is clear: the single, most effective way to reduce world poverty is economic growth. Western countries began discovering this around 1820 when they broke with the historical norm of low growth and initiated an era of dramatic advances in material well-being. Living standards tripled in Europe and quadrupled in the United States in that century, improving at an even faster pace in the next 100 years. Economic growth thus eliminated mass poverty in what is today considered the developed world. Taking the long view, growth has also reduced poverty in other parts of the world: in 1820, about 75 percent of humanity lived on less than a dollar per day; today about 20 percent live under that amount.

Even a short-term view confirms that the recent acceleration of growth in many developing countries has reduced poverty, measured the same way. In the past 10 years, the percentage of poor people in the developing world fell from 29 to 24 percent. Despite that progress, however, the number of poor people has remained stubbornly high at around 1,200 million. And geographically, reductions in poverty have been uneven.

### 2NC Uniqueness – Will Pass

#### Two ways. First, he’s cajoling business leaders who want to avoid a repeat of the 2011 debt ceiling debate – they have significant leverage of the GOP’s rank and file in this debate. They can split the GOP’s unity

Greg Sargent (writer for the Washington Post) December 6, 2012 “Business leaders siding with Obama on debt ceiling?” http://www.washingtonpost.com/blogs/plum-line/wp/2012/12/06/business-leaders-siding-with-obama-on-debt-ceiling/

One interesting political dynamic right now is that Obama is working to enlist the support of business leaders to prevent another debt ceiling standoff next year. House Republicans are thinking about caving now on the middle class tax cuts — then coming back next year and staging another 2011 style debt ceiling battle to win the deep entitlement cuts they want. Business leaders are cool to the possibility, because such standoffs risk damaging the economy. I’ve just learned that one of the most influential business groups in Washington, the Business Roundtable, is prepared to support a provision designed to dramatically minimize the possibility of another standoff now and in the future — one also supported by the White House. This is a step forward for White House efforts to prevent a 2011-style battle, which led to a credit downgrade for the United States, and widespread fears that the country would go into default. Obama — who is refusing to negotiate over the debt ceiling again — supports a measure called the “McConnell provision,” a proposal pushed by Mitch McConnell last year to try to defuse the crisis. Under the provision, the president can request a debt limit hike, after which Congress can vote to deny the request by disapproving of it. The president can then veto that request, and unless Congress overrides that veto with a two-thirds vote in both houses, it is honored. The provision transfers most control over the debt ceiling to the President and makes it far harder for the opposing party in Congress to block hikes — meaning the constant threat of default, and the ability to engage in brinksmanship around it, are effectively removed. The McConnell provision was passed as a temporarily measure as part of last year’s debt ceiling compromise but would need to be extended now. The White House has proposed extending it; if that happens, House Republicans would not be able to stage a meaningful standoff next year. I’m told reliably that the Business Roundtable will support the McConnell provision if it’s proposed again in Congress. This underscores the rising determination among business leaders — many of whom are aligned with the GOP — to avoid a rerun of the 2011 debacle. Obama is aggressively lobbying these business leaders, publicly and privately, to make their opposition to another standoff known. And it appears that they are doing so. As Politico’s Ben White reports today, executives are privately beginning to coalesce around the McConnell provision as a means to that end. The prospect of another debt ceiling fight puts the House GOP in an interesting spot, pitting its Tea Party wing against more pragmatic GOP-aligned interests in the business community. While the former will be spoiling for another fight, the latter appears far less willing to see the country dragged through another deeply damaging round of debt ceiling brinksmanship — with the full faith and credit of the United States, and the economy, at stake — this time around.

#### This ensures Republicans can’t unify around a plan of their own – this allows Obama to back them into a corner

Bloomberg News (Tom Keene, host. Sara Eisen, hostess. Josh Barro, columnist. Hans Nichols, Bloomberg reporter) January 2, 2013 “Bloomberg`s Hans Nichols Talks Fiscal Cliff on Bloomberg TV Click for Enhanced Coverage Linking Searches

KEENE: A most interesting weekend in the United States. No one seems happy with the budget outcomes. To parse winners and losers and to frame where we're going to late February, we're speaking with Josh Barro, Bloomberg View columnist, and also Hans Nichols in Washington. Hans, let me go to you. What happens today in Washington? Do the Republicans like have breakfast together and regroup? Does everybody complain that the president's in Hawaii and they're not? What actually happens today in Washington? NICHOLS: Lawmakers will fly home, or they'll come back for - they've got a vote on the third, so they'll get ready to change offices. So a few members might go home for a few days, but basically, look, you want a good story? Go down to the capital. Figure out who's getting which plum offices. That's fun to figure out. Somewhere along the line they have to put the bill onto a military craft. They've got to hopscotch it out to Hawaii. My question is will the president be at a sushi restaurant or a golf course when he signs it, or riding the waves out there, but he'll have - they'll have to get it out to him fairly fast and he'll sign it in Hawaii. KEENE: Editorial. Everybody's taking shots at the president for being in Hawaii. He's with his kids. Enough. EISEN: Enough. You can relate to that? KEENE: Yes. EISEN: Going away with your kids. All right. Well, the question is really who won politically in this game of back and forth. Listen to what House minority whip Rep. Steny Hoyer from Maryland said on the plan. (VIDEO PLAYING) REP. STENY HOYER (D-MD): I regret that this is not a big, bold and balanced plan. We had an opportunity to reach such an agreement in a bipartisan fashion. And we will not reach a big, bold and balanced plan without bipartisanship because the decisions we will have to make will be too difficult. (END VIDEO) EISEN: Bipartisanship at its best, Josh Barro. Do the Republicans have an edge? Do they have the leverage going into the debt ceiling battle, which is the next biggie at the end of February? BARRO: No, I don't think so. And I think people are overstating the risks associated with Republicans and the debt ceiling in a couple of months. I think what we learned from this fight is that the House Republicans are completely hapless. The - nobody really won this episode, but the House Republicans certainly lost it. And the reason is they - they got to the end. They hated the deal that came to them, but they'd been unable for weeks to make an offer of their now so they had no way to reject it. If they rejected it, they were going to be left there saying, we reject this, we propose nothing else. We're going to have the same thing happen over again with the debt ceiling. The Republicans do not want to say exactly how they want to cut the government. They can't put forward a plausible plan as an alternative to what the president wants. And so what that means if they can scream and scream, but ultimately they're left with no political option.

#### That gives Obama the political freedom to broker a deal – but it can change quickly

The Irish Times January 3, 2013 “Once more unto the brink” Lexis

The federal government has already broken through that ceiling but technical extraordinary measures by the treasury will allow the government to continue paying its bills for two months. If Republicans again hold the line, the real prospect of default looms as the government runs out of money to pay wages with the likely consequent chaos on domestic and world markets . The White House says that there will be no negotiations over the debt ceiling, and that if Republicans want further spending cuts, their only chance is to hand over more tax revenue. We re back to the game of chicken. And it s not as if the small deal and Bill agreed yesterday by the House goes anywhere near solving the deficit problem it was supposed to address. On the contrary. In all, the bill which will barely stabilise borrowing overthe next decade, will cause deficits to rise by nearly $4 trillion over the period, according to the nonpartisan congressional budget office. Nor, its critics complain, does the Bill go anywhere near addressing the challenge of 12 million unemployed, while it is also stuffed with the sort of pork barrel concessions to individual politicians that are typical of the worst kind of congressional legislating. In the end, however, and this is perhaps clutching at straws, Congress did act, albeit in the most minimal way. And a significant majority of Republicans those who, as one columnist put it, still hold the old-fashioned view that they were elected to help run the country did demonstrate a degree of flexibility and bipartisanship almost unthinkable before the election. Obama s renewed mandate has given him a new small measure of freedom. But it will dissipate fast if he does not use it.

### AT: No Push

#### Obama’s previous negotiating tactics ensures deep involvement – his rhetoric about refusing to negotiate is hollow

Huffington Post January 3, 2013 “Fiscal Cliff Deal Fails To Neutralize Debt Ceiling Hostage Takers, So Everything Is Still Terrible” Lexis

Molly Ball has the essential run-down of how the playmakers are all disappointed today[2]. Our own Dave Jamieson has the story of forgotten stakeholders -- minimum-wage workers who were looking forward to a modest hike in take-home pay[3] -- who have had whatever measly uptick in fortune dashed to hell now by the demise of the payroll tax holiday. (That's something that both parties had long agreed to do, so score yet another victory for "bipartisanship" and the terrific benefits it provides to the people of this nation.) But while there's a lot of disappointment to go around this morning, it all pales in comparison to the gigantic calamity that still looms: the future fight over the debt ceiling. It's coming in March, and it will likely be a repeat of the last round, in which Republican legislators weaponized the process and threatened to destroy the global economy. They are planning to do so again: "This is the best that could be done," said Senator Lindsey Graham (R-S.C.), who added[4], "It's not all I would have liked, but it's called American democracy, so on to the debt ceiling." (And Graham is supposed to be a "reasonable" senator whom Democrats can "work with" to pass bipartisan legislation.) The "debt ceiling" is like the "fiscal cliff" in at least one important way -- it's a metaphor that doesn't describe what's actually going on, while being simultaneously easy to deploy as a means to drive panic. The whole concept of "raising the debt ceiling" has come to mean, in the popular consciousness, an act that permits Congress to spend more. People visualize this ritual process as one that creates brand-new space for brand-new spending. That is almost perfectly incorrect: the act of raising the debt ceiling is actually a ritual in which Congress acknowledges the expenses of its collective past actions and reaffirms its promise to make good on its obligations. Imagine, for a moment, that you are in one of those college-style living arrangements in which you and a handful of roommates occupy an apartment, and each of you has agreed in advance to pay a portion of the rent that, in total, keeps you in the clear with your landlord. Every month, you and your flatmates write a check, and you pay the amount stipulated in your lease. Naturally, from time to time, having to pay rent puts a crimp in what you'd like to do, budget-wise, but you are a reasonable person and, like a reasonable person, you recognize that shelter from the elements is essential to your well being. But one day, one of the people with whom you've entered into this arrangement says, "I need to free up money in my budget, so I'm going to be paying $200 less each month." How will you, as a group that's entered into a mutual obligation to pay the landlord, continue to meet it? "Not my problem," says the suddenly intransigent roommate, "You guys can come up with the money out of your budgets, or agree to accommodate my wishes through concessions, like reducing my expenses for me in another way, but I'm holding firm to this position." When you point out the part where the refusal to pay the entire monthly rent could result in everyone "defaulting" on the obligation and being tossed into the street, the lunatic roommate says, "Well, I guess you'd better figure out what to do then, because that sounds bad." That's essentially what happened in the previous debt ceiling fight, but in a concession that has to be made to the werewolves who glommed onto this tactic as a means of extracting concessions, it should be pointed out that President Barack Obama made the mistake of inviting negotiations over the debt ceiling in order to craft a "grand bargain."[5] By doing so, he emboldened the debt ceiling lunatics -- it was the first drop of blood that made them hungry for more. As you might recall, those negotiations did not end in a "grand bargain." Rather, they resulted in a grand disaster: the Budget Control Act, which begat the Super Committee, which begat the sequestration cuts, which begat the fiscal cliff, which begat yesterday's temporary solution to the fiscal cliff, which now spawns the next crisis. And that crisis hilariously combines the next required lift of the debt ceiling with the unresolved sequestration cuts and forces a new deadline for both at the beginning of March. That's right! We combine the cause of all our fiscal problems with the presumed solution to those same problems in a KFC-style Double Down of Fried Fiscal Offal that we have to "avert" in March[6]. And unlike the so-called fiscal cliff, there are actual, immediate consequences that include a possible government shutdown and the default on our sovereign credit. At one point in time, it was rumored that the White House was not going to accept any fiscal cliff deal that did not include the immediate de-weaponization of the debt ceiling -- which was probably the single-most responsible demand the White House could make in the negotiations. But as the path wended its way to the New Year's Day punt, this de-weaponization came off the table as a demand and was replaced with a simple rhetorical insistence from Obama that his days of negotiating over the debt ceiling were over. That would all mean something to somebody somewhere were it not for two factors: 1. As the deadline for raising the debt ceiling coincides with the conclusion to long and complicated negotiations over what will replace the sequestration cuts, it's not plausible to think that someone, at some point, isn't going to use the debt ceiling as leverage to extract concessions on a final spending deal. (And while you can count on the Pentagon being spared its share of pain, you can't guarantee the safety of earned benefit programs like Medicare and Social Security.) 2. No one in America actually believes that a "simple rhetorical insistence from Obama that his days of negotiating over the debt ceiling were over" translates into an iron-clad agreement that he will hold the line, since holding a line in any bargaining session does not seem to be something he's particularly into doing. (Though it should be said: you aren't "caving" if the end result to which you concede is actually the result you secretly wanted. And there's every possibility that Obama, in considering his legacy above any policies that could benefit working- and middle-class Americans, may just pay down those debts and dare the Republicans to stop him.) But in the short term, Obama seems to be counting on the idea that the GOP legislators he'll face in March of 2013 are not really crazy enough to plunge the country into default in exchange for a slightly greater impoverishment of the elderly or a level of discretionary spending that's so low that Obama can't live with it. On one hand, this is maybe not a terrible hand to play. If it were a President Romney being sworn in this January, you could all but guarantee that GOP legislators would not give him even a moment of guff over the debt ceiling -- they'd happily raise it every time Romney asked, without complaint or regard to his spending requests (which, judging by his platform, included substantial new military spending and a tax plan that would've jacked up the deficit). On the other hand, it's a truism in theatre that the weapon that's introduced in Act One must be fired in Act Five, and the debt ceiling has been transformed from a strange little ritual of our American government into such a weapon. Given an opportunity to disassemble it, Obama passed. And so the danger remains. Nevertheless, it's really essential for the media to start doing a better job of getting this story right, and to stop pretending like the side that's considering not raising the debt ceiling is simply presenting a credible argument in a grand debate or expressing an interesting point of view that deserves to be considered alongside everyone else's. Greg Sargent defines the stakes correctly[7]:

#### Debt ceiling will be a fight and Obama will get drawn in – impossible to ignore

**USA Today 1-2** - Susan Davis, David Jackson, Richard Wolf and Susan Page, USA TODAY, (4 lessons for Round 2 of 'fiscal cliff' fight, USA Today, http://www.usatoday.com/story/news/politics/2013/01/02/four-lessons-for-round-two-of-fiscal-cliff-fight/1805547/)

Lesson 1: The danger of ignoring spending cuts

Before the dust settles from the fight over the fiscal cliff, policymakers are positioning for looming battles between Obama and a divided Congress over issues that will affect the bottom line for the nation's economy and American households.

Republicans are relishing a debate over federal spending in the new 113th Congress, particularly for entitlement programs such as Medicare and Social Security. They see three big opportunities as Washington faces deadlines in February on the debt ceiling and in March on spending cuts and government funding.

"We intend to use the debt ceiling debate and the government funding debate as a way to negotiate real spending reductions," vows Rep. Mick Mulvaney of South Carolina, a fiscal conservative elected in the 2010 Tea Party wave. Like many fellow Republicans, he expresses frustration at the GOP's record of cutting spending in the past two years. "Fiscal conservatives — and you can include Tea Party people in that but it's more than just that — we're frustrated that the battle over spending is always going to be next time."

Republicans waged a similar fight in 2011 over the debt ceiling, which rattled financial markets and prompted Standard & Poor's to downgrade the nation's credit rating. It led to the creation of a special congressional panel to come up with a deficit reduction package — it failed — as well as the automatic spending cuts that were part of the fiscal cliff. The new deal defers that so-called budget sequester for two months.

Also ahead: Funding to keep the government running ends March 27.

Obama has declared he won't allow Congress to use the debt ceiling as a lever to win spending concessions, but it's not clear how he can avoid that. McConnell said Wednesday that Republicans are working on a package of spending cuts they want to see enacted, including entitlement reforms, in exchange for voting to raise the nation's borrowing limit.

The potential for the United States to default on its debt is a far more terrifying economic threat than the fiscal cliff posed, Hoagland says. "That's what scares me more than anything else," he says of the global ramifications of a default. "If we lose the ability to be the best place in the world to lend money to, then we really have real problems."

GOP willingness to battle over the debt ceiling again has exacerbated the ideological divide between the two parties. "These artificial crises create uncertainty that's reflected in the economy, and the economy is not growing as fast because of these crises we're manufacturing," says Rep. Jim McGovern, D-Mass. "I feel like this is the 'Twilight Zone' Congress. It just never ends."

### AT: No PC

#### PC gaining for Obama now to make one big policy push – but

The Southland Times December 27, 2012 “After 2012, what lies ahead?” Lexis

The Republican candidate concentrated his campaign on Obama's slow progress in overcoming the deepest recession in 70 years (which had been caused by the previous Republican administration), but just in time the numbers started to turn upwards for Obama. The economic recovery will probably strengthen in the coming year, unless the US falls off the fiscal cliff in the next week or so, and strong growth will give Obama enough political capital to undertake at least one big reform project. The highest priority is obviously global warming, but there is a danger that he will fritter his resources away on hot- button issues like gun control.

### AT: Thumpers

#### Yesterday’s news – Congress not legislators

#### Popular

Hurdle 12 – (Jon, August 21st, “Wind tax credit at center of presidential election spat” <http://www.smartgridnews.com/artman/publish/Business_Policy_Regulation/Wind-tax-credit-at-center-of-presidential-election-spat-5061.html>) Jacome

The panel also approved a one-year extension of an investment tax credit for the [offshore wind industry](http://energy.aol.com/2012/08/09/senate-panel-boosts-offshore-wind-with-tax-credit-vote/).  
Republican support for the wind industry may be no surprise given recent donations from the industry, according to [Federal Election Commission](http://energy.aol.com/tag/Federal+Election+Commission/) filings. The donations include $5,000 to Senator Chuck Grassley of Iowa, a leading supporter of extending the PTC.  
Grassley said the extension would "level the playing" field for wind versus fossil fuels, and predicted the committee's strong vote for the measure puts the PTC in a "strong position" for a vote of the full Senate this fall.  
Democrats have also benefited from donations by the AWEA's political action committee. They include Senate Majority Leader Harry Reid who received $5,000 this year, according to FEC filings.

#### Despite Obama rhetoric, budget fights consume all the political oxygen

**Nelson 1-1** – Colleen, writer for WFJ (Lack of Grand Bargain Complicates Obama's Priorities, WSJ, http://online.wsj.com/article/SB10001424127887323635504578216253683816078.html)

Historically, second-term presidents have had a limited window to roll out major policy proposals before lame-duck status sets in and passing significant legislation becomes a steeper challenge. With that in mind, Mr. Obama has said he would roll out proposals aimed at reducing gun violence and overhauling immigration laws early this year.

The White House view is that Mr. Obama would have been ill-positioned to pass policy priorities if the country was still preoccupied with the effects of having gone over the fiscal cliff.

But now, because lawmakers postponed for two months the spending cuts that were set to take effect Wednesday, fiscal issues will continue to consume much of the political oxygen in the near future. So will talks about whether to raise the nation's statutory borrowing limit.

#### Issues don’t cost capital till they are at the finish line, if they cant cite vote counts 0 weight

Drum, 10 (Kevin, Political Blogger, Mother Jones, http://motherjones.com/kevin-drum/2010/03/immigration-

coming-back-burner)

Not to pick on Ezra or anything, but this attitude betrays a surprisingly common misconception about political issues in general. The fact is that political dogs never bark until an issue becomes an active one. Opposition to Social Security privatization was pretty mild until 2005, when George Bush turned it into an active issue. Opposition to healthcare reform was mild until 2009, when Barack Obama turned it into an active issue. Etc. I only bring this up because we often take a look at polls and think they tell us what the public thinks about something. But for the most part, they don't.1 That is, they don't until the issue in question is squarely on the table and both sides have spent a couple of months filling the airwaves with their best agitprop. Polling data about gays in the military, for example, hasn't changed a lot over the past year or two, but once Congress takes up the issue in earnest and the Focus on the Family newsletters go out, the push polling starts, Rush Limbaugh picks it up, and Fox News creates an incendiary graphic to go with its saturation coverage — well, that's when the polling will tell you something. And it will probably tell you something different from what it tells you now. Immigration was bubbling along as sort of a background issue during the Bush administration too until 2007, when he tried to move an actual bill. Then all hell broke loose. The same thing will happen this time, and without even a John McCain to act as a conservative point man for a moderate solution. The political environment is worse now than it was in 2007, and I'll be very surprised if it's possible to make any serious progress on immigration reform. "Love 'em or hate 'em," says Ezra, illegal immigrants "aren't at the forefront of people's minds." Maybe not. But they will be soon.

### AT: Agencies Shield

#### Makes them not topical – voting issue for jurisdiction

#### “The” means all parts

Encarta 9 (World English Dictionary, “The”, http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861719495)

2. indicating generic class: used to refer to a person or thing considered generically or universally  
bullettransExercise is good for the heart.  
bullettransShe played the violin.  
bullettransThe dog is a loyal pet.

#### “Government” is all three branches

Black’s Law 90 (Dictionary, p. 695)

“[*Government*] In the United States, government consists of the executive, legislative, and judicial branches in addition to administrative agencies. In a broader sense, includes the federal government and all its agencies and bureaus, state and county governments, and city and township governments.”

#### 2ac Clarification is a voting issue – should have been in the 1ac, their green evidence says that they could do the plan not that they would do the plan – normal means debates are inhibit so the only predictable standard is holding them to USFG in the plan text which is key to any and all negative ground.

#### Agencies don’t shield and no risk of a turn---Obama is velcro and will only get blamed---no credit

**Nicholas & Hook 10** Peter and Janet, Staff Writers---LA Times, “Obama the Velcro president”, LA Times, 7-30, http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730/3

If Ronald Reagan was the classic Teflon president, Barack **Obama is made of Velcro.¶** Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become ensnared in blame.¶ Hoping to better insulate Obama, White House aides have sought to give other Cabinet officials a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public.¶ But Obama remains **the colossus of his administration** — to a point where trouble anywhere in the world is often his to solve.¶ The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape¶ What's not sticking to Obama is a legislative track record that his recent predecessors might envy. Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting.¶ Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll.¶ "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?' " said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations."¶ Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration.¶ Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants.¶ Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole.¶ "I can't suck it up with a straw," he said.¶ But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish.¶ Clinching the Democratic nomination two years ago, Obama described the moment as an epic breakthrough when "we began to provide care for the sick and good jobs to the jobless" and "when the rise of the oceans began to slow and our planet began to heal."¶ Those towering goals remain a long way off. And most people would have preferred to see Obama focus more narrowly on the "good jobs" part of the promise.¶ A recent Gallup poll showed that 53% of the population rated unemployment and the economy as the nation's most important problem. By contrast, only 7% cited healthcare — a single-minded focus of the White House for a full year.¶ At every turn, Obama makes the argument that he has improved lives in concrete ways.¶ Without the steps he took, he says, the economy would be in worse shape and more people would be out of work. There's evidence to support that. Two economists, Mark Zandi and Alan Blinder, reported recently that without the stimulus and other measures, gross domestic product would be about 6.5% lower.¶ Yet, Americans aren't apt to cheer when something bad doesn't materialize.¶ Unemployment has been rising — from 7.7% when Obama took office, to 9.5%. Last month, more than 2 million homes in the U.S. were in various stages of foreclosure — up from 1.7 million when Obama was sworn in.¶ "Folks just aren't in a mood to hand out gold stars when unemployment is hovering around 10%," said Paul Begala, a Democratic pundit.¶ **Insulating the president from bad news has proved impossible**. Other White Houses have tried doing so with more success. Reagan's Cabinet officials often took the blame, shielding the boss.¶ But the Obama administration is about one man. Obama is the White House's chief spokesman, policy pitchman, fundraiser and negotiator. **No Cabinet secretary has emerged as an adequate surrogate**. Treasury Secretary Timothy F. Geithner is seen as a tepid public speaker; Energy Secretary Steven Chu is prone to long, wonky digressions and has rarely gone before the cameras during an oil spill crisis that he is working to end.¶ So, more falls to Obama, reinforcing the Velcro effect: **Everything sticks to him**. He has opined on virtually everything in the hundreds of public statements he has made: nuclear arms treaties, basketball star LeBron James' career plans; Chelsea Clinton's wedding.¶ Few audiences are off-limits. On Wednesday, he taped a spot on ABC's "The View," drawing a rebuke from Democratic Pennsylvania Gov. Edward G. Rendell, who deemed the appearance unworthy of the presidency during tough times.¶ "Stylistically he creates some of those problems," Eddie Mahe, a Republican political strategist, said in an interview. "His favorite pronoun is 'I.' When you position yourself as being all things to all people, the ultimate controller and decision maker with the capacity to fix anything, you set yourself up to be blamed when it doesn't get fixed or things happen."¶ A new White House strategy is to forgo talk of big policy changes that are easy to ridicule. Instead, aides want to market policies as more digestible pieces. So, rather than tout the healthcare package as a whole, advisors will talk about smaller parts that may be more appealing and understandable — such as barring insurers from denying coverage based on preexisting conditions.¶ But at this stage, it may be late in the game to downsize either the president or his agenda.

#### Obama will be blamed for agency action

Wallison 3 Resident Fellow @ A.E.I. “A Power Shift No One Noticed”, AEI Online, 1-1, http://www.aei.org/publications/pubID.15652/pub\_detail.asp

To be sure, the president had appointed the chairman and the other members of the SEC, but that in itself would not make him blameworthy unless one assumed that he was also directly responsible for how the SEC acted before, and after, the scandals erupted. That is the nub of the important but largely unnoticed change that has occurred: the unchallenged assumption on the part of all parties--in Congress, in the media, among the public, and even in the White House itself--that the president was **fully accountable for an agency** that has always been viewed as independent.¶ The significance of this change in the grand government scheme of things can hardly be overstated. Without legislation or judicial decision, the president has suddenly become **electorally responsible** for the decisions of bodies that were considered to be within the special purview of Congress, susceptible only to congressional policy direction. Of course, this functional revolution did not give the president any new powers with respect to the independent regulatory agencies. But the die is now cast. The way the American people look at the president's responsibilities apparently is changing, and that will affect the attitude of Congress. If the American people believe that the president should be responsible for the actions of the SEC, it will be **difficult to convince them otherwise**. Significantly, since Harvey Pitt's resignation as SEC chairman in November, the media have routinely referred to the president's choice to head the SEC, investment banker William H. Donaldson, as a member of the Bush "economic team."

### 2nc a2 corker

#### Congress was irrelevant and hollow – Obama was key

Jonathan Strong (staff writer for Roll Call) September 27, 2012 “House Quiet on Fiscal Cliff Strategy” http://www.rollcall.com/news/House-Quiet-on-Fiscal-Cliff-Strategy-217846-1.html

The Senate is abuzz with meetings, planning and trial balloons on how Congress will address the fiscal cliff, a phenomenon that threatens a combination of tax hikes and spending cuts in the new year that most economists believe could tip the United States back into recession. But on the House side, it's crickets chirping - at least in terms of strategy discussions, leaving some rank-and-file Members looking for answers. "If there's a plan on how we're going to deal with this mess, then it must be in Al Gore's lockbox because I haven't seen it," one GOP House aide said. The House has passed two separate bills that would replace the looming sequestration defense cuts with spending cuts in other areas, the most recent of which passed Sept. 13. From the Republican leadership's perspective, that puts the onus on the Senate and President Barack Obama, and it allows their Members back home to point out to voters that the House has acted. "It has been 126 days since the president said he would veto our plan, but he has failed to put forward an alternative," House Majority Leader Eric Cantor (R-Va.) said on the floor when the House passed its latest plan. "The House will act. Now we need leadership, Mr. President." But with Obama having quickly issued veto threats for both bills, neither are in the ballpark of a deal that both parties could sign onto. Sen. Charles Schumer (D-N.Y.) noted last week that on Wednesday alone he attended four meetings on the fiscal cliff, some of which were bipartisan. He said the discussions would continue while Congress is in recess until after the elections. And Republicans in the Senate have been meeting for months with their Democratic counterparts in an effort to break the stalemate. While Speaker John Boehner and House Ways and Means Chairman Dave Camp (R-Mich.) recently met with Treasury Secretary Timothy Geithner, GOP sources say any discussions are being tightly kept at very high levels. Grover Norquist, the president of Americans for Tax Reform, said the House is relatively quiet because Republicans are going to hold firm to positions they have already announced. In that sense, Democrats, particularly in the Senate, have been working diligently to push a narrative that if Obama defeats GOP nominee Mitt Romney, Republicans will need to fold on taxes, allowing rates to rise on the incomes of wealthy individuals. But despite the noise, Norquist predicted Democrats would "fold completely like a house of cards just like they did two years ago" when Obama struck a deal for an extension of the current tax rates. The reason? Twenty Democratic Senators are up for re-election in 2014, which would scare them off from allowing painful tax increases to go into effect. The bipartisan discussions in the House, Norquist said, were largely "make believe." "There are always a bunch of guys on the Senate side who can get on TV by announcing they're willing to be a part of the gang of whatever. Some of these guys are serial gang members. They just want to be in the room when there are television cameras there.

#### Congress is irrelevant Obama key

Ashley Killough (writer for CNN) January 3, 2013 “McConnell: Debt debate 'starts today'” Lexis

Hours after Congress sent a bill for the president's signature to avoid the fiscal cliff, Senate Minority Leader Mitch McConnell is already gearing up for the next showdown. The Kentucky Republican wrote in an op-ed that President Barack Obama should be prepared to "have a fight" over government spending and the debt limit in the coming weeks, adding that the tax debate is now a thing of the past with the new legislation. "I have news for him: The moment that he and virtually every elected Democrat in Washington signed off on the terms of the current arrangement, it was the last word on taxes. That debate is over," McConnell wrote in the Yahoo News op-ed. "Now the conversation turns to cutting spending on the government programs that are the real source of the nation's fiscal imbalance. And the upcoming debate on the debt limit is the perfect time to have that discussion." By late February or early March, Congress will have to vote on raising the debt ceiling, the amount the government can legally borrow. Treasury Secretary Tim Geithner has already said federal borrowing has reached the current $16.394 trillion debt ceiling. Also in March, Congress will have to deal with the delayed sequester--automatic spending cuts--and vote on a continuing budget resolution. The upcoming "mini-cliffs," as some have called it, are almost sure to have partisanship similar to that seen in the fiscal cliff debacle. Republicans say they oppose raising the debt limit, preferring instead to cut spending. In the 2011 debt limit fiasco, Democrats argued it was necessary to raise the ceiling and prevent the government from defaulting on its loans. Many are repeating the same argument. Obama said in his statement late Tuesday night at the White House that he wants "less drama" and "brinksmanship" in future negotiations over fiscal matters. "I will not have another debate with this Congress over whether or not they should pay the bills that they've already racked up through the laws that they passed," he said. House Republicans expressed frustration late Tuesday night over the fiscal cliff deal's lack of spending cuts, with many vowing to pursue aggressive cuts in the debt ceiling debate. McConnell wrote that the president should get ready for the battle. "The President may not want to have a fight about government spending over the next few months, but it's the fight he is going to have, because it's a debate the country needs," he said, adding that Obama "must show up" and deliver a serious plan for slashing federal spending. "That's the debate the American people really want. It's a debate Republicans are ready to have. And it's the debate that starts today, whether the President wants it or not," McConnell wrote.

#### Solar power incentives sparks a firestorm

Vlasic and Wald 3/12/12 (NYT staffwriters, “Solyndra Is Blamed as Clean-Energy Loan Program Stalls,” http://www.nytimes.com/2012/03/13/business/energy-environment/stalled-clean-energy-loan-program-feels-solyndras-chill.html?\_r=1&ref=solyndra)

More than $16 billion in loans authorized five years ago by Congress to develop fuel-efficient vehicles has yet to be disbursed, with applicants for the money complaining that the Energy Department is crippling plans for greener cars and trucks at a time of rising gas prices. Some companies contend that the loans, administered by energy officials, have dried up because of a political firestorm that followed the bankruptcy last year of the solar panel company Solyndra, which had received a federal loan from a related program. The bankruptcy fed Republican criticism of the Obama administration’s handling of clean energy loans because one of the investors in Solyndra was a major fund-raiser for the president. “Since Solyndra became politicized last fall, the Department of Energy has failed to make any other loans,” said William Santana Li, chief executive of Carbon Motors, which on Wednesday dropped its $310 million application to build police cars with diesel engines that use 40 percent less fuel than current models. Echoing other companies that were denied loans or have withdrawn their applications, Mr. Li said that in recent months federal officials had repeatedly altered the terms of the possible loans. Last month, Chrysler withdrew its application for $3.5 billion in loans — after three years of negotiations — because the government kept raising the amount of collateral required, company officials said.

### AT: PC Not Key

#### Yes vote switching—even due to unrelated legislation

**Simes and Saunders 2010** – \*publisher of the National Interest, \*\*Executive Director of The Nixon Center and Associate Publisher of The National Interest, served in the State Department from 2003 to 2005 (12/23, Dimitri and Paul, National Interest, “START of a Pyrrhic Victory?”, http://nationalinterest.org/commentary/start-pyrrhic-victory-4626, WEA)

Had the lame-duck session not already been so contentious, this need not have been a particular problem. Several Senate Republicans indicated openness to supporting the treaty earlier in the session, including Senator Lindsey Graham and Senator John McCain. Senator Jon Kyl—seen by many as leading Republican opposition to the agreement—was actually quite careful to avoid saying that he opposed New START until almost immediately prior to the vote. Our own conversations with Republican Senate sources during the lame duck session suggested that several additional Republicans could have voted to ratify New START under other circumstances; Senator Lamar Alexander is quoted in the press as saying that **Republican anger over unrelated legislation cost** five to ten **votes**. By the time the Senate reached New START, earlier conduct by Senate Democrats and the White House had alienated many Republicans who could have voted for the treaty.

That the administration secured thirteen Republican votes (including some from retiring Senators) for the treaty now—and had many more potentially within its grasp—makes clear what many had believed all along: it would not have been so difficult for President Obama to win the fourteen Republican votes needed for ratification in the new Senate, if he had been prepared to wait and to work more cooperatively with Senate Republicans. Senator Kerry’s comment that “70 votes is yesterday’s 95” ignores the reality that he and the White House could have secured many more than 70 votes had they handled the process differently and attempts to shift the blame for the low vote count onto Republicans.

# Round 6 – Neg v UNT KP

## 1nc

### 1

#### Narritivization of politics fracture movements against capitalism – the aff’s specific application of narrative knowledge in the struggle against Western rationality ignores the commonality of oppression makes divide and conquer tactics more effective

**Smith ’95** (Sharon, columnist for Socialist Worker and author of Women’s Liberation and Socialism, Mistaken Identity: or Can Identity Politics Liberate the Oppressed, http://pubs.socialistreviewindex.org.uk/isj62/smith.htm)

Among many people on the left today the Marxist emphasis on the centrality of class and class struggle – as key both to understanding and to transforming society – is widely disparaged. Many who once looked to the working class movement as key to social change have shifted their focus toward the 'new social movements'. This term covers a broad range of movements which originated in the 1960s and 1970s, including those against the oppression of women, blacks and lesbians and gays, as well as those organized around ecology, disarmament and a variety of other issues. Key to this strategy for social change, which has been carried to its logical extreme more recently through the development of 'identity politics,' is the idea that only those experiencing a particular form of oppression can either define it or fight against it. For people newly active on the left, this way of organizing may seem like common sense: it should go without saying that those who are oppressed should fight against their own oppression. Moreover, the prevalence of sexist, racist and anti-gay ideas in society at large makes it sometimes appear as if the bigotry which divides people can never be fully overcome. This pessimistic notion forms the theoretical basis for identity politics. It is assumed that a particular movement must include only those who face a specific form of oppression. To one degree or another, all the other people in society are part of the problem – in some way they benefit from oppression and have an interest in maintaining it. For this same reason it follows that each oppressed group should have its own distinct and separate movement. Such movements therefore tend to be organized on the basis of 'autonomy' or independence – from each other and from the socialist movement. They tend also to be organized independent of any class basis. But this logic is flawed. It would be disastrous, for example, if the fight against fascism in Europe today were limited to only members of those racial groups who are immediately targeted by fascists. The advance of the fascist movement is not only a threat to 'foreign born' workers, but to all workers. To most effectively counter the recent rise of fascists in Europe, all those who oppose the far right, whatever race they happen to be, should be encouraged to join the anti-fascist movement. Any fight against oppression, if it is to succeed, must be based upon building the strongest possible movement. And that can only happen when a movement unites different groups of activists into a common struggle. It is not, as is widely assumed within these political milieu, necessary to face a particular oppression in order to fight against that oppression, any more than it is necessary to be destitute in order to fight against poverty. Many people who do not experience a particular form of oppression can learn to identify with those who do, and can be enlisted as allies in a common struggle. The politics of identity cannot point the way towards building the kind of movement which can actually end oppression. In fact, among existing organizations founded on the basis of identity politics, the tendency has been towards fragmentation and disintegration, rather than growth. More often than not among movements organized on the basis of identity politics the enemy includes 'everyone else' – perceived as an amorphous, backward blob which makes up the rest of society. Instead of seeing the class struggle as a way to overcome oppression, the working class is seen as a barrier to this process. At its heart, identity politics is a rejection of the notion that the working class can be the agent for social change, and a pessimism about the possibility for significant, never mind revolutionary, social transformation. As Stanley Aronowitz argued in his book, The Politics of Identity: *Class, Culture, Social Movements*: ...the historically exclusive focus of class-based movements on a narrow definition of the issues of economic justice has frequently excluded gender, race, and qualitative issues, questions of workers' control over production, and similar problems. The almost exclusive emphasis on narrow quantitative issues has narrowed the political base of labor and socialist movements and made all but inevitable the emergence of social movements which, as often as not, perceived class politics as inimical to their aims.1

#### Reflection without centrality of anti-capitalist struggle in the status quo hegemonic coordinates fragments resistance

**Zizek, Prof of Sociology at the Institute for Sociology at Ljubljana Univ, 2004**

[Slavoj, *Conversations With Zizek*, pg 148-9]

My position is almost classical Marxist in the sense that I would insist that anti-capitalist struggle is not simply one among other political struggles for greater equality, cultural recognition, anti-sexism and so on. I believe in the central structuring role of the anti-capitalist struggle. And I don’t think that my position is as crazy or idiosyncratic as it appeared maybe a couple a years ago. It is not only the so-called Seattle Movement; there are many other signals that demonstrate—how shall I put it?—capitalism is becoming a problem again; that the honeymoon of globalization, which lasted through the 1990s, is coming to an end. It’s in this context that we can also understand the incredible successes of Negri and Hardt’s Empire, which points out that people are again perceiving capitalism as a problem. It is no longer the old story that the ideological battles are over and that capitalism has won. **Capitalism is once more a problem.** This would be my starting point. And I am not thinking of anti-capitalist struggle just in terms of consumerist movements. This is not enough. We need to do more than simply organize a multitude of sites of resistance against capitalism**. There is a basic necessity to translate this resistance into a more global project**—otherwise we will merely be creating regulatory instances that control on the worst excesses of capitalism. **GD:** This also appears to be at the base of your dispute with Ernesto Laclau – in J. Butler (et al.) Contingency, Hegemony, and Universality – where you seem to be arguing that the existing political struggles are already caught up in a certain liberal capitalist ethos and that the contemporary logiics of hegemony are already hegemonized; already configured within the capital processes themselves…**SJ:** Yes, I agree with your formulation that hegemony itself is hegemonized. In what sense? I think that the idea that today we no longer have a central struggle but a multitude of struggles is a fake one, because we shouldn’t forget that the group for this multitude of struggles was created by modern global capitalism. This doesn’t devaluate these struggles: I am not saying they are not real struggles. I am saying that the passage from old-fashioned class struggle to all these post-modern struggles of ecological, cultural, sexual etc. struggles is one that is opened up by global capitalism. **The ground of these struggles is global capitalism**.

#### Capitalism leads to extinction, nuclear war, environmental collapse, poverty, racism, and sexism

**Brown**, Charles [Professor of Economics and Research Scientist at the University of Michigan] May 13th 20**05** (http://archives.econ.utah.edu/archives/pen-l/2005w15/msg00062.htm)

The capitalist class owns the factories, the banks, and transportation-the means of production and distribution. Workers sell their ability to work in order to acquire the necessities of life. Capitalists buy the workers' labor, but only pay them back a portion of the wealth they create. Because the capitalists own the means of production, they are able to keep the surplus wealth created by workers above and beyond the cost of paying worker's wages and other costs of production. This surplus is called "profit" and consists of unpaid labor that the capitalists appropriate and use to achieve ever-greater profits. These profits are turned into capital which capitalists use to further exploit the producers of all wealth-the working class. Capitalists are compelled by competition to seek to maximize profits. The capitalist class as a whole can do that only by extracting a greater surplus from the unpaid labor of workers by increasing exploitation. Under capitalism, economic development happens only if it is profitable to the individual capitalists, not for any social need or good. The profit drive is inherent in capitalism, and underlies or exacerbates all major social ills of our times. With the rapid advance of technology and productivity, new forms of capitalist ownership have developed to maximize profit. The working people of our country confront serious, chronic problems because of capitalism. These chronic problems become part of the objective conditions that confront each new generation of working people. The threat of nuclear war, which can destroy all humanity, grows with the spread of nuclear weapons, space-based weaponry, and a military doctrine that justifies their use in preemptive wars and wars without end. Ever since the end of World War II, the U.S. has been constantly involved in aggressive military actions big and small. These wars have cost millions of lives and casualties, huge material losses, as well as trillions of U.S. taxpayer dollars. Threats to the environment continue to spiral, threatening all life on our planet. Millions of workers are unemployed or insecure in their jobs, even during economic upswings and periods of "recovery" from recessions. Most workers experience long years of stagnant real wages, while health and education costs soar. Many workers are forced to work second and third jobs to make ends meet. Most workers now average four different occupations during their lifetime, being involuntarily moved from job to job and career to career. Often, retirement-age workers are forced to continue working just to provide health care for themselves. With capitalist globalization, jobs move as capitalists export factories and even entire industries to other countries. Millions of people continuously live below the poverty level; many suffer homelessness and hunger. Public and private programs to alleviate poverty and hunger do not reach everyone, and are inadequate even for those they do reach. Racism remains the most potent weapon to divide working people. Institutionalized racism provides billions in extra profits for the capitalists every year due to the unequal pay racially oppressed workers receive for work of comparable value. All workers receive lower wages when racism succeeds in dividing and disorganizing them. In every aspect of economic and social life, African Americans, Latinos, Native Americans, Asian a nd Pacific Islanders, Arabs and Middle Eastern peoples, and other nationally and racially oppressed people experience conditions inferior to that of whites. Racist violence and the poison of racist ideas victimize all people of color no matter which economic class they belong to. The attempts to suppress and undercount the vote of the African American and other racially oppressed people are part of racism in the electoral process. Racism permeates the police, judicial and prison systems, perpetuating unequal sentencing, racial profiling, discriminatory enforcement, and police brutality. The democratic, civil and human rights of all working people are continually under attack. These attacks range from increasingly difficult procedures for union recognition and attempts to prevent full union participation in elections, to the absence of the right to strike for many public workers. They range from undercounting minority communities in the census to making it difficult for working people to run for office because of the domination of corporate campaign funding and the high cost of advertising. These attacks also include growing censorship and domination of the media by the ultra-right; growing restrictions and surveillance of activist social movements and the Left; open denial of basic rights to immigrants; and, violations of the Geneva Conventions up to and including torture for prisoners. These abuses all serve to maintain the grip of the capitalists on government power. They use this power to ensure the economic and political dominance of their class. Women still face a considerable differential in wages for work of equal or comparable value. They also confront barriers to promotion, physical and sexual abuse, continuing unequal workload in home and family life, and male supremacist ideology perpetuating unequal and often unsafe conditions. The constant attacks on social welfare programs severely impact single women, single mothers, nationally and racially oppressed women, and all working class women. The reproductive rights of all women are continually under attack ideologically and politically. Violence against women in the home and in society at large remains a shameful fact of life in the U.S.

#### Thus, we demand rejection of the plan in favor of communal relations of solidarity outside the state to shelter the oppressed from global capitalism

**Only by rejecting capitalism's drive to commodify can we lead to an alternative to capitalism.**

Marcuse, German Philosopher and Professor at Columbia and Harvard, in ’69 [Herbert, member of the Frankfurt School, An Essay on Liberation, p. 85-91]

More recently, the break in the unity of the communist orbit, the triumph of the Cuban revolution, Vietnam, and the "cultural revolution" in China have changed this picture. The possibility of constructing socialism on a truly popular base, without the Stalinist bureaucratization and the danger of a nuclear war as the imperialist answer to the emergence of this kind of socialist power, has led to some sort of common interest between the Soviet Union on the one side and the United States on the other. In a sense, this is indeed the community of interests of the "haves" against the "have nots," of the Old against the New. The "collaborationist" policy of the Soviet Union necessitates the pursuance of power politics which increasingly reduces the prospect that Soviet society, by virtue of its basic institutions alone (abolition of private ownership and control of the means of production: planned economy) is still capable of making the transition to a free society. And yet, the very dynamic of imperialist expansion places the Soviet Union in the other camp: would the effective resistance in Vietnam, and the protection of Cuba be possible without Soviet aid? However, while we reject the unqualified convergence thesis, according to which -at least at present -the assimilation of interests prevails UPOIl the conflict between capitalism and Soviet Socialism, we cannot minimize the essential difference between the latter and the new historical efforts to construct socialism by developing and creating a genuine solidarity between the leadership and the liberated victims of exploitation. The actual may considerably deviate from the ideal, the fact remains that, for a whole generation, "freedom," "socialism," and "liberation" are inseparable from Fidel and Che and the guerrillas -not because their revolutionary struggle could furnish the model for the struggle in the metropoles, but because they have recaptured the truth of these ideas, in the dayto- day fight of men and women for a life as human beings: for a new life. What kind of life? We are still confronted with the demand to state the "concrete alternative." The demand is meaningless if it asks for a blueprint of the specific institutions and relationships which would be those of the new society: they cannot be determined a priori; they will develop, in trial and error, as the new society develops. If we could form a concrete concept of the alternative today, it would not be that of an alternative; the possibilities of the new society are sufficiently "abstract," i.e., removed from and incongruous with the established universe to defy any attempt to identify them in terms of this universe. However, the question cannot be brushed aside by saying that what matters today is the destruction of the old, of the powers that be, making way for the emergence of the new. Such an answer neglects the essential fact that the old is not simply bad, that it delivers the goods, and that people have a real stake in it. There can be societies which are much worse – there are such societies today. The system of corporate capitalism has the right to insist that those who work for its replacement justify their action. But the demand to state the concrete alternatives is justified for yet another reason. Negative thinking draws whatever force it may have from its empirical basis: the actual human condition in the given society, and the "given" possibilities to transcend this condition, to enlarge the realm of freedom. In this sense, negative thinking is by virtue of its own internal concepts "positive": oriented toward, and comprehending a future which is "contained" in the present. And in this containment (which is an important aspect of the general containment policy pursued by the established societies), the future appears as possible liberation. It is not the only alternative: the advent of a long period of "civilized" barbarism, with or without the nuclear destruction, is equally contained in the present. Negative thinking, and the praxis guided by it, is the positive and positing effort to prevent this utter negativity. The concept of the primary, initial institutions of liberation is familiar enough and concrete enough: collective ownership, collective control and planning of the means of production and distribution. This is the foundation, a necessary but not sufficient condition for the alternative: it would make possible the usage of all available resources for the abolition of poverty, which is the prerequisite for the turn from quantity into quality: the creation of a reality in accordance with the new sensitivity and the new consciousness. This goal implies rejection of those policies of reconstruction, no matter how revolutionary, which are bound to perpetuate (or to introduce) the pattern of the unfree societies and their needs. Such false policy is perhaps best summed up in the formula "to catch up with, and to overtake the productivity level of the advanced capitalist countries." What is wrong with this formula is not the emphasis on the rapid improvement of the material conditions but on the model guiding their improvement. The model denies the alternative, the qualitative difference. The latter is not, and cannot be, the result of the fastest possible attainment of capitalist productivity, but rather the development of new modes and ends of production "new" not only (and perhaps not at all) with respect to technical innovations and production relations, but with respect to the different human needs and the different human relationships in working for the satisfaction of these needs. These new relationships would be the result of a "biological" *solidarity* in work and purpose, expressive of a true harmony between social and individual needs and goals, between recognized necessity and free development -the exact opposite of the administered and enforced harmony organized in the advanced capitalist (and socialist?) countries. It is the image of this solidarity as elemental, instinctual, creative force which the young radicals see in Cuba, in the guerrillas, in the Chinese cultural revolution. Solidarity and cooperation: not all their forms are liberating. Fascism and militarism have developed a deadly efficient solidarity. Socialist solidarity is autonomy: selfdetermination begins at home -and that is with every I, and the We whom the I chooses. And this end must indeed appear in the means to attain it, that is to say, in the strategy of those who, within the existing society, work for the new one. If the socialist relationships of production are to be a new way of life, a new Form of life, then their existential quality must show forth, anticipated and demonstrated, in the fight for their realization. Exploitation in all its forms must have disappeared from this fight: from the work relationships among the fighters as well as from their individual relationships. Understanding, tenderness toward each other, the instinctual consciousness of that which is evil, false, the heritage of oppression, would then testify to the authenticity of the rebellion. In short, the economic, political, and cultural features of a classless society must have become the basic needs of those who fight for it. This ingression of the future into the present, this depth dimension of the rebellion accounts, in the last analysis, for the incompatibility with the traditional forms of the political struggle. The new radicalism militates against the centralized bureaucratic communist as well as against the semi-democratic liberal organization. There is a strong element of spontaneity, even anarchism, in this rebellion, expression of the new sensibility, sensitivity against domination: the feeling, the awareness, that the joy of freedom and the need to be free must precede liberation.Therefore the aversion against preestablished Leaders, apparatchiks of all sorts, politicians no matter how leftist. The initiative shifts to small groups, widely diffused, with a high degree of autonomy, mobility, flexibility. To be sure, within the repressive society, and against its ubiquitous apparatus, spontaneity by itself cannot possibly be a radical and revolutionary force. It can become such a force only as the result of enlightenment, education, political practice -in this sense indeed, as a result of organization. The anarchic element is an essential factor in the struggle against domination: preserved but disciplined in the preparatory political action, it will be freed and aufgehoben in the goals of the struggle. Released for the construction of the initial revolutionary institutions, the antirepressive sensibility, allergic to domination, would militate against the prolongation of the "First Phase," that is, the authoritarian bureaucratic development of the productive forces. The new society could then reach relatively fast the level at which poverty could be abolished (this level could be considerably lower than that of advanced capitalist productivity, which is geared to obscene aflluence and waste). Then the development could tend toward a sensuous culture, tangibly contrasting with the gray-on-gray culture of the socialist societies of Eastern Europe. Production would be redirected in defiance of all the rationality of the Performance Principle; socially necessary labor would be diverted to the construction of an aesthetic rather than repressive environment, to parks and gardens rather than highways and parking lots, to the creation of areas of withdrawal rather than massive fun and relaxation. Such redistribution of socially necessary labor (time), incompatible with any society governed by the Profit and Performance Principle, would gradually alter society in all its dimensions -it would mean the ascent of the Aesthetic Principle as Form of the Reality Principle: a culture of receptivity based on the achievements of industrial civilization and initiating the end of its selfpropelling productivity. Not regression to a previous stage of civilization, but return to an imaginary *temps perdu* in the real life of mankind: progress to a stage of civilization where man has learned to ask for the sake of whom or of what he organizes his society; the stage where he checks and perhaps even halts his incessant struggle for existence on an enlarged scale, surveys what has been achieved through centuries of misery and hecatombs of victims, and decides that it is enough, and that it is time to enjoy what he has and what can be reproduced and refined with a minimum of alienated labor: not the arrest or reduction of technical progress, but the elimination of those of its features which perpetuate man's subjection to the apparatus and the intensification of the struggle for existence -to work harder in order to get more of the merchandise that has to be sold. In other words, electrification indeed, and all technical devices which alleviate and protect life, all the mechanization which frees human energy and time, all the standardization which does away with spurious and parasitarian "personalized" services rather than multiplying them and the gadgets and tokens of exploitative affiuence. In terms of the latter (and only in terms of the latter), this would certainly be a regression -but freedom from the rule of merchandise over man is a precondition of freedom. The construction of a free society would create new incentives for work. In the exploitative societies, the so‐called work instinct is mainly the (more or less effectively) introjected necessity to perform productively in order to earn a living. But the life instincts themselves strive for the unification and enhancement of life; in nonrepressive sublimation they would provide the libidinal energy for work on the development of a reality which no longer demands the exploitative repression of the Pleasure Principle. The "incentives" would then be built into the instinctual structure of men. Their sensibility would register, as biological reactions, the difference between the ugly and the beautiful, between calm and noise, tenderness and brutality, intelligence and stupidity, joy and fun, and it would correlate this distinction with that between freedom and servitude. Freud's last theoretical conception recognizes the erotic instincts as work instincts ‐work for the creation of a sensuous environment. The social expression of the liberated work instinct is cooperation, which, grounded in solidarity, directs the organization of the realm of necessity and the development of the realm of freedom. And there is an answer to the question which troubles the minds of so many men of good will: what are the people in a free society going to do? The answer which, I believe, strikes at the heart of the matter was given by a young black girl. She said: for the first time in our life, we shall be free to think about what we are going to do.

### 2

#### They spin a rather compelling story about changing the way that they approach the world. However, they made one crucial mistake – they never questioned how the knowledge they use came to be. How is it that Vine Deloria or Friedberg know that this western view of the world is wrong? And how do they know about alternative cultures? They know this because of the binaristic logic that was used to gather that knowledge. These anthropological explorations are at the heart of colonialism, this will inevitably result in cultural genocide. Ultimately, their project will collapse into itself because it forms the basis of its knowledge from a violent ethnographic past. They can never be a genuine reflection on western culture because their methodology of gaining knowledge is inherently and irredeemably western

**De Genova 2k7** (Nicholas, “The Stakes of an Anthropology of the United States” The New Centennial Review, Vol. 7, No. 2, Muse)

Marcus gently signals the beleaguered status of the concept of "culture" as a distinctly anthropological (disciplinary) object of knowledge, as well as its functionalist foundations in a deﬁnite but enduring myth of ethnography as an intellectual means of production. Implicitly, moreover, Marcus is likewise directing our critical scrutiny to the extravagantly unequal geopolitical positions of the United States—or France, or Britain, in his not inadvertent examples—in relation to their historical or contemporary colonies and targets for imperial intrusion and control. The difference, of course, is decisive. And moreover, truly deﬁning. ¶ If there is—arguably, but not implausibly—a historical speciﬁcity that makes distinctly "anthropological" claims inseparable from some form of colonial (or imperialist) domination, then it is imperative that we consider precisely whether a critical anthropology of the United States is even possible. This is by no means a trivial or merely polemical question. One need only consider the remarkable prominence and indisputable centrality of American Indians in the intellectual and historical formations of the institutionalized academic discipline of anthropology in the United States, in light of the utter impossibility, contemporaneously, of conceiving of that anthropology—albeit one conducted within the space of the U.S. nation-state—as something that might have been called an anthropology of the United States. ¶ U.S. Nationalism as a Colonial Formation ¶ Why, indeed, did the pioneering work in cultural anthropology in the United States treat the subjugation of North America's indigenous peoples as virtually extraneous to the ethnographic objectiﬁcation of their ostensibly self-contained "cultures"? As A. L. Kroeber hauntingly remarked, the genocidal extermination of the Northern California Indians (whom he made his "object" of study) amounted to "a little history . . . of pitiful events," "a matter that has comparatively slight relation to aboriginal civilization," [End Page 237] which he took to be the more proper concern of anthropological inquiry (quoted in Scheper-Hughes 2001, 14). In light of a hegemonic commonsense throughout the nineteenth century that American Indians were literally doomed to extinction in the face of the inexorable "progressive" expansion of white "civilization" (Berkhofer 1978; Horsman 1981, 189–207; Takaki 1979, 80–107), what else, after all, could ever have been the meaning of "salvage ethnography"?¶ In this regard, one can hardly feign professional indignation in the face of Native American repudiations of anthropology, **such as Vine Deloria Jr.'s memorably sardonic judgment: ¶ Behind each policy and program with which Indians are plagued, if traced completely back to its origin, stands the anthropologist. The fundamental thesis of the anthropologist is that people are objects for observation, people are then considered objects for experimentation, for manipulation, and for eventual extinction.¶** Why, furthermore, did anthropologists persistently ﬁgure indigenous social formations to be on the other side of the frontier of U.S. nationhood, despite their effectively complete spatial and sociopolitical containment within the juridical territoriality of the U.S. nation-state? Similarly, how could Ruth Benedict (1946) have so effortlessly transposed a study of Japanese "resident aliens" (who were ineligible, on explicitly racial grounds, to naturalize as U.S. citizens, but had commonly lived in the United States for the majority of their adult lives, and who were subjected to her inquiries while captive in wartime concentration camps) into the putative ethnography of imperial Japan's "culture," albeit "at a distance"? The strictly racialized suspicion of the Japanese—noncitizens and U.S.-born alike—as irredeemably foreign and presumptively disloyal (which was the basis for their internment, ultimately) supplied the material, practical, and ideological conditions of possibility for Benedict's uncritical construction of the "culture" of this "most alien enemy the United States had ever fought in an all-out struggle" (1946, 1) as being "embedded in the rules and values" (6) that could be deduced from what her captive and utterly compromised informants reported of their distant memories of life in Japan (8). Yet, the ethnography of these [End Page 238] U.S. prison camps and their inmates remained, quite frankly, inconceivable in terms of anything that might contribute to an anthropology of the United States. Similarly, how could Margaret Mead—despite her truly extravagant and emphatically heuristic juxtaposition of "American civilization" and "Samoa, a South Sea island . . . inhabited by a brown Polynesian people" whose "primitive," "uncomplex [sic], uniform culture" was instructively "not only simpler but very different from our own" (1928, 15–16)—have left, utterly unremarked, Samoa's status as a military colony of the United States? A people without history, indeed. Despite the most valiant liberal postures of anthropological advocacy on behalf of the cultural integrity of the colonized, the brute fact of a deﬁning historical complicity with the U.S. nation-state's truly inexorable colonization of its ever-expansive and increasingly virtual frontiers seems difﬁcult to suppress.[4](http://muse.jhu.edu.proxy.lib.umich.edu/journals/new_centennial_review/v007/7.2genova.html" \l "FOOT4) ¶ Again, however, the more subtle point has to do not merely with historical complicity so much as epistemological and theoretical complacency. Consider, for instance, Partha Chatterjee's poignant example: ¶ It is not trivial to point out here that in this whole debate about the possibility of cross-cultural understanding, the scientist is always one of "us": he is a Western anthropologist, modern, enlightened and self-conscious (and it does not matter what his nationality or the color of his skin happens to be). The objects of study are "other" cultures—always non-Western. No one has raised the possibility, and the accompanying problems, of a rational understanding of "us" by a member of the "other" culture—of, let us say, a Kalabari anthropology of the white man. It could be argued, of course, that when we consider the problem of relativism, we consider the relations between cultures in the abstract and it does not matter if the subject-object relation between Western and non-Western cultures is reversed: the relations would be isomorphic.¶ But it would not: that is precisely why we do not, and probably never will, have a Kalabari anthropology of the white man. And that is why even a Kalabari [End Page 239] anthropology of the Kalabari will adopt the same representational form, if not the same substantive conclusions, as the white man's anthropology of the Kalabari. For there is a relation of power involved in the very conception of the autonomy of cultures.

#### What then do we propose doing about it? We endorse the rejection of the violent ethnographies that underlie the 1AC. We believe that the way that we interact with other cultures needs to change. We should not gain knowledge about Native Americans by studying their culture and cherry-picking the stories and narratives that best suit our own interests. We shouldn’t study groups of people like they are just a group of ants. Indeed, that worldview is at the heart of colonial expansion because it seeks to include all aspects of culture into western views. We advocate the complete rejection and forgetting of all anthropological knowledge in favor of a new view of the world that see ourselves on the same level as all other cultures. No longer do we continue the binary between the colonized an the colonizer, no longer do we endorse the west/non-west binary. In the end, we simply exist as a culture, and others exist in their own culture. This desire to know and categorize the world is at the root of the 1AC harms.

**Herzfeld** prof anthropology @ Harvard **2k2** (Michael, “The Absent Presence: Discourses of Crypto-Colonialism” The South Atlantic Quarterly 101.4 Muse)

Crypto-colonialism is thus about the exclusion of certain countries from access to the globally dominant advantages of modernity. That exclusion is reflected in the history of anthropology. Whereas the former colonies became important objects of theoretical reflection, the crypto-colonies had a much more ambiguous and frustrating relationship to the production of anthropological theory. While I do not want to exaggerate this distinction, which is also much less applicable now than it would have been two decades ago, I suspect that much of the theoretical labor conducted in the [End Page 921] crypto-colonies has remained marginalized—in dramatic contrast with, for example, "subaltern studies" in the Indian subcontinent or "postcolonial studies" in sub-Saharan Africa. I do not want to suggest that particular countries should appear as the bearers of new theory. Theory is itself a problematic category; its close etymological links with the Greek for "observation" should, following Vico's subversive use of etymology, undermine any simplistic discrimination between theory and observation as contemporary forms of academic practice—and observation itself, as Johannes Fabian notes, [54](http://muse.jhu.edu.proxy.lib.umich.edu/journals/south_atlantic_quarterly/v101/101.4herzfeld.html" \l "FOOT54) is a trope of domination. My goal is thus not to prescribe a return to the pedestal, historical or theoretical. More modestly, I want to argue that those countries that have been excluded to any significant degree from the production of social theory may now instead serve as sources of insight into the hegemonic pretensions that social theory has—often inadvertently—tended to endorse. If comparing anthropology and Greek nation-building has seemed a useful exercise, might we not gain comparable insight from comparing anthropology (or sociology, or cultural studies, or even history) with the Thai discourse of siwilai, for example?

Such exercises, of which the potential variety is enormous, would challenge a hegemonic structure that, initiated under colonialism, repeats itself as both tragedy and farce in its successors. [55](http://muse.jhu.edu.proxy.lib.umich.edu/journals/south_atlantic_quarterly/v101/101.4herzfeld.html" \l "FOOT55) The opposition between colonizer and colonized is itself a discursive part of that deeply problematic

heritage. Breaking apart the binarism of colonizer and colonized may be distasteful to some, especially those whose commitments and struggles have helped to pinpoint and dismantle the evils that it indexes. But that move will concomitantly reveal the presence of other hegemonies, harder to disassemble precisely because they have been well concealed. Meanwhile, it is important not to reify crypto-colonialism: even the shadowy account of the Thai experience that I have sketched in as a foil to the Greek may suffice to illuminate the similarities and the differences alike.

The world is no longer made up of colonizers and colonized alone, nor was it ever so simply split. The provisional category that I have identified as crypto-colonialism offers a critical perspective on the distribution of cultural significance in anthropology and the world: instead of simply accepting the idea that some countries might be unimportant while others might be uninteresting, we ask who defines the nature of importance and interest and so challenge the established world-order politics of significance. This moves [End Page 922] anthropology to the critique of new subalternities and new complexities of power. In the process anthropology may again show the capacity that has ensured its survival against repeated expectations of its intellectual bankruptcy and demise: the capacity to rethink itself and its role in the world.

### 3

#### We affirm the resolution not as a single idea for a policy action but as an experience of the possibility of new forms of thinking and orienting ourselves towards energy production in the United States.

#### Their descriptions of vision reinforces occularcentrism

Hibbits 94 (Bernard J., Assoc. Prof of Law @ Pitt, “Making Sense of Metaphors: Visuality, Aurality, and the Reconfiguration of American Legal Discourse” Cardozo Law Review, 229, <http://faculty.law.pitt.edu/hibbitts/meta_int.htm> )

While American legal discourse has embraced a range of figurative expressions evoking all sorts of sensory experience,[2](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d2) it has long favored visual metaphors. We frequently consider law as a matter of looking: we "**observe**" it; we evaluate claims "in the eye of the law";[3](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d3) our high courts "review" the decisions of inferior tribunals. Alternatively, we speak of law as something one would usually look at: it is a "body," a "text," a "structure," a "bulwark of freedom,"[4](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d4) a "seamless web,"[5](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d5) and even a "magic mirror."[6](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d6) We identify particular legal concepts with striking visual images: property rights are a "bundle of sticks";[7](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d7) a long-standing constitutional principle is a "fixed star";[8](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d8) a sequence of ownership is a "chain of title."[9](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d9) We associate legal reasoning with the manipulation of visible geometric forms: we try to "square" precedents with one another;[10](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d10) we repeatedly agonize over "where the line [between different doctrines and situations] can be drawn."[11](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d11) We discuss legality in terms of light and darkness: we search for "bright-line"[12](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d12) tests; we consider an area of concurrent jurisdiction to be a "zone of twilight";[13](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d13) we seek to extend constitutional protections by probing the shadowy "penumbras"[14](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d14) of well-known guarantees. With the aid of metaphor, we go so far as to give law the visual quality of hue: we may make a property claim under "color of title";[15](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d15) we discourage "yellow dog" contracts [16](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d16) and make securities trading subject to "blue sky" laws;[17](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d17) for good or ill, we frequently adhere to "black letter" rules.[18](http://faculty.law.pitt.edu/hibbitts/meta_fin.htm" \l "d18) hibbits contniues a bit later… [2.24] In English law, William Blackstone set his Commentaries in a metaphoric language that was strikingly visualist, especially considering that his work was born as a series of lectures wherein aural metaphors would have been tolerated and even naturally expected. Blackstone repeatedly made "**observations**,"[171](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d171) analyzed legal powers from various "views" or "points of view,"[172](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d172) and reported that truths "appear."[173](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d173) He notably regarded himself as offering the prospective law student "a general map" of the law,[174](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d174) which he later described in visual terms as a magnificent, if somewhat antiquated, "Gothic castle."[175](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d175) In American law, visuality similarly manifested itself in the form, and even arguably in some of the features, of the written Constitution approved at Philadelphia.[176](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d176) Thomas Jefferson proclaimed that the Constitution was "a good canvas, on which some strokes only want retouching";[177](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d177) he called the principles protected in the Bill of Rights a "bright constellation" which had guided the republic through the course of revolution and reformation.[178](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d178) Early in the nineteenth century, Chief Justice John Marshall's constitutional jurisprudence was fraught with visual metaphors, some of which were inspired by the very visibility of the document he was construing.[179](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d179) Later in the nineteenth century, such English and American legal educators as A1bert Venn Dicey, Frederick Pollock, and Christopher Columbus Langdell employed the radically disembodied visual metaphor of law as geometry [180](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d180) to reconceive freedom "as a set of barriers against coercive intrusion into zones of autonomous conduct."[181](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d181) English legal historian Frederic Maitland pioneered the similarly abstract characterization of law as a visible "seamless web."[182](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d182) It was nonetheless another jurist, Oliver Wendell Holmes, Jr., who best reflected the sensory bias of the age. Holmes repeatedly approached law, not to mention life and language,[183](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d183) as a matter of looking. It was he who first described law as a "magic mirror";[184](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d184) it was he who first advanced the notion that law could be found in a "penumbra."[185](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d185) **Such metaphoric language gave law, not to mention his own words, extraordinary power and presence in an unprecedentedly visualist culture.** [2.25] The **added boost that print provided to the social and intellectual status of vision** gradually undermined the position still occupied by the other forms of sensory experience in the Western tradition. In societies no longer so unfamiliar or uncomfortable with the visible word that they needed sound, touch, or savor to ensure their own survival, those senses could be abandoned as primary carriers of information; in some instances they could even be condemned. Aurality suffered especially. From the seventeenth through the nineteenth centuries (with perhaps a brief interruption during the consciously nostalgic days of Romanticism),[186](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d186) speech was radically severed from writing and reading; the latter became almost universally understood as silent practices having a distinct and superior syntactic style.[187](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d187) Rhetoric was transformed into the more visual study of composition and belles-lettres.[188](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d188) At least among the "reading" middle and upper classes, silence became a powerful norm of social etiquette and order.[189](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d189) Aural concepts such as the "music of the spheres" were driven from the realm of Newtonian science.[190](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d190) Written literature cast off most of the aural forms it had previously assumed. The dialogue first became strangely "monologic,"[191](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d191) and then was virtually abandoned as a leading literary device.[192](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d192) Poetry, to the extent it was not supplanted by less aurally appealing prose,[193](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d193) was increasingly written not for the ear, but for the eye.[194](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d194) Once again, the form as a whole was analogized to painting-ut pictura poesis.[195](http://faculty.law.pitt.edu/hibbitts/meta_f2.htm" \l "d195)

#### That disenfranchises nonsighted people

**Cassell 9** [Kevin, “December 29th, 2009”, “Convergence Culture's Ocularcentrism”]

Our new media disenfranchizes blind people while satiating the eyes of the sighted¶ In his “Afterword” to Convergence Culture: Where Old and New Media Collide, Henry Jenkins laments how, “[t]oo often, we have celebrated those alternative voices which are being brought into the marketplace of ideas without considering which voices remain trapped outside”(294).¶ I would like to give voice to a group of people who indeed are trapped outside of a convergence culture that Jenkins sees [sic] as promoting a more participatory and democratic society: nonsighted, or “blind,” people. Their marginalization has a long history in a culture that has privileged sight over other senses in determining what is significant in knowledge and experience. ¶ Ocularcentrism in History and Philosophy¶ As represented by Jenkins, convergence culture seems to be the ultimate triumph of ocularcentrism (the privileging of sight over other modes of perception) in Western civilization. In primary oral cultures, nonsighted people could play significant social roles. The epic poet Homer, it is rumored, was the “blind bard,” as were some popular oracles. The mythological prophet Tiresias, a “seer” who was blind, suggests that visual disability may actually have been conceived by the ancients as a form of sight.

### 4

#### The resolution indicates affs should advocate topical government change

**Ericson 3** (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### Specific, limited resolutions ensure mutual ground which is key to sustainable controversy without sacrificing creativity or openness

**Steinberg & Freeley 8** \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the **broad topic** of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. **Vague understanding** results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education **without** finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by **focus on a particular point of difference**, which will be outlined in the following discussion.

#### Deliberation requires a predetermined subject—they over-determine the rez more than us by assuming debates are the ultimate arbiter of its value as opposed to a means to facilitate clash

Adolf G. **Gundersen,** Associate Professor of Political Science, Texas A&M, **2000**

POLITICAL THEORY AND PARTISAN POLITICS, 2000, p. 104-5. (DRGNS/E625)

Indirect political engagement is perhaps the single most important element of the strategy I am recommending here. It is also the most emblematic, as it results from a fusion of confrontation and separation. But what kind of political engagement might conceivably qualify as being both confrontational and separated from actual political decision-making? There is only one type, so far as I can see, and that is deliberation. Political deliberation is by definition a form of engagement with the collectivity of which one is a member. This is all the more true when two or more citizens deliberate together. Yet deliberation is also a form of political action that **precedes the actual** taking and **implementation** of decisions. It is thus simultaneously connected and disconnected, confrontational and separate. It is, in other words, a form of indirect political engagement. This conclusion, namely, that we ought to call upon deliberation to counter partisanship and thus clear the way for deliberation, looks rather circular at first glance. And, semantically at least, it certainly is. Yet this ought not to concern us very much. Politics, after all, is not a matter of avoiding semantic inconveniences, but of doing the right thing and getting desirable results. In political theory, therefore, the real concern is always whether a circular argument translates into a self-defeating prescription. And here that is plainly not the case, for what I am suggesting is that deliberation can diminish partisanship, which will in turn contribute to conditions amenable to continued or extended deliberation. That "deliberation promotes deliberation" is surely a circular claim, but it is just as surely an accurate description of the real world of lived politics, as observers as far back as Thucydides have documented. It may well be that deliberation rests on certain preconditions. I am not arguing that there is no such thing as a deliberative "first cause." Indeed, it seems obvious to me both that deliberators **require something to deliberate about and that** deliberation **presumes certain institutional structures** and shared values. Clearly something must get the deliberative ball rolling and, to keep it rolling, the cultural terrain must be free of deep chasms and sinkholes. Nevertheless, however extensive and demanding deliberation's preconditions might be, we ought not to lose sight of the fact that, once begun, deliberation tends to be self-sustaining. Just as partisanship begets partisanship, deliberation begets deliberation. If that is so, the question of limiting partisanship and stimulating deliberation are to an important extent the same question.

#### Topical fairness requirements are key to effective dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

**Galloway 7** – professor of communications at Samford University (Ryan, “Dinner And Conversation At The Argumentative Table: Reconceptualizing Debate As An Argumentative Dialogue”, Contemporary Argumentation and Debate, Vol. 28 (2007), ebsco)

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

#### Game spaces like debate are distinct from other forms of education and public speaking. There has to be a balance of ground or else one side claims the moral high ground and creates a de facto monologue

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Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

#### The impact outweighs—deliberative debate models impart skills vital to respond to existential threats

Christian O. **Lundberg 10** Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p. 311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life.

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

### Case

#### Environmental improvements now – their evidence ignores long term trends

Hayward, 11 [Steven P, american author, political commentator, and policy scholar. He argues for libertarian and conservative viewpoints in his writings. He writes frequently on the topics of environmentalism, law, economics, and public policy.2011 Almanac of Environmental Trends¶ by Steven F. Hayward¶ April 2011¶ ISBN-13: 978-1-934276-17-4, <http://www.pacificresearch.org/docLib/20110419_almanac2011.pdf>]

Quick: What’s the largest public-policy success story in American society over the last generation? The dramatic reduction in the crime rate, which has helped make major American cities livable again? Or welfare reform, which saw the nation’s welfare rolls fall by more than half since the early 1990s? Both of these accomplishments have received wide media attention. Yet the right answer might well be the environment. As Figure 1 displays, the reduction in air pollution is comparable in magnitude to the reduction in the welfare rolls, and greater than the reduction in the crime rate—both celebrated as major public-policy success stories of the last two decades. Aggregate emissions of the six “criteria” pollutants1 regulated under the Clean Air Act have fallen by 53 percent since 1970, while the proportion of the population receiving welfare assistance is down 48 percent from 1970, and the crime rate is only 6.4 percent below its 1970 level. (And as we shall see, this aggregate nationwide reduction in emissions greatly understates the actual improvement in ambient air quality in the areas with the worst levels of air pollution.) Measures for water quality, toxic-chemical exposure, soil erosion, forest growth, wetlands, and several other areas of environmental concern show similar positive trends, as this Almanac reports. To paraphrase Mark Twain, reports of the demise of the environment have been greatly exaggerated. Moreover, there is good reason to believe that these kinds of improvements will be experienced in the rest of the world over the course of this century. We’ll examine some of the early evidence that this is already starting to occur. The chief drivers of environmental improvement are economic growth, constantly increasing resource efficiency, technological innovation in pollution control, and the deepening of environmental values among the American public that have translated to changed behavior and consumer preferences. Government regulation has played a vital role, to be sure, but in the grand scheme of things regulation can be understood as a lagging indicator, often achieving results at needlessly high cost, and sometimes failing completely. Were it not for rising affluence and technological innovation, regulation would have much the same effect as King Canute commanding the tides. INTRODUCTION introduction 3 figure 1 a comparison of crime rate, Welfare, and air Pollution, 1970–2007 -60.0% -40.0% -20.0% 0.0% 20.0% 40.0% 60.0% 1970 1975 1980 1985 1990 1995 2000 2005 2007 % of Population on Welfare Crime Rate (per 100,000 population) Aggregate Emissions Source: FBI Uniform Crime Reports, U.S. Department of Health and Human Services, EPA 4 Almanac of Environmental Trends The American public remains largely unaware of these trends. For most of the last 40 years, public opinion about the environment has been pessimistic, with large majorities—sometimes as high as 70 percent—telling pollsters that they think environmental quality in the United States is getting worse instead of better, and will continue to get worse in the future. One reason for this state of opinion is media coverage, which emphasizes bad news and crisis; another reason is environmental advocacy groups, for whom good news is bad news. As the cliche goes, you can’t sell many newspapers with headlines about airplanes landing safely, or about an oil tanker docking without a spill. Similarly, slow, long-term trends don’t make for good headline copy. INTRODUCTIONintroduction 5Improving Trends:Causes and ConsequencesMost environmental commentary dwells on the laws and regulations we have adoptedto achieve our goals, but it is essential to understand the more important role of technologyand economic growth in bringing about favorable environmental trends. Thebest way to see this is to look at some long-term trends in environmental quality thatpredate modern environmental legislation.To be sure, the earliest phases of the Industrial Revolution led to severe environmentaldegradation. But the inexorable process of technological innovation andthe drive for efficiency began to remedy much of this damage far earlier than iscommonly perceived. In addition, new technologies that we commonly regard as environmentally destructive often replaced older modes of human activity that were far worse by comparison. A good example is the introduction of coal for heating andenergy in Britain.

#### Their speech act doesn’t spill over to change anything but their own minds – Structural constraints

**Atchison and Panetta 9** – \*Director of Debate at Trinity University and \*\*Director of Debate at the University of Georgia (Jarrod, and Edward, “Intercollegiate Debate and Speech Communication: Issues for the Future,” The Sage Handbook of Rhetorical Studies, Lunsford, Andrea, ed., 2009, p. 317-334)

The first problem that we isolate is the difficulty of any individual debate to generate community change. Although any debate has the potential to create problems for the community (videotapes of objectionable behavior, etc.), rarely does any one debate have the power to create community-wide change. We attribute this ineffectiveness to the structural problems inherent in individual debates and the collective forgetfulness of the debate community. The structural problems stem from the current tournament format that has remained relatively consistent for the past 30 years. Debaters engage in preliminary debates in rooms that are rarely populated by anyone other than the judge. Judges are instructed to vote for the team that does the best debating, but the ballot is rarely seen by anyone outside the tabulation room. Given the limited number of debates in which a judge actually writes meaningful comments, there is little documentation of what actually transpired during the debate round. During the period when judges interact with the debaters, there are often external pressures (filing evidence, preparing for the next debate, etc.) that restrict the ability of anyone outside the debate to pay attention to the judges’ justification for their decision. Elimination debates do not provide for a much better audience because debates still occur simul- taneously, and travel schedules dictate that most of the participants have left by the later elimination rounds. It is difficult for anyone to substantiate the claim that asking a judge to vote to solve a community problem in an individual debate with so few participants is the best strategy for addressing important problems.

#### Their narrative strategy harms progressive political strategies.

Craig IRELAND American Culture @ Bilkent ‘02 "The Appeal to Experience and its Consequences" Cultural Critique 52 Fall 2002p.87-88

" Once an arcane philosophical term, experience over the last three decades has become a general buzzword. By the 1970s, experience spilled over into the streets, so to speak, and it has since then become the stuff of programmatic manifestos and has been enlisted as the found from which microstrategies of resistance and subaltern counterhistories can be erected. But for all the blows and counterblows that have carried on tor over"\*three decades between those who appeal to the counterhegemonic potential of experience and those who see such appeals as naive voluntarism, such debates show no signs of abating. On the contrary, they have become yet more strident, as can be seen by Michael Pickering's recent attempt to rehabilitate the viability of the term "experience" for subaltern historiography by turning to E. P. Thompson and Dilthey and, more recently still, by Sonia Kruks's polemical defense of experience for subaltern inquiry by way of a reminder that poststructuralist critics of experience owe much to those very thinkers, from Sartre to Merleau-Ponty, whom they have debunked as if in oedipal rebellion against their begetters. Such debates over experience have so far gravitated around issues of epistemology and agency, pitting those who debunk experience as the stuff of an antiquated philosophy of consciousness against those who argue that subaltern experience provides an enclave against strong structural determination. Lost in such debates, however, have been the potential consequences of appeals to immediate experience as a ground for subaltern agency and specificity. And it is just such potential consequences that will be examined here, These indeed demand our attention, for more is at stake in the appeal to experience than some epistemological faux pas. By so wagering on the perceived immediacy of experience as the evidence for subaltern specificity and counterhegemonic action, appeals to immediate experience, however laudable their goal, end up unwittingly naturalizing what is in fact historical, and, in so doing, they leave the door as wide-open to a progressive politics of identity as to a retreat to neoethnic tribalism. Most alarming about such appeals to experience is not some failure of epistemological nerve – it is instead their ambiguous political and social ramifications. And these have reverberate beyond academia and found an echo in para-academia – so much so that experience has increasingly become the core concept or key word of subaltern groups and the rallying call for what Craig Calhoun calls the “new social movements” in which “experience is made the pure ground of knowledge, the basis of an essentialized standpoint of critical awareness” (468 n.64). The consequences of such appeals to experience can best be addressed not by individually considering disparate currents, but by seeking their common denominator. And in this regard, E.P. Thompson will occupy the foreground. It is safe to say that what started as an altercation between Thompson and Althusser has since spawned academic and para-academic "histories from below" and subaltern cultural inquiries that, for all their differences, share the idea that the identities and counterhistories of the disenfranchised can be buttressed by the specificity of a group's concrete experiences. Much theorizing on experience by certain cultural and historiographical trends, as many have already pointed out, has been but a variation on a persistent Thompsonian theme in which Thompson's "kind of use of experience has the same foundational status if we substitute 'women's' or 'black' or 'lesbian' or 'homosexual' for 'working class'" (Scott, 786)

#### The system only need make its next argument for oppression with indigenous voices in order to successfully refashion the 1AC as a tool for immiseration

Gur-ze-ev, 98 - Senior Lecturer Philosophy of Education at Haifa, (Ilan, “Toward a nonrepressive critical pedagogy,” Educational Theory, Fall 48, <http://haifa.academia.edu/IlanGurZeev/Papers/117665/Toward_a_Nonreperssive_Critical_Pedagogy>)

From this perspective, the consensus reached by the reflective subject taking part in the dialogue offered by Critical Pedagogy is naive, especially in light of its declared anti-intellectualism on the one hand and its pronounced glorification of "feelings", "experience", and self-evident knowledge of the group on the other. Critical Pedagogy, in its different versions, claims to inhere and overcome the foundationalism and transcendentalism of the Enlightenment's emancipatory and ethnocentric arrogance, as exemplified by ideology critique, psychoanalysis, or traditional metaphysics. Marginalized feminist knowledge, like the marginalized, neglected, and ridiculed knowledge of the Brazilian farmers, as presented by Freire or Weiler, is represented as legitimate and relevant knowledge, in contrast to its representation as the hegemonic instrument of representation and education. This knowledge is portrayed as a relevant, legitimate and superior alternative to hegemonic education and the knowledge this represents in the center. It is said to represent an identity that is desirable and promises to function "successfully". However, neither the truth value of the marginalized collective memory nor knowledge is cardinal here. "Truth" is replaced by knowledge whose supreme criterion is its self-evidence, namely the potential productivity of its creative violence, while the dialogue in which adorers of "difference" take part is implicitly represented as one of the desired productions of this violence. My argument is that the marginalized and repressed self-evident knowledge has no superiority over the self-evident knowledge of the oppressors. Relying on the knowledge of the weak, controlled, and marginalized groups, their memory and their conscious interests, is no less naive and dangerous than relying on hegemonic knowledge. This is because the critique of Western transcendentalism, foundationalism, and ethnocentrism declines into uncritical acceptance of marginalized knowledge, which becomes foundationalistic and ethnocentric in presenting "the truth", "the facts", or ''the real interests of the group" - even if conceived as valid only for the group concerned. This position cannot avoid vulgar realism and naive positivism based on "facts" of self-evident knowledge ultimately realized against the self-evidence of other groups.

#### No environmental collapse

Boucher 96 (Doug, "Not with a Bang but a Whimper," Science and Society, Fall, http://www.driftline.org/cgi-bin/archive/archive\_msg.cgi?file=spoon-archives/marxism-international.archive/marxism-international\_1998/marxism-international.9802&msgnum=379&start=32091&end=32412)

The political danger of catastrophism is matched by the weakness of its scientific foundation. Given the prevalence of the idea that the entire biosphere will soon collapse, it is remarkable how few good examples ecology can provide of this happening m even on the scale of an ecosystem, let alone a continent or the whole planet. Hundreds of ecological transformations, due to introductions of alien species, pollution, overexploitation, climate change and even collisions with asteroids, have been documented. They often change the functioning of ecosystems, and the abundance and diversity of their animals and plants, in dramatic ways. The effects on human society can be far-reaching, and often extremely negative for the majority of the population. But one feature has been a constant, nearly everywhere on earth: life goes on. Humans have been able to drive thousands of species to extinction, severely impoverish the soil, alter weather patterns, dramatically lower the biodiversity of natural communities, and incidentally cause great suffering for their posterity. They have not generally been able to prevent nature from growing back. As ecosystems are transformed, species are eliminated -- but opportunities are created for new ones. The natural world is changed, but never totally destroyed. Levins and Lewontin put it well: "The warning not to destroy the environment is empty: environment, like matter, cannot be created or destroyed. What we can do is replace environments we value by those we do not like" (Levins and Lewontin, 1994). Indeed, from a human point of view the most impressive feature of recorded history is that human societies have continued to grow and develop, despite all the terrible things they have done to the earth. Examples of the collapse of civilizations due to their over- exploitation of nature are few and far between. Most tend to be well in the past and poorly documented, and further investigation often shows that the reasons for collapse were fundamentally political.

#### Western neoliberal orientation is actually pretty okay

Goklany 7 (independent scholar writing on global and national environmental issues. 03-23-2007 The Improving State of the World: Why We're Living Longer, Healthier, More Comfortable Lives on a Cleaner Planet, http://www.reason.com/news/show/119252.html)JFS

Environmentalists and globalization foes are united in their fear that greater population and consumption of energy, materials, and chemicals accompanying economic growth, technological change and free trade—the mainstays of globalization—degrade human and environmental well-being. Indeed, the 20th century saw the United States’ population multiply by four, income by seven, carbon dioxide emissions by nine, use of materials by 27, and use of chemicals by more than 100. Yet life expectancy increased from 47 years to 77 years. Onset of major disease such as cancer, heart, and respiratory disease has been postponed between eight and eleven years in the past century. Heart disease and cancer rates have been in rapid decline over the last two decades, and total cancer deaths have actually declined the last two years, despite increases in population. Among the very young, infant mortality has declined from 100 deaths per 1,000 births in 1913 to just seven per 1,000 today. These improvements haven’t been restricted to the United States. It’s a global phenomenon. Worldwide, life expectancy has more than doubled, from 31 years in 1900 to 67 years today. India’s and China’s infant mortalities exceeded 190 per 1,000 births in the early 1950s; today they are 62 and 26, respectively. In the developing world, the proportion of the population suffering from chronic hunger declined from 37 percent to 17 percent between 1970 and 2001 despite a 83 percent increase in population. Globally average annual incomes in real dollars have tripled since 1950. Consequently, the proportion of the planet's developing-world population living in absolute poverty has halved since 1981, from 40 percent to 20 percent. Child labor in low income countries declined from 30 percent to 18 percent between 1960 and 2003. Equally important, the world is more literate and better educated than ever. People are freer politically, economically, and socially to pursue their well-being as they see fit. More people choose their own rulers, and have freedom of expression. They are more likely to live under rule of law, and less likely to be arbitrarily deprived of life, limb**,** and property. Social and professional mobility have also never been greater. It’s easier than ever for people across the world to transcend the bonds of caste, place, gender, and other accidents of birth. People today work fewer hours and have more money and better health to enjoy their leisure time than their ancestors. Man’s environmental record is more complex. The early stages of development can indeed cause some environmental deterioration as societies pursue first-order problems affecting human well-being. These include hunger, malnutrition, illiteracy, and lack of education, basic public health services, safe water, sanitation, mobility, and ready sources of energy. Because greater wealth alleviates these problems while providing basic creature comforts, individuals and societies initially focus on economic development, often neglecting other aspects of environmental quality. In time, however, they recognize that environmental deterioration reduces their quality of life. Accordingly, they put more of their recently acquired wealth and human capital into developing and implementing cleaner technologies. This brings about an environmental transition via the twin forces of economic development and technological progress, which begin to provide solutions to environmental problems instead of creating those problems. All of which is why we today find that the richest countries are also the cleanest. And while many developing countries have yet to get past the “green ceiling,” they are nevertheless ahead of where today’s developed countries used to be when they were equally wealthy. The point of transition from "industrial period" to "environmental conscious" continues to fall. For example, the US introduced unleaded gasoline only after its GDP per capita exceeded $16,000. India and China did the same before they reached $3,000 per capita. This progress is a testament to the power of globalization and the transfer of ideas and knowledge (that lead is harmful, for example).

#### Modern democracy checks

**O’Kane, 97** (“Modernity, the Holocaust, and politics”, Economy and Society, February, ebsco)

Chosen policies cannot be relegated to the position of immediate condition (Nazis in power) in the explanation of the Holocaust. Modern bureaucracy is not ‘intrinsically capable of genocidal action’ (Bauman 1989: 106). Centralized state coercion has no natural move to terror. In the explanation of modern genocides it is chosen policies which play the greatest part, whether in effecting bureaucratic secrecy, organizing forced labour, implementing a system of terror, harnessing science and technology or introducing extermination policies, as means and as ends. As Nazi Germany and Stalin’s USSR have shown, furthermore, those chosen policies of genocidal government turned away from and not towards modernity. The choosing of policies, however, is not independent of circumstances. An analysis of the history of each case plays an important part in explaining where and how genocidal governments come to power and analysis of political institutions and structures also helps towards an understanding of the factors which act as obstacles to modern genocide. But it is not just political factors which stand in the way of another Holocaust in modern society. Modern societies have not only pluralist democratic political systems but also economic pluralism where workers are free to change jobs and bargain wages and where independent firms, each with their own independent bureaucracies, exist in competition with state-controlled enterprises. In modern societies this economic pluralism both promotes and is served by the open scientific method. By ignoring competition and the capacity for people to move between organizations whether economic, political, scientific or social, Bauman overlooks crucial but also very ‘ordinary and common’ attributes of truly modern societies. It is these very ordinary and common attributes of modernity which stand in the way of modern genocides.

## 2nc

### A2 condo

#### No one in this debate can claim to know everything about the world at this age, so they should have to test their claims from both sides to discover a less prejudiced set of convictions. Our approach is a better antidote to conservative edifices of privilege than their absolutist posturing

**Harrigan ‘8** (Casey, Associate Director of Debate at UGA, Master’s in Communications – Wake Forest U., “A Defense of Switch Side Debate”, Master’s thesis at Wake Forest, Department of Communication, May, pp. 49-50)

The second premise, that the truth is strengthened through collision with error, is slightly more contentious but ultimately correct. Some absolutists have maintained that opening up all issues for discussion is more likely to draw the public’s opinion to the middle than strengthen the original correct position. While empirical support for this claim is sorely lacking, it can also be rebuked purely on theoretical grounds. Debating both sides of important issues is far more likely to refine and strengthen the support for truthful positions than weaken it. Dissent and disagreement challenge adherents of the dominant opinion to constantly refine and reconfigure their position, driving it towards truth. Moreover, the risk involved in this process is slight, because if the dominant position is more “correct” than the minority, then the chances that the silenced position would sway a large number of people are very slim. Further, Mill’s premise here accounts for a third (very likely) stage—the position where both the dominant and minority arguments contain elements of truth and error. In this instance, the collision of the two in public deliberation will (hopefully) produce a combination of opinions that is more error-free than either of the original positions. Even the relatively conservative Roman Catholic Church understands the merits of such an argumentative method. Until the practice was abolished by Pope John Paul II in 1983, the Church would summon an individual to assume the role of the “Devil’s Advocate,” or Advocatus Diaboli, to present all the arguments against the canonization of saints. Once all opposing arguments were stated, the case for canonization was often greater because it was understood that no possible argument could render the case unjustified. One additional benefit of free expression that Mill does not explicitly foreground, yet remains critical for scholars of rhetoric, is the question of advocacy. Not only does the refusal to silence minority positions generate a more error-free position, it also makes the proponents of those positions much more effective in their attempts to persuade others to accept their views. Debaters trained to see both sides of the issue learn the nuances of all positions and understand the strongest opposition arguments. Thus, they begin the process of deliberation a “step ahead” and can defuse their opposition from the start (Dybvig and Iverson). This insight is crucial: only skilled and trained advocates can generate the widespread adherence necessary to make “newfound truths” meaningful. Without strong and persuasive opponents, even the most error-free arguments will remain confined to the margins of society.

### 2nc Framework

#### Deliberation best addresses marginalization and resists technocracy

**Kadlec and Friedman, ‘7** \*president of Public Agenda, oversees work aimed at helping communities and states build capacity to tackle tough issues in more inclusive, deliberative, and collaborative ways, senior vice president for policy studies at the Work in America Institute, where he directed research and special projects on workplace issues. He was also an adjunct lecturer in political science at Lehman College, a research fellow at the Samuels Center for State and Local Politics, and a practitioner in the field of counseling psychology. He holds a Ph.D. in political science with specializations in political psychology and American politics. \*\*Senior Vice President, Director of Public Engagement Programs and Director of the Center for Advances in Public Engagement, visiting professor and lecturer in the political science departments at the University of Minnesota, Macalester College, Baruch College and Hunter College. She holds Bachelor's degrees in Political Theory & Constitutional Democracy and English Literature from Michigan State University, and a Ph.D. in Political Science from the University of Minnesota. (Alison Kadlec and Will Friedman, Journal of Public Deliberation, 2007, “Deliberative Democracy and the Problem of Power,” Vol. 3, Iss. 1, Art. 8)//CC

What if, then, deliberative democracy excludes under the guise of inclusion and stifles the perception of legitimate grievances while making essentially empty gestures toward free and open inquiry? The practical result, say critics like Sanders, is that both participatory democrats and democratic elitists are satisfied; the former can imagine that citizens are being included in a process of grappling with common problems, while the latter can be comforted with the knowledge that the rules of the game are rigged to prevent the inclusion and/or effective participation of non-elites. Such concerns cast light on the extent to which much that passes for deliberation can actually marginalize and even exclude the perspectives of those individuals and groups who are already at a disadvantage, such as minorities, women and the poor. The concern is that in a society that is structured by deep inequalities, such as ours, formal inclusion, even when it exists, is not enough to guarantee everyone the opportunity to deliberate as equals because the more powerful interests always have greater influence in the deliberative process. From this perspective, then, deliberative democracy suffers fundamental problems of legitimacy. Worse, yet, it masks those problems behind a façade of pseudo-participation. Creating Room for a Response Despite the great value of their insights for thinking about the complexity of possible obstacles to deliberation, these arguments smuggle in a number of problematic assumptions that serve as a point of departure for our response. Most importantly, both Young and Sanders posit a rigid and seemingly totalizing view of power, on the one hand, and a narrow, relatively constrained view of deliberation on the other. Their views, in other words, simultaneously do too much and not enough. Both imply a unified view of power that is all-encompassing and hermetically sealed, and therefore miss critical opportunities for authentic democratic engagement. And both suggest only paltry or phony versions of deliberative practice that cannot possibly stand up to the totalizing picture of power they construct. In contrast to these critics’ views, our practical experience with deliberation strongly suggests that much more credit ought to be given to ordinary citizens in terms of their capacity to confront and challenge those pernicious undemocratic forces described by the critics. This is not to say that powerful interests will not at times seek to subvert deliberative efforts. Nor is it to contend that citizens can deliberate successfully under any and all circumstances. But we do assert that under favorable conditions the broad citizenry can deliberate quite effectively and with meaningful results. This is where our experience as deliberative practitioners informs and helps shape our theoretical analyses of what constitutes fatal impediments to deliberation and what may be overcome with the help of new practical considerations. Thus, while we agree that the sorts of obstacles to deliberation described by Sanders and Young are real and serious, recognizing that they in fact sap the legitimacy and impact of any deliberative context in which they are allowed to flourish, we believe as well that proper attention to the conditions of deliberation, and in particular to the challenges of control, design and change, can take us a long way toward clarifying and overcoming these sorts of obstacles.

#### Argument by definition requires limits—the existence of clash in this round doesn’t mean there’s an appropriate frame of reference. This proves ground is key—not because we’d have nothing to say, but because setting the agenda makes us negate descriptive facts or moral truisms instead of collectively reason

**Rowland 1987** – professor of communication at the University of Kansas (Robert, Philosophy and Rhetoric, 20.3, “On defining argument”, p. 155-6, EBSCO)

The final two characteristics identified by Brockriede--a willingness to risk confrontation and a shared frame of reference--also are not necessary attributes of argument. People often support their claims with reasons and evidence although they don't share a frame of reference or risk confrontation. When the Soviet and United States ambassadors to the United Nations engage in debate, they support their claims, but there is no risk of self and no shared frame of reference. Thus, characteristics (5) and (6) are not essential to the definition of argument. Rather, they are essential to the successful resolution of argument. Without a shared frame of reference and a willingness to risk the self, there is little chance of rationally resolving a dispute.

Conclusion

The functional approach to the study of argumentation is valuable because it provides a clear definition of the scope of argumentation. It recognizes that **while all argument is rhetorical, not all rhetoric is argument**. One danger associated with some recent work on argument is that the term argument itself becomes so broad that it loses all meaning. **If argument is** defined to include **all disagreement**, all comparison of construct systems, and all instances in which an individual believes that he or she is arguing then essentially all communication is argument.

A more useful definitional move is to treat argument as the symbolic form(s) we use to solve problems rationally. This implies that argument is the method of reason. Such a definition sets the limits of argumentation and defines the form of argument in relation to the function of arguing. Moreover, so to define argument recognizes the role of evaluation in the study of argument. Merely to describe an argument or set of arguments leaves their human significance out of consideration. Once the arguments of a speech, essay, or other verbal interaction have been described with accuracy, the next point of critical interest is naturally the arguments' relative quality as efforts to induce closure. The value of examining arguments is undercut if description becomes the only aim of criticism of argumentation. A socially satisfying definition of argument and a useful theory of argumentation must provide at least trained theorists with grounds for distinguishing between weak and strong arguments, as the functional definition does.

Some will perhaps object that the functional definition of argument for which I have contended restricts a student of argumentation to study of propositional discourse. This is true in the sense that my definition identifies reason-giving as a fundamental characteristic of argument, and reason-giving is propositional. On the other hand, an issue that needs clarification in theory of argument, as I have shown, is whether "argumentation" and "rhetoric" are to be considered synonymous. If so, the concept of "argument" becomes unnecessary; the concept of "rhetoric" is sufficient. My contention is that arguments occur in rhetoric and need to be recognized, described, and evaluated in light of their unique functional and formal features. Arguments cannot be understood by applying the same kinds of analysis as we would apply if, say, rhythm were our point of interest. Arguments are formally and functionally different from rhythmic patterns, situational constraints, levels of vocabulary, and the like-all features of rhetoric. If argument is taken to be the means by which humans rationally solve problems-or try to, arguments can be identified , described, and evaluated critically as part of the broader enterprise of identifying, describing, and evaluating rhetoric. Across centuries, people have believed there is such a process as trying to arrive at preferred conclusions by rational means, rather than by non-rational means. That process, I have argued, entails distinctive verbal forms appropriate to the function of the process. It is at least useful to give such purposeful forms and function a name. Traditionally and contemporaneously "argument" is philosophically and etymologically the appropriate name.

## 1nr

### Cap K

#### Prioritizing theory over action leads to failure—their critical approach to the world only serves elitist interests by obscuring someone’s ability to see capitalism as the root cause of the world’s ills

**Communist Workers and Peasants Party, March 27, 2004**

[*The Truth is Out There! Because Certainty Isn’t in Here*, http://www.geocities.com/cmkp\_pk/epistemology.htm]

Post-modernism and post-sructuralism are modern forms of idealism.  It is not a coincidence that they share the hatred for science that was a hallmark of pre-capitalist idealism.  Post-modernism and post-structuralism is the “theoretical machine breaking” of the modern world.  In the early decades of the industrial revolution workers thought that their oppression was the product of machines and not of the social relations of production.  They therefore, broke machines in an attempt to roll back history.  But of course this was a primitive form of rebellion and did not work. Similarly, post-modernism and post-structuralism is machine breaking by the intellectual (without the consequences that workers faced for their rebellion).  But curiously, the attack by post-modernists and post-structuralists on science, which is lauded as the greatest things since the Enlightenment, is to the particular taste of the decaying bourgeoisie of metropolitan countries.  The decaying and counter-revolutionary bourgeoisie of the metropolitan centres supports both reaction and idealism in third world countries in the form of “religious intolerance”, and idealism in its modern post-modernist and post-structuralist form in first world countries.  Both these form, in their particular context, help to obscure the clarity so necessary for a emancipation.  The post-modernists, centred in European society, are themselves the product of a failed and despondent generation of sixties “radicals” seeking to reintegrate themselves into the bourgeois world.  In this context, their modern form of idealism is extremely useful to the bourgeoisie for it obscures the objective basis of exploitation and the necessary steps (especially organisational and political) to solve the problems of the world today.  It is not a coincidence that the post-modernists and post-structuralists are firmly rooted in the social studies department of the educational institutes of the West.  The post-structuralists perform a great service to the capitalist world by substituting the “word” itself as a revolutionary “act”.  The familiar expression of “theory itself as action” in this context (and only in this particular context), translates in terms of praxis into a rather benign and harmless preoccupation on the part of certain academics to interpret and reinterpret discourse. In conclusion, social science must begin with and can only begin with the premise that the world exists as an objective and understandable entity.  An analysis is scientific in the measure that it accords with reality and, in doing so, informs practice.  Furthermore, the post-modern critique of materialist epistemology (“science” is a *construct*) is self-contradictory subjectivism.  Post-modernism and post-structuralism are supported by the reactionary bourgeoisie of Europe to befuddle and confuse the revolutionary potential of students and prevent the emergence of a revolutionary socialist intelligentsia.  These ideas play a retrogressive role in the development of class struggle and history.

#### Locating political struggle within particular struggles masks capitalism’s universal nature—people can’t draw the lines between different forms of oppression

**Zizek, professor of philosophy and psychoanalysis at the European Graduate School, 2001**

[Slavoj, *Did Somebody Say Totalitarianism?*, pg. 1-4]

On the ‘Celestial Seasonings’ green tea packet there is a short explanation of its benefits: ‘Green tea is a natural source of antioxidants, which neutralize harmful molecules in the body known as free radicals. By taming free radicals antioxidants help the body maintain its natural good health.’ Mutatis mutandis, is not the notion of totalitarianism one of the main ideological antioxidants, whose function throughout its carrer was to tame free radicals, and thus to help the social body to maintain its politico-ideological good health? No less than social life itself, today’s self-professed ‘radical’academia is permeated by unwritten rules and prohibitions—although such rules are never explicitly stated, disobedience can have dire consequences. One of these unwritten rules concerns the unquestioned ubiquity of the need to ‘contextualize’ or ‘situate’one’s position: the easiest way to score points automatically in a debate is to claim that the opponent’s position is not properly ‘situated’ in a historical context: ‘You talk about women—which women? There is no woman as such, so does not your generalized talk about women, in its apparent all-encompassing neutrality, privilege certain specific figures of feminity and preclude others?’Why is such radical historicizing false, despite the obvious moment of truth it contains? Because today’s (late capitalist global market) social reality itself is dominated by what Marx referred to as the power of ‘real abstraction’: the circulation of Capital is the force of radical ‘deterritorialization’ (to use Deleuze’s term) which, in its very functioning, actively ignores specific conditions and cannot be ‘rooted’ in them. It is no longer, as in the standard ideology, the universality that occludes the twist of its partiality, of its privileging a particular content; rather, it is the very attempt to locate particular roots that ideologically occludes the social reality of the reign of ‘real abstraction’.

#### Trade off -- Aff understates importance of capital and focuses attention on meaningless struggles that prop up the status quo

Smith ‘94

(Sharon, columnist for Socialist Worker and author of Women’s Liberation and Socialism, Mistaken Identity: or Can Identity Politics Liberate the Oppressed, <http://pubs.socialistreviewindex.org.uk/isj62/smith.htm>)

Following this logic, the struggles against exploitation and oppression do not correspond. Within the politics of identity notions of radicalism and class politics more often than not are mutually exclusive. In practice this has meant replacing class politics with a politics of cross class alliances, and a strategy based upon 'direct action' tactics – attention getting actions carried out by the enlightened few, the aim being to shock and disturb the ignorant masses. In the US the very names of some organizations reflect this aim – Queer Nation, the Lesbian Avengers, YELL, and Random Pissed Off Women. Some of these groups, along with more conventionally named organizations, such as the Women's Action Coalition (WAC), use a variety of direct action tactics. Often these actions resemble guerilla theatre more than anything else. Queer Nation, for example, has been known for its lesbian and gay 'kiss-ins', while WAC members sometimes remove their shirts as a way of getting attention. Sometimes these actions can seem quite radical – even a bit over the top. For example, as one of its first activities New York WAC protested at the opening of the new Guggenheim museum because of its 'racism, sexism, classism, ageism, Eurocentrism, nepotism, elitism, phallocentrism, and homophobia'.2 But beneath a bold veneer the program is often standard liberalism. Thus at a Chicago WAC meeting in the autumn of 1992 members vowed defiantly to fight for 'patriarchal demolition', yet most adopted tacit support for the Democratic presidential candidate, Bill Clinton. Within these milieux it is currently in vogue to dismiss any attempt to draw a causal connection between economics and politics, or between class society and oppression, as mechanical economic determinism, or 'reductionism'. And although undoubtedly many, if not most, of those active around identity politics are unaware of its theoretical underpinnings, it is heavily influenced by the particular offshoot of postmodernism3 calling itself 'post-Marxism', for which the explicit rejection of the centrality of class is something of an obsession

#### Footnoting DA – perm results in the alt becoming a footnote to the plan, undermining its transformative potential.

**Sirota**, Jan 22, **2006** [David Sirota, Published on Huffington Post, The Dishonest Economic Fantasies Screwing Over Ordinary Americans, http://www.huffingtonpost.com/david-sirota/the-dishonest-economic-fa\_b\_14263.html]

Let me be very clear - we can have a debate about all of these core economic issues, and people like Gene Sperling have some good points to make on the neoliberal side. But they have points to be made within the context of a debate. And that's the core problem: when you look at the discourse between politicians or the news coverage of these economic issues, you barely ever see a debate at all, and when you do, the side arguing against the free market fundamentalism and for the positions supported by the majority of ordinary Americans is automatically portrayed by the Establishment as marginal. What's really going on is obvious: the political/media Establishment is trying to dishonestly create the perception that it is just a fact that the Big Money position on key economic issues (ie. corporate-written trade deals and neoliberal economics) has resulted and always will result in major benefits to society. The Establishment does this even though almost every factual indicator about these policies of import to ordinary people - real wages, trade deficits, health care & retirement benefit levels - are on the negative swing. Oh sure, corporate profits continue to skyrocket - but the indicators that actually matter to the vast majority of hard working Americans in their day-to-day lives are not. The most interesting question of all is why? Why would the Establishment so deliberately bias its economic coverage? For politicians, the answer is easy - the more they toe the corporate line, push economic policies that screw over ordinary citizens and pad Big Money's bottom line, the more our corrupt, pay-to-play political process rewards them with huge wads of campaign cash. For the media, it is more complex, having partly to do with the fact that the media is owned by corporations with a huge incentive to push ultraconservative economic policies and partly to do with the fact that in today's journalist-as-celebrity era, many of the most important opinion-setting reporters are upper-crust elites who never have to deal with the consequences of the economic prescriptions they push. The result, as I argue in my upcoming book, is an intense propaganda system that destructively distorts reality and an America that increasingly tunes out the media and politics altogether. The public is not stupid - the public knows that what they read, see and hear from the Establishment is often highly-biased fiction divorced from the average citizen's daily economic challenges, and deliberately designed to make anyone who questions the Establishment's economic agenda feel marginalized. My book shows how these policies are the result of a hostile takeover of our government by Big Money interests. And in doing so, the book aims to be an average citizen's guide to decoding all this B.S. - because the first step towards changing the media/political system is understanding in a very fundamental way how it is being used by the Establishment to wage a merciless class war against ordinary people.

#### Their attempt to circumscribe political change outside of the re confines the perm to the status quo and is incorporated into the smooth functioning of capitalism

Slavoj **Zizek**, Senior Researcher at the University of Ljubljana, Repeating Lenin <http://www.marxists.org/reference/subject/philosophy/works/ot/zizek1.htm> 19**99**

Today, we already can discern the signs of a kind of general unease — recall the series of events usually listed under the name of “Seattle.” The 10 years honeymoon of the triumphant global capitalism is over, the long-overdue “seven years itch” is here — witness the panicky reactions of the big media, which — from the Time magazine to CNN — all of a sudden started to warn about the Marxists manipulating the crowd of the “honest” protesters. The problem is now the strictly Leninist one — how to ACTUALIZE the media’s accusations: how to invent the organizational structure which will confer on this unrest the FORM of the universal political demand. Otherwise, the momentum will be lost, and what will remain is the marginal disturbance, perhaps organized as a new Greenpeace, with certain efficiency, but also strictly limited goals, marketing strategy, etc. In other words, the key “Leninist” lesson today is: politics without the organizational FORM of the [party](http://www.marxists.org/glossary/terms/p/o.htm#political-party) is politics without politics, so the answer to those who want just the (quite adequately named) “[New SOCIAL Movements](http://www.marxists.org/glossary/terms/s/o.htm#social-movement)” is the same as the answer of the Jacobins to the Girondin compromisers: “You want revolution without a revolution!” Today’s blockade is that there are two ways open for the socio-political engagement: either play the game of the system, engage in the “long march through the institutions,” or get active in new social movements, from feminism through ecology to anti-racism. And, again, the limit of these movements is that they are not POLITICAL in the sense of the Universal Singular: they are “one issue movements” which lack the dimension of the universality, i.e. they do not relate to the social TOTALITY. Here, Lenin’s reproach to liberals is crucial: they only EXPLOIT the working classes’ discontent to strengthen their position vis-a-vis the conservatives, instead of identifying with it to the end.[52](http://www.marxists.org/reference/subject/philosophy/works/ot/zizek1.htm#52) Is this also not the case with today’s Left liberals? They like to evoke racism, ecology, workers’ grievances, etc., to score points over the conservatives WITHOUT ENDANGERING THE SYSTEM. Recall how, in Seattle, Bill Clinton himself deftly referred to the protesters on the streets outside, reminding the gathered leaders inside the guarded palaces that they should listen to the message of the demonstrators (the message which, of course, Clinton interpreted, depriving it of its subversive sting attributed to the dangerous extremists introducing chaos and violence into the majority of peaceful protesters). It’s the same with all New Social Movements, up to the Zapatistas in Chiapas: the systemic politics is always ready to “listen to their demands,” depriving them of their proper political sting. The system is by definition ecumenical, open, tolerant, ready to “listen” to all — even if one insist on one’s demands, they are deprived of their universal political sting by the very form of negotiation. The true Third Way we have to look for is this third way between the institutionalized parliamentary politics and the new social movements. The ultimate answer to the reproach that the radical Left proposals are utopian should thus be that, today, the true utopia is the belief that the present liberal-democratic capitalist consensus could go on indefinitely, without radical changes. We are thus back at the old ‘68 motto “Soyons realistes, demandons l'impossible!": in order to be truly a “realist,” one must consider breaking out of the constraints of what appears “possible” (or, as we usually out it, “feasible”)

# Quarters – Neg v NU LV

## 1nc

### T – Procurement

#### Interpretation - ‘financial incentives’ precludes direct purchases from the government

Edward W. Nelson et al (M.D., former Chairman of the OPTN/UNOS Ethics Committee, James E. Childress, Ph.D. Jennie Perryman, R.N., M.S.N. Victor Robards, M.D. Albert Rowan Michael S. Seely, R.N., B.S.N. Sylvester Sterioff, M.D. Mary Rovelli Swanson, R.N., M.B.A.) 1993 “Financial Incentives for Organ Donation” http://optn.transplant.hrsa.gov/resources/bioethics.asp?index=4

A definition of terms is necessary prior to a discussion of the concept of financial incentives for organ donation. First, financial incentives, as discussed here, do not mean additional monies spent for public or professional education or recognition and counseling of organ donor families. Because the concept of financial incentives fundamentally changes the process of organ procurement, it has been argued that the term "donor" is no longer applicable and would need to be replaced by a term such as 'vendor." The term "rewarded gifting" has been suggested and has been justly criticized as an oxymoron by those opposed to financial incentives and a despicable euphemism by those who promote this concept. Of greatest practical significance is the distinction between "incentive" and "payment" since a system of financial incentives may indeed be a viable option if, as interpreted by law, "incentives" do not amount to "purchases" and "donors" are therefore not transformed into 'vendors."

**Violation – plan is procurement**

**Vote neg**

1. **Limits – an already broad topic is infinitely expanded by purchase anything affs – that overburdens neg research and undermines preparedness for all debates**
2. **Ground – core neg generics apply to the production of extracted energy rather than the government purchasing specific tech – gives aff leeway to dodge all links**

### Politics

#### Obama PC is key to convincing the GOP to compromise on the debt ceiling and sequestration now – failure causes global economic collapse

Michael Shear and Jonathan Weisman (writers for the International Herald Tribune) January 3, 2013 “Republicans ready for another battle; Beaten on tax increase, they're spoiling to take on U.S. borrowing limit” Lexis

President Barack Obama's eyes narrowed late Tuesday, just hours after a divided House of Representatives passed legislation to avert big income tax increases on most Americans and prevent major spending cuts, as he looked sternly into the cameras and fired a warning shot in Republicans' direction. After the bruising year-end go-around with congressional Republicans on taxes and spending, he said he had no intention of getting pulled into a new negotiation, this one over raising the nation's borrowing limit or facing a default on government debt. ''I will not have another debate with this Congress over whether or not they should pay the bills that they've already racked up through the laws that they passed,'' the president said, pausing to repeat himself. ''We can't not pay bills that we've already incurred.'' But it is not clear exactly how Mr. Obama can avoid it. Following the president's fiscal victory - which will raise tax rates for the wealthy but do little to rein in spending - Republicans in Congress are betting that their refusal to raise the $16.4 trillion debt ceiling will force Mr. Obama to the bargaining table on spending cuts and issues like reform of Medicare and Social Security. Doing so would inevitably reprise the clash over the debt ceiling in the summer of 2011, when the government came close to defaulting before lawmakers and the president agreed to a $1.2 trillion package of spending cuts in exchange for Republican agreement to raise the debt ceiling by about the same amount. That is exactly what Republicans want. The party's caucus in the House will discuss a debt ceiling strategy at a retreat this month in Williamsburg, Virginia, a top Republican aide said. Party members are determined to insist again on spending cuts that equal the increase in the amount the country is authorized to borrow, the aide said. ''The speaker told the president to his face that everything you want in life comes with a price - that doesn't change here,'' the aide said, referring to John A. Boehner, speaker of the House, which is controlled by the Republicans. ''I don't think he has any choice.'' That strategy could risk a new round of criticism aimed at Republicans from a public fed up by Washington brinksmanship. The 2011 fight ended with a last-minute deal, but led to a downgrade in the rating of the United States' debt and a slump in the economic recovery. But Brendan Buck, a spokesman for Mr. Boehner, said Republicans had made it clear what they wanted in exchange for a willingness to allow borrowing to increase. ''If they want to get the debt limit raised, they are going to have to engage and accept that reality,'' Mr. Buck said. ''The president knows that.'' Mr. Obama also knows that the Republicans he is dealing with are not the Republicans of years past; battle lines and basic demands have shifted, complicating political calculations on both sides. Just a few years ago, the new tax deal would have been a Republican fiscal fantasy, a sweeping bill that locks in virtually all of the Bush-era tax cuts, exempts almost all estates from taxation, and enshrines the former president's credo that dividends and capital gains should be taxed equally and gently. But times have changed. Before the bill's final passage on Tuesday, House Republican leaders struggled all day to quell a revolt among caucus members who threatened to blow up a hard-fought compromise that they could easily have framed as a victory. Many House Republicans seemed almost determined to put themselves in a position to be blamed for sending the economy into a tailspin under the weight of automatic tax increases and spending cuts. The latest internal party struggle on Capitol Hill surprised even Senate Republicans, who had voted overwhelmingly for a deal largely hashed out by their leader, Mitch McConnell of Kentucky, along with Vice President Joseph R. Biden Jr.; only 5 of the chamber's 47 Republicans voted no. Yet 21 hours later, the same measure was opposed by 151 of the 236 Republicans voting in the House. It was further proof that House Republicans are a new breed, less enamored of tax cuts per se than they are driven to shrink government through steep spending cuts. Protecting nearly 99 percent of the nation's households from an income tax increase, as the bill will do, was not enough if taxes rose on some and government spending was untouched. The Republicans' intense focus on cutting spending is not news to the White House; it has been on notice for months that Republicans view the debt ceiling as leverage in the next budget fight. Now, the question is what Mr. Obama and his advisers can do to avoid that fight. Mr. Obama will have to make sure that lawmakers in his own party hold firm. While the president no longer has to worry about another election, Democratic lawmakers in the House and Senate do, and they may be more willing to negotiate in order to avoid a potential government default. The White House might also turn to business executives for help. Many top executives fear that a debt ceiling crisis could wallop the U.S. economy just as it is beginning to grow again - and just as the new fiscal deal brings some of the tax certainty that the financial community has long demanded. Those executives might try to pressure Republican lawmakers not to use the country's credit as a negotiating tool. Mr. Obama might also take to the road again, using the power of his office to secure public backing for his argument that another debt-ceiling fight could bring economic crisis. Public surveys after the last debt ceiling fight suggested that people largely blamed Republicans for the threat of a default. The president and his aides have signaled that they will try to explain to the public that the increase in the borrowing limit is needed to cover debts that the government has incurred. Mr. Obama offered a dire warning in his statement on Tuesday of what would happen if the country did not meet its obligations. ''If Congress refuses to give the United States government the ability to pay these bills on time,'' he said, ''the consequences for the entire global economy would be catastrophic - far worse than the impact of a fiscal cliff.'' The fiscal bill not only worked up the dander of many Republicans; it gave some Democrats pause, since it would make permanent virtually all of the Bush tax cuts. That is a goal that President George W. Bush spent years chasing, and the achievement of which Ari Fleischer, a Bush press secretary, called ''fantastic'' even while bemoaning the failure to bring down spending levels. It would make permanent five of the six income tax rates created in 2001 by the first Bush tax cut. It would codify Mr. Bush's successful push, in 2003, to make tax rates on dividends and capital gains equal so that one form of investment income is not favored over the other. Democrats say they had little choice. The Bush White House and Republican Congresses structured the tax cuts so that letting them expire would be politically difficult. Add the across-the-board spending cuts if Congress did nothing, and Mr. Obama felt he had to extend most of the tax cuts or watch the economy sink back into recession. ''New occasions make for new truths,'' said Representative Danny K. Davis, an Illinois Democrat and a veteran of the partisan wars over the Bush tax cuts. ''New situations make ancient remedies uncouth.'' Most galling for Republicans are provisions projected to add $330 billion in spending over 10 years, including $30 billion in unemployment compensation and $21 billion in payments to Medicare health providers. None of those provisions are objectionable on its own, but collectively they proved almost impossible for Republicans to accept. In the coming days and weeks, Mr. Obama is likely to try to focus negotiations on another looming issue: how to avoid deep, across-the-board cuts to military and domestic programs. The deal passed on Tuesday postpones those cuts for two months, but Mr. Obama and lawmakers in both parties are eager to avoid them, with Republicans focused more on military cuts and Democrats on domestic programs. Instead, the president wants a debate over spending cuts and tax changes that would remove loopholes and deductions for wealthy Americans. That fight is coming. The question is whether the president can avoid conducting it in the middle of a nasty, drawn-out debate over the debt limit.

#### The aff incites Congressional opposition -- funding battles -- and Obama will push it.

Wald, ‘11

[Matthew L., NYT, 2-12, “Administration to Push for Small ‘Modular’ Reactors,” <http://www.nytimes.com/2011/02/13/science/earth/13nuke.html?pagewanted=all&_moc.semityn.www>]

WASHINGTON — The Obama administration’s 2012 budget proposal will include a request for money to help develop small “modular” reactors that would be owned by a utility and would supply electricity to a government lab, people involved in the effort say.¶ The department is hoping for $500 million over five years, half of the estimated cost to complete two designs and secure the Nuclear Regulatory Commission’s approval. The reactors would be built almost entirely in a factory and trucked to a site like modular homes.¶ In promoting the reactor, the administration’s immediate goal is to help the Energy Department meet a federal target for reducing its carbon dioxide emissions by relying more on clean energy and less on gas and coal. Like other federal agencies, the department is required by an executive order to reduce its carbon footprint by 28 percent by 2020.¶ Yet the longer-term goal is to foster assembly-line production of the small reactors at a far lower cost than construction of conventional reactors. The reactors could even replace old coal-fired power plants that are threatened by new federal emissions rules and sit on sites that already have grid connections and cooling water.¶ The costs of construction would range from a few hundred million dollars to $2 billion, as opposed to the current price tag of up to $10 billion for a twin-unit nuclear complex, which has an output 20 times larger than that expected for a modular reactor. A leading candidate to receive electricity from such a project is the Oak Ridge National Laboratory in Tennessee, run by the Energy Department and served by the Tennessee Valley Authority.¶ Last year, the Energy Department asked for enough money to halve the cost of licensing a new design with a company that would be chosen later. But Congress never passed a 2011 budget for the Energy Department, instead approving a so-called continuing resolution, which finances old programs based on the previous year’s appropriations. The modular reactor program had no prior appropriation.¶ This year, the administration is again asking for that money in addition to financing to begin actually developing the reactor. The details of the proposal will not be formally released until Monday, when the Obama administration issues its budget request for the fiscal year that begins on Oct. 1. But several people involved in the proposal agreed to describe it on the condition of anonymity.¶ Whether Congress will agree to the idea remains uncertain, particularly in a tough budget year. Last year, the House and Senate appropriations committees were sympathetic, even approving more than requested.

#### Without crowding out issues like the plan – Obama wont have the negotiating position to shift their views

Richard McGregor (writer for the Financial Times) January 2, 2013 “Fiscal fights threaten US policy goals” <http://www.ft.com/cms/s/0/8f8ef804-5501-11e2-a628-00144feab49a.html?ftcamp=published_links%2Frss%2Fworld%2Ffeed%2F%2Fproduct#axzz2GtNWiw3I>

In the short term, fiscal fights will dominate politics for months to come and threaten to crowd out serious consideration of other issues, with a large potential downside for the economy in 2013. The fiscal cliff compromise alone will act as a drag on the economy, largely because of the end of the payroll tax holiday, which had added substantially to middle-class incomes, economists said. “The economy needs a stimulus, but under the agreement, taxes will go up in 2013 relative to 2012,” said William Gale of the Tax Policy Center in Washington in a blog post. “For most households, the payroll tax takes a far bigger bite than the income tax does, and the payroll tax cut therefore was a more effective stimulus than income tax cuts were.” The forthcoming confrontations will probably have a similar impact, as Republicans feel they enter talks over raising the debt ceiling in the coming weeks playing a far stronger hand than they had in the fiscal cliff. Under the fiscal cliff, taxes were going up no matter what Republicans did. The debt ceiling, however, cannot be lifted unless they vote for it. Barack Obama’s new cabinet will form the backbone of his administration, setting the tone for his second term in the White House Dave Camp, who chairs the congressional committee overseeing tax policy, said that House Republicans had not settled on a strategy for the debt ceiling but the central aim was to leverage it to cut spending further. “Before we raise the debt limit we have to reduce spending,” Mr Camp said. Many Republicans are less diplomatic in private and see the debt ceiling fight as a chance to get revenge both on the White House and the dealmakers within their own party for being forced into accepting a tax increase this week. Of all the issues crowding Mr Obama’s agenda, immigration has the best hope of passing in some form, as the disastrous vote recorded by Republicans among minorities in 2012 gives them a huge incentive to address the issue. But on everything else, with the Republicans remaining in control of the House, Mr Obama needs all the skills of cajoling, seducing and manipulating Congress that he has so far shown no signs of developing. “I find it remarkable that the president apparently continues to believe that he will not have to deal with people that he does not agree with,” said Mr Galston. “A president who is not disdainful of the art of legislating can get things done.” Forging a consensus on issues such as gun control and climate change, if the White House does take them on, will require Mr Obama to do more than just persuade some Republicans to support him. Many Democrats are wary of such reforms or oppose them outright, and a second-term president with declining political capital will face an uphill battle to shift their views.

#### Economic collapse causes global nuclear war

Friedberg and Schoenfeld, 2008[Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>]

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

### 1nc serdp/estcp cp

#### Counterplan: the Strategic Environmental R&D Program and the Environmental Security Technology Certification Program should support research and development for small modular reactors.

#### The counterplan conducts R&D through DOD programs without increasing incentives for procurement or acquisition. Solves the entire aff without increasing incentives

**Marqusee 2012** – Executive Director of the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program at the DOD (March, Jeffrey, Energy Innovation at the Department of Defense: Assessing the Opportunities, White Paper, “Military installations and energy technology innovation”, http://bipartisanpolicy.org/sites/default/files/Energy%20Innovation%20at%20DoD.pdf, WEA) \*note a typo, this dude’s last name is actually spelled Marqusee…

DoD and Environmental Technology: A Successful Innovation Model

The impediments that new facilities energy technologies ¶ face today are very similar to those that confronted new ¶ environmental technologies in the mid-to-late 1990s—¶ namely, a highly distributed and risk-averse market in which ¶ technologies were judged primarily on their perceived ¶ costs, often in the absence of reliable data on actual costs. ¶ To overcome those challenges, DoD created two programs: ¶ the Strategic Environmental R&D Program (SERDP), which ¶ supports the development of technology to meet DoD’s highpriority environmental requirements; and the Environmental ¶ Security Technology Certification Program, which supports the ¶ demonstration and validation of environmental technologies—¶ including, but not limited to, technologies developed with ¶ SERDP funding.

SERDP and ESTCP have amassed a very successful track ¶ record in the last fifteen years of advancing environmental ¶ science and engineering, and also transitioning technologies ¶ across DoD. For example, they have transformed how DoD ¶ remediates its contaminated groundwater sites. Technologies ¶ developed and demonstrated by SERDP and ESTCP are now ¶ used across DoD, and have become the standard of practice ¶ across the country for Superfund sites. As discussed below, ¶ DoD’s efforts to foster innovation in facilities energy are limited ¶ to demonstration and validation because (in contrast to the ¶ environmental area) there is ample support for science and ¶ engineering in industry and the DOE. In other words, DoD’s ¶ facilities energy effort replicates ESTCP but not SERDP. However, ¶ because the two programs are so closely intertwined, it is useful ¶ to look at them together.

Environmental technologies developed and demonstrated by ¶ SERDP and ESTCP are deployed on almost every DoD weapons ¶ system platform, are used in almost every DoD cleanup, and are ¶ part of the management of most installations across the services. ¶ These innovative technologies do not lead to new acquisition ¶ systems (although they are contained in many), nor are they ¶ adopted by initiating a new procurement program. They are ¶ typically transitioned through the commercial sector and bought ¶ back as services for environmental management; or they become ¶ part of new standards, specifications, or installation management ¶ procedures; or they are included through upgrades to existing ¶ systems during depot-level maintenance. As with energy, ¶ environmental issues are ubiquitous; it is assumed they can be ¶ managed (or worked around) rather than addressed through ¶ technological innovation; and decisions to deploy technologies ¶ are driven heavily by cost considerations and regulations. Yet ¶ improvements in environmental performance have significantly ¶ reduced DoD’s costs and improved its mission performance, ¶ while allowing DoD to meet its environmental goals. Similar ¶ results are expected if DoD improves its energy performance.¶ SERDP’s and ESTCP’s effectiveness derives partly from ¶ structural factors (i.e., how the programs are organized), and ¶ partly from their approach to the problems and the linking ¶ of research and development investments to real world ¶ demonstrations. Officially, SERDP and ESTCP programs are ¶ structured as shown in figure 3.6.

This flow chart shows the classic one-way linear progression ¶ from basic research to implementation. Its roots date back to ¶ Vannevar Bush’s classic paper, Science, The Endless Frontier, which ¶ influenced the structure and funding process for many federal ¶ R&D programs. Many have noted that this model neither fits the ¶ way research and development actually occurs, nor necessarily ¶ supports a robust innovation system.¶ 84¶ Although the above is¶ the official structure for the program, it does not reflect how ¶ innovation is supported and fostered within SERDP and ESTCP. ¶ Structurally, SERDP and ESCTP have some unique elements, ¶ some of which were planned and some of which came ¶ about through circumstance rather than design. Having two ¶ programs—SERDP for the science and technology phase, and ¶ ESTCP for demonstration—under the same leadership has been ¶ important. The two programs are integrated in their goals and ¶ objectives but independent in their funding processes. Each ¶ program conducts independent reviews of proposals, but the ¶ reviews of active projects are conducted jointly, and findings are ¶ reported to a single director.

SERDP also has a unique authority in funding research and ¶ development. Although it is classified by DoD as a 6.3 program ¶ (which is typically associated with advanced development), it ¶ has statutory authority to address the full spectrum of science ¶ and technology development, from basic through applied and ¶ advanced development. This flexibility allows SERDP to avoid the ¶ artificial distinction between “basic” and “applied” research and ¶ development; SERDP does not subdivide the two activities. For ¶ the issues that SERDP and ESTCP address, fundamental science ¶ can and should be applied science. Even in the early stages of ¶ research, it is advantageous to be mindful of the likely “in-thefield” applications of the work and the technical and economic ¶ requirements, and structure a “basic” research project to address ¶ those “applied” concerns from the beginning. SERDP funds basic ¶ science, but in a way that ensures that key questions that relate ¶ to real DoD needs are addressed.

#### It’s competitive—R&D programs to make technology competitive are not financial incentives—interpreting the CP to include the aff means they are not topical

**Painuly**, UNEP Collaborating Centre on Energy and Environment @ Risø National Laboratory, **‘1**

(J.P., “Barriers to renewable energy penetration; a framework for analysis,” Renewable Energy Vol. 24, Issue 1, p. 73–89)

5. Measures to overcome barriers

It may not be possible to achieve technical potential but research and development can reduce the gap between techno-economic potential and technical potential. In most of the cases, the aim is to achieve or move closer to techno-economic potential.

Imperfections and distortions in the market coupled with unfavourable financial, institutional and regulatory environments imply that governmental intervention is not only desirable but also a must to promote RETs. The role of governments in technology transfer has been outlined in the IPCC special report on technology transfer [15], which is relevant for renewables too. The role includes generic actions to remove barriers, building human and institutional capacity, setting up research and development infrastructure, creating an enabling environment for investment, and providing information and mechanisms to promote RETs.

Policy approaches to achieve the techno-economic potential can either remove the barriers or create conditions where the market is forced to act, ignoring the barriers. The former normally works at the micro level addressing the barriers directly, and the latter mostly at macro level addressing the barriers indirectly. For example, setting up information centres, establishing codes and standards etc. address the barriers directly, whereas increasing energy prices through pollution taxation addresses the barriers indirectly.

The measures required to promote RETs thus follow from (a) identification of barriers through administration of questionnaires/interview of the stakeholders, and (b) feedback from stakeholders on the measures to overcome the barriers, obtained by extending the questionnaire/interview to include questions related to the possible measures. Finally, policy actions need to be designed and implemented to operationalise the measures identified to overcome the barriers. Some of the policy actions taken by various governments and implicit barrier removal measures in these are discussed below. Measures taken by IEA countries have been discussed in IEA [16] and [17]. Several possibilities may exist and the one that best suits a country should be chosen. Several of these measures have been explored by the Global Environment Facility (GEF) through support to RET projects in different countries (see [2] for details).

5.1. Energy sector liberalisation

This is a broad term encompassing several policy measures such as restructuring of the energy sector, opening up to introduce competition and removing other controls. Some examples of the specific policies are; creating separate entities for generation and distribution in the electricity sector, allowing private sector entry and diluting or removing controls on energy pricing, fuel use, fuel import, and capacity expansion etc. Institutional measures such as setting up independent regulatory bodies may be needed for success of these policy actions. The basic purpose of liberalisation is to increase efficiency of the energy sector through facilitating market competition. The initial impact of such measures may be unfavourable to RETs due to increased competitiveness. However, in the long term a liberalised energy market may provide a better environment for the healthy growth of RETs.

5.2. Guaranteed markets

Since renewable energy is not able to compete in the energy market with existing barriers, energy suppliers may be required by law to include a part of the energy from renewables in their supply mix. Examples of such measures are the Non-Fossil Fuel Obligation (NFFO) law in the UK, Electricity Feed Law (EFL) in Germany, and Renewable Portfolio Standard (RPS) in the US. The NFFO guarantees pre-determined electricity prices for competitively selected renewable energy projects. It promotes reduced cost of RETs due to competitive process for project selection. Any extra cost to the electricity companies is reimbursed by a small charge to all electricity consumers. Five NFFO orders have been issued since the law was passed in 1989. The costs of generating electricity under NFFO contracts have been halved; NFFO-5 contracts were at an average of 2.71 p/kWh compared with the average pool selling price of 2.60 p/kWh in 1998 [18]. NFFO has now been succeeded by the New & Renewable Energy Policy. EFL required electricity network operators to buy all the electricity from renewables at premium prices. In April 1998, the EFL was changed slightly and now utilities are not required to accept more than 5% of their total electricity from renewable sources. In February 2000, the EFL was replaced by the Renewable Energy Law, which provides a guaranteed price for electricity from renewables [19]. RPS requires each retail supplier of electricity to provide a specified percentage of renewable energy in its electricity supply portfolio. The obligations have been made tradable through renewable energy credits (RECs) with a view to introducing flexibility and reducing costs. A variation of these mechanisms is two-way metering, which is under consideration in some EU countries. In this, distributed electricity generation (generally at household level) can be used to meet own demand and surplus electricity can be fed back to the grid, allowing the household meter to run backwards. The buyback rate is thus 100% of the utility price [16]. Although these measures may improve economic efficiency of RETs, the impact in the short run is an increased cost of electricity.

5.3. Economic/financial incentives

Several governments provide capital subsidies for installation of renewable energy systems. However the capital subsidies need to have a defined phase out time frame to ensure efficiency improvements in RETs. For example, capital subsidies for wind energy in Denmark were phased out in 10 years time. Tax exemption, credit facilities and third party financing mechanisms are other measures in some IEA countries [16]. Incentive-based renewable energy programmes are in operation in several developing countries. The World Bank's renewable energy programmes in Indonesia (solar home system project), Sri Lanka, Laos etc. are incentive-based programmes. The ESMAP programme in Africa, sponsored by UNDP, World Bank and other donors is another example of use of financial incentives to promote renewable energy. Several developing countries such as India, China etc. have their own incentive-based renewable energy programmes. Developing countries such as Uganda, Zimbabwe etc. have also provided micro-credits to consumers through revolving funds.

5.4. Government investments

In countries where governments are major players in the energy sector, they have made national plans and strategies for promotion of RETs. Governments have also made investments through specialised agencies created for RET development.

5.5. Information and awareness campaigns

Several countries have initiated informative programmes to promote renewable energy. The stakeholders can be educated and supplied with the necessary tools to evaluate the RETs and design implementation. The campaigns are both general in nature as well as targetting specific RET product promotion.

5.6. Standards and regulations

Deregulation of the electricity industry to allow renewable energy producers access to the grid has been carried out in several countries. Regulatory measures to provide a guaranteed market for renewable energy have been taken, and standards formulated to boost confidence in RET products.

5.7. Institutional measures

Specialised agencies to plan and promote RETs have been created in several countries. Regulatory agencies have also been set up in response to the need for liberalisation of the energy sector. Other measures include promotion of energy service companies (ESCOs) that address several barriers such as lack of up-front financing, credit facilities, and technical knowledge.

5.8. Research and development

Since high cost is a major barrier to RET penetration, R&D programmes have been set up to make it more competitive. Long-term RET technology costs can be reduced through research.

5.9. Facilitating measures

Several facilitating measures have been taken by governments. These include financing for feasibility studies, planning and fixing targets for renewable energy contribution, resource assessment for RETs at national and regional levels, siting of renewable energy systems, technology demonstrations etc. Skill development through training in various aspects of RETs (such as technical, regulatory, managerial, financial skills etc.) has been arranged by some governments and also facilitated through GEF projects.

#### The plan puts the cart before the horse—we should let R&D develop the product so it can achieve market parity. Guaranteeing for purchases in the interim jeopardize development and link to politics and tradeoff

**O’Keefe 12**

William O'Keefe, George C. Marshall Institute CEO, 5/22/12, DOD’s ‘Clean Energy’ Is a Trojan Horse , energy.nationaljournal.com/2012/05/powering-our-military-whats-th.php

The purpose of the military is to defend the United States and our interests by deterring aggression and applying military force when needed. **It** is not to shape industrial policy. As we’ve learned from history, energy is essential for military success, independent of whether it is so called “clean energy” or traditional energy, which continues to get cleaner with time.

There are three reasons for the Department of Defense (DOD) to be interested in biofuels—to reduce costs, improve efficiency, and reduce vulnerability. These are legitimate goals and should be pursued through a well thought out and rational Research-and-Development (R&D) program. But it’s not appropriate to use military needs to push a clean energy agenda that has failed in the civilian sector. Packaging the issue as a national security rationale is a Trojan Horse that hides another attempt to promote a specific energy industrial policy. Over the past four decades such initiatives have demonstrated a record of failure and waste.

As part of the military’s push for green initiatives, both the Navy and Air Force have set goals to obtain up to 50 percent of their fuel needs from alternative sources. The underlying rationale is to reduce US dependence on foreign oil. But the Rand Corporation, the preeminent military think tank in the nation, recently conducted a study, Alternative Fuels for Military Applications; it concludes, "The use of alternative fuels offers the armed services no direct military benefit." It also concludes that biofuels made from plant waste or animal fats could supply no more than 25,000 barrels daily. That’s a drop in the bucket considering the military is the nation’s largest fuel consumer.

Additionally, there is no evidence that commercial technology will likely to be available in the near future to produce large quantities of biofuels at lower costs than conventional fuels. The flipside of that argument is that the cost of conventional fuels is uncertain because of dependence on imports from unstable sources. While that is true, it misses the point. For example, our reliance on imports from the Persian Gulf is declining and could be less if we expanded our own domestic production. **Until alternatives that are cost competitive can be developed**, DOD should look at alternative ways to reduce price volatility, just as large commercial users do.

The second reason for pursuing alternative fuels is related to the first. Greater efficiency reduces costs by reducing the amount of fuel used. The military has been pursuing this goal for some time, as has the private sector. DOD total energy consumption declined by more than 60% between 1985 and 2006, according to Science 2.0. Improvements will continue because of continued investments in new technologies, especially in the private sector, which has market-driven incentives to reduce the cost of fuel consumption.

Finally, there is the argument that somehow replacing conventional fuels with bio-fuels will reduce supply chain vulnerability and save lives. Rand also addressed this issue from both the perspective on naval and ground based forces. It concluded that there is no evidence that a floating bio-fuels plant “would be less expensive than using either Navy oilers or commercial tankers to deliver finished fuel products.” It also dismissed the concept of small scale production units that would be co-located with tactical units. It concluded, “any concepts that require delivery of a carbon containing feedstock appear to place a logistical and operational burden on forward-based tactical units that would be well beyond that associated with the delivery of finished fuels.”

Future military needs are met by a robust R&D program carried out by the services and the Defense Advanced Research Projects Agency (DARPA). Letting that agency and the services invest in future technologies to meet their specific service needs and maintain our military strength without political meddling is in the nation’s best interest. Advances in military technology that has civilian applications eventually enters the market place. Take for example the DARPA’s research into improved military communication that eventually developed into internet technology that revolutionized how we communicate and obtain and use information. If DOD pursues research focused on lower costs, greater efficiency, and more secure fuel supplies, the civilian economy will eventually benefit.

At a time when the military if faced with substantial budget cuts, allocating scarce resources to pursue so called “clean energy” objectives is worse than wasteful. It borders on a dereliction of duty.

### 1nc DA

#### The plan spotlights light water SMRs, because they are slightly more developed than advanced reactors

**Department of Commerce 2011** (February, U.S. Department of Commerce International Trade Administration, Manufacturing and Services Competitiveness Report, “The Commercial Outlook for U.S. Small Modular Nuclear Reactors”, http://www.trade.gov/publications/pdfs/the-commercial-outlook-for-us-small-modular-nuclear-reactors.pdf, WEA)

Although SMRs have significant potential and ¶ the market for their deployment is growing, their ¶ designs must still go through the technical and ¶ regulatory processes necessary to ensure that ¶ they can be safely and securely deployed. Lightwater technology–based SMRs may not be ready ¶ for deployment in the United States for at least ¶ a decade, and advanced designs might be even ¶ further off. Light-water SMRs and SMRs that have ¶ undergone significant testing are the most likely ¶ candidates for near-term deployment, because ¶ they are most similar to existing reactors that ¶ have certified designs and significant operating ¶ histories. NuScale is on track to submit its reactor ¶ design to the NRC by 2012, as is Babcock & Wilcox ¶ for its mPower design. In addition, GE-Hitachi, ¶ which already completed an NRC preapplication ¶ review for its PRISM reactor in 1994, plans to submit its PRISM design for certification in 2012. ¶ With fierce competition for commercial deployment of U.S. SMRs anticipated, the U.S. government is accelerating its efforts to support the ¶ licensing of new reactor designs. The fiscal year ¶ 2011 budget request for the Department of Energy ¶ includes $39 million for a program to support ¶ design certification of SMRs for commercial deployment, as well as a research and development ¶ portfolio that will address the technology development needs of both near- and longer-term SMRs. ¶ The Department of Energy is also in discussions ¶ with several U.S. companies to facilitate the lightwater SMR design certification by the NRC within ¶ a reasonable timeframe. The department also ¶ continues to support research and development ¶ efforts toward advanced reactor designs through ¶ the Advanced Reactor Concepts program, which ¶ focuses on metal-cooled reactor technologies.

#### SMR models are zero-sum—light water SMRs enable mixed oxide usage, which crushes prolif cred

**Clements 2012** – Nonproliferation Policy Director at ANA (6/8, Tom, Alliance for Nuclear Accountability, “Documents Reveal Time-line and Plans for “Small Modular Reactors” (SMRs) at the Savannah River Site (SRS) Unrealistic and Promise no Funding”, http://www.ananuclear.org/PressRoom/ANAPressReleases/tabid/115/articleType/ArticleView/articleId/558/Default.aspx, WEA)

The MOAs indicate that sale of electricity to SRS via “Purchase Power Agreements” (PPAs) is being viewed as a way to fund the reactors. “Sales of electricity produced by SMRs at high rates to SRS is nothing but a back-door subsidy by big government and will not be defensible to the public or Congress,” said Clements. “It’s time for big government to stop choosing winners and losers among SMR concepts and let the free market decide if SMRs will be pursued.”¶ The MOA with SMR, LLC for the “Safe Modular Underground Reactor” indicates pursuit of controversial nuclear weapons-related programs. The MOA states that “the Parties agree to invite the NNSA [National Nuclear Security Administration] to discuss the feasibility of additional Agreements to irradiate Tritium Producing Burnable Absorption Rods (TPBARs) and Mixed Oxide Fuel (MOX).” These plans refer to the production of radioactive tritium gas used to boost the explosive power of all U.S. nuclear weapons and the use of experimental plutonium fuel (mixed oxide, MOX) made from weapons-grade plutonium surplus to the nuclear weapons program. ¶ The costly and problem-plagued concept to use MOX in conventional light-water reactors is under pressure and has just faced an additional budget cut by the US House of Representatives. A proposal to use MOX in an SMR is an indication that DOE itself is concerned if it can carry out the MOX program as now conceived, according to ANA.¶ Tritium for nuclear weapons is currently produced by the Watts Bar unit 1 reactor owned by the Tennessee Valley Authority. According to ANA, this shows that the U.S. has quietly crossed the imaginary line between the military and civilian nuclear processes and is engaged in a project which undermines sound nuclear non-proliferation policies. “For non-proliferation, safety and cost reason, production of tritium and use of MOX fuel should be ruled out for any SMRs,” said Clements.¶ SRS is engaged in an intensive promotional campaign to secure SMRs at the site in spite of the fact that they only exist on paper, no design is licensed by the Nuclear Regulatory Commission and sources of funding for development and construction of the reactors have not been identified. This effort by SRS to present itself as a leading SMR candidate site is in parallel with the overly enthusiastic media campaign by SMR vendors to promote their specific models, according to ANA.

#### Nonprolif leadership solves prolif

Wallace & Williams, 4-17-12

[Michael, Senior Adviser, U.S. Nuclear Energy Project – CSIS, Sarah, CSIS, “Nuclear Energy in America: Preventing It’s Early Demise,” <http://csis.org/files/publication/120417_gf_wallace_williams.pdf>]

America’s nuclear energy industry is in decline. Low natural gas prices, financing hurdles, new safety and security requirements, failure to resolve the waste issue and other factors are hastening the day when existing reactors become uneconomic, making it virtually impossible to build new ones. Two generations after the United States took this wholly new and highly sophisticated technology from laboratory experiment to successful commercialization, our nation is in danger of losing an industry of unique strategic importance, unique potential for misuse, and unique promise for addressing the environmental and energy security demands of the future. The pace of this decline, moreover, could be more rapid than most policymakers and stakeholders anticipate. With 104 operating reactors and the world’s largest base of installed nuclear capacity, it has been widely assumed that the United States—even without building many new plants— would continue to have a large presence in this industry for some decades to come, especially if existing units receive further license extensions. Instead, current market conditions are such that growing numbers of these units are operating on small or even negative profit margins and could be retired early. Meanwhile, China, India, Russia, and other countries are looking to significantly expand their nuclear energy commitments. By 2016, China could have 50 nuclear power plants in operation, compared with only 14 in 2011. India could add 8 new plants and Russia 10 in the same time frame. These trends are expected to accelerate out to 2030, by which time China, India, and Russia could account for nearly 40 percent of global nuclear generating capacity. Meanwhile, several smaller nations, mostly in Asia and the Middle East, are planning to get into the nuclear energy business for the first time. In all, as many as 15 new nations could have this technology within the next two decades. Meanwhile, America’s share of global nuclear generation is expected to shrink, from about 25 percent today to about 14 percent in 2030, and—if current trends continue—to less than 10 percent by mid-century. With the center of gravity for global nuclear investment shifting to a new set of players, the United States and the international community face a difficult set of challenges: stemming the spread of nuclear weapons-usable materials and know-how; preventing further catastrophic nuclear accidents; providing for safe, long-term nuclear waste management; and protecting U.S. energy security and economic competitiveness. In this context, federal action to reverse the American nuclear industry’s impending decline is a national security imperative. The United States cannot afford to become irrelevant in a new nuclear age. Our nation’s commercial nuclear industry, its military nuclear capabilities, and its strong regulatory institutions can be seen as three legs of a stool. All three legs are needed to support America’s future prosperity and security and to shape an international environment that is conducive to our long-term interests. Three specific aspects of U.S. leadership are particularly important. First, managing the national and global security risks associated with the spread of nuclear technology to countries that don’t necessarily share the same perspective on issues of nonproliferation and nuclear security or may lack the resources to implement safeguards in this area. An approach that relies on influence and involvement through a viable domestic industry is likely to be more effective and less expensive than trying to contain these risks militarily. Second, setting global norms and standards for safety, security, operations, and emergency response. As the world learned with past nuclear accidents and more recently with Fukushima, a major accident anywhere can have lasting repercussions everywhere. As with nonproliferation and security, America’s ability to exert leadership and influence in this area is directly linked to the strength of our domestic industry and our active involvement in the global nuclear enterprise. A strong domestic civilian industry and regulatory structure have immediate national security significance in that they help support the nuclear capabilities of the U.S. Navy, national laboratories, weapons complex, and research institutions. Third, in the past, the U.S. government could exert influence by striking export agreements with countries whose regulatory and legal frameworks reflected and were consistent with our own nonproliferation standards and commitments. At the same time, our nation set the global standard for effective, independent safety regulation (in the form of the Nuclear Regulatory Commission), led international efforts to reduce proliferation risks (through the 1970 NPT Treaty and other initiatives), and provided a model for industry self-regulation. The results were not perfect, but America’s institutional support for global nonproliferation goals and the regulatory behaviors it modeled clearly helped shape the way nuclear technology was adopted and used elsewhere around the world. This influence seems certain to wane if the United States is no longer a major supplier or user of nuclear technology. With existing nonproliferation and safety and security regimes looking increasingly inadequate in this rapidly changing global nuclear landscape, American leadership and leverage is more important and more central to our national security interests than ever. To maintain its leadership role in the development, design, and operation of a growing global nuclear energy infrastructure, the next administration, whether Democrat or Republican, must recognize the invaluable role played by the commercial U.S. nuclear industry and take action to prevent its early demise.

#### Extinction

**Utgoff, Deputy Director of Strategy, Forces, and Resources Division 02** of Institute for Defense Analysis (Victor A., Summer 2002, Survival, p.87-90 Victor A Utgoff, Deputy Director of Strategy, Forces, and Resources Division of Institute for Defense Analysis, Summer 2002, Survival, p.87-90)

In sum, widespread proliferation is likely to lead to an occasional shoot-out with nuclear weapons, and that such shoot outs will have a substantial probability of escalating to the maximum destruction possible with the weapons at hand. Unless nuclear proliferation is stopped, we are headed towards a world that will mirror the American Wild West of the late 1800s. With most, if not all, nations wearing nuclear “six shooters” on their hips, the world may even be a more polite place than it is today, but every once in a while we will all gather together on a hill to bury the bodies of dead cities or even whole nations.

### 1nc smart microgrids cp

#### Counterplan: The United States Federal Government should substantially increase investment in smart microgrid technology for its military bases in the United States not supplied by small modular nuclear reactors via a diverse portfolio tailored to individual installation circumstances, including non-nuclear renewable energies for on-site generation, increased backup generation capacity, improvements in energy efficiency and energy storage, intelligent local energy management, and accelerated implementation of the SPIDERS project.

#### Smart microgrids solve---the combination of mechanisms resolves problems with each component

SERDP 12 – the Strategic Environmental Research and Development Program, DoD’s environmental science and technology program, executed in partnership with DOE and EPA, 7/10/12, “DoD Study Finds Microgrids Offer Improved Energy Security for DoD Installations,” http://www.serdp.org/News-and-Events/News-Announcements/Program-News/DoD-study-finds-microgrids-offer-improved-energy-security-for-DoD-installations

Advanced microgrids offer a cost-effective solution to military installations' growing vulnerability to the fragile electric grid, according to a study released today by DoD’s Office of Installations and Environment. The study performed by MIT Lincoln Laboratory looked at different microgrid architectures and characteristics and compared their relative cost-effectiveness. The report provides insight into increasing energy security and reducing energy costs through the incorporation of renewable energy resources into microgrids, as well as new market opportunities for DoD in the area of demand response and ancillary services.

The study highlights the extent of ongoing microgrid work across DoD. It identified 44 installations that either had existing microgrids, planned installation of microgrids, or conducted microgrid studies or demonstrations at their facilities. The authors interviewed more than 75 people from the military Services, the Office of the Secretary of Defense, and the Department of Energy. The analysis categorized the ongoing microgrid efforts based on several key attributes including size, maturity, the inclusion of renewable resources, and the ability to operate in a grid-tied manner.

The analysis confirms the value of microgrids to DoD. The combination of on-site energy generation and storage, together with the microgrid’s ability to manage local energy supply and demand, allow installations to shed non-essential loads and maintain mission-critical loads if the electric grid is disrupted.

The report illustrates the largely untapped potential of moving to smarter, next generation microgrids that would accommodate far greater penetration of renewable energy sources, as well as tighter integration with the electrical grid. If solar resources that are increasingly being installed on DoD installations were available during islanded operation of a microgrid, they could significantly extend the islanding time. Moreover, a microgrid that could operate when tied to the grid would offer new opportunities for the DoD to generate cost savings by using backup generation assets during normal operation and generate financial revenue by using advanced ancillary services.

One important finding is that there will be no “one size fits all” solution. The location of a military installation influences the options available for energy generation sources, the options available for interaction with the local utility, the characteristics of the local electricity market, and the regulatory environment. The most effective microgrids will be those that take into account the needs of the local commercial electric grid and are configured so that they can earn value helping to meet those needs.

#### SPIDERS will produce effective renewable-based microgrids that guarantee communications and control survive grid outages

Robert K. Ackerman 12, SIGNAL Magazine, February 2012, “Military Energy Enters SPIDERS Web,” http://www.afcea.org/content/?q=node/2877

No man may be an island, but each U.S. military base may become an energy island if a joint project among the Department of Energy, the Department of Homeland Security and the Defense Department comes to fruition. The effort aims to develop a microgrid that would supply a base with internal power independent of any external source that might fail as a result of enemy action.

Network security would be a key element of this energy microgrid. Facing the possibility of a cyberattack on the nation’s power grid, military bases must be able to sustain internal power with a degree of immunity from the online tactics employed by cybermarauders.

This program also seeks to blend a host of conventional and alternative energy sources into a single entity that would respond seamlessly to internal base power demands. Complicating the endeavor to link these energy sources is the requirement to provide secure network control that could interoperate with the public power grid but still be immune to cyberthreats that menace the larger network.

Known as the Smart Power Infrastructure Demonstration for Energy Reliability and Security, or SPIDERS, the project is a Defense Department joint capability technology demonstration (JCTD). It already is underway at Joint Base Pearl Harbor-Hickam, Oahu, Hawaii, and later phases will evaluate progressively sophisticated systems at Fort Collins, Colorado, and Camp Smith, Hawaii.

Melanie Johnson, an electrical engineer with the Army Corps of Engineers Construction Engineering Research Laboratory, explains that SPIDERS is designed to develop a template for bringing microgrid technology to military installations in the United States. Its success would have implications for installations outside the United States, particularly in operational settings, she points out.

Part of the SPIDERS technical management team, Johnson explains that a key element in SPIDERS is to provide network security for the communications and control systems within that microgrid environment. That security would be vital if a base loses power because of a cyberattack on the local power grid.

What sets SPIDERS apart from other microgrid efforts is its emphasis on cybersecurity and network communications. Security is a primary SPIDERS objective, Johnson says, adding that this includes information assurance certification and implementing emerging standards from the National Institute of Standards and Technology (NIST), the North American Electric Reliability Corporation (NERC) and Department of Energy organizations.

Adding cybersecurity to the microgrid complicates the picture and requires “a little critical thinking,” Johnson observes. However, SPIDERS is not employing the traditional approach of first developing a control system and then overlaying security. Instead, security will be integrated into the system as it is developed. The result will be a comprehensive security solution that is tailored to the system, she offers.

The microgrid control system continually will monitor power quality and conditions in the regional power grid. If it detects instability or significant quality issues, it can alert monitors who would decide to disconnect the base from the external grid. The microgrid would continue to provide power to critical missions.

Johnson shares that planners are examining the relationship between the interface with the microgrid control system and the base’s enterprise network. Of particular interest is how that relationship would open the microgrid to vulnerabilities from outside the installation. Issues include the types of communications traffic that would be allowed in and out of the microgrid control system network.

According to its guidance, SPIDERS’ primary objectives are to protect task-critical assets from power loss due to cyberattack; integrate renewable and other distributed generational electricity to power task-critical assets in times of emergency; sustain critical operations during prolonged power outages; and manage installation electrical power consumption to reduce petroleum demand and carbon footprint.

SPIDERS will exploit existing energy assets such as solar arrays, wind generators and other renewable technologies as well as diesel generators to provide electricity more efficiently than if backup diesel generators alone were used. Renewable energy generators remain online constantly, providing electricity from alternate sources during opportune conditions such as windy or sunny days. Johnson points out, however, that most renewable energy resources trip offline when the main grid crashes. The microgrid allows the renewable power to stay online while maintaining necessary safety measures.

The program might tweak the bases’ energy sources by upgrading a legacy generator that lacks the necessary capacity, for example. Otherwise, it will focus on existing assets. Johnson emphasizes that SPIDERS will be energy-source agnostic.

### Adv 1

#### Status quo solves the entire advantage

**Aimone, 9/12**/12 - Director Business Enterprise Integration Office of the Deputy Under Secretary of Defense (Installations and Environment) (Michael, Congressional Testimony, <http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20-%20Aimone.pdf>)

DoD’s facility energy strategy is also focused heavily on grid security in the name of mission assurance. Although the Department’s fixed installations traditionally served largely as a platform for training and deployment of forces, in recent years they have begun to provide direct support for combat operations, such as unmanned aerial vehicles (UAVs) flown in Afghanistan from fixed installations here in the United States. Our fixed installations also serve as staging platforms for humanitarian and homeland defense missions. These installations are largely dependent on a commercial power grid that is vulnerable to disruption due to aging infrastructure, weather-related events, and potential kinetic, cyber attack. In 2008, the Defense 2 Science Board warned that DoD’s reliance on a fragile power grid to deliver electricity to its bases places critical missions at risk. 1

Standby Power Generation

Currently, DoD ensures that it can continue mission critical activities on base largely through its fleet of on-site power generation equipment. This equipment is connected to essential mission systems and automatically operates in the event of a commercial grid outage. In addition, each installation has standby generators in storage for repositioning as required. Facility power production specialists ensure that the generators are primed and ready to work, and that they are maintained and fueled during an emergency. With careful maintenance these generators can bridge the gap for even a lengthy outage. As further back up to this installed equipment, DoD maintains a strategic stockpile of electrical power generators and support equipment that is kept in operational readiness. For example, during Hurricane Katrina, the Air Force transported more than 2 megawatts of specialized diesel generators from Florida, where they were stored, to Keesler Air Force Base in Mississippi, to support base recovery.

Next Generation Microgrids

Although the Department will continue to maintain its fleet of on-site and mobile backup generators, we are moving aggressively to adopt next generation microgrids. Advanced microgrids, combined with on-site energy generation (e.g., solar or geothermal) and energy storage, offer a more robust and cost effective approach to ensuring installation energy security than the current solution (backup generators). Although microgrid systems are in use today, they are relatively unsophisticated, with limited ability to integrate renewable and other distributed energy sources, little or no energy storage capability, uncontrolled load demands, and “dumb” distribution that is subject to excessive energy losses. By contrast, we envision advanced (or “smart”) microgrids as local power networks that can utilize distributed energy, manage local energy supply and demand, and operate seamlessly both in parallel to the grid and in “island” mode. Advanced microgrids are a “triple play” for DoD’s installations: First, they will facilitate the incorporation of renewable and other on-site energy generation. Second, they will reduce installation energy costs on a day-to-day basis by allowing for load balancing and demand response—i.e., the ability to curtail load or increase on-site generation in response to a request from the grid operator. Third, and most importantly, the combination of on-site energy and storage, together with the microgrid’s ability to manage local energy supply and demand, will allow an installation to shed non-essential loads and maintain mission-critical loads if and when the grid goes down.

DoD’s Installation Energy Test Bed, run out of the Department’s Installations and Environment office, is funding ten demonstrations of microgrid and storage technologies to evaluate the benefits and risks of alternative approaches and configurations. The Test Bed is working with multiple vendors so as to allow DoD to capture the benefits of competition. Demonstrations are underway at Twentynine Palms, CA (General Electric’s advanced microgrid system); Fort Bliss, TX (Lockheed Martin); Joint Base McGuire-Dix-Lakehurst, NJ (United Technologies); Fort Sill, OK (Eaton); and several other installations.

#### No grid risk

**Clark**, MA candidate – Intelligence Studies @ American Military University, senior analyst – Chenega Federal Systems, 4/28/**’12**

(Paul, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,” American Military University)

This increased focus on cyber-security has led to concern that the perceived risk is greater than the actual risk, a situation that has resulted in an imbalance between security and privacy and civil liberties (American Civil Liberties Union 2012). In 1993 a Rand Corporation paper predicted that “cyberwar is coming” and twenty years later the prediction is the same and critics argue that cyber-war is “more hype than hazard” (Rid 2012). A review of high profile cyberattacks shows that, with the exception of Stuxnet and the limited Israeli disruption of Syrian air defense networks, most cyber-attacks are categorized as information theft, network compromise, or website defacement (Lewis 2012). Even the high profile threat of an “Electronic Pearl Harbor” (Bronk 2009), despite being repeated by senior government officials like U.S. Defense Secretary Leon Panetta (Rid 2012) , has been found to be only a slight possibility (Wilson 2005). There is no doubt that cyber-security is important. Businesses recognize this importance and spent more than $80 billion on computer network security in 2011 (Johnson 2012) and the federal government is expected to be spending $10.5 billion per year by 2015 (Brito and Watkins 2012). This response is appropriate when data shows that the vast majority of cyber-attacks are focused on espionage and the theft of intellectual property. It is not clear why senior government officials and corporate executives focus on high-impact low-probability events and engage in “alarmist rhetoric” (Brito and Watkins 2011) that skews the public perception of risk and creates an atmosphere of fear. The danger of an inappropriate response in reaction to an inflated threat and prevalence of misinformation is exemplified by the politicized intelligence that led to the invasion of Iraq in 2003 (Brito and Watkins 2011). Understanding how information on the risk posed by cyber-attacks is poorly communicated and the public reaction to an increased perception of risk – fear – is important in identifying when the perceived risk is greater than the actual risk; when risk is more hype than threat. Critics of current cyber-security policy believe that threats are being conflated; this results in a threat appearing larger than it is (Brito and Watkins 2012). In essence, a wide variety of cyber-activity – political and social activity, criminal activity for profit, espionage, and offensive cyber-attack – are treated as presenting the same level of threat. There is a wide divide between easily mounted and easily defended denial of service attacks on public websites and high-potential cyber-weapons capable of severely disrupting or destroying critical infrastructure (Rid and McBurney 2012). The rise of automated tools that allow for low-level cyber-attacks to be easily mounted has caused a significant increase in the number of cyber-attacks, a statistic often cited as proof of increased risk, but qualified cyber-security organizations have discarded the number of cyber-attacks as a metric and consider it to be meaningless as a method of assessing the scope and effects of cyber-attacks (Wilson 2005). Without differentiating between generic malicious software and highly specialized and targeted offensive cyber-attacks, the risk of cyber-attacks on critical infrastructure systems like the electrical grid cannot be properly assessed.

#### DOD would be fine—critical systems are air-gapped

**Weimann 4**

Gabriel Weimann, senior fellow at the United States Institute of Peace and professor of communication at the University of Haifa, Israel, 2004, Cyberterrorism How Real Is the Threat?, ttp://www.usip.org/files/resources/sr119.pdf

Neither al Qaeda nor any other terrorist organization appears to have tried to stage a serious cyberattack. For now, insiders or individual hackers are responsible for most attacks and intrusions and the hackers’ motives are not political. According to a report issued in 2002 by IBM Global Security Analysis Lab, 90 percent of hackers are amateurs with limited technical proficiency, 9 percent are more skilled at gaining unauthorized access but do not damage the files they read, and only 1 percent are highly skilled and intent on copying files or damaging programs and systems. Most hackers, it should be noted, try to expose security flaws in computer software, mainly in the operating systems produced by Microsoft. Their efforts in this direction have sometimes embarrassed corpo- rations but have also been responsible for alerting the public and security professionals to serious security flaws. Moreover, although there are hackers with the ability to damage systems, disrupt e-commerce, and force websites offline, the vast majority of hackers do not have the necessary skills and knowledge. The ones who do, generally do not seek to wreak havoc. Douglas Thomas, a professor at the University of Southern California, spent seven years studying computer hackers in an effort to understand better who they are and what motivates them. Thomas interviewed hundreds of hackers and explored their “literature.” In testimony on July 24, 2002, before the House Subcommittee on Govern- ment Efficiency, Financial Management and Intergovernmental Relations, Thomas argued that “with the vast majority of hackers, I would say 99 percent of them, **the risk [of cyberterrorism] is negligible** for the simple reason that those hackers do not have the skill or ability to organize or execute an attack that would be anything more than a minor inconvenience.” His judgment was echoed in Assessing the Risks of Cyberterrorism, Cyber War, and Other Cyber Threats, a 2002 report for the Center for Strategic and International Studies, written by Jim Lewis, a sixteen-year veteran of the State and Commerce Depart- ments. “The idea that hackers are going to bring the nation to its knees is too far-fetched a scenario to be taken seriously,” Lewis argued. “Nations are more robust than the early analysts of cyberterrorism and cyberwarfare give them credit for. Infrastructure systems [are] more flexible and responsive in restoring service than the early analysts realized, in part because they have to deal with failure on a routine basis.”

Many computer security experts do not believe that it is possible to use the Internet to inflict death on a large scale. Some pointed out that the resilience of computer systems to attack is the result of significant investments of time, money, and expertise. As Green describes, **nuclear weapons systems are protected by “air-gapping”: they are not connected to the Internet or** to **any open computer network and** thus they **cannot be accessed by intruders, terrorists, or hackers**. Thus, for example, the **Defense** Department **protects** **sensitive systems by isolating them from the Internet and even** from **the Pentagon’s own internal network**. The CIA’s classified computers are also air-gapped, as is the FBI’s entire computer system.

#### No impact

**Goldstein 2011**, Professor IR at American University [Joshua S. Goldstein, Professor emeritus of international relations at American University, “Thing Again: War,” Sept/Oct 2011,

http://www.foreignpolicy.com/articles/2011/08/15/think\_again\_war?print=yes&hidecomments=yes&page=full]

Nor do shifts in the global balance of power doom us to a future of perpetual war. While some political scientists argue that an increasingly multipolar world is an increasingly volatile one -- that peace is best assured by the predominance of a single hegemonic power, namely the United States -- **recent geopolitical history** suggests otherwise. Relative U.S. power and worldwide conflict have **waned in tandem** over the past decade. The exceptions to the trend, Iraq and Afghanistan, have been lopsided wars waged by the hegemon, not challenges by up-and-coming new powers. The best precedent for today's emerging world order may be the 19th-century Concert of Europe, a collaboration of great powers that largely maintained the peace for a century until its breakdown and the bloodbath of World War I.

#### DOD management is a disaster

**Carper, 12**

(Thomas R. D-DE, “Department of Defense Inspector General Details Problem with New Billion Dollar Accounting Systems; Schedule Slippages and Cost-Overruns Continue; Sen. Thomas R. Carper (D-DE) News Release,” 7-14-12, Congressional Documents and Publications, accessed l/n 9-15-12, mee)

WASHINGTON – Today, Sen. Tom Carper (D-Del.), Chairman of the Subcommittee on Federal Financial Management, expressed concern about the findings in a recent report that describes further cost overruns and schedule slippages for a majority of the Department of Defense's (DOD) major, billion-dollar accounting and financial management modernization systems, known as Enterprise Resource Planning (ERP) systems. The Department of Defense Inspector General report details nearly $8 billion in system cost overruns and schedule delays of between one and a half to 12.5 years.

The Inspector General report examined the status of the new accounting and financial systems' deployment, as well as the costs of the projects as compared to earlier budget projections. The report found that as a result of schedule delays and cost increases, the Department will continue to use outdated financial and accounting systems and will likely lose estimated savings expected due to the new systems' ability to track expenditures and finances. The schedule slippages will also jeopardize the DOD's goal of becoming audit-ready by 2017. DOD remains the only agency that has yet to have its financial statements examined by an independent auditor as required by law.

An ERP is an automated system that performs a variety of business-related functions, such as accounting and financial management. The modernization of these systems is critical to the DOD's goal of passing a financial audit, as well as to ensure that the Pentagon can track the hundreds of billions of dollars in transactions it makes annually.

"Ensuring that the Department of Defense has the resources and tools necessary to properly manage its finances is a top priority, particularly as we grapple with a record federal debt and deficit," said Sen. Carper. "The Pentagon must be able to keep track of the millions of financial transactions it makes each year in order to know for certain how and when it spends the billions of dollars we entrust to it. Unfortunately, the Inspector General report shows that the Department of Defense's modernization of its financial and accounting systems faces serious cost overruns and other set-backs. The implementation of its new, multi-billion dollar systems to better track taxpayer dollars and ensure we spend those dollars effectively, is itself behind schedule and over budget. These ongoing delays and cost overruns continue to jeopardize the Pentagon's ability to meet Secretary Panetta's new financial accountability goals. Most importantly, these critical financial systems ensure that our military personnel are actually getting the critical supplies and services that they need to do their jobs --namely protecting Americans at home and abroad. The point of these expensive new accounting and financial management systems is quicker, faster, more accurate oversight of defense spending. It's clear that while the Pentagon has made some progress in improving its financial management practices, it is certainly nowhere near where it needs to be. I will continue to monitor the implementation of these systems and work with Secretary Panetta and my colleagues to get the project back on track."

Since 1995, DOD's financial management itself has remained on the Government Accountability Office's (GAO) listing of high-risk government areas. The GAO has noted that the department's "pervasive financial and related business management and system deficiencies continue to adversely affect its ability" to control cost, ensure basic accountability, and prevent and detect fraud, waste and abuse, among other needs.

#### SMRs will substantially increase the risk of meltdowns

**Lyman, 11** - A physicist, Edwin S. Lyman is a senior staff scientist in the Global Security Program at the Union of Concerned Scientists in Washington. (Edward, Surviving the one-two nuclear punch: Assessing risk and policy in a post-Fukushima world, Bulletin of the Atomic Scientists, Sept/Oct, sage pub)

One of the early lessons from Fukushima is that prevention of serious nuclear accidents requires significant margins of safety to protect against extreme events. Earlier this week, UCS and the NRC’s Fukushima Near-Term Task Force each issued recommendations for strengthening nuclear safety requirements. Consider the following examples:

Emergency planning zones around U.S. nuclear plants extend to a radius of ten miles. Yet significant radiological contamination from the Fukushima accident has been detected well beyond a distance of ten miles from the plant. In fact, radiation levels high enough to trigger resettlement if they occurred in the United States have been detected over 30 miles away from the Fukushima site. The discussion we should be having today is whether current emergency planning zones need to be increased, not whether we can shrink them for SMRs.

As we have seen at Fukushima, nuclear plants with multiple reactors that experience severe accidents present extreme challenges. In its June 2011 report to the International Atomic Energy Agency, the Nuclear and Industrial Safety Agency of Japan (NISA) stated that:

“The accident occurred at more than one reactor at the same time, and the resources needed for accident response had to be dispersed. Moreover, as two reactors shared the facilities, the physical distance between the reactors was small ... The development of an accident occurring at one reactor affected the emergency responses at nearby reactors. “Reflecting on the above issues, Japan will take measures to ensure that emergency operations at a reactor where an accident occurs can be conducted independently from operation at other reactors if one power station has more than one reactor. Also, Japan will assure the engineering independence of each reactor to prevent an accident at one reactor from affecting nearby reactors. In addition, Japan will promote the development of a structure that enables each unit to carry out accident responses independently, by choosing a responsible person for ensuring the nuclear safety of each unit.”

The NRC will need to consider these issues in developing its licensing approach for small modular reactor sites, which may host two to four times the number of units present at the largest U.S. nuclear plant site today. The NRC has acknowledged that some of its current regulations and procedures do not account for events affecting multiple units on a site. For instance, according to the NRC, emergency planning regulations focus on single-unit events with regard to requirements for emergency operations staffing, facilities and dose projection capability. Also, the NRC’s guidance for probabilistic risk assessment, an analysis tool which is used in many regulatory applications, does not require the consideration of multiple-unit events. The NRC Fukushima Near-Term Task Force is recommending that emergency preparedness requirements be revised to address multiunit events, which could have a significant impact on SMR licensing.

Fukushima also demonstrated how rapidly a nuclear reactor accident can progress to a core meltdown if multiple safety systems are disabled. A well-planned and executed terrorist attack could cause damage comparable to or worse than the earthquake and tsunami that initiated the Fukushima crisis, potentially in even less time. And although Osama bin Laden is gone, the terrorist threat to domestic infrastructure may actually increase over time if al Qaeda seeks to retaliate. This is the wrong time to consider reducing security requirements for nuclear power plants, regardless of their size. However, SMR vendors have emphasized that reducing security staffing is critical for the economic viability of their projects. Christofer Mowry of B&W told the NRC in March that “whether SMRs get deployed in large numbers or not is going to come down to O&M [operations and maintenance]. And the biggest variable that we can attack directly … is the security issue.” A Nuclear Energy Institute representative said in a presentation in June that “optimal security staffing levels [for SMRs] may appreciably differ from current levels.”

#### Takes out solvency

**Baker, 6-22-12**

[Matthew, American Security Project, “Do Small Modular Reactors Present a Serious Option for the Military’s Energy Needs?” <http://americansecurityproject.org/blog/2012/do-small-modular-reactors-present-a-serious-option-for-the-militarys-energy-needs/>]

The speakers at the DESC briefing suggested a surge is needed in SMR production to combat a major vulnerability in America’s national security: possible attacks to the power grid. Such attacks could cause blackouts for over a year according to Congressman Bartlett, leading to blackouts never before experienced in the United States. In such an event the U.S. military would still need to function 24/7. Current predictions made by the DESC suggest that up to 90% of the US military’s energy needs could be supplied by SMRs.¶ Congressman Bartlett also pointed out that current military bases such as Guam – which is fueled by the transport of diesel – are extremely vulnerable should the energy transport system be disrupted. Fuel supplies are even more unstable in Afghanistan, where one out of every twenty-four convoys results in a casualty. According to Congressman Bartlett, SMRs could make such bases energy self-sufficient.¶ Unfortunately all the hype surrounding SMRs seems to have made the proponents of SMR technology oblivious to some of its huge flaws.¶ Firstly like large reactors, one of the biggest qualms that the public has to nuclear is problems associated with nuclear waste. A more decentralized production of nuclear waste inevitably resulting from an increase in SMRs production was not even discussed. The danger of transporting gas into some military bases in the Middle East is already extremely volatile; dangers of an attack on the transit of nuclear waste would be devastating.¶ Secondly, SMRs pose many of the same problems that regular nuclear facilities face, sometimes to a larger degree. Because SMRs are smaller than conventional reactors and can be installed underground, they can be more difficult to access should an emergency occur. There are also reports that because the upfront costs of nuclear reactors go up as surface area per kilowatt of capacity decreases, SMRs will in fact be more expensive than conventional reactors.¶ Thirdly, some supporters of SMR technology seem to have a skewed opinion of public perception toward nuclear energy. Commissioner of the U.S. Nuclear Regulatory Commission, William C. Ostendorff, didn’t seem to think that the recent Fukushima disaster would have any impact on the development on SMRs. Opinion polls suggest Americans are more likely to think that the costs of nuclear outweigh its benefits since the Fukushima disaster. For SMRs to be the philosopher’s stone of the military’s energy needs the public needs to be on board.¶ The DESC’s briefing did illustrate the hype that the nuclear community has surrounding SMRs, highlighting some pressing issues surrounding the military’s energy vulnerability. But proponents of SMRs need to be more realistic about the flaws associated with SMRs and realize that the negative impacts of nuclear technology are more costly than its benefits.

### Adv 2

Base personnel don’t have the requisite training to operate SMRs effectively -- means the aff fails.

Parthemore & Rogers, ‘10

[Christine, Fellow, Will, Bacevich Fellow, Center for New American Security, “Nuclear Reactors on Military Bases May Be Risky,” Center for a New American Security, 5-20, http://www.cnas.org/node/4502]

Many serious complications must be weighed as well. Military base personnel often do not have the necessary training in nuclear reactor management, oversight and regulatory credentials. Nuclear reactors would necessitate additional qualified personnel and improved physical security requirements to meet the 24/7 operations needs. As with siting for all energy production, local public resistance could be problematic. When considering the impact of a reactor casualty, the resulting impact on the operational mission effectiveness of the tenant commands on the base must also be considered so as to avoid a single point vulnerability that disables all military operations on site. And while many private companies are touting new designs for small reactors that would work well in this capacity, the technology may still be years away from fully meeting technical requirements and federal regulatory standards.13 Proliferation considerations would also need to be part of any adjudication of what types of reactors are most suitable for these purposes.

#### War is space occurs through miscalculation, risks extinction

Mitchell, et al 1 -Associate Professor of Communication and Director of Debate at the University of Pittsburgh

(Dr. Gordon, ISIS Briefing on Ballistic Missile Defence, “Missile Defence: Trans-Atlantic Diplomacy at a Crossroads”, No. 6 July, <http://www.isisuk.demon.co.uk/0811/isis/uk/bmd/no6.html>)

A buildup of space weapons might begin with noble intentions of 'peace through strength' deterrence, but this rationale glosses over the tendency that '… the presence of space weapons…will result in the increased likelihood of their use'.33 This drift toward usage is strengthened by a strategic fact elucidated by Frank Barnaby: when it comes to arming the heavens, 'anti-ballistic missiles and anti-satellite warfare technologies go hand-in-hand'.34 The interlocking nature of offense and defense in military space technology stems from the inherent 'dual capability' of spaceborne weapon components. As Marc Vidricaire, Delegation of Canada to the UN Conference on Disarmament, explains: 'If you want to intercept something in space, you could use the same capability to target something on land'. 35 To the extent that ballistic missile interceptors based in space can knock out enemy missiles in mid-flight, such interceptors can also be used as orbiting 'Death Stars', capable of sending munitions hurtling through the Earth's atmosphere. The dizzying speed of space warfare would introduce intense 'use or lose' pressure into strategic calculations, with the spectre of split-second attacks creating incentives to rig orbiting Death Stars with automated 'hair trigger' devices. In theory, this automation would enhance survivability of vulnerable space weapon platforms. However, by taking the decision to commit violence out of human hands and endowing computers with authority to make war, military planners could sow insidious seeds of accidental conflict. Yale sociologist Charles Perrow has analyzed 'complexly interactive, tightly coupled' industrial systems such as space weapons, which have many sophisticated components that all depend on each other's flawless performance. According to Perrow, this interlocking complexity makes it impossible to foresee all the different ways such systems could fail. As Perrow explains, '[t]he odd term "normal accident" is meant to signal that, given the system characteristics, multiple and unexpected interactions of failures are inevitable'.36 Deployment of space weapons with pre-delegated authority to fire death rays or unleash killer projectiles would likely make war itself inevitable, given the susceptibility of such systems to 'normal accidents'. It is chilling to contemplate the possible effects of a space war. According to retired Lt. Col. Robert M. Bowman, 'even a tiny projectile reentering from space strikes the earth with such high velocity that it can do enormous damage — even more than would be done by a nuclear weapon of the same size!'. 37 In the same Star Wars technology touted as a quintessential tool of peace, defence analyst David Langford sees one of the most destabilizing offensive weapons ever conceived: 'One imagines dead cities of microwave-grilled people'.38 Given this unique potential for destruction, it is not hard to imagine that any nation subjected to space weapon attack would retaliate with maximum force, including use of nuclear, biological, and/or chemical weapons. An accidental war sparked by a computer glitch in space could plunge the world into the most destructive military conflict ever seen.

#### Cooperation in space is high now

Dowdall 11 (Jonathon, Defense and security affairs journalist based in Burssels, November 2011, “Star Wars – Will Space Weaponization Become a National Security Issue?” <http://www.policymic.com/articles/star-wars-will-space-weaponization-become-a-national-security-issue>) AR

Last Friday, the European Union launched the first part of Galileo: A European answer to GPS that offers more accurate geo-positioning and strong emergency communication capabilities. The project is predicted to generate between $81-122 billion in indirect revenues, a demonstration of the huge societal and economic pay-offs that can be yielded from space technology. This raises an ongoing security question – can vital space-based technologies be protected against possible sabotage or attack? Space security is certainly becoming a big issue, with recent Chinese missile tests raising the possibility of weapons systematically attacking assets in Earth’s orbit. However, the mutual benefits of space technology coupled with its vulnerability to be disrupted by debris lowers the chance of any "star wars," as it is difficult to damage another state’s assets without disrupting your own. The quantity and sophistication of technology that utilizes space-borne information exchange is expanding, with conservative estimates claiming there will a 51% increase in space launches in the coming decade. It has thus been realized for a long time that we are increasingly reliant — some say too reliant — on satellites, which can be vulnerable to attack. Various national and international entities have thus affirmed the need to secure space as one of the “global commons” — that is, an area of economic activity that is not owned by any one nation. One of the threats feared is the so-called “weaponization” of space. This theory, as well as ground-to-space missiles for destroying satellites, tested by both China and the U.S. in recent years, predicts an expansion of space-borne weapons designed to take down valuable systems. While perhaps fitting the logic of conventional weapons escalation, this theory ignores two key characteristics unique to space that make it an **unlikely candidate for an arms race**. Firstly, unlike other global commons such as the sea and air, the majority of **platforms in space are shared between global actors. Projects like Galileo are a classic example; the system will carry geo-positioning for Europe, but also emergency navigation services for international shipping, including for China and the U.S. Given that such platforms are shared, it would be very difficult to track down a satellite whose destruction would benefit one nation alone.** For example, everyone has something to lose if GPS goes down. Secondly, space is an incredibly fragile environment. Space debris — from destroyed or merely malfunctioning satellites — make areas of Earth’s orbit unavailable for exploitation for decades at a time. China’s single missile test alone created the largest space debris cloud in recorded history. A few more explosions of this kind and large areas of orbit will be too dangerous for satellites to enter. In short, you can’t destroy “enemy” satellites without destroying your own. These factors would seem to indicate that the chances of violent conflict in space are low, as everyone stands to lose. However, this analysis does not consider so-called “soft kill” techniques — such as hacking into or jamming a satellite. Such factors illustrate that whilst space is, for now, the most secure global commons, it may not stay this way. It is thus important for international actors to respect existing space neutrality treaties, to promote responsible space behavior, and to monitor potential spoilers carefully. We all rely on space technology, so some vigilance is certainly required.

#### The Chinese ASAT test was a miscalculation – they want to adhere to the rules of the road

Morrig, 08(Frank, Aviation Week and Space Technology, “China Appears To Regret Asat Test”, 5/12, <http://www.aviationweek.com/aw/generic/story.jsp?id=news/ASAT05128.xml&channel=defense>)

China's leaders miscalculated the international reaction to the country's antisatellite (Asat) weapon test last year, and likely regret that they let their research-and-development bureaucracy carry it out, says a top U.S. expert on the Chinese space program. "The Chinese took very careful aim and shot themselves in the foot with that test," says Joan Johnson-Freese, chairman of the National Security Decision-Making Dept. at the U.S. Naval War College. "I think they now are now recognizing that the international condemnation due them was actually moderated." Testifying before the Senate Commerce space, aeronautics and related sciences subcommittee, Johnson-Freese said it is impossible to know exactly what motivated the test, given the layers of Chinese government secrecy. But she says an emerging consensus among China-watchers holds that it was the logical outcome of an Asat-weapon development program started in response to the U.S. program that tested an air-launched satellite interceptor against a defunct weather satellite. Military research and development is heavily "bureaucratized" and "very stovepiped," Johnson-Freese says, emphasizing that she is speaking for herself and not her government employers. "The engineers who were in charge of that technology development program put it forward as 'it's time to test,'" she says. "I think they severely underestimated international response. I think they now regret underestimating that response." While observers in Beijing believe that Chinese President Hu Jintao authorized the test, they doubt that he had a clear understanding of the threat it would signify for other spacecraft below the 537-mi. altitude of the target Feng Yun 1C spacecraft, which was also an outmoded weather satellite (AW&ST Jan. 22, 2007, p. 24; Feb. 12, 2007, p. 20). "They characterized the debris as an overall increase in debris rather than looking at it in terms of the risk to spacecraft," she says of the test, which was described as the worst satellite fragmentation event in the 50-year history of spaceflight. "It was a lot of bad decision-making on their part." Once the outcry started, government authorities there canceled a planned meeting in China on space-debris mitigation because they didn't want to face the "harsh" condemnation they expected and felt they deserved, Johnson-Freese says, suggesting "they are now deeply regretting the situation that they brought on themselves." A big element of that situation is the ammunition they have given to their military counterparts in the U.S. and elsewhere, who point to the test as evidence of China's aggressive military-space policies.

#### The plan reverses that strategy – shatters cooperation

Sabathier et. al 6— senior associate with the CSIS Technology and Public Policy Program and former senior fellow and director of CSIS space initiative (September 18, 2oo6 ,Vincent G. Sabathier, D.A. Broniatowski, G. Ryan Faith, Center for Strategic and International Studies, “The Case for Managed International Cooperation in Space Exploration”, http://csis.org/files/media/csis/pubs/060918\_managed\_international\_cooperation.pdf , FS)

International cooperation is valuable to a given nation in that it tends to increase political sustainability. Within the United States, a program is made safer from cancellation to the extent that Congress and the administration are not willing to break international agreements. Indeed, the integration of Russia into the ISS program may well have saved the program from cancellation (consider that the year before Russia was introduced as a partner, the ISS was saved by one vote in Congress). Once cooperation has commenced, canceling a program becomes inconsistent with political sustainability as long as the utility cost associated with the loss of diplomatic benefits and the negative effects on reputation of terminating an international agreement is larger in magnitude than the utility cost that must be paid to maintain the system. In the case of the ISS, international cooperation does provide a rationale for sustaining the pro-gram, because canceling the program would result in a net loss in utility. The corollary to this is that there is a high cost to be paid by any nation that chooses to unilaterally withdraw from an existing cooperative endeavor. This cost comes in the form of damage to the departing nation’s reputation or credibility. In general, any unilateral action sends a signal that the actor is an unpredictable and therefore an unreliable and possibly disrespectful partner. This tends to sabotage the possibility of future cooperation. As such, there is a long-term benefit to maintaining cooperation, even when the immediate cost may seem to call for terminating it. If cooperation has never occurred (as is the case be-tween China and the United States), the advent of cooperation is a significant event, likely delivering a lot of diplomatic utility. On the other hand, if cooperation is the norm (as is the case between Canada and the United States), it is to be expected. The diplomatic utility of maintaining this cooperation is often not recognized. Nevertheless, the diplomatic utility cost of terminating this cooperation is large, because it would alienate a key ally. If it were necessary to cease cooperation, a mutual choice to do so would likely mitigate many of the negative reputation effects, because there would be no unilateral actor to whom one could assign blame. Indeed, if both parties choose to cease cooperat-ing simultaneously, this would mitigate the negative-reputation effect—rather, there would be a “mutual divorce.” Such a mutual decision would be significantly more tenable, in a diplomatic sense, because each party might outline a set of grievances and conditions for the termination of cooperation. Furthermore, since the agreement would be termi-nated in a spirit of mutual understanding, the possibility of future beneficial cooperation would be more likely.

#### No Asia war

**Weissmann, 9**—senior fellow at the Swedish School of Advanced Asia Pacific Studies (Mikael Weissmann, “Understanding the East Asian Peace: Some Findings on the Role of Informal Processes,” Nordic Asia Research Community, November 2, 2009, http://barha.asiaportal.info/blogs/in-focus/2009/november/understanding-east-asian-peace-some-findings-role-informal-processes-mi)

Economic integration and interdependence (EII) and the interlinked functional cooperation have been important, as they have pushed positive relations towards a durable peace. This includes not only increasing cooperation and economic growth and development, but also developing a feeling of security as the economic integration and interdependence decreases the fear of others. EII and functional cooperation have also encouraged and created a need for diplomatic relations and intergovernmental communication and agreements. They have also been catalysts for all forms of cross-border contacts including being a driving force for regionalisation. This is clearly seen in Sino–ASEAN relations and the ASEAN+3 process, but also across the Taiwan Strait where it was part of the cause of the shift in power in the 2008 elections. Together with the Chinese acceptance of multilateralism and its shift from big-power oriented foreign policy to a focus on soft power and the building of good relations with China’s neighbours, EII has been essential for the medium to longer-term overarching peace-building process in East Asia. In this context, what has been of particular importance for peace is both the high degree of economic interdependence that has developed, as well as the forces of the pan-regional ‘economics first’ policy focus. Here, the general acceptance of the ASEAN Way as the norm for diplomacy, with its emphasis on conflict avoidance, has worked together with the **economic incentives in preventing conflict escalations and building peace.**

#### No Korea war

Paul **Stares**, CFR Center for Preventive Action Director and Conflict Prevention Senior Fellow, 8/12/20**10**, “Handling Tensions on the Korean Peninsula," http://www.cfr.org/publication/22788/handling\_tensions\_on\_the\_korean\_peninsula.html, access 12/7/2010

Other than firing some coastal artillery and detaining a South Korean fishing boat that recently strayed into North Korea waters, Pyongyang has responded primarily with belligerent rhetoric and apocalyptic warnings. The recent ROK-U.S. naval exercises, for example, elicited threats of a "retaliatory sacred war." But by historical standards, such bombast is unexceptional. The recent North Korean provocations also pale in comparison to earlier attacks and skirmishes, most notably during the late 1960s when, among other things, the Blue House--South Korea's presidential residence--was attacked, or in the 1980s when the South Korean cabinet was bombed during a visit to Burma.

These far-worse periods of inter-Korean tensions never ignited another war, and the incentives to prevent this from happening are even greater today. South Korea fears losing its hard-won prosperity, while a much weaker North knows that it would never survive another major conflict.

#### No China war

Robert J. Art, Fall 2010 Christian A. Herter Professor of International Relations at Brandeis University and Director of MIT's Seminar XXI Program The United States and the rise of China: implications for the long haul Political Science Quarterly 125.3 (Fall 2010): p359(33)

The workings of these three factors should make us cautiously optimistic about keeping Sino-American relations on the peaceful rather than the warlike track. The peaceful track does not, by any means, imply the absence of political and economic conflicts in Sino-American relations, nor does it foreclose coercive diplomatic gambits by each against the other. What it does mean is that the conditions are in place for war to be a low-probability event, if policymakers are smart in both states (see below), and that an all-out war is nearly impossible to imagine. By the historical standards of recent dominant-rising state dyads, this is no mean feat. In sum, there will be some security dilemma dynamics at work in the U.S.-China relationship, both over Taiwan and over maritime supremacy in East Asia, should China decide eventually to contest America's maritime hegemony, and there will certainly be political and military conflicts, but nuclear weapons should work to mute their severity because the security of each state's homeland will never be in doubt as long as each maintains a second-strike capability vis-a-vis the other. If two states cannot conquer one another, then the character of their relation and their competition changes dramatically. These three benchmarks--China's ambitions will grow as its power grows; the United States cannot successfully wage economic warfare against a China that pursues a smart reassurance (peaceful rise) strategy; and Sino-American relations are not doomed to follow recent past rising-dominant power dyads--are the starting points from which to analyze America's interests in East Asia. I now turn to these interests.

#### No impact to Iranian prolif

**Farley, IR prof, 9**—assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky (Robert, What If Iran Got the Bomb? It would be time to calm down, 7 July 2009, http://www.foreignpolicy.com/articles/2009/07/07/what\_if\_iran\_got\_the\_bomb?page=0,0, AMiles)

There are profound differences between the Islamic Republic and the People's Republic, and 2009 is not 1969. Simply because the PRC survived a superpower confrontation, several chaotic leadership changes, and a Cultural Revolution without ever using its nukes doesn't mean that Iran poses no threat. However, it does suggest that nuclear deterrence may be as robust as advertised and that deterrence applies even to states led by people who say and do crazy things (like refraining from Western neckwear). Given Mao's penchant for bizarre behavior, earlier concerns that China might recklessly employ the nuclear weapons it was seeking in the late 1950s were probably even more legitimate than such concerns over Iran now. Nevertheless, China has acted as a responsible steward of nuclear weapons, even in situations of existential danger. So, rather than preparing for war against Iran, or believing that unconditional talks will eventually succeed (a nice hope, but unlikely), or offering a green light to a nervous regional ally convinced that nukes in crazy hands will inevitably lead to their use, perhaps American policymakers should take some comfort from history. Why not let Iran cross the nuclear threshold and spend time and energy focusing on how to make the deterrence of a nuclear Iran effective? After all, that now seems to look like the only realistic option. In short, the best lesson for the West may be this: Calm down.

## 2nc r&d cp

### Cp

#### Solves the aff—creates stakeholders across the DOD and draws on all the scientific resources that the plan claims to

**Marqusee 2012** – Executive Director of the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program at the DOD (March, Jeffrey, Energy Innovation at the Department of Defense: Assessing the Opportunities, White Paper, “Military installations and energy technology innovation”, http://bipartisanpolicy.org/sites/default/files/Energy%20Innovation%20at%20DoD.pdf, WEA) \*note a typo, this dude’s last name is actually spelled Marqusee…

A more realistic flow diagram for SERDP and ESTCP¶ investments is shown in figure 3.7. Science and technology¶ investments are tightly linked between fundamental research¶ and advanced development. Information is fed back from¶ demonstrations, both to contribute to innovations and to¶ support advances in fundamental science and engineering.¶ The way SERDP and ESTCP are organized also fosters¶ cross-pollination of perspectives and expertise, and works to¶ create communities across DoD. When research proposals¶ are evaluated, DoD not only considers their scientific merit¶ (as determined by peer review); it also evaluates them¶ with representatives from the services who have direct¶ field experience. Having engineers and managers with this¶ experience sit on research committees to review proposals¶ is invaluable. It also creates a community within DoD, across¶ different branches, for the issues being addressed, which helps¶ support technology transfer. Technology transfer is not viewed¶ as an activity to be done after a technology demonstration; it is¶ integral to the research and demonstration process.

ESTCP demonstrations are conducted to answer the technical,¶ economic, and operational issues of all the communities that¶ have a role in future implementations. For a new weapons¶ system, testing and evaluation is a standard and straightforward¶ part of the acquisition process. In the environmental (and¶ installation energy) area, implementation is highly distributed,¶ technologies are procured through multiple mechanisms and¶ pathways, and there is often no single acquisitions authority;¶ demonstrations of these technologies are more complex, and¶ are rarely done with this level of rigor outside of ESTCP. Its role¶ is not to serve as a centralized mandatory gatekeeper that¶ all innovative technologies must get past, but rather to be¶ the instrument to accelerate innovation despite the barriers¶ discussed above. Technologies are tested and evaluated to assess¶ their current performance and costs, to meet the needs of all¶ stakeholders involved in future implementations, and to feed¶ information back to the R&D community either to facilitate more¶ rapid development of the next iteration of a given technology or¶ to stimulate future fundamental research.

The lessons learned by ESTCP in successfully fostering and¶ transitioning innovative environmental technologies are being¶ applied now to installation energy technologies. One key¶ function of the program is that it centralizes the risk of innovative¶ technologies so as to foster innovation across the DoD enterprise.¶ It also works to leverage the existing engineering and support¶ organizations of the services in the selection and execution of the¶ demonstrations. Technology transfer is best done not by creating¶ new organizational structures devoted to that mission, but¶ rather by informing and relying upon the existing management¶ structures of the services. This requires attention to development¶ of the soft tools (guidance documents, training material, draft¶ procurement documents, etc.) of DoD’s management system¶ that are essential to widespread deployment of technologies.¶ It is also important to maintain transparency and openness¶ throughout the testing process, including where demonstration¶ results are concerned. In an arena in which decisions will be¶ made by the thousands, DoD’s traditional approach of limiting¶ access to information will hinder the successful widespread¶ adoption of new technologies.

#### R&D leads to eventual DOD adoption—any offense against immediate subsidies is a net benefit

**Hayward et al 10**

Steven Hayward, AEI Resident Scholar, Mark Muro, Brookings Institute Metropolitan Policy Program, Ted Nordhaus and Michael Shellenberger, Breakthrough institute cofounders, October 2010, Post-Partisan Power, thebreakthrough.org/blog/Post-Partisan Power.pdf

In addition to fostering stronger linkages between government-funded research centers and private sector investors, entrepreneurs, and customers, the **DOD can work to** more **closely connect research efforts and** the growing **energy innovation** **needs of the U.S. military**.

This close relationship between research efforts and DOD procurement and technology needs was central to the successful history of the Defense Advanced Research Projects Agency (DARPA), famous for inventing the Internet, GPS, and countless other technologies that have both improved the fighting capabilities of the U.S. military and launched many spin-off technologies American consumers and businesses now take for granted. DARPA program managers had a keen awareness of the technologies and innovations that could improve military capabilities and funded breakthrough innovations aligned with those needs. Once innovations matured into potentially useful technologies, the DOD was there as an early customer for these products, allowing entrepreneurial firms to secure market demand, scale-up production, and continue to improve their products.

Congress made the right move in creating and funding an Advanced Research Projects Agency for Energy (ARPA-E) program modeled after the historic success of DARPA. ARPA-E resides within the DOE, however, which is not set up to be a major user of energy technologies. By contrast, DOD has both the opportunity and the urgent need to use many of these technologies.64 The DOD can and should play a greater role in administering ARPA-E and making sure that breakthrough energy discoveries become real- world technologies that can strengthen American energy security, enhance the capabilities of the U.S. military, and spin off to broader commercial use.

### 2nc at: perm do cp

#### Acquisition investments are distinct from the CP according to budget classification—this also proves any tradeoff net benefit

**Nicholson and Stepp 2012** – \*Clean Energy Research Assistant at ITIF, \*\* M.S. in Science, Technology, and Public Policy from the Rochester Institute of Technology, Senior Analyst in climate change and energy policy, former fellow at the Breakthrough Institute (October, Megan and Matthew, The Information Technology & Innovation Foundation, “Lean, Mean, and Clean II: Assessing DOD Investments in Clean Energy Innovation”, http://www2.itif.org/2012-lean-mean-clean-dod-energy.pdf, WEA)

Innovation Phases

The EIT classifies projects by the following innovation phases: Basic Science; Research, ¶ Development, and Demonstration (RD&D); and Training.¶ 10¶ Because this report ¶ specifically focuses on the Department of Defense, this report also classifies each project ¶ from the budget by DOD’s “innovation phase” classifications for comparative analysis.¶ Innovation phases for projects from the RDT&E budget follow the DOD’s Budget ¶ Activity classifications, defined in Appendix 1.¶ 11¶ Additionally, a procurement category is ¶ added to EIT to capture relevant DOD technology acquisition investments.

#### Prefer our evidence—it uses a transparent, predictable standard for its classifications and numerical methodology

**Nicholson and Stepp 2012** – \*Clean Energy Research Assistant at ITIF, \*\* M.S. in Science, Technology, and Public Policy from the Rochester Institute of Technology, Senior Analyst in climate change and energy policy, former fellow at the Breakthrough Institute (October, Megan and Matthew, The Information Technology & Innovation Foundation, “Lean, Mean, and Clean II: Assessing DOD Investments in Clean Energy Innovation”, http://www2.itif.org/2012-lean-mean-clean-dod-energy.pdf, WEA)

To track DOD investments in energy innovation, this report uses the federal budget ¶ tracking methodology developed by the Energy Innovation Tracker (EIT). The EIT is a ¶ transparent and publicly accessible database of federal investments in energy innovation ¶ that tracks annual appropriations across all agencies and energy technologies. The ¶ investment data used in this analysis—including project names, investment numbers, ¶ programs, and descriptions—have been directly derived from the DOD’s public budget ¶ documents. Outside reports and analysis used for gathering further information on DOD ¶ projects are cited accordingly.

#### Allowing this perm would destroy competition for every counterplan

EIA, Energy Information Administration, Office of Energy Markets and End Use, U.S. DOE, ‘92

(“Federal Energy Subsidies: Direct and Indirect Interventions in Energy Markets,” <ftp://tonto.eia.doe.gov/service/emeu9202.pdf>)

In some sense, most Federal policies have the potential to affect energy markets. Policies supporting economic stability or economic growth have energy market consequences; so also do Government policies supporting highway development or affordable housing. The interaction between any of these policies and energy market outcomes may be worthy of study. However, energy impacts of such policies would be incidental to their primary purpose and are not examined here. Instead, this report focuses on Government actions whose prima facie purpose is to affect energy market outcomes, whether through financial incentives, regulation, public enterprise, or research and development.

### 2nc at: perm do both

#### The legal effect has to be immediate—or else they’re not topical and destroy competition for all counterplans and time-sensitive disads

**Summers 94** (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"13 in the May 18 order connotes futurity or may be deemed a ruling in praesenti.14 The answer to this query is not to be divined from rules of grammar;15 it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.16

[CONTINUES – TO FOOTNOTE]

13 "Should" not only is used as a "present indicative" synonymous with ought but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an obligation and to be more than advisory); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, 802 P.2d 813 (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an obligation to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). 14 In praesenti means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is presently or immediately effective, as opposed to something that will or would become effective in the future [in futurol]. See Van Wyck v. Knevals, 106 U.S. 360, 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

#### Also violates substantial

**Words and Phrases** 19**64** (40 W&P 759) (this edition of W&P is out of print; the page number no longer matches up to the current edition and I was unable to find the card in the new edition. However, this card is also available on google books, Judicial and statutory definitions of words and phrases, Volume 8, p. 7329)

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; **real at present time**, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 Ill. App. 308, 318.

### A2 say no

#### Our story is empirically proven—the DOD uses technologies that successfully make it through RDT&E after they do so

**Nicholson and Stepp 2012** – \*Clean Energy Research Assistant at ITIF, \*\* M.S. in Science, Technology, and Public Policy from the Rochester Institute of Technology, Senior Analyst in climate change and energy policy, former fellow at the Breakthrough Institute (October, Megan and Matthew, The Information Technology & Innovation Foundation, “Lean, Mean, and Clean II: Assessing DOD Investments in Clean Energy Innovation”, http://www2.itif.org/2012-lean-mean-clean-dod-energy.pdf, WEA)

Shown in Figure 6, the majority of investment in energy technologies from the ¶ procurement budget since FY2010 has been applied to acquiring new technologies. ¶ Procurement of clean energy technologies was uncommon before FY2011, and in FY2009 ¶ and FY2010 most of this procurement investment was allocated to existing technologies. ¶ Relatively constant since FY2009, investment in existing technologies has supported a ¶ consistent set of projects. For example, the Navy has been procuring valve regulated lead ¶ acid (VRLA) batteries for submarines since FY2009 to replace legacy flooded batteries, ¶ which are no long in production.¶ 30¶ VRLA batteries were developed and commercialized in ¶ the 1970s and 1980s as an energy storage device for electric utilities, but are of little ¶ promise to today’s utility-scale energy storage needs. Yet the technology is procured ¶ annually, appealing to the Navy because of the batteries’ low cost and simple installation ¶ process, despite the fact that they are not new technologies.¶ 31 Since FY2009, DOD’s acquisition has shifted more towards new technologies, which may ¶ imply a trend for the future. Significant investments from the Navy and the Army boosted ¶ procurement of new technologies in FY2012. Evidence of the functional transition of ¶ technologies from research and development to procurement, the Marine Corp’s Medium ¶ Tactical Vehicle Replacement (MVTR) is included both as a development and ¶ demonstration project in the RDT&E budget aiming to improve the fuel efficiency of ¶ existing MTVR in the field by 15 percent. The success of the technology during ¶ demonstrations has led the Marine Corps to procure a component of this system to enable ¶ fuel reduction when vehicles are idle. ¶ 32 The Army’s procurement of improved generator¶ systems will improve the reliability and efficiency of distributed energy as part of a larger ¶ effort to improve mobile electric power sources throughout DOD with advanced power ¶ electronics.¶ 33 As more technologies funded through the RDT&E budget mature and advanced energy ¶ projects at DOE or in industry near commercialization, the DOD procurement budget ¶ could potentially acquire these new technologies to satisfy DOD’s operational energy ¶ requirements/

## 2nc heg advantage

### 2nc squo solves grid

#### The SPIDERS program solves DOD energy security

**Sandia Labs, 12** (“SPIDERS microgrid project secures military installations,” 2/22

<https://share.sandia.gov/news/resources/news_releases/spiders/>)

A three-phase, $30 million, multi-agency project known as SPIDERS, or the Smart Power Infrastructure Demonstration for Energy Reliability and Security, is focused on lessening those risks by building smarter, more secure and robust microgrids that incorporate renewable energy sources.

Sandia was selected as the lead designer for SPIDERS, the first major project under a Memorandum of Understanding (MOU) signed by the Department of Energy (DOE) and the Department of Defense (DoD) to accelerate joint innovations in clean energy and national energy security. The effort builds on Sandia’s decade of experience with microgrids – localized, closed-circuit grids that both generate and consume power – that can be run connected to or independent of the larger utility grid.

The goal for SPIDERS microgrid technology is to provide secure control of on-base generation.

“If there is a disruption to the commercial utility power grid, a secure microgrid can isolate from the grid and provide backup power to ensure continuity of mission-critical loads. The microgrid can allow time for the commercial utility to restore service and coordinate reconnection when service is stabilized,” said Col. Nancy Grandy, oversight executive of the SPIDERS Joint Capability Technology Demonstration (JCTD). “This capability provides much-needed energy security for our vital military missions.”

#### And this new DOD strategy ends the risk of mission interruption during a significant grid outage

**Aimone, 9/12**/12 - Director Business Enterprise Integration Office of the Deputy Under Secretary of Defense (Installations and Environment) (Michael, Congressional Testimony, <http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20-%20Aimone.pdf>)

Chairman Lungren and distinguished Members of the Subcommittee. Thank you for the opportunity to testify. I was asked to address the question of how the Department of Defense (DoD) would operate during a significant outage of the commercial electric power grid. Although today’s hearing is focused on the prospect of an electromagnetic pulse (EMP) event, such an event is only one scenario for a grid outage. DoD is heavily dependent on the commercial electric power grid. The Department has two closely coordinated sets of activities that focus on the need to maintain critical mission activities in the event of a commercial grid outage. One set of activities, led by DoD’s office of homeland defense, is part of the Department’s explicit “mission assurance strategy.” The other set of activities, focused on the Department’s fixed installations and led by its Installations and Environment office, falls under DoD’s “facility energy strategy.”

Mission Assurance Strategy

The Department has long had a major focus on mitigating risks to high priority DoD facilities and infrastructure and the critical global missions they support. Toward that end, DoD recently adopted an explicit Mission Assurance Strategy, which is focused on ensuring operational continuity in an all-hazard threat environment.

This strategy entails a two-track approach. Track I includes "in-house" mitigation efforts-- activities that the Department can execute largely on its own. A key element is DoD’s Defense Critical Industry Program (DCIP)—an integrated risk management program designed to secure critical assets, infrastructure and key resources for our nation. DoD and the Department of Homeland Security (DHS) work closely together as part of DCIP. Under Track I of the Mission Assurance Strategy, DCIP will continue to update the list of DoD's most critical assets and target them for special mitigation efforts through DoD’s budget and other internal processes.

Track II of our Mission Assurance Strategy tackles the many challenges to DoD mission execution that require external collaboration with partners such as the Department of Energy (DOE), DHS and industry. Given that DoD mission execution relies heavily upon the energy surety of the communities surrounding our installations, Defense Industrial Base facilities spread across entire regions, and on private sector infrastructure that will collapse without electricity, this two-track approach can help meet the challenges to DoD mission assurance that lie far beyond our military bases.

#### New smart microgrids end DOD dependence on the grid

**Maron, 10** (Dina, Scientific American, “Can Renewable Energy Make U.S. Military Bases More Secure?” 10/18, <http://www.scientificamerican.com/article.cfm?id=can-renewable-energy-make-us-military>)

The Department of Defense wants to make sure that when disaster strikes, renewable energy sources can still help keep the lights on at military bases.

Starting this fall, the Pentagon expects to join forces with a coalition of other agencies and national labs to create the first installation-level "microgrid" technology. The end result will be cyber secure, it says.

The $42 million project -- assuming Congress approves the money -- will integrate energy from existing diesel-powered generators alongside alternative and renewable energy sources. It will help power an installation's day-to-day operations when the base is hooked up to the commercial grid and will also allow it to function independently of that utility grid, should the need arise.

"You could think of this as a buffet of options that are all being synchronized through a demand-side cyber secure system," said Bill Waugaman, the national labs liaison to the U.S. Northern Command and one of the leaders on the project.

While the final microgrid is slated for Marine Corps' Camp H.M. Smith in Hawaii, the Department of Defense is completing different stages of the work at bases including Joint Base Pearl Harbor-Hickam, also in Hawaii, and Fort Carson in Colorado.

One major selling point of the microgrid is better protection for a base's power sources against cyber attack, Waugaman said. Another is improving energy efficiency and energy storage, which in turn allows the department to better meet government mandates to reduce energy use.

It also doesn't hurt to have another backup energy option.

Right now, when the power goes out on a base, a series of diesel-powered backup generators turn on. They keep critical components of a military installation essentials powered up -- just like emergency generators at a hospital. But that isn't the cheapest way to do things, and renewable energy sources are left out of the mix, said Waugaman.

This project -- the Smart Power Infrastructure Demonstration for Energy Reliability and Security, or SPIDERS, for short -- aims to change that.

A pioneering partnership

Officially, DOD is on the prowl for the latest information on technology that can take alternative, renewable and hybrid power and integrate it to "decrease the amount of energy consumed and enable the ability to operate in an islanded mode during emergency for an extended period of time," according to a request for information it posted in August.

In the broadest sense, a microgrid is just any closed-circuit grid -- like that between someone's home and generator that kicks on when snow downs electrical wires. Smart technology, however, would allow a microgrid like this to incorporate different energy sources, advanced metering capabilities and to enable energy storage, Waugaman said.

"Right now, here's the problem -- there is no energy storage and no renewable energy generation," said Waugaman. When a natural disaster or a cyber attack knocks out power, all alternative energy sources are taken offline.

Armed with the tools from this project, a base using wind turbines and solar panels could still store that power for use when the wind stopped blowing and night fell if it wanted to keep its carbon count low -- even in an emergency situation, he said. The project also aims to help local utilities lighten their load during peak times, allowing the base to "island" itself from the commercial grid for short periods until the grid has fewer demands on its resources.

SPIDERS, said Waugaman, is more about benefiting the country as a whole than about fulfilling a Defense Department-specific mission. In short, working on such technology "is not DOD's mission," he said.

"DOD is partnering with DHS [the Department of Homeland Security] and DOE [the Department of Energy] and leveraging DOD infrastructure that allows us to do basically test bed-type work," said Waugaman.

That attitude echoes what DOD officials have emphasized in the past year: In many ways, bases are like mini-cities, making for an ideal testing ground for many "green" energy technologies. DOD and DOE forged a formal partnership in July that specifically highlighted that role.

The goal of that alliance, according to the agencies' memorandum of understanding, was spurring clean energy research through the exchange of ideas and partnering on projects like microgrid work (ClimateWire, July 28).

Last week, top DOD brass again connected the dots between the Pentagon's energy considerations and national security. Navy Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, headlined a daylong Pentagon event focused on the subject. He called for better energy efficiency and renewable energy efforts, terming them a "strategic imperative" for the military. Such action is needed to "reduce risk" and help "stem the tide of climate change," he said.

Making strides with the military's energy consumption "is not merely altruistic; it is essential," Mullen said. Currently, DOD burns through 300,000 barrels of oil each day, and its No. 1 import to Afghanistan is fossil fuels, he said.

Help for remote operations

Though the SPIDERS project, for example, may not be fulfilling DOD's specific mission, it may provide other fringe benefits. Offshoot projects may be able to mine its technology and approaches to eventually help remote bases in Afghanistan or other locations better function with less fuel supply, according to Waugaman. Slashing the number of fuel convoys that make for easy targets could, in turn, help save lives. "One of the most dangerous assignments today in Afghanistan is convoy duty," Navy Secretary Ray Mabus said last spring (Greenwire, May 6).

### 2nc evidence framing issues

#### Full islanding not key---DOD doesn’t want it

Annie Snider 12, E&E reporter, 1/16/12, “Pentagon still can't define 'energy security,' much less achieve it,” http://www.eenews.net/public/Greenwire/2012/01/16/1

Some argue that all military facilities should be able to operate off the grid for an unlimited period of time, a concept called "islanding." But full islanding has fallen out of favor with most Pentagon officials, who say that even with such capabilities, a base would not be able to operate for long if its neighbors were devastated, at minimum because most service members live with their families off-base. "If the grid is down for days and everything in the nearby town is out, but you've got a lit up base -- what kind of message does that send?" asked Kevin Geiss, deputy assistant secretary for energy for the Air Force. "We either need to be prepared to figure out how we can also support outside the fence, or maybe that's not the solution." Geiss argues that the focus should be on building a system that lets the most important missions stay up for as long as necessary, while letting go of lower-priority missions during outages. The Defense Science Board also took this tack and included a classified appendix to its report that lists facilities where the board believed building this limited form of islanding is most important. What this would actually mean depends on the installation. Sites focused on training may be able to stay offline for a while, but facilities involved with battlefield missions like drone flights or real-time intelligence analysis likely cannot afford a gap. It would also depend on the circumstances surrounding the outage. During a natural disaster like Hurricane Katrina, for instance, facilities that would not normally be prioritized could become critical as regional relief centers.

#### We don’t have to prove that a cyber attack is impossible, just that high costs will cause enemies to seek alternatives

**Rid**, reader in war studies – King's College London, and McBurney, professor – Agents and Intelligent Systems Group – Department of Informatics @ King's College, **‘12**

(Thomas and Peter, “Cyber-Weapons,” The RUSI Journal Volume 157, Issue 1, p. 6-13)

A thorough conceptual analysis and a detailed examination of the empirical record corroborates our hypothesis: developing and deploying potentially destructive cyber-weapons against hardened targets will require significant resources, hard-to-get and highly specific target intelligence, and time to prepare, launch and execute an attack. Attacking secured targets would probably require the resources or the support of a state actor; terrorists are unlikely culprits of an equally unlikely cyber-9/11. The scant empirical record also suggests that the greatest benefit of cyber-weapons may be using them in conjunction with conventional or covert military strikes, as Israel did when it blinded the Syrian air defence in 2007. This leads to a second conclusion: the cost-benefit payoff of weaponised instruments of cyber-conflict may be far more questionable than generally assumed: target configurations are likely to be so specific that a powerful cyber-weapon may only be capable of hitting and acting on one single target, or very few targets at best. The equivalent would be a HARM missile that can only destroy one unique emitter, not a set of targets emitting at the same frequency. But in contrast to the missile – where only the seeker needs to be specifically reprogrammed and the general aviation and propulsion systems remain functional – the majority of modular components of a potent cyber-weapon, generic and specific, would have a rather short shelf-life after discovery.

Two findings contravene the debate's received wisdom. One insight concerns the dominance of the offence. Most weapons may be used defensively and offensively. But the information age, the argument goes since at least 1996, has ‘offence-dominant attributes’.37 A 2011 Pentagon report on cyberspace again stressed ‘the advantage currently enjoyed by the offense in cyberwarfare’.38 But when it comes to cyber-weapons, the offence has higher costs, a shorter shelf-life than the defence, and a very limited target set.39 All this drastically reduces the coercive utility of cyber-attacks. Any threat relies on the offender's credibility to attack, or to repeat a successful attack. Even if a potent cyber-weapon could be launched successfully once, it would be highly questionable if an attack, or even a salvo, could be repeated in order to achieve a political goal. At closer inspection cyber-weapons do not seem to favour the offence.

A second insight concerns the risk of electronic arms markets. One concern is that sophisticated malicious actors could resort to asymmetric methods, such as employing the services of criminal groups, rousing patriotic hackers, and potentially redeploying generic elements of known attack tools. Worse, more complex malware is likely to be structured in a modular fashion. Modular design could open up new business models for malware developers. In the car industry, for instance,40 modularity translates into a possibility of a more sophisticated division of labour. Competitors can work simultaneously on different parts of a more complex system. Modules could be sold on underground markets. But if our analysis is correct, potential arms markets pose a more limited risk: the highly specific target information and programming design needed for potent weapons is unlikely to be traded generically. To go back to our imperfect analogy: paintball pistols will continue to be commercially available, but probably not pre-programmed warheads of smart missiles.

#### Grid threats are hype

**Sorebo**, chief cybersecurity technologist and vice president – SAIC, consultant for the government and industry in cybersecurity and smart grid technology, MA – GW University, JD – Catholic U, 2/8/**’10**

(Gib, “The Many Shades of Project Grey Goose,” RSA Conference)

As I noted in my previous post about a recent 60 Minutes segment, we often rely on rumor and innuendo as the basis for journalism in critical infrastructure. If a current or former high-ranking public official says he heard something, then it must be true. Unfortunately, Project Grey Goose, whose stated objective was “to answer the question of whether there has been any successful hacker attacks against the power grid, both domestically and internationally,” falls victim to much of the same fear, uncertainty, and doubt. As in all media reports, there are factual bases for findings that exaggerated the true state of the electric grid. For example, their statement that “90% of the U.S. Department of Defense's (DOD) most critical assets are entirely dependent on the bulk power grid” is presumably taken from a Government Accountability Office (GAO) report noting that 85 percent of critical DoD assets rely on commercial electric power. However, the “entirely dependent” statement ignores the wide variety of backup generators that support these assets, and while not adequate, are nonetheless a significant contribution to the reliability of critical DoD assets. So rather than sounding the alarm that military bases, for the most part, do not have their own power plants, a better response would have been to suggest that the military expand the use of backup generators and micro-grid technology to augment commercial power as the GAO report does. Of course, that would not grab as many headlines.

Similarly, the Grey Goose Report note that “[m]ost Grid asset owners and operators have been historically resistant to report cyber attacks against their networks as well as make the necessary investments to upgrade and secure their networks.” While it may be true that incidents are underreported, the implication that the electricity industry is deficient compared to other industrial sectors is misleading or even wrong. Most companies do not report security incidents unless legally required to or to mitigate the harm to their customers, and even then the evidence of an intrusion and theft of data had better be definitive. Lost laptops and backup tapes are one thing. You cannot say they are within your control if they go missing. However, organizations in general have a horrible record of even detecting when a successful attack has occurred let alone what was taken. Like many industries, the electricity industry has struggled to pinpoint the source of many disruptions associated with their network infrastructure. More often than not, the problems were inadvertent and not malicious. We can certainly do better, and with technologies like Smart Grid, we have to. However, calling out the electricity industry for failures that we’ve all been subjected to is not very productive.

The other statements made about the vulnerabilities in the electricity sector are misleading. While North American Electric Reliability Corporation Critical Infrastructure Protection (NERC CIP) still does not apply to many aspects of the electrical grid for a variety of jurisdictional reasons, where it does apply, it is not voluntary, as the many utilities subjected to rigorous and painful audits can attest. The process may not be perfect, but utilities are being subjected to scrutiny. Moreover, anyone receiving stimulus grants under the Department of Energy’s Smart Grid grant program has to demonstrate a very rigorous approach to cyber security through the entire implementation life cycle.

Finally, the report cites a litany of vulnerabilities discovered in various Smart Grid devices such as meters and perpetuates speculation about the potential impact on the grid without considering compensating security controls. Nowhere does the report cite names of vulnerable vendors nor does it provide any information about whether these vulnerable products have actually been implemented. It’s like saying that tests on personal computers showed that they were vulnerable to attack without identifying the operating system or the applications running on the device.

## 2nc space adv

### A2 korea

#### The entire 20th century disproves escalation

White 2010 – Master’s in journalism from Columbia and IR degree from the London School of Economics, editor for Business Insider and formerly wrote for MSNBC (3/26, Gregory, Business Insider, “The Long, Long History Of False Starts Of War Between South And North Korea”, http://www.businessinsider.com/were-calling-it-this-is-not-the-start-the-restart-of-the-korean-war-2010-3, WEA)

History suggests that this sinking of a South Korean naval vessel off the coast of the country will not be the restart of the Korean conflict.

Since the end of open conflict between North and South Korea, the North has consistently acted in an aggressive manner towards its neighbor.

During the 1960s, North Korea conducted military operations into the south, culminating in 1968 when 600 of these raids were reported.

In the 1970s, North Korea tried to assassinate key members of the South Korean government, in an attempt to push the crisis forward.

In 1999, two North Korean naval ships were blown up killing 30.

In 2002, a sea battle killed and unspecified amount of North Koreans and 5 South Koreans.

In November 2009, two military vessels exchanged fire (via HuffPo).

In January 2010, North Korea launched 30 shells into the country's no sail zone.

This time won't be different. Little will happen.

#### Economic concerns check

**Kuwait Times, 10** (4/25/10, “North Korea threatens to use nuke if invaded” http://www.kuwaittimes.net/read\_news.php?newsid=OTY3MDQyMTAz)

South Korea's president on Friday gave the clearest signal yet Seoul had no plan to launch a revenge attack, calming investors worried that armed conflict would damage the South's rapidly recovering economy. "The probably catastrophic costs of a war on the peninsula will greatly constrain the U.S. and South Korean options for a military response, which thus remains an unlikely trigger for major military conflict," the global strategy group Control Risks wrote in a research note this week. The front end of the ship was raised by a giant sea crane and drained before being placed on a barge. One body has been found so far in the just-raised wreckage and six sailors were still missing, Yonhap news agency reported. The bodies of most of the 46 missing were found in the stern section raised earlier this month. Another 58 were rescued alive. "The way a hatch (near where the ship split in two) had been thrown off its hinge indicates there had been a very strong external impact," Yonhap quoted an un identified military official as saying, adding weight to the torpedo theory.

### A2 china

#### Economic ties check

**Perry and Scowcroft 9** William (Michael and Barbara Berberian professor at Stanford University.) and Brent (resident trustee of the Forum for International Policy.) “US Nuclear Weapons Policy.” 2009. Council on Foreign Relations. Online.

Economic interdependence provides an incentive to avoid military conflict and nuclear confrontation. Although the United States has expressed concern about the growing trade deficit with China, the economies of the two countries have become increasingly intertwined and interdependent. U.S. consumers have bought massive quantities of cheap Chinese goods, and Beijing has lent huge amounts of money to the United States. Similarly, Taiwan and the mainland are increasingly bound in a reciprocal economic relationship. These economic relation- ships should reduce the probability of a confrontation between China and Taiwan, and keep the United States and China from approach- ing the nuclear brink, were such a confrontation to occur. On other nuclear issues, China and the United States have generally supported each other, as they did in the six-party talks to dismantle North Korea’s nuclear weapons programs. Here, the supportive Beijing-Washington relationship points toward potentially promising dialogues on larger strategic issues.

#### Taiwan war won’t happen since nobody cares anymore. They ignore new political shifts

**Saunders and Kastner 2009** – \*Senior Research Fellow at the Institute for National Strategic Studies at the National

Defense University, \*Assistant Professor in the Department of Government and Politics

at the University of Maryland and former China Security Fellow at the Institute for National

Strategic Studies (Phillip and Scott, International Security, 33.4, “Bridge over troubled water? Envisioning a China-Taiwan peace agreement”, http://www.mitpressjournals.org/doi/pdf/10.1162/isec.2009.33.4.87, WEA)

Most observers agree that the issue of Taiwan’s status is not ripe for resolution. China remains committed to the ultimate goal of unification and refuses to renounce the use of force to prevent Taiwan independence. Former President Jiang Zemin emphasized the goal of unification, and China’s policies sometimes implied a timetable for achievement of that objective.2 China’s policy toward the Taiwan issue, however, has undergone a significant shift under President Hu Jintao, who has emphasized the short-to-medium-term goal of deterring Taiwan independence, postponing unification into the indefinite future.3

On Taiwan, public opinion polls consistently show strong (more than 75 percent) public support for maintaining the status quo. Only a small percentage favors either immediate independence or immediate unification with China.4 Although this polling reflects conditional preferences that factor in the likelihood of China using force if Taiwan were to declare independence,5 it accurately reflects the widespread view on Taiwan that permanent resolution of the issue of Taiwan’s status is not presently possible. While the Democratic Progressive Party (DPP) has sought to mobilize voters by highlighting Taiwan’s separate identity and sought ways to emphasize Taiwan’s sovereignty during President Chen Shui-bian’s term in office, the KMT has adjusted the emphasis in its cross-strait policy to more closely match the views of mainstream Taiwan voters. In the 2008 presidential campaign, KMT candidate (and eventual victor) Ma Ying-jeou articulated “three nos” that would govern policy toward China in his administration. These were a pledge that there would be no pursuit of de jure independence, no negotiations with the mainland about unification, and no use of force.6 President Ma reiterated these points in his May 20, 2008, inaugural address.

Collectively, these positions suggest that China and Taiwan may be prepared to defer the issue of Taiwan’s status for resolution at some point in the future. **Both sides have expressed the desire to improve relations, expand cross-strait contacts, and negotiate a peace agreement** between Taipei and Beijing. These goals were articulated in the joint press communiqué issued following KMT Chairman Lien Chan’s April 2005 meeting with Chinese President Hu Jintao.7 Hu Jintao reiterated China’s willingness to negotiate a peace agreement with Taiwan in his statements at the October 2007 17th Party Congress: “On the basis of the one-China principle, let us discuss a formal end to the state of hostility between the two sides, reach a peace agreement, construct a framework for peaceful development of cross-straits relations, and thus usher in a new phase of peaceful development.”8 Both candidates in Taiwan’s 2008 presidential election called for negotiation of a peace agreement with Beijing, and President Ma repeated the call in his inaugural address.9 Upon assuming office, Ma moved quickly to restart dialogue between Taiwan’s Straits Exchange Foundation (SEF) and the PRC’s Association for Relations Across the Taiwan Straits (ARATS), the semiofficial bodies that previously served as vehicles for cross-strait dialogue.10

## 1nr a2 econ addon

### Politics

#### Doesn’t solve growth

**WSJ, 7-13-12**

[“Fukushima Watch: No Reactors, Fewer Jobs? <http://blogs.wsj.com/japanrealtime/2012/07/13/fukushima-watch-no-reactors-fewer-jobs/>]

Losing jobs in the nuclear power industry would likely mean an increase in jobs elsewhere. [A group of researchers from Osaka University](http://www.iser.osaka-u.ac.jp/library/dp/2012/DP0846.pdf) estimate that eliminating nuclear power in Japan by 2020 and increasing renewable energy use to 20% of the total could create 200,000 to 300,000 new jobs annually. Central Research Institute, Inc., a consulting company in Tokyo, predicts that the renewable energy sector, including wind and solar power, [will employ 1.4 million people by 2020](http://www.sodan.info/change/energy.html), as the renewables market expands in size to ¥50 trillion and beyond. The Ministry of the Environment, in a report published in 2010, said that increasing the amount of renewable energy to more than 10% of the nation’s total energy output by 2020, [could create between 458,000 to 627,000 jobs](http://www.env.go.jp/earth/report/h22-05/00_gaiyo.pdf).

#### Single shocks won’t crush growth

**Behravesh, 6** (Nariman, most accurate economist tracked by USA Today and chief global economist and executive vice president for Global Insight, Newsweek, “The Great Shock Absorber; Good macroeconomic policies and improved microeconomic flexibility have strengthened the global economy's 'immune system.'” 10-15-2006, www.newsweek.com/id/47483)

The U.S. and global economies were able to withstand three body blows in 2005--one of the worst tsunamis on record (which struck at the very end of 2004), one of the worst hurricanes on record and the highest energy prices after Hurricane Katrina--without missing a beat. This resilience was especially remarkable in the case of the United States, which since 2000 has been able to shrug off the biggest stock-market drop since the 1930s, a major terrorist attack, corporate scandals and war.

Does this mean that recessions are a relic of the past? No, but recent events do suggest that the global economy's "immune system" is now strong enough to absorb shocks that 25 years ago would probably have triggered a downturn. In fact, over the past two decades, recessions have not disappeared, but have become considerably milder in many parts of the world. What explains this enhanced recession resistance? The answer: a combination of good macroeconomic policies and improved microeconomic flexibility. Since the mid-1980s, central banks worldwide have had great success in taming inflation. This has meant that long-term interest rates are at levels not seen in more than 40 years. A low-inflation and low-interest-rate environment is especially conducive to sustained, robust growth. Moreover, central bankers have avoided some of the policy mistakes of the earlier oil shocks (in the mid-1970s and early 1980s), during which they typically did too much too late, and exacerbated the ensuing recessions. Even more important, in recent years the Fed has been particularly adept at crisis management, aggressively cutting interest rates in response to stock-market crashes, terrorist attacks and weakness in the economy. The benign inflationary picture has also benefited from increasing competitive pressures, both worldwide (thanks to globalization and the rise of Asia as a manufacturing juggernaut) and domestically (thanks to technology and deregulation). Since the late 1970s, the United States, the United Kingdom and a handful of other countries have been especially aggressive in deregulating their financial and industrial sectors. This has greatly increased the flexibility of their economies and reduced their vulnerability to inflationary shocks. Looking ahead, what all this means is that a global or U.S. recession will likely be avoided in 2006, and probably in 2007 as well. Whether the current expansion will be able to break the record set in the 1990s for longevity will depend on the ability of central banks to keep the inflation dragon at bay and to avoid policy mistakes. The prospects look good. Inflation is likely to remain a low-level threat for some time, and Ben Bernanke, the incoming chairman of the Federal Reserve Board, spent much of his academic career studying the past mistakes of the Fed and has vowed not to repeat them. At the same time, no single shock will likely be big enough to derail the expansion. What if oil prices rise to $80 or $90 a barrel? Most estimates suggest that growth would be cut by about 1 percent--not good, but no recession. What if U.S. house prices fall by 5 percent in 2006 (an extreme assumption, given that house prices haven't fallen nationally in any given year during the past four decades)? Economic growth would slow by about 0.5 percent to 1 percent. What about another terrorist attack? Here the scenarios can be pretty scary, but an attack on the order of 9/11 or the Madrid or London bombings would probably have an even smaller impact on overall GDP growth.

## 1nr MOX DA

### MOX Overview

#### The risks of proliferation outweigh any stability from deterrence.

**Fetter 1996** – associate professor in the School of Public Affairs at the University of Maryland (Steve, International Security, 21.1, “Nuclear Deterrence and the 1990 Indo-Pakistani Crisis”, p. 176-7

First, Hagerty exaggerates the claims of those who are pessimistic about the conse­quences of nuclear proliferation: my theoretical analysis and the South Asian case study call into question the utility of the concept of the “reciprocal fear of surprise attack.” The notion that nuclear weapon states embroiled in a crisis will inevitably face strong, perhaps irresistible, pressures to decapitate their opponent’s nuclear forces preemptively is deductively appealing but empirically unsupported (p. 113, emphasis added). Proliferation pessimists do not claim that deterrence will certainly, usually, or often fail in a crisis. They merely claim that the risks of nuclear proliferation are unaccept­ably high compared to the alternative of nonproliferation—high not only for the proliferators, but for the international community as a whole. These risks are not limited to deliberate preemptive attack, but include accidental, inadvertent, or unauthorized use of nuclear weapons. Fear of nuclear attack may have deterred a fourth Indo-Paki­stani war, but at what risk to human life and international peace and security? An Indo-Pakistani war without nuclear weapons would have been a serious calamity, but a war with nuclear weapons that escalated to attacks on cities would have resulted in civilian casualties of a magnitude and suddenness unprecedented in human history.

Turns heg

Turns space weapons people strike faster

### 2nc light water links

#### SMR development now, but near-term subsidies lock in inferior light water models

**Spencer and Loris 2011** – Research Fellow in Nuclear Energy in the Thomas A. Roe Institute for Economic Policy Studies, Research Associate in the Roe Institute, at The Heritage Foundation (2/2, Jack and Nicolas, Heritage, Backgrounder, “A Big Future for Small Nuclear Reactors?”, WEA)

Small modular reactors (SMRs) have garnered significant¶ attention in recent years, with companies of¶ all sizes investing in these smaller, safer, and more¶ cost-efficient nuclear reactors. Utilities are even forming¶ partnerships with reactor designers to prepare for¶ potential future construction. Perhaps most impressive¶ is that most of this development is occurring¶ without government involvement. Private investors¶ and entrepreneurs are dedicating resources to these¶ technologies based on their future prospects, not on¶ government set-asides, mandates, or subsidies, and¶ despite the current regulatory bias in favor of large¶ light water reactors (LWRs).

The result is a young, robust, innovative, and growing¶ SMR industry. Multiple technologies are being¶ proposed that each have their own set of characteristics¶ based on price, fuel, waste characteristics, size,¶ and any number of other variables. To continue this¶ growth, policymakers should reject the temptation to¶ offer the same sort of subsidies and government¶ programs that have proven ineffective for large¶ LWRs. While Department of Energy cost-sharing¶ programs and capital subsidies seem attractive, they¶ have yet to net any new reactor construction.

#### Plan eliminates incentives to improve designs

**Spencer and Loris 2011** – Research Fellow in Nuclear Energy in the Thomas A. Roe Institute for Economic Policy Studies, Research Associate in the Roe Institute, at The Heritage Foundation (2/2, Jack and Nicolas, Heritage, Backgrounder, “A Big Future for Small Nuclear Reactors?”, WEA)

Government Intervention. Too many policymakers¶ believe that Washington is equipped to¶ guide the nuclear industry to success. So, instead¶ of creating a stable regulatory environment where¶ the market value of different nuclear technologies¶ can determine their success and evolution, they¶ choose to create programs to help industry succeed.¶ Two recent Senate bills from the 111th Congress,¶ the Nuclear Energy Research Initiative¶ Improvement Act (S. 2052) and the Nuclear¶ Power 2021 Act (S. 2812), are cases in point.¶ Government intervention distorts the normal¶ market processes that, if allowed to work, would¶ yield the most efficient, cost-effective, and appropriate¶ nuclear technologies. Instead, the federal¶ government picks winners and losers through¶ programs where bureaucrats and well-connected¶ lobbyists decide which technologies are permitted,¶ and provides capital subsidies that allow¶ investors to ignore the systemic problems that¶ drive risk and costs artificially high. This¶ approach is especially detrimental to SMRs¶ because subsidies to LWRs distort the relative¶ benefit of other reactor designs by artificially lowering¶ the cost and risk of a more mature technology¶ that already dominates the marketplace.

#### First customer is key because of design competition—the plan locks in supplier advantage

**Yurman 2012** (2/22, Dan, The Energy Collective, updated coverage from Fuel Cycle Week, V11:N460 published by International Nuclear Associates, “SMR developers are racing to the market”, http://theenergycollective.com/dan-yurman/77332/smr-developers-seek-investors-and-customers, WEA)

Developers of small modular reactors (SMRs) of both the light water and fast neutron flavors are in a race to get to market. The reason is a hypothetical SMR producing 100 MW electrical, costing $4,000/Kw to build, is not a 'bet the company investment', making it attractive for a mid-size utility.¶ Further, the revenue from the first one can pay for the next unit, and so on, which is why they are marketed as "modules." Investors in utilities like the idea of step-wise capital spending at a conservative scale relative to market valuation and ramping up a commitment to nuclear energy in stages rather than 1,000 MW at a time.¶ Key milestones for success by SMR vendors are securing investors to complete their technology, jumping through the NRC's licensing hoops, and booking that all important first customer. SMR developers see themselves primarily as vendors, and not as nuclear reactor utility operators. However, some may wind up in a hybrid role to get their first sale on the books.

#### We would use MOX because there’s a joint mandate with Russia and it’s abundant

**Yurman 9/10**/2012 – (Dan, The Energy Collective, “Calling Out Red Herrings about MOX Fuel for TVA”, http://theenergycollective.com/dan-yurman/111276/calling-out-red-herrings-about-mox-fuel-tva?ref=node\_other\_posts\_by, WEA)

The conversion of the plutonium is part of a joint program with Russia to dismantled nuclear weapons. The agreement was signed in 2000. The $4.8 billion U.S. MOX fuel plant is being built in South Carolina by a consortium of The Shaw Group and Areva. In France Areva has over two decades of experience making MOX fuel. ¶ If TVA decides to use MOX, it could eventually replace up to 40 percent of the fuel assemblies in the cores of its Sequoyah and Browns Ferry reactors. The two Sequoyah reactors are pressurized water reactors with 193 fuel assemblies each. The three Browns Ferry reactors are boiling water reactors with 764 fuel assemblies each.¶ The DOE’s MOX plant is expected to produce the equivalent of 1,700 PWR assemblies to dispose of 34 tonnes of surplus plutonium. At a projected output rate of up to 70 metric tons heavy metal per year, the MOX facility may produce more fuel than TVA’s five reactors could consume. ¶ Two other nuclear utilities – Duke and Energy Northwest, are also considering using MOX fuel. One of the key issues all three utilities have is reliable fuel services. This means that if the utilities decide to use the MOX fuel, it must be ready when the reactors have their scheduled fuel outages. Energy Northwest has reliable fuel services lined up for a number of years. For this reason earlier this year it cancelled a study to be carried out by PNNL to look at the issue.¶ TVA won’t start out at the 40-percent core replacement level. The initial replacement level for the reactors will be about 8 assemblies of MOX fuel. Ramp up time to the 40-percent level depends on the DOE’s production schedule, how well the MOX works, and cost factors, among others. TVA does not expect to load MOX fuel before 2018. ¶ Explaining MOX to the public¶ One of the challenges that TVA faces is that the public perceptions of using plutonium as fuel needs some explaining. TVA starts by describing that MOX is a mix of uranium and plutonium. MOX has about 4-percent plutonium oxide (of which 94 percent is Pu-239) and the rest is depleted uranium oxide. ¶ Commercial nuclear fuel starts as uranium oxide. What many people do not know, is that plutonium is a normal byproduct in nuclear reactors that fission uranium.

### 2nc MOX bad

#### Reinstating MOX fuel wrecks non-prolif agreements and leads to fissile diversion and environmental contamination—military connections and short-term profit motives magnify the risk

**Zeller et al 2005** – Science Director for Blue Ridge Environmental Defense League, \*\*founder of Ecodefense, \*\*\*Institute for International Environmental Safety, \*\*\*\*International Panel on Fissile Materials, \*\*\*\*\*leader of the Movement for Nuclear Safety in Chelyabinsk (5/11, Louis Zeller, Vladimir Slivyak, Konstantin Kozlov, Masa Takubo, Natalia Mironova, Statement to the Review Conference of the Parties to the Nuclear Non-Proliferation Treaty, “Prevent the Reprocessing of Military Plutonium Wastes into Fuel”, http://www.nirs.org/reactorwatch/mox/jstate051105.htm, WEA)

We hereby stand opposed the reprocessing of plutonium for fuel because it presents unsupportable risks to public safety and the environment, and undermines the goal of nuclear non-proliferation. Manufacturing plutonium fuel (MOX, see end note) would create vast amounts of waste. And, plutonium fueled reactors would create an unsolvable international nuclear security dilemma.¶ The authors of this presentation appreciate this opportunity to expand upon these concerns and to propose alternatives to the 2005 Review Conference of the Parties to the Nuclear Non-Proliferation Treaty.¶ Human Health Problems at Two of the Most Polluted Places on Earth¶ The Savannah River Site in South Carolina is an 802 square kilometer complex polluted by five decades of atomic weapons manufacturing. Up to 100 million curies of tritium were released over the decades, contaminating the region’s drinking water. And 490 million curies of liquid high level radioactive waste are stored in underground tanks.[7] Near the Savannah River Site, the death rate is 19.8% above normal, largely from heart disease and cancer;[8] both are associated with ionizing radiation.[9]¶ The industrial complex at Mayak produced plutonium for the first Soviet atomic bomb. For over 40 years the Siberian Chemical Combine pumped more than 1 billion Curies of radioactive poisons into underground aquifers. Today there are about 200 million Curies of radionuclides including plutonium in open basins, pulp repositories, and burial grounds.[10] The Techa River passes through many villages before discharging radioactive waste into the Arctic Ocean. Many residents have been evacuated, but one village remains inhabited: Muslumovo. The people of this town, which is closer to Mayak than many of the evacuated villages, have been left behind; they believe they have been singled out as Muslim “guinea pigs” in a horrible radioactive experiment.[11] At the request of NGOs, on April 11, 2005 the General Prosecutor of Russia started a criminal investigation of liquid waste dumping into the Techa River by plutonium manufacturing enterprises in the Chelyabinsk oblast of Russia.¶ New Threats¶ Now Minatom wants to build a new plutonium fuel factory on the site of the Siberian Chemical Combine. The technology of the French firm COGEMA was adopted for Russian plant[10]. This year, the US Nuclear Regulatory Commission granted a license to construct a similar factory at the Savannah River Site in South Carolina.¶ Plutonium fuel production would create enormous amounts of radioactive waste. Official estimates are that 82,000 liters of high activity radioactive waste containing 84,000 Curies of americium, 174,000 liters of plutonium- and uranium-bearing wastes, and 1.4 million liters of low-level radioactive waste would be produced annually.[12]¶ Security and Safety Problems¶ Plutonium fuel requires transportation of weapons grade plutonium and fresh fuel across thousands of miles of open country. According to the only independent study on nuclear transportation produced in Russia, there is a serious risk of accident on railroads that may lead to plutonium contamination of the environment.[13] In the US, Duke Energy got an exemption from post-9/11 security measures for its plutonium fuel test reactor.[14]¶ Plutonium utilization in aging Russian VVER-1000 reactors is dangerous and may lead to proliferation from civil reactor sites.[15] American plants are no better. Duke Energy reactors depend on unreliable baskets of ice for cooling during an emergency. Plutonium makes a poor fuel because it is difficult to handle, store, and transport.[16]¶ Alternatives¶ There is an alternative to plutonium fuel: immobilization. Mixing the plutonium with liquid glass and radioactive waste, would avoid the risks to human health caused by plutonium reactors. It would save hundreds of millions of dollars. And, it would return us to a more sensible non-proliferation policy.¶ American and Russian environmental groups strongly oppose the plutonium fuel program. In the US, citizens called upon the Governor of South Carolina to stop plutonium fuel shipments.[5] In Russia 83% of the residents of Tomsk are opposed to a plutonium facility.[6]¶ Our united view is:¶ 1. Plutonium must not be used as fuel in civil reactors.¶ 2. Plutonium must be kept at well-protected sites.¶ 3. Plutonium must be immobilized in the future to prevent smuggling and re-use in nuclear weapons.¶ Basis for Action by the Review Committee¶ The Thirteen Steps provides a foundation for opposing plutonium reprocessing. Step 10 calls upon nuclear weapons states to place fissile material no longer required for military purposes under international verification.[2] But the Surplus Plutonium Disposition program now underway in the US and Russia would transfer fissile material from public, governmental management to private, commercial control. We believe that plutonium would no longer be subject to effective international verification if it is turned over to Duke Energy, an investor-owned American utility, and COGEMA, a French reprocessing corporation.¶ Further, we agree with those who advocate expanding the scope of a Fissile Materials Cutoff Treaty to include a ban on civilian plutonium production.[3] Paul Leventhal, President of the Nuclear Control Institute, described the birth of the plutonium reprocessing chimera when he said,¶ There is a long and troubling history that has brought us to this present state of affairs. The original assumptions about the scarcity of uranium and the inevitability of the plutonium-breeder reactor have proven false, but the original dream of plutonium as the key to limitless energy has not faded. It is nurtured by a handful of powerful, government-run companies that seek to impose a plutonium-fuel economy on the world.¶ The nightmare of plutonium energy is not limited to the nuclear weapons states. In this context it is vital that the Rokkasho reprocessing plant in Japan, planned to open in 2007 as the first commercial-scale plant in a non-nuclear-weapon state, should be abandoned.¶ And regarding the dangerous example of how the superpowers are disposing of their warhead plutonium, we pray this body heeds the words of John D. Holum, former Director of the US Arms Control and Disarmament Agency, who warned that other countries “would hear only one message for the next 25 years: that plutonium use for generating commercial power is now being blessed by the United States.”[4]¶ Conclusion¶ The plutonium fuel program undermines international agreements for nuclear non-proliferation. The circulation of plutonium fuel in the commercial sector would increase the risk of diversion. There is no way to ensure that plutonium reprocessing facilities for electric power will not be turned to military use.¶ Natalia I. Mironova, President of the Movement for Nuclear Safety in Chelyabinsk, said that nuclear technology companies are driven by a profit motive which conflicts with the nuclear non-proliferation system. We submit that a global movement for a world without nuclear weapons must also halt the drive for plutonium power.

#### Tanks prolif cred

**NIRS 2011** – no explicit date given but cites articles as recent as April (Nuclear Information and Resource Service, “The Military-Industrial-Utility Complex and the NIX/MOX Campaign”, http://www.nirs.org/reactorwatch/mox/mox.htm, WEA)

The U.S. Department of Energy is preparing to use plutonium-based (or MOX--mixed oxide) fuel in commercial nuclear reactors. In addition, the DOE is producing tritium for nuclear weapons in civilian reactors operated by Tennessee Valley Authority. These far-reaching steps violate every non-proliferation principle advanced by the U.S. government for decades.

NIRS is unalterably opposed to the use of MOX fuel and the production of tritium in commercial reactors. Use of MOX would contribute to the worldwide "plutonium economy," and would undercut our non-proliferation efforts worldwide. In addition, it would produce more plutonium in so-called "low-level" radioactive waste, exacerbate utility decommissioning efforts and increase costs, expose more people to danger from plutonium through frequent shipments across railways and highways, and increase electricity costs.

Similarly, production of tritium in commercial reactors is little more than a scheme to allow uneconomic reactors to operate with increased government subsidies. Further, it would break down any remaining barrier between commercial and military uses of nuclear energy--leaving us with a new, and frighteningly powerful military-industrial-utility complex.

#### The MOX program crushes global nuclear security by making plutonium abundant—the alternative is safe immobilization

**Lyman and Carroll 2011** – \*Union of Concerned Scientists senior scientist, \*\*Nuclear Watch South coordinator (4/1, Nuclear Information and Resource Service, press release, “SERIOUS SECURITY ISSUES AT MOX PLUTONIUM FACTORY RECOGNIZED BY REGULATORS”, http://www.nirs.org/reactorwatch/mox/moxplutoniumpr040111.pdf, WEA)

The MOX plutonium fuel factory at SRS proposes to utilize up to 50 metric tons of surplus weaponsgrade plutonium to produce an experimental reactor fuel called MOX. A nuclear bomb like the one at ¶ Nagasaki, Japan, requires only 15 pounds of plutonium. Plans for nuclear weapons are available on the ¶ internet therefore plutonium security is paramount to national, even global, security. The U.S. MOX ¶ plutonium program is already in disarray as the MOX factory design is still unfinished, MOX factory ¶ construction is more than 10 years behind schedule and is costing taxpayers $500 million per year.¶ A test of weapons-grade MOX plutonium fuel assemblies failed in Duke Power's Catawba reactor in 2008 ¶ and Duke withdrew from the MOX program. DOE still does not have any other reactors lined up to use ¶ the proposed MOX plutonium fuel but is considering MOX use in Tennessee Valley Authority‟s Browns ¶ Ferry‟s GE Mark I reactors in Alabama. Permission to use MOX plutonium fuel would require reactor ¶ licensees to undergo years of testing and licensing by the NRC. The Browns Ferry reactors are of the ¶ same design which failed in the nuclear disaster unfolding at Fukushima, Japan. Unit 3 at Fukushima was ¶ loaded with “reactor-grade” MOX in September 2010.¶ Nuclear Watch South and environmentalists continue to call for plutonium immobilization in the ¶ glassification process for 60-year-old inventories of high-level radioactive waste in underground storage ¶ tanks at SRS as the preferable alternative to MOX plutonium.

### at: cradle to grave

#### Cradle to grave is a myth—no designs will incorporate it and core issues won’t be resolved

**Department of Commerce 2011** (February, U.S. Department of Commerce International Trade Administration, Manufacturing and Services Competitiveness Report, “The Commercial Outlook for U.S. Small Modular Nuclear Reactors”, http://www.trade.gov/publications/pdfs/the-commercial-outlook-for-us-small-modular-nuclear-reactors.pdf, WEA)

Some U.S. SMR vendors claim that their designs ¶ could be “black boxed” (that is, they could be ¶ deployed already fueled), and once the fuel is ¶ spent, the entire unit could be shipped back to the ¶ factory for waste handling and reprocessing. If the ¶ responsibility for the fuel cycle is taken out of the ¶ hands of the reactor operator, then risks of proliferation could potentially be reduced. Significant ¶ technical issues, however, remain unsolved for ¶ this concept, and there are serious outstanding ¶ questions involving transportation, waste handling, safety, and security. Although an attractive ¶ idea, such designs are unlikely to be deployed in ¶ the near or mid term.

### MOX DA Prolif

#### There’s an abrupt cliff and we still access slow escalation

Tellis 2002 – senior advisor to the US Ambassador in New Delhi, SSP supporter and true patriot (Ashley, Orbis, 46.1, “The strategic implications of a nuclear India”)

While this posture augurs well for crisis stability where sudden emergencies are concerned, it becomes less relevant when long intervals of strategic warning are available or when a crisis evolves slowly. Under these circumstances, the nuclear capabilities in all the relevant states would progressively increase in readiness depending on the rate at which strategic components are alerted, integrated (if necessary), and mobilized in accordance with preplanned contingency procedures. Once such activities are under way, the relatively low peacetime readiness of the various strategic forces would no longer provide crisis stability, because operational dormancy disappears irrevocably once the process of strategic alerting is completed.

#### Perceived loss of restraints triggers fast prolif.

**Utgoff, 2002**

[Victor, Deputy Director of the Strategy, Forces, and Resources Division of the Institute for Defense Analyses and former Senior Member of the National security Council Staff, Survival, “Proliferation, Missile Defense and American Ambitions”, 44: 2, Summer, p. 87]

Further, the large number of states that became capable of building nuclear weapons over the years, but chose not to, can be reasonably well explained by the fact that most were formally allied with either the United States or the Soviet Union. Both these superpowers had strong nuclear forces and put great pressure on their allies not to build nuclear weapons. Since the Cold War, the US has retained all its allies. In addition, NATO has extended its protection to some of the previous allies of the Soviet Union and plans on taking in more. Nuclear proliferation by India and Pakistan, and proliferation programmes by North Korea, Iran and Iraq, all involve states in the opposite situation: all judged that they faced serious military opposition and had little prospect of establishing a reliable supporting alliance with a suitably strong, nuclear-armed state. What would await the world if strong protectors, especially the United States, were [was] no longer seen as willing to protect states from nuclear-backed aggression? At least a few additional states would begin to build their own nuclear weapons and the means to deliver them to distant targets, and these initiatives would spur increasing numbers of the world’s capable states to follow suit. Restraint would seem ever less necessary and ever more dangerous. Meanwhile, more states are becoming capable of building nuclear weapons and long-range missiles. Many, perhaps most, of the world’s states are becoming sufficiently wealthy, and the technology for building nuclear forces continues to improve and spread. Finally, it seems highly likely that at some point, halting proliferation will come to be seen as a lost cause and the restraints on it will disappear. Once that happens, the transition to a highly proliferated world would probably be very rapid. While some regions might be able to hold the line for a time, the threats posed by wildfire proliferation in most other areas could create pressures that would finally overcome all restraint.

## 1nr accidents da

### 2nc accidents link block

#### Lax NRC regulations mean you should ignore every pro-SMR claim – it assumes theoretical potential of the technology – not actual implementation

**Lyman, 11** - A physicist, Edwin S. Lyman is a senior staff scientist in the Global Security Program at the Union of Concerned Scientists in Washington. (Edward, “An Examination of the Safety and Economics of Light Water Small Modular Reactors” Congressional Testimony, 7/14, <http://www.ucsusa.org/assets/documents/nuclear_power/lyman-appropriations-subcom-7-14-11.pdf>)

Proponents of small modular reactors (SMRs) claim that their designs have inherent safety features compared to large reactors, and some even argue that their reactors would have been able to withstand an event as severe as Fukushima. We find these claims to be unpersuasive. For any plant, large or small, the key factor is the most severe event that the plant is designed to withstand—the so-called maximum “design-basis” event. Unless nuclear safety requirements for new reactors are significantly strengthened, one cannot expect that either small or large reactors will be able to survive a beyond-design-basis event like Fukushima. Although some light-water SMR concepts may have desirable safety characteristics, unless they are carefully designed, licensed, deployed and inspected, SMRs could pose comparable or even greater safety, security and proliferation risks than large reactors.

#### The industry will lobby to weaken SMR safety regulations to reduce overall costs

**Lyman, 11** - A physicist, Edwin S. Lyman is a senior staff scientist in the Global Security Program at the Union of Concerned Scientists in Washington. (Edward, Surviving the one-two nuclear punch: Assessing risk and policy in a post-Fukushima world, Bulletin of the Atomic Scientists, Sept/Oct, sage pub)

Given that there is no apparent capital cost benefit for SMRs, it is not surprising that the SMR industry is seeking to reduce operating and maintenance (O&M) costs by pressuring the Nuclear Regulatory Commission to weaken certain regulatory requirements for SMRs. Deputy Assistant Energy Secretary John Kelly told the Nuclear Regulatory Commission in March that the NRC’s regulatory requirements for SMRs will “directly influence the operating cost, which will be a large determinant into the economic feasibility of these plants.”

#### Fukushima demonstrates that having multiple reactors escalates safety risks

**Lyman, 11** - A physicist, Edwin S. Lyman is a senior staff scientist in the Global Security Program at the Union of Concerned Scientists in Washington. (Edward, Surviving the one-two nuclear punch: Assessing risk and policy in a post-Fukushima world, Bulletin of the Atomic Scientists, Sept/Oct, sage pub)

Some vendors of small modular reactors (SMRs) have argued that their designs also have inherent capabilities to protect against Fukushima-type accidents. SMRs are defined as reactors that have a power level of less than 400 MWelectric and are compatible with assembly-line manufacture. One of the main advantages of SMRs is that they could be used by utilities to add nuclear power in smaller increments that would be better matched to gradual increases in demand. The vendors claim that small reactors would be easier to passively cool than large reactors because of the lower amount of heat that they would generate. Also, the vendors say, the smaller reactors could be built underground, providing additional protection against certain natural events. While there is a grain of truth in these claims, once again they do not tell the whole story.

For instance, although underground siting could enhance protection against aircraft attacks and earthquakes, it could also have disadvantages in other circumstances. Emergency diesel generators and electrical switchgear at Fukushima Daiichi were installed below grade to reduce their vulnerability to seismic events, but this increased their susceptibility to flooding. And in the event of a serious accident, emergency crews could have greater difficulty accessing underground reactors.

Moreover, accidents affecting multiple small units at a site may cause complications that could outweigh the advantages of having lower heat-removal requirements per unit. Fukushima has demonstrated the additional challenges presented at nuclear plant sites when multiple reactors are affected. In its June 2011 report to the IAEA, the Nuclear and Industrial Safety Agency of Japan wrote, “The accident occurred at more than one reactor at the same time, and the resources needed for accident response had to be dispersed. Moreover, as two reactors shared the facilities, the physical distance between the reactors was small.... The development of an accident occurring at one reactor affected the emergency responses at nearby reactors” (Nuclear Emergency Response Headquarters, 2011: XII-5).

### AT: Underground siting

#### Underground siting trades one set of risks for another

**Lyman, 11** - A physicist, Edwin S. Lyman is a senior staff scientist in the Global Security Program at the Union of Concerned Scientists in Washington. (Edward, Surviving the one-two nuclear punch: Assessing risk and policy in a post-Fukushima world, Bulletin of the Atomic Scientists, Sept/Oct, sage pub)

Some SMR vendors argue that their reactors will be safer because they can be built underground. While underground siting could enhance protection against certain events, such as aircraft attacks and earthquakes, it could also have disadvantages as well. For instance, emergency diesel generators and electrical switchgear at Fukushima Daiichi were installed below grade to reduce their vulnerability to seismic events, but this increased their susceptibility to flooding. And in the event of a serious accident, emergency crews could have greater difficulty accessing underground reactors.

### AT: Passive safety / lower heat

#### Passive safety systems introduce new risks and create incentives to cut corners to save money

**Lyman, 11** - A physicist, Edwin S. Lyman is a senior staff scientist in the Global Security Program at the Union of Concerned Scientists in Washington. (Edward, Surviving the one-two nuclear punch: Assessing risk and policy in a post-Fukushima world, Bulletin of the Atomic Scientists, Sept/Oct, sage pub)

Some SMR vendors emphasize that their designs are “passively safe.” However, no credible reactor design is completely passive and can shut itself down and cool itself in every circumstance without need for intervention. Some reactor designs, large or small, have certain passive safety features that allow the reactor to depend less on operator action for a limited period of time following design-basis accidents. Small reactors may have an advantage because the lower the power of a reactor, the easier it is to cool through passive means such as natural convection cooling with water or even with air. However, accidents affecting multiple small units may cause complications that could outweigh the advantages of having lower heat removal requirements per unit. Moreover, passively safe reactors generally require some equipment, such as valves, that are designed to operate automatically but are not one hundred percent reliable.

Operators will always be needed to monitor systems to ensure they are functioning as designed, and to intervene if they fail to do so. Both passive systems and operator actions would require functioning instrumentation and control systems, which were unreliable during the severe accidents at Three Mile Island and Fukushima. Passive systems may not work as intended in the event of beyond-design-basis accidents, and as result passive designs should also be equipped with highly reliable active backup systems and associated instrumentation and control systems.

But more backup systems generally mean higher costs. This poses a particular problem for SMRs, which begin with a large economic disadvantage compared to large reactors.

### MPX

#### The accidents turn turns their heg advantage

**King et al., ‘11**

[Marcus, Research Analyst and Project Director at CNA Corporation's Center for Naval Analyses, LaVar Huntzinger, Thoi Nguyen, March, “Feasibility of Nuclear Power on U.S. Military Installations,” http://www.cna.org/sites/default/files/research/Nuclear%20Power%20on%20Military%20Installations%20D0023932%20A5.pdf]

DoD must also consider the potential effect of military training on reactor operations. Reactors must be designed to the criteria that no accidents at nearby military facilities may threaten nuclear plant safety [48]. NRC regulations note that accidents at nearby military facilities such as munitions storage areas and ordinance test ranges may threaten safety. Flight training is another area of concern. The NRC stipulates that nuclear plant developers should identify airports within 16 km, and the risks of potential incidents must be taken into consideration [48]. Hybrid concepts that include industrial facilities associated with nuclear reactors raise additional safety concerns. Another factor is whether a nuclear accident would affect critical DoD missions. It is important that DoD consider only those sites that support missions that are not so critical to national security so that if an interruption caused by a nuclear incident, or an evacuation order, would create lasting damage to national security. It should be noted that 1963 legislation granted Southern California Edison Corporation an easement of 90 acres from the Camp Pendleton Marine Corps Base to construct the San Onofre Nuclear Generating Station. Our discussions have indicated that the two facilities have co-existed without significant impact on training and readiness.

#### It explicitly destroys nuclear leadership

**Lyman, 11** - A physicist, Edwin S. Lyman is a senior staff scientist in the Global Security Program at the Union of Concerned Scientists in Washington. (Edward, Surviving the one-two nuclear punch: Assessing risk and policy in a post-Fukushima world, Bulletin of the Atomic Scientists, Sept/Oct, sage pub)

UCS acknowledges the concerns of members of Congress who fear that the United States is lagging in creation of a robust SMR export market and may lose out to a country like China if it takes too long to develop and license SMRs. However, we believe that the best way for the United States to maintain a competitive edge is to establish American brands with the highest 6 safety standards. If, as some say, NRC design certification is seen as a “gold standard” worldwide, it makes sense to preserve that standard rather than erode it by weakening SMR safety requirements.