## Michigan DH Open Source Wake Forest

# Round 2 – Neg v Georgia CG

## 1NC

### T 1NC

**Restrictions refer to content not place**

Martin Borowski (Faculty at Birmingham Law School, Vice-President of the British Section of the International Association for Philosophy of Law and Social Philosophy) 2003 “Religious Freedom as a Fundamental Human Right, a Rawlsian Perspective” in Pluralism and Law, Conference Proceedings” p. 58

Where it is a question of the diminution of the content of basic liberties, Rawls distinguishes between restriction and regulation. He Illustrates this distinction by turning to the example of freedom of speech. Interference with the content of speech counts as a restriction, whereas interference with the modalities of speech, such as place and time, counts merely as regulation. Regulations do not offend against basic liberties; rather they show that basic liberties are self-limiting.5’ It is necessary, however, that the central range of application of the basic liberties be respected. It must be assumed, in Rawls’ theory, that the distinction between restriction and regulation survives the transformation from basic liberty to basic right or freedom, such that the distinction can be found at the stage of constitutional law, too. This gives voice to the question of whether this distinction can serve as an adequate reconstruction of the constitutional protection afforded to religious freedom.

#### Vote Neg

#### Limits – there are an infinite number of indirect limitations on company’s ability to produce energy – simply measuring its end effect explodes the literature base. Raises entry barriers for debate and destroy competitive equity.

#### B) Precision – undermines all policy analysis skills

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.

### Fiscal Cliff 1NC

#### Obama PC high now – GOP softening now on fiscal cliff – but it will be a fight

Kimberly Atkins (writer for the Boston-Herald) November 8, 2012 “Prez returns to D.C. with more clout” http://bostonherald.com/news/columnists/view/20221108prez\_returns\_to\_dc\_with\_more\_clout

When President Obama returned yesterday to the White House, he brought with him political capital earned in a tough re-election fight as well as a mandate from voters — which means bold changes and bruising fights could lie ahead. The first agenda item is already waiting for him: reaching an agreement with lawmakers to avert the looming fiscal cliff. GOP lawmakers have previously shot down any plan involving tax increases. Obama’s win — based in part on a message of making the wealthiest Americans pay more — may already be paying dividends. In remarks at the Capitol yesterday, House Speaker John Boehner seemed to acknowledge the GOP has to take a different tack than the obstructionism that has marred progress in the past. “The president has signaled a willingness to do tax reform with lower rates. Republicans have signaled a willingness to accept new revenue if it comes from growth and reform,” Boehner said. “Let’s start the discussion there.” Obama’s fresh political clout could extend to longer term fiscal policies beyond the fiscal cliff, though don’t expect GOP pushback to vanish. House Republicans still have plenty of fight in them.

#### Ensures compromise now – but re-election PC is finite

Ron Kampeas (writer for Intermountain Jewish News) November 7, 2012 “Obama’s second term: More of the same, at least until Iran flares” http://www.ijn.com/presidential-elections/2012-presidential-elections/3530-obamas-second-term-more-of-the-same-at-least-until-iran-flares

The fiscal cliff and specifically sequestration is a major concern," Daroff said. "Our concern continues to be that as the nation and our political leaders continue to assess how to make cuts in spending that those cuts don't fall disproportionately on vulnerable populations that rely upon social service agencies that depend on our funding." Cuts of about 8.5 percent would immediately affect the viability of housing for the elderly, according to officials at B'nai B'rith International, which runs a network of homes. Officials at Jewish federations say the cuts also would curb the meals and transportation for the elderly they provide with assistance from federal programs. Obama and Congress would have had to deal with heading off sequestration in any case, but as a president with a veto-wielding mandate of four more years, he has the leverage to head off deep cuts to programs that his top officials have said remain essential, including food assistance to the poor and medical entitlements for the poor and elderly. David Makovsky, a senior analyst with the Washington Institute for Near East Policy, said Obama's priorities would be domestic. "While a victory in the second term tends to give you some political capital, capital is still finite," he said, citing George W. Bush's failure in 2005 to reform Social Security, despite his decisive 2004 triumph. "This suggests to me the president will keep his focus on the economy and health care," and not on major initiatives in the Middle East.

#### Plan sparks a fight kills pc

**Morgan, 11** (Curtis, Tampa Bay Times, “A year after Deepwater Horizon disaster, opposition to oil drilling fades” 4/18, <http://www.tampabay.com/news/environment/a-year-after-deepwater-horizon-disaster-opposition-to-oil-drilling-fades/1164429>) **Nelson=Florida Senator Bill Nelson, Fuller = Manley Fuller, president of the Florida Wildlife Federation**

In Washington, the Obama administration has adopted what Interior Secretary Salazar called a "thoughtful and deliberate approach'' to reopening the gulf, with a new oversight agency and new safety measures — notably, one mandating that the industry develop deep-water containment systems for worst-case blowouts, like the one that destroyed the Deepwater Horizon.

In October, the White House lifted the drilling ban it imposed after the BP spill but didn't start issuing new permits until last month, approving 10 new deep water wells so far, with 15 more in process. The administration also agreed to open new territory for exploration by selling new leases — but only in the already heavily drilled central and western gulf.

The three bills approved by a House committee last week don't target Florida waters specifically but lawmakers potentially could use them as tools to carve out prime areas for drilling, or shrink or lift the moratorium.

For now, with the House and Senate controlled by different parties, it's doubtful any drilling bill can make it out of Congress. Nelson and most environmentalists believe the ban on Florida's federal waters can survive political pressure and maneuvering.

"President Obama would have to lose and Bill Nelson would have to lose and they'd have to be replaced by people who want to remove that boundary,'' said Fuller of the Florida Wildlife Federation. "I don't think that is going to happen.''

A more serious threat, they say, is the possibility of a future Florida Legislature opening up state-controlled waters. That move would make it politically difficult to justify a continuing federal ban.

A coalition of environmental groups, Save Our Seas, Beaches and Shores, launched a petition drive after the 2009 House vote to put a ban on drilling in state waters into the Florida Constitution. Former Gov. Charlie Crist's effort to do the same thing during a special legislative session in July proved dead on arrival.

So far, Fuller acknowledged, only a few thousand signatures have been gathered through an online site, far short of the nearly 700,000 needed. In February, Crist's former chief financial officer, Alex Sink, who lost the governor's race to Scott, agreed to co-chair the petition drive with the goal of getting an amendment proposal on the ballot by 2012 or, more realistically, the following year.

Fuller doesn't anticipate lawmakers trying to ram through a divisive drilling bill in the near future but "that is one reason why we want it in the Constitution. We don't want to see it as a possibility at all.''

#### Failure to pass fiscal cliff guarantee collapse of the economy and hegemony – causes Middle East war

Kay Bailey Hutchison (U.S. Senator from Texas) 9/21/2012 “A Looming Threat to National Security,” States News Service, Lexis

Despite warnings of the dire consequences, America is teetering at the edge of a fiscal cliff, with January 1st, 2013 as the tipping point. On that date, unless Congress and the White House can reach agreement on how to cut the federal deficit, all taxpayers will be hit with higher taxes and deep cuts - called "sequestration" - will occur in almost all government spending, disrupting our already weak economy and putting our national security at risk. According to the House Armed Services Committee, if sequestration goes into effect, it would put us on course for more than $1 trillion in defense cuts over the next 10 years. What would that mean? A huge hit to our military personnel and their families; devastating cuts in funding for critical military equipment and supplies for our soldiers; and a potentially catastrophic blow to our national defense and security capabilities in a time of increasing violence and danger. All Americans feel a debt of gratitude to our men and women who serve in uniform. But Texas in particular has a culture that not only reveres the commitment and sacrifice they make to protect our freedom, we send a disproportionate number of our sons and daughters to serve. The burden is not borne solely by those who continue to answer the call of duty, but by their families as well, as they endure separation and the anxiety of a loved one going off to war. These Americans have made tremendous sacrifices. They deserve better than to face threats to their financial security and increased risks to their loved ones in uniform, purely for political gamesmanship. Sequestration would also place an additional burden on our economy. In the industries that support national defense, as many as 1 million skilled workers could be laid off. With 43 straight months of unemployment above 8 percent, it is beyond comprehension to add a virtual army to the 23 million Americans who are already out of work or under-employed. Government and private economic forecasters warn that sequestration will push the country back into recession next year. The recent murder of our Ambassador to Libya and members of his staff, attacks on US embassies and consulates and continued riots across the Middle East and North Africa are stark reminders that great portions of the world remain volatile and hostile to the US. We have the mantle of responsibility that being the world's lone super-power brings. In the absence of U.S. military leadership, upheaval in the Middle East would be worse. As any student of history can attest, instability does not confine itself to national borders. Strife that starts in one country can spread like wildfire across a region. Sequestration's cuts would reduce an additional 100,000 airmen, Marines, sailors and soldiers. That would leave us with the smallest ground force since 1940, the smallest naval fleet since 1915 and the smallest tactical fighter force in the Air Force's history. With the destabilization in the Middle East and other areas tenuous, we would be left with a crippled military, a diminished stature internationally and a loss of technological research, development and advantage - just as actors across the globe are increasing their capabilities. Sequestration can still be avoided. But that will require leadership from the President that has thus far been missing. Congress and the White House must reach a long-term agreement to reduce $1 trillion annual budget deficits, without the harsh tax increases that could stall economic growth and punish working families.

#### Extinction

**Stirling 2011** – Governor & Lord Lieutenant of Canada, Lord High Admiral of Nova Scotia, & B.Sc. in Pol. Sc. & History; M.A. in European Studies (The Earl of Stirling, “General Middle East War Nears - Syrian events more dangerous than even nuclear nightmare in Japan”, http://europebusines.blogspot.com/2011/03/general-middle-east-war-nears-syrian.html)

Saddam Hussein's military had prepared what it called the "great equalizer", an arsenal of 25 Scud warheads carrying over 11,000lb of biological agents, including deadly botulism poison and anthrax germs (an additional 33,000lb of germ agents were placed in artillery shells and bombs). It was only after he was forced into denuding himself of his advanced weaponry that the neo-cons were able to begin the Second Gulf War commonly called the Iraq War. After Iraq, the Likud/neo-con war strategy calls for the neutralizing of Iran and Syria. The Iranians response, to this strategy, was to train and equip Hezbollah in Lebanon and to deepen their strategic alliance with Syria. During the 2006 Second Lebanon War, the Iranian trained and equipped Hezbollah forces repeated the efforts of Saddam during the First Gulf War. They delivered a very large number of rockets with “dumb” high explosive warheads on Israel. The Hezbollah Special Forces are in-effect a highly trained and well-equipped Iranian commando force of at least a Brigade in size. They man and protect a large number of mostly unguided and rather crude rockets, generally Katyusha 122mm artillery rockets with a 19 mile/30km range and capable of delivering approximately 66 pounds/30kg of warheads. Additionally, Hezbollah are known to possess a considerable number of more advanced and longer range guided missiles. During the 2006 war Hezbollah fired approximately 4,000 rockets (95% of which were Katyshas) all utilizing only "dumb" high explosive warheads. Some Iranian build and supplied Fajr-3 and Ra'ad 1 liquid-fueled missiles were also fired. At the time of the 2006 war Hezbollah was reported to have in the range of 13,000 rockets. There are creditable reports that this number has been rebuilt and expanded upon since the end of that war and that the number of rockets is now at least 50,000 and perhaps 60,000 or more. During the 2006 war the world watched as Israeli towns were hit time and time again by the Katyushas. What was not discussed by the main stream news media was the fact that the ordinance delivered by the Katyushas was mainly harassment fire with very limited effect. The Iranian/Syrian trained and supplied Hezhollah commandos were holding back their "heavy stuff" both in terms of their longer range guided missiles capable of hitting southern Israel and most importantly warheads of strategic military importance. That is NBC (nuclear [in this case radiological] chemical and biological) and advanced-conventional warheads. They were demonstrating their ability to deliver "ordinance on target" and their ability to survive a heavy Israeli ground and air combined arms attack. Hezbollah has the capability of loading truly strategic warheads on the large number of mostly crude older technology unguided rockets that it has. The use of advanced-conventional fuel-air explosive (FAE) warheads on the Katyushas would have had a much more profound effect in Israeli cities. The use of FAE submunitions on the larger missiles capable of hitting any target in Israel would have given Hezbollah the firepower of low-yield nuclear weapons without crossing the nuclear threshold. Coupled with the large number of missiles in Syria and those in Iran, the Hezbollah rockets posed, and continue to pose, a truly grave strategic threat to Israel if FAE warheads are used. This threat is dramatically increased if radiological ("dirty bombs"), chemical, and/or advanced biological warheads are used. The massive number of Hezbollah rockets could also be outfitted with chemical warheads. It is worth noting that the joint Syrian-Iranian chemical warfare R&D and production program is perhaps the largest and most complicated on earth. Generally the Israelis have shown themselves to be prepared for chemical warfare, however a chemical war attack following closely behind a FAE attack (to open up bunkers and apartment buildings) would have greater effect. While it is not necessary to utilize a rocket to deliver a biological war attack, it could be done and there is some benefit militarily to a rapid dispersal of biowar agents under the cover of conventional attacks. Radiological weapons deliver the long term (which can be hundreds of thousands of years) lethal effects of radiation without the blast effect of a nuclear bomb. The combined military strategic capability of NBC/Advanced Conventional warheads and very large numbers of rockets operated and protected by Hezbollah, coupled with the arsenal of Syria and Iran (and Hamas) acts as a MAD (mutually assured destruction) between Israel and Iran/Syria. Yes the Israelis can nuke the hell out of both Iran and Syria; however, they possess a fatal return punch. Only a madman would consider starting a war in a MAD environment. The response from the Israeli and neo-con hardliners to the new MAD strategic environment has been frightening. Instead of recognizing the danger to Israel and to the entire world from the Iranian/Syrian “checkmate” on the aggressive Israeli/neo-con strategy, and making major changes to their strategy, they are attempting to “tough it out”. The issue of “danger from the Iranian nuclear program” is a smokescreen to facilitate the coming war on Iran and her allies (Syria, Hezbollah, and Hamas) and to continue with the next stage of the neo-con strategy. The response from the hardliners is more war and damn their WMD (weapons of mass destruction). This is most unwise and most dangerous to the entire world. When the USSR was falling apart, and in the aftermath of the USSR breakup, Iran spend a lot of money to hire some of the best Soviet biological war experts. The advanced biowar weapons that Iran has developed gives Iran a Global Strategic Weapon of Mass Destruction that can unleash levels of death among the populations of the major neo-con nations (USA, UK, France, German, Italy, etc.) very similar to that from a global strategic nuclear strike. This means that Iran and her allies have a MAD with America, Canada, the United Kingdom, France, German, Italy, etc. Most people think of biological warfare as anthrax and smallpox; they do not understand that there has been a major shift in technology. The difference between the old biowar (that most people think of) and advanced biowar (with its recombination DNA designer super killer viruses) is like the difference between an old Model T Ford and a 2011 Rolls Royce Phantom. Both are cars, or biological weapons, but there is a difference of several orders of magnitude. Regardless of how a war against Iran breaks out, it is likely to very quickly escalate to the usage of WMD. There has been talk among USAF war planners of a 1,200 (some say 2,000 to 3,000 or more) target attack on Iran’s nuclear, industrial, military, political and religious infrastructure. If a foreign enemy were to bomb 1,200 or more targets in the United States what would be the response of the American government and it’s military? Actually the answer to this question is well known. The stated doctrine of the United States of America is to rain hundreds of hydrogen bombs (WMD) on the territory and people of such an aggressor; this has been our policy for approximately 60 years. Why do we presuppose that the Iranians would not do the same? If Iran is hit by either an Israeli and/or an American air attack, it is certain that Iran will respond. This response, even if is non-WMD at first, will certainly result in more escalation and counter-escalation. The chances of a regional Middle East war between Iran/Syria/Hezbollah/Hamas and Israel/USA not becoming a nuclear and advanced biological war nightmare are very low. In fact, since both sides know this, there is a strong military incentive to move to all out usage of WMD when the first bombs begin to fall (in order to utilize more of one’s weaponry before its destruction). This could include Iranian/Syrian fire-on-warning system using a fiber-optic CCC link between all the launch bunkers in Lebanon, Syria, Iran, and Palestine to co-ordinate fire a truly massive barrage of rockets and guided missiles, with WMD warheads, upon Israel within the first five-minutes of a launch warning. A similar fire-on-warning system for Israel, only involving nuclear-armed IRBMs, and submarine launched cruise missiles (SLCMs), and rapid launch of aircraft carried air-launched cruise missiles (ALCMs). could also launch within five minutes of warning. This is the "hair-triggering" of WMD in the single most dangerous place on the planet Earth. The end result will be a brief battle of unbelievable intensity that will leave half or more of all Israelis dead and large parts of the Israeli nation poisoned for hundreds of thousands of years by radiological warheads. Syria, Iran, and large parts of Lebanon and Palestine will cease to exists and will be little more than a green radioactive debris field poisonous to all forms of life higher than a cockroach for hundreds of thousands of years (longer than modern man has existed). The Iranian oilfields and most likely the oilfields of a large part of Saudi Arabia, Kuwait, and other areas of the Middle East are also apt to be so poisoned by Iranian radiological warheads or Israeli/American nuclear fallout, that production will effectively cease. The destruction of the Middle Eastern oilfields and the blocking of the Gulf will cause the world to suffer its most complete economic collapse in history. All of this will take less than one week from the beginning of the General Middle East War. At about two weeks, after the beginning of the war on Iran, emergency rooms and doctors offices will begin to see a sudden spike in a number of new diseases with numerous very ill people being admitted to hospitals in North America, and Western Europe and what is left of Israel. By that time the Iranian and Syrian states will have effectively ceased to exist with insufficient manpower and organization to even bury their dead. The many new genetically engineered viruses causing the strange diseases showing up will have been spread by sleeper agents supplied with a number of new viruses and distributed in public places (movie theaters, shopping malls, churches, etc.) quietly without anyone knowing. Humans themselves will become the vectors of the diseases/biowar agents. Although the Bush/Obama Administrations have spent well over $40 billion on biowar defense in the last few years, there is little that can realistically be done against a global strategic advanced biowar attack. The tactic of necessity will be to lock down everyone, with only key persons being allowed to leave their homes, in order to let the multiple genetically engineered diseases burn themselves out (a nice way of saying letting everyone who has the illnesses die off). Expect to see sub dermal RFID chips implanted under the skin of the population left in the major neo-con states to “prove your disease free status” and necessary to buy, sell, or work. Expect to see military checkpoints everywhere and total control by the neo-con national governments over all aspects of life. Expect to see concentration camps for persons suspected of disloyalty to the state (this will include many viewers of sites like this one). Expect to see levels of death, fear, repression that are almost incomprehensible. Expect to see the various biological warfare diseases spread throughout the world, even with a total shutdown of international travel. Many many millions will die in Russia and China. Expect to see those national governments not controlled by the neo-con masters to go ape shit when their populations face the nightmare of advanced biowar. Expect the regional war in the Middle East to trigger an all out global battle utilizing all forms of weapons of mass destruction within a few weeks to a few months of the initial attacks on Iran. Before we allow hardliners in Israel take us into yet another war, we need to take a very hard and realistic look at just what a war involving MAD on all sides would mean to Israel, to Europe, to North America and the entire world. The strategy of using war to effect change in the Middle East is no longer realistic, as we are in a mutually assured destruction (MAD) environment. It is also imperative, that the United States and Israel stop insisting on maintaining the Mubarak regime (perhaps minus Mubarak himself). With each passing day, week and month that the people of Egypt are prevented from successful revolution, the forces of the Muslim Brotherhood will grow. While not all in the Muslim Brotherhood are extremist, the danger is that a radicalized Egyptian population and a future government will not continue to support regional peace with Israel and that itself will dramatically raise regional danger levels. It is imperative, given the highly lethal nature of 21st Century warfare, that we stop the drive to war against Iran and stop the neocon strategy of using military force to reshape the Middle East. We (the Human Race) simply cannot survive the global use of Advanced Biological Warfare**.**

### QER 1NC

#### The United States federal government ought to establish a Quadrennial Energy Review. In the Quadrennial Energy Review, the United States federal government ought to include a recommendation to significantly reduce access restrictions on federal lands in the Outer Continental Shelf for conventional gas production in the United States.

#### Recommending plan mandates through a QER process solves—only the CP creates policy sustainability and private sector coordination that unlocks energy innovation

Moniz 12

Ernest Moniz, Cecil and Ida Green Professor of Physics and Engineering Systems and Director of the Energy Initiative at the Massachusetts Institute of Technology; Former Clinton Administration Under Secretary of the Department of Energy and as Associate Director for Science in the Office of Science and Technology Policy ; serves on the President’s Council of Advisors on Science and Technology, Spring 2012, Stimulating Energy Technology Innovation, Daedalus, Vol. 141, No. 2, Pages 81-93

It should come as no surprise that I do not have the answers for how the government should intersect the latter stages of the innovation process in a general sense. However, PCAST recommended a pragmatic approach to an integrated federal energy policy that would employ all the tools available to the government in a coherent way. Termed **the** Quadrennial Energy Review (**QER**), the process is necessarily complex, but **history suggests** that **anything short of a full multiagency effort is unlikely to provide a robust plan that accounts for the many threads of an energy policy**. Furthermore, a degree of analysis is required that has not been present in previous efforts.

Energy policy is derivative of many policies: environment, technology and competitiveness, diplomacy and security, natural resources, and land and food, among many others. Indeed, multiple agencies that are not labeled “energy” have major equities and long-held perspectives on key elements of energy policy. Often, the preferred policies for different agencies’ agendas conflict. Further, states and local governments play a strong role, for example with building codes, and their approaches can vary dramatically in different parts of the country; certainly, California’s energy policies have influenced the national market. The tools available to support innovation are also diverse, ranging from direct support of RD&D to a variety of economic incentives, regulation, standards, and federal procurement, among other instruments. Congress is equally fragmented: in the House of Representatives and Senate, many committees beyond those tasked with energy policy have equities that mirror those of the different executive agencies. **To overcome this fragmentation** of responsibilities and perspectives, and **especially if the goal is a plan that has staying power in advancing adoption and diffusion, PCAST recommended a QER process** to provide a multiyear roadmap that:

• lays out an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

• outlines **legislative proposals** to Congress;

• puts forward anticipated Executive actions (programmatic, regulatory, fiscal, and so on) coordinated across multiple agencies;

• **identifies resource requirements** for the RD&D programs **and** for innovation **incentive programs**; and, most important,

• provides a strong analytical base.14

This is a tall order intellectually and organizationally. Several process elements are essential to fostering a chance for success. First, the Executive Office of the President (eop) must use its convening power to ensure effective cooperation among the myriad relevant agencies. However, the capacity to carry out such an exercise and to sustain it does not (and should not) reside in the eop. The doe is the logical home for a substantial Executive Secretariat supporting the eop interagency process that would present decision recommendations to the president. However, the scope of the analytical capability needed does not currently reside at the doe or any other agency. The doe needs to build this capability, presumably supplemented by contractor support to gather data, develop and run models, and carry out analysis, such as independent energy-system engineering and economic analysis. Market trends and prices would be part of the analysis, including international markets and robust analyses of uncertainty. The Energy Information Administration can help with some data gathering and models, but its independence from the policy function needs to be preserved. The national laboratories also lack this range of functions, and tasking them with providing the analytical support to the policy process would be regarded as a conflict of interest; their focus is best directed at research, invention, and technology transfer. Building this analysis capacity is a large job that will take time.

For the QER to succeed, the government must seek substantial input from many quarters in a transparent way; certainly, ongoing dialogue with Congress and the energy industry are essential. The good news is that members of Congress have supported the development of the QER as a way to present a coherent **starting point for congressional action across many committees.** A hope is that **Congress could then use the QER as a basis for** a four or five-year **authorization that would provide the private sector with the increased confidence needed to make sound clean energy investment decisions**.

Given the magnitude of the task, PCAST recommended in 2011 that the doe carry out a Quadrennial Technology Review (qtr)–a first step centered in a single department and focused on technology. The qtr resulted in a rebalancing of the R&D portfolio toward the oil dependence challenge through advanced vehicle development, particularly transportation electrification. The key now will be to extend the processes developed for the qtr to the multiagency QER, involving the eop in a leadership role. Taking the next steps in 2012 will maintain momentum and establish the capabilities needed for the QER by early 2015, the time frame recommended by PCAST.

While some may view 2015 as a frustratingly long time away, the alternative is to rely on wishes rather than analysis while failing to gain multiple perspectives in a fair and open manner. **Rushing the process will result in a poorly done job that will not accomplish** any of the **key** QER **goals**. Certainly, **it will not bring together succeeding administrations and Congresses around a** reasonably **shared vision** and set of objectives **that can accelerate innovation in service of national competitiveness and environmental and security goals. Continuing with fragmented** and economically inefficient **policies, technologies “du jour,” and frequent shifts will complicate private-sector decisions rather than facilitate innovation**. The government unavoidably plays a strong role in the innovation process, even when this is unacknowledged in policy and political debates. The issue now is to present both a set of principles and fact-based analyses supporting coordinated government-wide actions that earn decent buy-in from major stakeholders.

[Note: PCAST = President’s Council of Advisors on Science and Technology]

### 1nc cp

The fifty state governments should remove their environmental regulations and restrictions on fracking.

#### Solves restrictions – here’s 1ac ev

Plumer 12 (Brad, “How states are regulating fracking (in maps)”, 2012, http://www.washingtonpost.com/blogs/ezra-klein/wp/2012/07/16/how-states-are-regulating-fracking-in-maps/)

Armed with new drilling techniques, companies are spreading out across the United States, cracking open shale rock in search of vast new stores of natural gas. It’s not an exaggeration to say that hydraulic fracturing, or “fracking,” has revolutionized the U.S. energy industry. Cheap natural gas has become America’s top source for electricity, displacing coal and bringing back jobs to once-decaying states like Ohio.But the fracking boom has also led to plenty of environmental concerns. Local communities are worried that the chemicals used to pry open the shale rock can contaminate nearby drinking water supplies. (So far, there’s scant evidence this is happening in places like Pennsylvania, but the science is still in its infancy.) Excess gas is often vented off, producing air pollution. And the disposal of fracking wastewater underground appears to be linked to earthquakes in places like Ohio. Confronted with these worries, states have responded with a patchwork of different regulations. But there’s a lot of variation between different states. And here’s a good way to track what’s going on: A helpful series of new maps, put together by Resources for the Future (RFF), gives an overview of how 31 states with significant shale gas reserves are treating different aspects of fracking. Here, for instance, is a look at which states require companies to disclose the chemicals they use in drilling. (Fracking is exempt from federal disclosure rules under the Safe Water Drinking Act.) Some states, like Pennsylvania — which sits above the gas-rich Marcellus shale formation — now require a full disclosure of chemicals. By contrast, Kansas, which is just beginning to see widespread fracking activity, is further behind: Meanwhile, the map below details how different states treat the “venting” or release of excess gas into the air. Just 22 of the 31 gas states have restrictions on this process, which can release both heat-trapping methane into the atmosphere as well as “volatile organic compounds” such as benzene that can produce smog and trigger health problems. Some states ban this practice entirely; others restrict it to emergencies or require that operators not harm public health: There are many more maps on RFF’s Web site, which is worth poking around on. In an introductory essay, RFF’s Nathan Richardson notes that these maps still provide just a partial picture — the details of laws matter, and more importantly, different states may enforce their rules with different levels of vigor. But it’s an invaluable resource all the same. The regulation of fracking has become a low-level campaign issue, as well. The Obama administration is gradually putting forward federal regulations. The Department of Interior is drafting rules for fracking on publicly-owned lands (where about 38 percent of the country’s gas reserves sit, according to the American Petroleum Institute). The Environmental Protection Agency, meanwhile, is slowly getting in on regulation and has proposed rules that will require all producers to phase out venting by 2015 and capture their waste methane instead. Mitt Romney, by contrast, has criticized the federal approach. In his “Believe in America” economic plan (pdf), he warns that the EPA should not “pursue overly aggressive interventions designed to discourage fracking altogether.” By contrast, Romney praises states for having “carefully and effectively regulated the process for decades.” Indeed, many Republicans believe that fracking regulations should be mainly left to the states, which can issue rules more speedily and can tailor regulations to the specific needs of their communities. Environmentalists, by contrast, worry that this will create a race to the bottom whereby states pare back their rules — or enforce them weakly — in order to compete for business. Both sides agree that addressing the public health and environmental aspects of fracking isn’t costless. The International Energy Agency recently estimated that addressing all of the various concerns could boost the price of natural gas by roughly 7 percent. Yet the IEA also warned that if these rules weren’t adopted, public outcry and protests could stop the shale gas boom altogether. Anti-fracking protests like those in New York state could become the norm. And that, the IEA notes, could prove even more costly to the gas industry

#### States control key restrictions and information on fracking

McDonnell 8/1/12 (Tim, Climate Desk, The Atlantic, “Maps: The States Where Fracking Can Happen in Secret,” [http://www.theatlantic.com/technology/archive/2012/08/maps-the-states-where-fracking-can-happen-in-secret/260599/#](http://www.theatlantic.com/technology/archive/2012/08/maps-the-states-where-fracking-can-happen-in-secret/260599/), TGA)

A new analysis by the Natural Resources Defense Council shows that the majority of states where fracking occurs have no disclosure laws at all, and that those that do are woefully behind when it comes to revealing behind-the-scenes details of their operations. While the Obama administration has put some new rules in place, many decisions about what drillers are allowed to hide are left to the states; Interior Secretary Ken Salazar complained to Reuters that state-level regulation is "not good enough for me, because states are at very different levels, some have zero, some have decent rules." That's a problem, study author Amy Mall said, because unlike coal plants and other large-scale energy operations, fracked natural gas wells are often in close proximity to houses, schools, or other high-traffic areas. At stake is a trove of information: exact ingredients of the chemical cocktail used to frack a particular site, when and where drillers plan to frack, how toxic wastewater is to be dealt with, and many more basic details, all of which could be useful to local politicians and residents concerned about health impacts, groundwater and air pollution, and seismic activity associated with fracking.

### 1nc da

#### Russian influence over the EU is stabilizing – and key to solve organized crime, prolif and terrorism

**Rykhtik, 12** – Nizhny Novgorod State University, Nizhny Novgorod , Russia. (Mikhail, Responding to a Resurgent Russia, ed: Aggarwal and Govella, p. 28)

Russia sees the European Union as one of its key political and economic partners and will seek to promote intensive, sustained and long-term cooperation with it. So far, dialogue between the EU and Russia has been asymmetric on most issues, including the identification of priority areas for cooperation. The European Union has long been Russia’s main foreign trading partner. EU countries are the major creditors of and investors in the Russian Federation. EU countries account for 40% of all international air passenger traffic into and out of Russia. The same holds true for communications: 61% of Russia’s international telephone traffic is with the EU (Ryzhov 2002 :14–15). These and many other facts show that throughout the past decade the whole of Europe has witnessed a process of cultural, economic, and political integration and that this process has included Russia as well. And most significantly, there are signs that the EU is ready to economize its relations with Russia. There is an understanding among Russian experts and current leaders that Russia’s integration into the main European institutions will benefit everyone (Barysch et al. 2008 ) . Without an active Russian role, it would be difficult to achieve stability and security on the European landscape. Russia plays a crucial role in equipping Europe with energy, and Russia–EU scientific cooperation also has immense potential. In addition, subregional cooperation between the EU and Russia may strengthen Russia’s position, since Russia is interested in more favorable visa regimes. Russia is a key player in the Eurasian community and is eager to cooperate as long as there is no danger of interference in Russian domestic affairs.

Russia’s main strategic goal today is to preserve its national, economic, and cultural identity, while maintaining a strategic partnership with Europe. Medvedev has shown that he is interested in building relationships between Russia and the EU. The EU is obviously uncomfortable with its dependence on Russian resources and would like to switch to oil and gas supplies from other regions, including Central Asia and North Africa, or develop alternative sources of energy. But it is in the medium-term interests of both Russia and the EU to preserve the current status quo in their relationship.

The overriding question of Russian integration into the reformed security structures of Europe also needs to be resolved in a positive way. Russia is a more interesting partner for the West today, taking into account their shared security agenda of dealing with international terrorism, organized crime, illegal drug trafficking, nonproliferation, conventional arms reductions, illegal migration, and other matters. Current conditions are ripe for a new round of consultations and negotiations on a new European Security Agreement (Helsinki 2). 13 It is obvious that we are dealing with a new type of relations between Brussels and Moscow. The idea of a Helsinki 2 or Helsinki-Plus treaty has found some support in the West (Lo 2009 ) . Some experts have agreed that the 1975 Helsinki Final Act should be changed to reflect post-Cold War realities. 14 What is not welcomed by the West is Medvedev’s emphasis on hard security, which is a reflection of the realist approach which is still popular in Russia. But the new elements of Medvedev’s initiatives prompt some optimism.

#### Increasing transnational crime risks democratic and economic collapse and WMD use

**Dobriansky, 1 -** Under Secretary for Global Affairs at the State Department (Paula, “The Explosive Growth of Globalized Crime,”http://www.iwar.org.uk/ecoespionage/resources/transnational-crime/gj01.htm

Certain types of international crime -- terrorism, human trafficking, drug trafficking, and contraband smuggling -- involve serious violence and physical harm. Other forms -- fraud, extortion, money laundering, bribery, economic espionage, intellectual property theft, and counterfeiting -- don't require guns to cause major damage. Moreover, the spread of information technology has created new categories of cybercrime.

For the United States, international crime poses threats on three broad, interrelated fronts. First, the impact is felt directly on the streets of American communities. Hundreds of thousands of individuals enter the U.S. illegally each year, and smuggling of drugs, firearms, stolen cars, child pornography, and other contraband occurs on a wide scale across our borders.

Second, the expansion of American business worldwide has opened new opportunities for foreign-based criminals. When an American enterprise abroad is victimized, the consequences may include the loss of profits, productivity, and jobs for Americans at home.

Third, international criminals engage in a variety of activities that pose a grave threat to the national security of the United States and the stability and values of the entire world community. Examples include the acquisition of weapons of mass destruction, trade in banned or dangerous substances, and trafficking in women and children. Corruption and the enormous flow of unregulated, crime-generated profits are serious threats to the stability of democratic institutions and free market economies around the world.

#### EU dominance is vital to Russian gas exports – key to the Russian economy and perceived as a life or death national interest

**Weitz, 11** - senior fellow at the Hudson Institute and a World Politics Review senior editor (Richard, “Can We Manage a Declining Russia?” November, http://www.aei.org/files/2011/12/08/-can-we-manage-a-declining-russia\_152701899417.pdf)

Europe is an unavoidable partner. The European market consumes 90% of Russia's total gas exports and 60% of its crude oil, which make up only 25 and 15% of Europe's total demand, respectively. Russia presently does not have any viable alternative markets remotely equal in size to Europe. Dependence is a two-Way phenomenon. "40% of Russian public money” comes from the sale of oil and gas to Europe, and at least 75% of Russian export revenues are linked to the EU's energy market in general. Without any extant alternative markets to exploit in the near-term, Moscow requires European gas revenues to preserve its own financial solubility.

Energy overshadows other concerns. Paillard believes that while the energy trade has, in the past, been "part of a game of blackmail, lies and fear" between Europe and Russia, its new status as a "question of life or death for Russian revitalization" and its importance to Europe's economic growth mean that neither side can afford to use gas supplies as leverage in other international concerns. In Paillard's estimation, Brussels and Moscow both regard issues such as human rights or the Chechen conflict as not being worth risking the energy trade over. Therefore, Russian and the European Union are inextricably bound to one another by their mutual dependence on the energy trade. Russia cannot absorb the financial consequences of interrupting the EU revenue stream, while the European Union cannot do without Russian gas supplies. Europe has few alternative suppliers, and cannot develop alternative energy sources in the near term. Russia, meanwhile, is unlikely to be able to diversify its economy or target new markets any better than it has in the past.

#### Willful disregard for core Russian interests turns Russia into a hostile challenger of the US

**Allison and Blackwill, 11** – \* director of the Belfer Center for Science and International Affairs at Harvard’s Kennedy School AND \*\* Henry A. Kissinger senior fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert, “Russia and U.S. National Interests Why Should Americans Care?”, Task Force on Russia and U.S. National Interests Report, October, http://belfercenter.ksg.harvard.edu/files/Russia-and-US-NI\_final-web.pdf)

Americans often tend to focus on either Russia’s strengths or its weaknesses without seeking an integrated understanding of the real Russia. This is problematic, because it leads to dangerous assumptions about Russia’s motives and conduct. For example, those who focus on Moscow’s strengths frequently see an assertive and dangerous rival without recognizing Russia’s profound insecurity. Conversely, those who concentrate on Russia’s shortcomings see a defeated power ill-prepared to resist American pressure or preferences. While these descriptions are clearly caricatures, views like those described above can produce damaging misjudgments.

Russia is grappling with the contradictions between imperial nostalgia, on the one hand, and the dramatic decline in its power after the Soviet collapse, on the other. The Russian government’s failure to present a credible plan to reverse Russia’s decline or to develop a successful foreign policy strategy that strengthens the country’s international role makes this only more difficult and contributes to a sense of insecurity. Nevertheless, the United States has the opportunity to manage its relations with an evolving Russia in a manner that advances America’s vital national interests. The stakes are high. Russia is more than sufficiently powerful to create a host of costly—and even devastating—problems for the United States if Russian leaders believe that Washington has a hostile, or casual, disregard for Russian national interests and priorities. This is true even though most in Russia’s elite recognize that today’s Russia is not sufficiently strong to challenge American global leadership without the support of other major powers.

#### This causes war and will escalate globally

**Weitz, 11** - senior fellow at the Hudson Institute and a World Politics Review senior editor (Richard, “Can We Manage a Declining Russia?” November, http://www.aei.org/files/2011/12/08/-can-we-manage-a-declining-russia\_152701899417.pdf)

Conversely, a Russia relatively weaker to the United States would have less capability to challenge the United States but can provide less assistance for realizing common U.S.-Russian goals. A weaker Russia may also find it harder to control its WMD assets and become vulnerable to external predators not friendly to the United States (e. g.. China and Iran). But in all probability Russia will still have sufficiently strong nuclear forces to ward off external threats. Most worrisome, a Russian leadership that perceived Russia on a slope toward protracted decline might feel compelled to take drastic measures, internally and externally, to reverse its descent. The German Empire, Imperial Japan, and other great powers in the 20th century attempted to reverse their feared decline in ways that helped precipitate disastrous global wars.

#### It also turns their entire advantage – Russian obstructionism prevents every other US foreign policy objective

**Allison and Blackwill, 10/30**/11 – \* director of the Belfer Center for Science and International Affairs at Harvard’s Kennedy School AND \*\* Henry A. Kissinger senior fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert, “10 reasons why Russia still matters,” Politico, http://www.politico.com/news/stories/1011/67178.html

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin’s decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies.

No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons.

Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow.

First, Russia remains the only nation that can erase the United States from the map in 30 minutes. As every president since John F. Kennedy has recognized, Russia’s cooperation is critical to averting nuclear war.

Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose.

Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success.

Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups.

Fifth, Russia provides a vital supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries.

Sixth, Russia is the world’s largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia’s impact at our gas pumps.

Seventh, Moscow is an important player in today’s international system. It is no accident that Russia is one of the five veto-wielding, permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. A Moscow more closely aligned with U.S. goals would be significant in the balance of power to shape an environment in which China can emerge as a global power without overturning the existing order.

Eighth, Russia is the largest country on Earth by land area, abutting China on the East, Poland in the West and the United States across the Arctic. This territory provides transit corridors for supplies to global markets whose stability is vital to the U.S. economy.

Ninth, Russia’s brainpower is reflected in the fact that it has won more Nobel Prizes for science than all of Asia, places first in most math competitions and dominates the world chess masters list. The only way U.S. astronauts can now travel to and from the International Space Station is to hitch a ride on Russian rockets. The co-founder of the most advanced digital company in the world, Google, is Russian-born Sergei Brin.

Tenth, Russia’s potential as a spoiler is difficult to exaggerate. Consider what a Russian president intent on frustrating U.S. international objectives could do — from stopping the supply flow to Afghanistan to selling S-300 air defense missiles to Tehran to joining China in preventing U.N. Security Council resolutions.

So next time you hear a policymaker dismissing Russia with rhetoric about “who cares?” ask them to identify nations that matter more to U.S. success, or failure, in advancing our national interests.

#### Russian economic collapse causes nuclear war

Filger 9 – Sheldon Filger, columnist and founder of GlobalEconomicCrisis.com, May 10, 2009, “Russian Economy Faces Disastrous Free Fall Contraction,” online: http://www.huffingtonpost.com/sheldon-filger/russian-economy-faces-dis\_b\_201147.html

The Medvedev/Putin regime has initiated a host of policy responses to mitigate the impact of the Global Economic Crisis on the nation's fragile economy. Time will determine their long-term effectiveness; however, in the short-term some measures have proven more efficacious than others. A major goal of Moscow's economic technocrats has been to stabilize the country's banking system, and for the time being a degree of success has been achieved through government provision of liquidity to financial institutions. However, this complex geopolitical space that is Russia is now facing a vast array of complex challenges that other members of the G8 are spared, despite the destructive impact of the global synchronized recession facing all major industrialized countries.

In Russia, historically, economic health and political stability are intertwined to a degree that is rarely encountered in other major industrialized economies. It was the economic stagnation of the former Soviet Union that led to its political downfall. Similarly, Medvedev and Putin, both intimately acquainted with their nation's history, are unquestionably alarmed at the prospect that Russia's economic crisis will endanger the nation's political stability, achieved at great cost after years of chaos following the demise of the Soviet Union. Already, strikes and protests are occurring among rank and file workers facing unemployment or non-payment of their salaries. Recent polling demonstrates that the once supreme popularity ratings of Putin and Medvedev are eroding rapidly. Beyond the political elites are the financial oligarchs, who have been forced to deleverage, even unloading their yachts and executive jets in a desperate attempt to raise cash.

Should the Russian economy deteriorate to the point where economic collapse is not out of the question, the impact will go far beyond the obvious accelerant such an outcome would be for the Global Economic Crisis. There is a geopolitical dimension that is even more relevant then the economic context. Despite its economic vulnerabilities and perceived decline from superpower status, Russia remains one of only two nations on earth with a nuclear arsenal of sufficient scope and capability to destroy the world as we know it. For that reason, it is not only President Medvedev and Prime Minister Putin who will be lying awake at nights over the prospect that a national economic crisis can transform itself into a virulent and destabilizing social and political upheaval. It just may be possible that U.S. President Barack Obama's national security team has already briefed him about the consequences of a major economic meltdown in Russia for the peace of the world. After all, the most recent national intelligence estimates put out by the U.S. intelligence community have already concluded that the Global Economic Crisis represents the greatest national security threat to the United States, due to its facilitating political instability in the world.

During the years Boris Yeltsin ruled Russia, security forces responsible for guarding the nation's nuclear arsenal went without pay for months at a time, leading to fears that desperate personnel would illicitly sell nuclear weapons to terrorist organizations. If the current economic crisis in Russia were to deteriorate much further, how secure would the Russian nuclear arsenal remain? It may be that the financial impact of the Global Economic Crisis is its least dangerous consequence.

### 1nc Energy Revolution

#### Squo solves and restrictions irrelevant- prices too low to incentivize drilling

**Harder, 12** -- National Journal energy correspondent

(Amy, "The Price Isn't Right," National Journal Daily AM, 1-31-12, General OneFile)

For the United States to really capitalize on all the natural gas President Obama is boasting about, the price of it has to go up so that companies have an incentive to drill. Calling for high energy prices doesn't make political sense. But Obama is implicitly trying to do that by pushing incentives for natural-gas-powered trucks and cars that could boost demand for the energy source--and therefore prices. Obama traveled to the battleground states of Nevada and Colorado last week to tout such a proposal in the wake of his State of the Union address. Legislation incentivizing natural-gas-powered trucks is politically popular and has Republican support in Congress. Such a measure would have the potential to create jobs, bolster energy independence--and raise natural-gas prices. The administration is quietly taking two other politically controversial steps that could also boost natural-gas demand: implementing environmental regulations that are prompting utilities to shift from coal to the relatively cleaner-burning natural gas, and processing applications from companies to export natural gas. With the nation's natural-gas prices under $3 per million British thermal units (a worldwide low, and down from nearly $14 per million Btu in 2008), oil and gas companies are shifting investments from America's recently discovered vast shale gas reserves to resources that fetch higher prices--such as oil. Energy analysts say that this trend will continue for at least the next few years until prices reach a level where it becomes more profitable to produce gas. "There are a lot of benefits to our economy to having a relatively low price of natural gas," said Senate Energy and Natural Resources Chairman Jeff Bingaman , D-N.M. "We have the reverse circumstance right now that natural-gas producers are shutting wells because of the very low price of natural gas."

#### Prices will stay low – no spikes

Lior Cohen (MA graduate in Economics, worked for several years in a variety of economic related positions) August 20, 2012 “Will Natural Gas Fall Below $2.50?” http://seekingalpha.com/article/817181-will-natural-gas-fall-below-2-50

Last week, natural gas prices continued their downward trend. The prices of natural gas declined despite the low injection to storage and the continuous hotter-than-normal weather. Will prices continue to fall in the following weeks? Let's examine the recent developments in natural gas markets to try and answer this question. During the past week, the price of Henry Hub (spot) declined by 4.6%, the future price (short-term delivery) also decreased by 1.8%, and United States Natural Gas (UNG) price decreased by 1.6%. The recent fall of natural gas prices may have also contributed to the recent decline of natural gas and oil producer stocks such as Exxon Mobil (XOM). The chart blow shows the rise and fall of the Henry Hub spot and future (short-term delivery) prices during recent weeks. Supply From the supply side, the gross natural gas production rose by 0.2% during last week; it was 2.4% above the production level in 2011. Imports from Canada, on the other hand, decreased by 4.4% (week over week), and the imports were also 5.6% below the imports recorded during the same week in 2011. The total U.S. natural gas supply declined on a weekly scale by 0.4%. Finally, the natural gas rotary rig count decreased by three and settled at 495 rigs. Therefore, the NG supply contracted again during last week. Storage Natural gas injection to the underground natural gas storage was only 20 Bcf, which was much lower to the injection during the parallel week in 2011 -- it was back then 50 Bcf. Furthermore, the injection was also 20 Bcf lower than the five-year average injection. The current storage is at 3,261 Bcf for all lower 48 states, which is still nearly 12.5% above the five-year average. The difference between the current storage levels and five-year average storage continues to contract; at the current rate the difference could nullify, based on my rough estimate, around October 2012. The table below shows my crude estimate based on the gaps between recent injections and five-year injections. Demand According to the EIA, during last week the average U.S. NG consumption declined 2.7%. The power sector led the fall with a 6.8% drop (week over week). Alternatively, many other sectors' demand, such as residential/commercial sectors, increased during last week. The total demand for NG decreased by 2.4% compared with the previous week's levels; it was 4.2% above the demand during the parallel week in 2011. Both the natural gas supply and demand moderately declined during last week, and it seems that the supply declined by a lower pace than the demand. Thus, the natural gas market has loosened a bit compared to its condition a week earlier. Warmer Than Normal Weather Subsides The weather remains warmer than normal, but was less hot than in July. According the EIA, July was the third hottest month on record. This extreme heat increased the demand for natural gas consumption in the power sector -- there was a rise in air conditioning usage. But since then the heat has subsided and is expected to continue in the weeks to follow. During the past week, the U.S. temperatures (on a national level) were higher by 3.1 degrees than the 30-year normal temperature and only 0.4 degrees warmer than the same week in 2011. Seasonality Natural gas prices tend to decrease during August: The Henry Hub spot price declined by 8.9% during August 2011, by nearly 16.6% during August 2010, by 39.1% during August 2009, and by 17.7% during August 2009. Up until now, this strong seasonality effect seemed to take place this year as well. This downward trend could continue in the following weeks. So what does it mean for the natural gas market? Based on the recent developments in the natural gas demand and supply, it seems the natural gas market has loosened. The demand for natural declined by a higher rate than the supply did; the weather cooled down a bit and contributed to the decline in demand. The seasonality effect along with the expectations of another drop in temperatures could suggest the pressures from the demand side will subside further. This may result in another decrease in natural gas prices in the next couple of weeks. On the other hand, the decline in supply is likely to keep natural gas from tumbling down. The natural gas rig count continues to fall, as the injections are still well below last year and the five-year average injections. The bottom line is that natural gas will likely continue to dwindle -- but not by much -- as the weather cools down and the demand for natural gas falls.

#### Long-term trends show gas production will increase 7-fold – newest studies and it accounts for regulations

**Kelly-Detwiler, 11/7**/12 – writes about energy technologies and policies for Forbes (Peter, “In Obama's Second Term, Shale Gas Production Not Likely to Slow Down” Forbes, <http://www.forbes.com/sites/peterdetwiler/2012/11/07/in-obamas-second-term-shale-gas-production-not-likely-to-slow-down/>)

Now that the election numbers are in, it’s time to take a brief look at a key element of both the Romney and Obama energy platforms: increased domestic natural gas production. It is generally expected that the Obama administration will continue to push for more oversight and regulation of shale fracking. The April 2012 EPA decision to reduce air emissions from fracking could well be followed by an effort to end exemptions from certain elements of the Safe Drinking Water Act. In the case of the EPA air emissions oversight, the rules were relaxed somewhat, and industry was given two years to bring activities into compliance. In the case of water regulation, the conversation may well continue to drag along slowly for some time to come. In the end, there is only so much regulation that is likely to occur at the national level. The 2005 Energy Policy Act essentially gave most regulatory responsibility to individual states, and it will probably remain there.

Regardless of the final regulatory outcome, gas production is likely to soar, especially as gas use grows in transportation, industry, and electric generation. And don’t forget the significant potential for LNG exports, as numerous license requests have already been tendered. The Marcellus area, and Pennsylvania in particular, should continue to see rapid growth. A new study from ASDReports announced today suggests that production could increase more than seven-fold from 2011 levels, from just over 1,000 billion cubic feet equivalent (bcfe) in 2011 to almost 5,000 bcfe in 2015, before finally leveling off at over 7,600 bcfe in 2020.

Just in the eastern US, the shale gas reserves are enormous. The US Geological Survey has pegged Marcellus at an estimated recoverable total of 84 trillion cubic feet (TCF). In October, it released its first estimates for the neighboring (in Ohio) or underlying (in Pennsylvania and New York) Utica shales of 38 TCF, plus 940 million barrels of unconventional oil resources and 208 million barrels of unconventional liquids. The current dominant players, such as Chesapeake, Range Resources, Talisman Energy, and Cabot Oil and Gas have locked up a good deal of the acreage, but they may be joined by others. The drilling will continue, and the conversation will go on as to how to produce domestic shale gas in the most efficiently, clean, and safe manner. The stuff is there, and it’s not going away.

#### Alt cause- infrastructure

**Hertzog, 10-1** -- Energy Collective consultant

(Christine, "Natural Gas – Is It Stunting Innovative Thinking?" Energy Collective, 10-1-12, theenergycollective.com/christine-hertzog/119036/natural-gas-it-stunting-innovative-thinking)

Let’s admit it, infrastructure is a boring word. There’s nothing sexy about it. It implies disruptions to our lives as we deal with delays and detours for construction and repair projects. Yet it is absolutely necessary, and infrastructure is what needs to be upgraded in our water, gas, and electric grids.

My previous articles discussed investments that are ongoing or needed in the electrical grid to modernize generation, transmission, distribution, and consumption. However, the same issues exist for gas and water too. In some aspects, the needs are even more striking. But how we build our infrastructure and what we build for our infrastructure also says a great deal about how innovative is our thinking. And unfortunately, right now that thinking is “like for like”, and merely replicates existing energy models with known weaknesses in reliability and resiliency instead of building infrastructure based on new models.

Natural gas is seen by some in the energy business as a panacea to all energy concerns. It’s domestic. It’s cleaner than coal. However, it requires significant infrastructure investments. No matter how much innovation you put into the extraction technologies for fossil fuels (which by the way had HUGE federal government assistance), the supply chains still require buildouts of pipelines to transport it to refineries and on to points of consumption. We simply don’t have sufficient pipeline capacity to transport it to all the places that want it in the USA. It’s an infrastructure play that has a number of challenges.

The natural gas that is extracted must be processed, just like oil must be refined, or electricity must be generated. These industrial operations expend lots of energy in processing gas into what is considered pure gas for end use consumption. The transport of processed natural gas in pipelines requires more energy to compress it and move it in pipelines, and compressor stations, like electricity substations, are placed along major transmission corridors to boost pressure. This map shows the interstate natural gas pipelines that transmit highly compressed natural gas. Pipelines have physical constraints – there is only so much space available for gas, and they require electricity to compress the gas in the pipelines. Therefore, when there is a significant electricity outage in a region, it can also impact the transmission and distribution of natural gas.

#### 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.

#### Heg doesn’t solve war

Montiero, 12 - Assistant Professor of Political Science at Yale University (Nuno, “Unrest Assured: Why Unipolarity is Not Peaceful” International Security, Winter, http://www.mitpressjournals.org/doi/pdf/10.1162/ISEC\_a\_00064)

In contrast, the question of unipolar peacefulness has received virtually no attention. Although the past decade has witnessed a resurgence of security studies, with much scholarship on such conflict-generating issues as terrorism, preventive war, military occupation, insurgency, and nuclear proliferation, no one has systematically connected any of them to unipolarity. This silence is unjustified. The first two decades of the unipolar era have been anything but peaceful. U.S. forces have been deployed in four interstate wars: Kuwait in 1991, Kosovo in 1999, Afghanistan from 2001 to the present, and Iraq between 2003 and 2010. 22 In all, the United States has been at war for thirteen of the twenty-two years since the end of the Cold War. 23 Put another way, the first two decades of unipolarity, which make up less than 10 percent of U.S. history, account for more than 25 percent of the nation’s total time at war. 24 And yet, the theoretical consensus continues to be that unipolarity encourages peace. Why? To date, scholars do not have a theory of how unipolar systems operate. 25 The debate on whether, when, and how unipolarity will end (i.e., the debate on durability) has all but monopolized our attention.

#### Heg fails

**Mastanduno 9** (Michael, Professor of Government at Dartmouth, World Politics 61, No. 1, Ebsco)

During the cold war the United States dictated the terms of adjustment. It derived the necessary leverage because it provided for the security of its economic partners and because there were no viable alter natives to an economic order centered on the United States. After the cold war the outcome of adjustment struggles is less certain because the United States is no longer in a position to dictate the terms. The United States, notwithstanding its preponderant power, no longer enjoys the same type of security leverage it once possessed, and the very success of the U.S.-centered world economy has afforded America’s supporters a greater range of international and domestic economic options. The claim that the United States is unipolar is a statement about its cumulative economic, military, and other capabilities.1 But preponderant capabilities across the board do not guarantee effective influence in any given arena. U.S. dominance in the international security arena no longer translates into effective leverage in the international economic arena. And although the United States remains a dominant international economic player in absolute terms, after the cold war it has found itself more vulnerable and constrained than it was during the golden economic era after World War II. It faces rising economic challengers with their own agendas and with greater discretion in international economic policy than America’s cold war allies had enjoyed. The United States may continue to act its own way, but it can no longer count on getting its own way.

### 1nc exports

#### Chinese coal to gas projects end the need for imports – it’s also a bridge to transition to Chinese natural gas production

**Alzhu, 10/7**/12 (Chen, “Betting on black: China risks $14 bln on coal-to-gas pilot” Reuters, <http://www.reuters.com/article/2012/10/07/china-coal-gas-idUSL4E8IG0FK20121007>)

China is spending $14 billion on pilot projects to turn coal in remote parts of the country into natural gas, a risky bet that could help meet the country's surging demand for the cleaner fuel.

As China triples natural gas use to around 10 percent of total energy demand by the end of the decade, it needs to find fresh sources of supply if it wants to avoid costly imports from Australia, Indonesia, Qatar and Turkmenistan.

The first of four pilot coal-to-gas (CTG) projects should ship gas by the end of the year, ramping up to 15 billion cubic metres (bcm) a year by 2015, or around 7 percent of China's gas demand.

If achieved, this level of output would put CTG on par with China's booming coal-seam gas sector and ahead of nascent shale gas. It could also give Beijing an advantage in marathon talks with Russia to secure gas from the Siberian basin.

The costly experiment relies on technology similar to that used in apartheid-era South Africa to produce oil from coal, but which has seen few commercial applications.

It is cheaper and easier to burn the coal directly, but China, which overtook the United States as the world's number-one energy guzzler and greenhouse gas emitter, struggles to move coal from remote western and northern regions to the east and south, where the bulk of its energy is consumed.

"With the Russian gas negotiations proving no easier than ever, Central Asian gas not cheap, and some of the LNG import deals needing tax sweeteners to break even, coal-to-gas definitely has room to grow," said Mao Jiaxiang, a senior researcher with Sinopec Group.

"Otherwise China will become highly dependent on gas imports, similar to oil."

Imports now meet a quarter of China's gas demand of some 120 bcm last year, a share industry experts forecast to expand to 40 percent by the end of the decade.

GOVERNMENT COOL ON APPROVING

Leading the CTG foray are a state-owned power firm and two privately-run, unlisted coal miners.

Datang Power, parent of Datang International Power Generation Co Ltd , in 2007 started bringing in gasification know-how from Europe.

It started up the country's first CTG plant in July, a 1.33 bcm/year facility in Inner Mongolia that will pump gas to Beijing, the 20-milion-population capital that has over the years experienced gas shortages when heating demand peaks in winter.

Over 30 firms proposed a total of about 125 bcm of CTG plants by 2020, but Beijing approved only four.

"The top guideline is we allow CTG investments only in coal-surplus regions and where water is also plentiful," said Zeng Yachuan, head of policy and regulation with the National Energy Administration, the nation's top energy body.

For each 1,000 cubic metres of CTG gas, 5-6 tonnes of water is needed.

Zeng said the northern provinces of Shanxi, Shaanxi and Inner Mongolia, and Xinjiang in the far west, are potential areas for CTG development.

ECONOMICS, PIPELINE ACCESS

China's surging gas demand and a liberalisation of gas pricing should mean the economics of CTG make sense, at least before 2020 when China starts to unlock its potentially huge shale gas resources.

A CTG plant, costing 4-6 billion yuan ($630-$950 million) for every bcm of gas capacity, can break even with a pipeline feed-in price of $6.5 per million British thermal unit (mmbtu) in Xinjiang and under $8 for Inner Mongolia, according to industry officials and Wood Mackenzie.

That compares with an average of $10-12 for imported liquefied natural gas (LNG) and close to $12 at China's border for Turkmenistan gas.

The challenge for investors is more about access to pipelines, industry officials said, as three-quarters of China's 50,000 kilometres of gas grid are owned by top energy giant PetroChina, which has shown scant interest in unconventional alternatives.

"Striking a good gas price (with PetroChina) is key for CTG builders," said an official with Datang Power.

#### Investment in Chinese natural gas is increasing

**AlphaVN.com, 9/17**/12 – an investing website (MSN Money, “Shell's massive investment in China” <http://money.msn.com/top-stocks/post.aspx?post=bf9a7781-170d-4fe1-91dc-42c76b42fc7e>)

One of the world's biggest energy companies, Royal Dutch Shell (RDS.A -0.03%) is planning to invest $1 billion per year in China's massive shale gas reserves. This natural gas, which has long been considered uneconomical to produce, has in the last decade captured investor attention due to a combination of cost effective modern drilling and extraction methods, such as fracking.

Earlier this year, China's resource ministry revealed that it had discovered 25.1 trillion cubic meters of untapped shale gas reserves, which could fuel the country’s current natural gas needs for 200 years. The U.S. Energy Information Administration has also confirmed that China has at least 50% more shale gas in its reserves than the U.S. does, officially.

The resource ministry also recognized that, unlike the U.S., the country neither has the skills nor the technology to extract this natural gas. China has been monitoring the rise of the American energy industry and the significant role shale gas has played in it, as the U.S. has now become a net exporter of petroleum products for the first time in decades.

Shell is already the major supplier of LNG to the China. The company is also planning an enormous $12.6 billion refinery in eastern China while it also develops its Kitimat LNG project in Canada, which will be used to export gas to China. Japan’s Tepco and Malaysia’s state oil company, Petronas, are also involved in turning Kitimat into the LNG terminal to the Pacific Rim.

Interestingly, it is worth mentioning that developing refineries in China are not considered profitable ventures, primarily due to the government policy and interference. Shell is looking to change this impression. Furthermore, the company will also build an unconventional oil and gas research centre in China and shift its regional coal bed methane business unit to the country.

China looks much more favorably today on those multinationals that invest directly in China as opposed to just using it as an outsourced supply of cheap labor and factory equipment. Intel (INTC -0.14%), for example, has built massive chip plants and research facilities there and has more planned for the future. This difference makes KFC, owned by Yum Brands (YUM +1.17%), so successful there while McDonald's (MCD -0.46%) continues to struggle to gain acceptance. Shell investing in China on the ground in this way will pay them major dividends for years to come.

Shell is certainly focused on the country for its long-term growth. If it goes ahead with its refinery plan then this would be the largest foreign investment, ever, by a single company in China. Its competitors, such as Exxon Mobil (XOM +0.16%) and Chevron (CVX -0.03%), are keen to get a slice from the Chinese pie for themselves but none of their plans are as significant as Shell’s. Shell is looking for the first-mover advantage in China’s infant oil and gas industry. If history is any guide, this is a powerful advantage.

Shell is looking to partner CNPC and its subsidiary PetroChina (PTR +0.11%) for both the shale gas and the refinery project. Out of the three leading Chinese oil and gas firms (CNOOC, PetroChina and SinoPec), PetroChina is the ideal choice. It dominates the country’s oil and gas sector with 60% of crude oil and more than 70% of China’s natural gas production. It also enjoys premium acreage across China. In effect, PetroChina is paying a significant price to get access to Shell’s expertise and technology.

The two have collaborated before. In the Kitimat LNG project, Shell is partnering with three other firms, including PetroChina, on the LNG export facility. The two companies successfully drilled China’s first shale gas well through horizontal drilling in March, 2011. The year before that, Shell and PetroChina, jointly acquired Australia’s Arrow Energy Pty Ltd.

Unconventional shale gas will play a major role in the coal dependent Asian economies. The natural gas is undoubtedly a cleaner and efficient alternative to coal and is quicker and easier to bring online to add marginal production. With improvements in the fracking process as well as the high demand creating higher prices; it is becoming more financially feasible.

China has just started drilling shale gas wells and is targeting 6.5 billion cubic meters produced by 2015. This will put pressure on coal prices, or at least keep them flat. This will necessitate a shift for heavy coal exporters like Indonesia and especially Australia. Mongolia’s vast coal reserves will be coming into the market in quantity soon at far lower prices than those two countries can provide ($75/ton vs. $225/ton from Australia).

#### Natural gas can’t dent coal consumption – it would require a doubling of global natural gas production and would take decades

**Bryce, 12** – senior fellow at the Center for Energy Policy and the Environment at the Manhattan Institute (Robert, “Is There Still a Case for Coal?” May, <http://www.manhattan-institute.org/html/ir_13.htm>)

Likelier competitors are natural gas and nuclear, which have a number of advantages over coal. Both are able to produce large quantities of reliable electricity, and both have lower CO2 emissions than coal does. Natural-gas use here and abroad will undoubtedly rise in the decades ahead; supplies of the cleanest of the hydrocarbons are growing rapidly around the world, thanks to the shale revolution and continuing exploration successes in places like Africa, the Mediterranean, and Asia. Nuclear energy is also likely to see significant growth.

But even if natural gas and nuclear are able to ramp up dramatically, it will be hard for them to match the amount of energy now being derived from coal. This year, global coal consumption will total about 71 million barrels of oil equivalent per day. Global natural-gas consumption, meanwhile, is about 58 million barrels of oil equivalent per day. For natural gas to replace coal completely, gas production would have to more than double. Making that happen would require decades of sustained and expensive exploration and production. As for nuclear energy, it is hampered by huge start-up costs, and many countries simply don’t have the infrastructure or human capital needed to support the nuclear industry.

#### US-Japan relations resilient – empirically proven and China guarantees continued cooperation

**Green 11** – associate professor of international relations at Georgetown University and senior advisor and Japan chair at the Center for Strategic and International Studies (Michael J., "The Democratic Party of Japan and the Future of the U.S.-Japan Alliance" The Journal of Japanese Studies, Volume 27, Number 1, Winter 2011, Project MUSE)

Despite the travails and uncertainty now clouding the alliance, there are multiple reasons to expect that Japan will continue to be closely aligned with the United States and influential in the international system. First, there is historical precedent. As Kenneth Pyle has pointed out, Japan has always successfully reordered its domestic institutions and instruments of national power in the face of new international challenges even if institutions in Japan's conservative political culture have a sticky resistance to change, as Carol Gluck has observed.10 Postwar history also demonstrates the resilience of U.S.-Japan security relations. The fact is that the alliance has entered periods of drift and faced crises before, including the 1960 Anpo demonstrations, the protests against the Vietnam War, the "Nixon shocks," the FS-X confrontation, and the 1995 Okinawa rape incident. In each case, observers predicted the end of the alliance, yet in each case the security relationship emerged significantly strengthened. Kent Calder has described a pattern in Japanese domestic politics in which the conservative LDP elite would co-opt the opposition's policy initiatives in response to social or economic crises, thus reinforcing the social contract and legitimacy of conservative rule.11 In similar ways, the United States and Japan have repeatedly responded to bilateral political crises by offering new reciprocal "compensation" in terms of expanded Japanese security responsibilities and a reduction of the U.S. military footprint in Japan.12 This continual process of redefining and reaffirming the 1960 security treaty is not always visible in the midst of a crisis, but it is one reason why support for the alliance has steadily expanded in both the United States and Japan over its 50-year history. In addition to historical precedent, structural factors will bind if not ultimately define Japan's strategic options. The rise of Chinese power and North Korean nuclear brinkmanship render a close alliance with the United States by far the best guarantor of Japanese security, while growing economic [End Page 94] interdependence with China will ensure that Japanese governments (and U.S. governments, for that matter) will resist crude strategies of containment against China. Japan's demographic and fiscal challenges are already limiting the DPJ's original promises of largess (cutting highway fees, distributing child allowances, etc.) and forcing a consensus within the party that the policy tool kit will have to include some combination of cutting corporate taxes, raising the consumption tax, and restricting spending. If these seemed like uniquely difficult choices for Japan at one point, it is only necessary to observe the enormous changes Europe must now make in its social contract in order to remain fiscally solvent—or to consider the massive demographic challenge looming in the decade ahead in China as a result of the one child policy and a massively deficient social welfare net. Exaggerating the uniqueness and irreversibility of Japanese challenges today makes no more sense than predicting Japan's certain global domination did 20 years ago.

#### No impact to the alliance

Anthony **DiFilippo**, Prof. Sociology at Lincoln University, **2002**, The Challenges of the U.S.-Japan Military Arrangement: Competing Security Transitions in a Changing International Environment, pg. 13

One thing that has not changed about the U.S.-Japan security alliance in the fifty years that it has existed is that it is supposed to have maintained regional stability. If stability is defined as a state where war or the high level threat of war does not exist, then the alliance has not been terribly effective. Although the Soviet Union never attacked Japan during the Cold War, other serious destabilizing forces have appeared despite the continued existence of the bilateral alliance. The Korean War, which began in June 1950, did not end after the signing of the U.S.-Japan Security Treaty in 1951 nor after the accord went into effect in 1952. The alliance did not prevent China from developing nuclear weapons-hardly a stabilizing event in the region. The U.S.-Japan alliance did not prevent or end the Vietnam War. More recently, the U.S.-Japan security alliance did not stop the Democratic People's Republic of Korea (North Korea) from beginning a nuclear weapons program in the early 1990s, thwart Pyongyang's missile development efforts, or discourage it from launching a projectile over Japan without prior notice in August 1998. With the bilateral alliance in effect for decades, China went ahead with nuclear testing in 1995 to assure that its nuclear arsenal was capable of neutralizing the threats it perceives from the other nuclear powers.

#### Relations resilient – empirically proven and China guarantees continued cooperation

**Green 11** – associate professor of international relations at Georgetown University and senior advisor and Japan chair at the Center for Strategic and International Studies (Michael J., "The Democratic Party of Japan and the Future of the U.S.-Japan Alliance" The Journal of Japanese Studies, Volume 27, Number 1, Winter 2011, Project MUSE)

Despite the travails and uncertainty now clouding the alliance, there are multiple reasons to expect that Japan will continue to be closely aligned with the United States and influential in the international system. First, there is historical precedent. As Kenneth Pyle has pointed out, Japan has always successfully reordered its domestic institutions and instruments of national power in the face of new international challenges even if institutions in Japan's conservative political culture have a sticky resistance to change, as Carol Gluck has observed.10 Postwar history also demonstrates the resilience of U.S.-Japan security relations. The fact is that the alliance has entered periods of drift and faced crises before, including the 1960 Anpo demonstrations, the protests against the Vietnam War, the "Nixon shocks," the FS-X confrontation, and the 1995 Okinawa rape incident. In each case, observers predicted the end of the alliance, yet in each case the security relationship emerged significantly strengthened. Kent Calder has described a pattern in Japanese domestic politics in which the conservative LDP elite would co-opt the opposition's policy initiatives in response to social or economic crises, thus reinforcing the social contract and legitimacy of conservative rule.11 In similar ways, the United States and Japan have repeatedly responded to bilateral political crises by offering new reciprocal "compensation" in terms of expanded Japanese security responsibilities and a reduction of the U.S. military footprint in Japan.12 This continual process of redefining and reaffirming the 1960 security treaty is not always visible in the midst of a crisis, but it is one reason why support for the alliance has steadily expanded in both the United States and Japan over its 50-year history. In addition to historical precedent, structural factors will bind if not ultimately define Japan's strategic options. The rise of Chinese power and North Korean nuclear brinkmanship render a close alliance with the United States by far the best guarantor of Japanese security, while growing economic [End Page 94] interdependence with China will ensure that Japanese governments (and U.S. governments, for that matter) will resist crude strategies of containment against China. Japan's demographic and fiscal challenges are already limiting the DPJ's original promises of largess (cutting highway fees, distributing child allowances, etc.) and forcing a consensus within the party that the policy tool kit will have to include some combination of cutting corporate taxes, raising the consumption tax, and restricting spending. If these seemed like uniquely difficult choices for Japan at one point, it is only necessary to observe the enormous changes Europe must now make in its social contract in order to remain fiscally solvent—or to consider the massive demographic challenge looming in the decade ahead in China as a result of the one child policy and a massively deficient social welfare net. Exaggerating the uniqueness and irreversibility of Japanese challenges today makes no more sense than predicting Japan's certain global domination did 20 years ago.

#### No Asia war—multiple safeguards and reversible tensions

**Feng 10 –** professor at the Peking University International Studies [Zhu, “An Emerging Trend in East Asia: Military Budget Increases and Their Impact”, http://www.fpif.org/articles/an\_emerging\_trend\_in\_east\_asia?utm\_source=feed]

As such, the surge of defense expenditures in East Asia does not add up to an arms race. No country in East Asia wants to see a new geopolitical divide and spiraling tensions in the region. The growing defense expenditures powerfully illuminate the deepening of a regional “security dilemma,” whereby the “defensive” actions taken by one country are perceived as “offensive” by another country, which in turn takes its own “defensive” actions that the first country deems “offensive.” As long as the region doesn’t split into rival blocs, however, an arms race will not ensue. What is happening in East Asia is the extension of what Robert Hartfiel and Brian Job call “competitive arms processes.” The history of the cold war is telling in this regard. Arm races occur between great-power rivals only if the rivalry is doomed to intensify. The perceived tensions in the region do not automatically translate into consistent and lasting increases in military spending. Even declared budget increases are reversible. Taiwan’s defense budget for fiscal year 2010, for instance, will fall 9 percent. This is a convincing case of how domestic constraints can reverse a government decision to increase the defense budget. Australia’s twenty-year plan to increase the defense budget could change with a domestic economic contraction or if a new party comes to power. China’s two-digit increase in its military budget might vanish one day if the type of regime changes or the high rate of economic growth slows. Without a geopolitical split or a significant great-power rivalry, military budget increases will not likely evolve into “arms races.” The security dilemma alone is not a leading variable in determining the curve of military expenditures. Nor will trends in weapon development and procurement inevitably induce “risk-taking” behavior. Given the stability of the regional security architecture—the combination of U.S.-centered alliance politics and regional, cooperation-based security networking—any power shift in East Asia will hardly upset the overall status quo. China’s military modernization, its determination to “prepare for the worst and hope for the best,” hasn’t yet led to a regional response in military budget increases. In contrast, countries in the region continue to emphasize political and economic engagement with China, though “balancing China” strategies can be found in almost every corner of the region as part of an overall balance-of-power logic. In the last few years, China has taken big strides toward building up asymmetric war capabilities against Taiwan. Beijing also holds to the formula of a peaceful solution of the Taiwan issue except in the case of the island’s de jure declaration of independence. Despite its nascent capability of power projection, China shows no sign that it would coerce Taiwan or become **militarily** assertive over contentious territorial claims ranging from the Senkaku Islands to the Spratly Islands to the India-China border dispute. 

Their econ internal link evidence is terrible – the US economy won’t collapse without natural gas exports – here’s defense to the only coherent internal links

#### 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.

#### Trade leadership is permanently damaged and they can’t overcome alt causes

**Kim 2010** – Policy Analyst in Heritage's Center for International Trade and Economics, master's degree in international trade and investment policy from the Elliott School of International Affairs at the George Washington University (4/12, Anthony, Heritage Foundation, “A trade war averted for now”, http://blog.heritage.org/2010/04/12/a-trade-war-averted-for-now/, WEA)

So, a trade war was avoided. More precisely, it has been delayed. Considerable murkiness lingers on the trade horizon, and not just with Brazil. As Friday’s WSJ editorial points out: \* WTO-approved retaliation to counteract U.S. trade violations is spreading. More than $3.4 billion [in] U.S. exports now face punishing retaliation tariffs. \* The U.S.’s most economically damaging trade war is with Mexico. As part of the North American Free Trade Agreement ([NAFTA]), the U.S. is supposed to give Mexican trucking companies access to the U.S. But 17 years into [NAFTA], Mexican trucks still don’t cross the border, because the Teamsters union won’t accept the competition. A [NAFTA] dispute panel [has] authorized Mexico to retaliate. Last year it imposed duties on $2.4 billion of U.S. exports. \* The [European] Union and Japan have also asked the WTO for authorization to retaliate because the U.S. Commerce Department insists on deciding antidumping cases with an arcane calculation that the WTO ruled against in 2007. As a result, according to the trade publication “Inside U.S. Trade”, both Japan and the European Union are eyeing retaliation. The total value of U.S. exports affected could top $500 million. The fallout from U.S. protectionism will hurt our ongoing economic recovery efforts. The protectionism itself is doing irrevocable damage to America’s leadership in international economic discussions. Free trade and its expansion through multilateral, regional, and bilateral agreements have been vital to world economic strength and prosperity. Treasury Secretary Tim Geithner commented during his recent two-day visit to India that President Obama “was ‘deeply committed’ to trying to build a consensus among Americans for more open trade and to support the [economic] recovery,” as noted in the Financial Times. While the Obama Administration has repeatedly said that the U.S. will not abandon its legacy of supporting open and free commerce, the fact is that it has done little to nothing to demonstrate that commitment in more substantive terms. One sign of inaction: three pending free trade agreements with Panama, Colombia, and South Korea remain on ice. Talking about “strengthening” America’s trade relations around the world, boosting exports, and even enforcing trade rules are only empty gestures without tangible action to re-establish America’s leadership in advancing free trade.

#### Trade doesn’t solve war

**Goldstone 2007** (P.R., PhD candidate in the Department of Political Science and a member of the Security Studies Program at the Massachusetts Institute of Technology. He is a non-resident research fellow at the Center for Peace and Security Studies, Georgetown University, AlterNet, September 25, http://www.alternet.org/audits/62848/?page=entire)

Many hope trade will constrain or perhaps pacify a rising China, resurgent Russia, and proliferation-minded Iran, as it well may. Nonetheless, any prudent analysis must incorporate caveats drawn from states' particular political economy of security policy. In non-democratic states, however important global markets may be to the economy in aggregate, elites will be most sensitive to sectoral interests of their specific power base. This mismatch can cause systematic distortions in their ability to interpret other states' strategic signals correctly when genuine conflicts of interest emerge

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with a nation more domestically constrained. Leadership elites drawn from domestic-oriented, uncompetitive, or non-tradable constituencies will tend to discount deterrent signals sent by trading partners whose own domestic institutions favor those commerce-oriented interests, believing such interests make partners less likely to fulfill their threats. For example, one reason the BJP government of India decided to achieve an open nuclear weapons capability was that its small-business, domestic-oriented heart constituency was both less vulnerable to trade sanctions and less willing to believe that the US would either impose or long sustain such sanctions, given its own increased economic interests in India. Sometimes, deterrent signals may not be sent at all, since one nation's governing coalition may include commerce-dependent groups whose interests prevent state leaders from actually undertaking necessary balancing responses or issuing potent signals of resolve in the first place; the result can be fatally muddled strategy and even war -- as witness the series of weak attempts before the First World War by finance-dominated Britain to deter "Iron and Rye"-dominated Germany. The emergence of truly global markets makes it all the less plausible under most circumstances that a revisionist state will be unable to find some alternative source of resources or outlet for its goods. Ironically, the more the international economy resembles a true global marketplace rather than an oligopolistic economic forum, the less likely it would appear that aggressors must inevitably suffer lasting retaliatory cut-offs in trade. There will always be someone else with the capability to buy and sell.

## 2NC Hegemony

### A2 regs now

#### Obama’s demand-side policies outweigh the effect of regulations

**Drajem, 11/8**/12 (Mark, Bloomberg, “Natural Gas That Backed Romney May Gain From Obama Win” <http://www.bloomberg.com/news/2012-11-08/natural-gas-that-backed-romney-may-gain-from-obama-win.html>)

While Obama will continue with a series of environmental regulations that would curb the production and use of coal, his policies promise to boost demand for natural gas in vehicles and power plants and facilitate domestic oil and gas output to levels not seen in more than two decades.

“Facts are stubborn things and they often defy people’s ideology,” John Hanger, a special counsel at Eckert Seamans Cherin & Mellott, LLC in Harrisburg, Pennsylvania, and the former top environmental regulator in that state, said in an interview. Obama’s “policies on the demand side are most favorable.”

The re-election of Obama and continuation of Republican control of the House of Representatives opens the possibility for legislation to boost demand for gas, including incentives for natural-gas vehicles, Hanger said. Republicans lawmakers may also try to limit actions the administration could take to regulate hydraulic fracturing or curb production on federal lands.

### A2 heg

#### heg is wrong- there is no liberal order- this card assumes all their args

**Etzioni 3/21**/12 (Amitai Etzioni served as a senior advisor to the Carter White House; taught at Columbia University, Harvard, and The University of California at Berkeley; and is a university professor and professor of international relations at The George Washington University. “The World America Didn't Make,” http://nationalinterest.org/commentary/world-america-didn%27t-make-6668)

Robert Kagan’s book, The World America Made, is refocusing the debate on whether the United States is declining as a global power—and speculation about whether other powers will step in to assume the responsibility for sustaining a liberal, rule-based international order. Kagan is known as a brilliant conservative observer, and even President Obama is reported to be reading this tour de force of U.S. foreign policy. Most of the debate about the book is centered on the question of whether the United States is indeed declining and if China is ready to buy into the liberal order. But more attention should be dedicated to the question of whether there is such an order in the first place. Much of the discussion simply assumes that there is a liberal order and that the United States formed it and is nurturing it. Actually, **this view reflects a rather romantic, self-congratulatory perception of our foreign policy and global role**. It is one more sign of what might be called a Multiple Realism Deficiency Disorder (MRDD), which reflects a mixture of idealism and hubris. The disorder makes us think that we know what is good for the world and can remake it in our image. But a simple reality check shows that we live in a much darker world—a world we have never been able to align with our designs. One of the major elements of the liberal order is said to be the spread of democracy and human rights. Indeed, after the collapse of the Soviet Union, it did seem—for a few years—as if all nations were rushing to embrace our kind of government. Recently, the Arab Spring seemed to provide new evidence that this was truly where the world is heading. The reality is not as bright. China has become more authoritarian, when one compares the last five years to the previous five. Russia’s regime is definitely sliding back. The record in Latin America is rather mixed. Most Arab states remain authoritarian. And for every Burma, an authoritarian regime giving way to more open government, there is a Venezuela, Cuba, North Korea and Iran. Even the democratic ideal itself is tarnished; the governments of Europe and the United States are seen by many in the Third World as gridlocked while China is heralded as a new model for strong economic growth, effective political management and stability. Free trade is another key element of the liberal order. I leave it for another day to ask whether less managed trade (nobody ever had or came close to having free trade) has all the virtues claimed for it by those who write economics textbooks. It suffices to note that in the world in which we live, China is manipulating its currency, is still allowing many violations of intellectual property and imposing numerous limits on those who seek to do business in China. The United States used public funds to bail out the car industry and banks, subsidizes the exporting farm sector and provides tax incentives to corporations that bring jobs home from overseas. All the other governments are engaged in one form or another (actually, in multiple forms) of trade management. A realistic narrative would ask under what conditions these trade limitations could be curtailed rather than pretending treaties such as those Washington just formed with South Korea, Colombia and Panama create “free-trade” zones. Even such a simple matter as free passage on the high seas, which is a particular matter of pride to the United States, is not as simple as is often assumed. Most seas are wide open—because few nations see any benefit or reason to close their shipping lanes or confront other nations’ vessels. In March 2010, however, North Korea sank a South Korean ship, killing forty-six crew members. Later that same year, North Korea fired on South Korea’s Yeonpyeong Island. In the wake of this attack, which hit both military and civilian targets and killed four South Koreans, Admiral Michael Mullen, then chairman of the Joint Chiefs, counseled moderation. This was wise counsel but one that hardly bespoke of a global power, let alone a hegemony of the seas. Indeed, when confronted with a bunch of barefooted youth—traveling in primitive skiffs and armed with a few guns and grenade launchers—who terrorize the ships of many nations, kidnap scores upon scores of travelers and hold them for ransom for years, our navy has been unable to stop the marauders. Our warships are said to be ready for attacks by swarms of speed boats belonging to Iran’s Revolutionary Guards, as well as Iranian anti-ship missiles (which disabled a major Israeli ship during Israel’s last incursion into Lebanon), but this bravado remains to be tested. Before thinkers like Kagan can ask who the custodian for the global liberal order is, who is challenging it and who may next be ready to shore it up, they must develop a much more realistic perception of what the world is really like—and **accept our limited ability to order it**. Without this realism, the United States will continue to squander the limited capital for change that it does command.

## 2NC Second Advantage

### A2 Alliance

#### Shared threat perception

**Bisley 8** (Nick, Associate Prof. IR @ La Trobe U., Contemporary Southeast Asia, “Securing the "anchor of regional stability"? The transformation of the US-Japan alliance and East Asian security; Report”, 4-1, 30:1, L/N)

The US-Japan relationship stands on robust political foundations and has overcome many of the strategic and operational problems which had bedevilled it in the 1990s and it is one of the key pieces of America's global strategy. It rests on a number of pillars which include a shared set of interests, shared threat perceptions and policy responses, and is underpinned by a set of common values that are overtly expressed as vital to the relationship. In the words of a senior Japanese policy-maker, the US-Japan relationship is in a "mature phase". (41) The quality of the relationship was personified by the concord which existed between President Bush and Prime Minister Koizumi. Koizumi's final trip to the United States included not only a summit putting the rhetorical stamp on alliance transformation, it included an unprecedented presidential tour of Elvis Presley's home, Graceland. As a metaphor for the alliance more generally, the visit could hardly be more fitting. Although the personal relationship between the two was very important to the political and operational process of alliance enhancement, the strategic interests it advances and the extent of the consensus about these among policy-makers is such that, providing alliance managers exercise due care, the basic tenor of the current relationship will last long after these two political leaders have left the stage. (42)

The United States and Japan now have a genuine alliance, although one distinguished by an unusual and clearly delineated division of labour, which is intended to be the foundation of Japanese defence and security, a mechanism to stabilize a strategically complex region and a vital piece of America's global strategy. In both states there is a strong consensus as to its long-term value. Although, the US-Japan alliance is still quite different from those which America has with other states, it is testimony to the scope of changes wrought in the past five years or so that it is now not impossible to imagine that, over the longer term, Japan could become an ally which carries a strategic weight similar to that born by the United Kingdom.

#### No alternatives

**Okamoto 2** (Yukio, President – Okamoto Associates, Washington Quarterly, Spring, Lexis)

Given the magnitude of the danger that an end of the alliance would pose to both Japan and the United States, both sides will likely want to maintain their security relationship for many years to come. A completely new world would have to emerge for Japan and the United States to no longer need each other. Despite frictions over trade, supposed Japanese passivity, purported U.S. arrogance, and the myriad overwrought "threats to the alliance," the truth is that this military alliance between two democratic states is well-nigh unbreakable -- because there are no acceptable alternatives.

#### Cooperation inevitable—disputes won’t manifest

**Bader 10** Jeffrey 6/7, Senior fellow at Brookings- Director of the John L. Thornton China Center, 6/7/10 [Keynote Speech: US-Japan Alliance at 50: Toward a Reenergized Partnership” http://stimson.org/japan/pdf/Transcript\_Jeff\_Bader.pdf]

The sinking of the South Korean naval vessel, Cheonan, by North Korea served as a dramatic reminder that Northeast Asia is still “a dangerous neighborhood.” The Japanese Cabinet noticed. The Japanese government also experienced some difficulties in its relationship with China, in which it had invested a considerable amount. The DPJ has come to understand with increasing clarity that others in the region have been watching closely the U.S.-Japan alliance, and Japan could not afford the impression of a rift to “gain traction.” It turns out that all politics is not 100 percent local, as it had been seen in Japan for some months before then. The decision came against a series of other policy decisions by the Japanese government that demonstrate that the alliance is about more than basing issues. Japan has allocated $900 million in its current budget towards a multi-year, $5 billion, pledge to the Afghan Army and police, including for rehabilitation and training of demobilized Taliban and important development projects. Japan, like the United States, believes that peace and security in Afghanistan depend significantly on stability in Pakistan, and Tokyo has pledged $1 billion in assistance to Pakistan and hosted a major pledging conference. Japan has strongly backed the Republic of Korea, in the face of aggression from the North, in the wake of the Cheonan incident. Its solidarity with South Korea has been firm and public. Japan has sought trilateral cooperation with the U.S. and South Korea, and taken a leading role in fashioning a UN Security Council response. As a member of the UN Security Council, this year, Japan is supporting the U.S.–led draft of a resolution on Iran. Prime Minister Kan – Prime Minister to be Kan – indeed reiterated that support in his first conversation with President Obama, this past week. Japan’s leadership has made clear recently that it favors U.S. participation in an eventual East Asian Community, a change taken from the DPJ position last fall. Japan strongly supported President Obama’s initiatives in the April Nuclear Security Summit and worked closely with the U.S. delegation at the NPT Review Conference in May. So, nine months after the DPJ’s electoral victory, the scorecard, from the U.S. perspective, at last, is positive and improving. There has been lots of attention to what a rough ride it has been, to the precipitous decline in Hatoyama’s polling numbers and, ultimately, his demise, his political demise, to the difficulties of the DPJ government in “getting its feet under it.” And now the – as I said – the resignation. I’ll leave to experts on Japan the analysis of these, but from the viewpoint of the U.S., the larger issue, in conclusion, is this: That Japan has gone through the single most dramatic political change in 50 years – after 50 years of stasis in party rule, and the U.S.-Japan alliance has emerged in sound condition, having been scrutinized and ultimately validated by the new political leadership. This is, in one sense, not surprising, since 80 percent of all Japanese, in polling, support the alliance.\*\* That is the indispensible foundation for the alliance.

### A2 jobs

#### Energy production doesn’t solve jobs

Levi 12 – Senior Fellow (at CFR) for Energy and the Environment and Director of the Program on Energy Security and Climate Change (Michael, July/August, “Think Again: The American Energy Boom” <http://www.foreignpolicy.com/articles/2012/06/18/think_again_the_american_energy_boom?page=full>) Jacome

"The U.S. Energy Boom Will Create Millions of New Jobs."

**Overstated**. The U.S. oil and gas boom has come at an auspicious time. With record numbers of Americans out of work, hydrocarbon production is helping create much-needed jobs in communities from Pennsylvania to North Dakota. Shale gas production alone accounted for an estimated 600,000 U.S. jobs as of 2010, according to the consultancy IHS CERA.

It's much harder, though, to extrapolate into the future. In a deeply depressed economy, new development can put people to work without reducing employment elsewhere. That's why boom states have benefited massively in recent years. The same is not true, though, in a more normal economy. Unemployment rates are typically determined by fundamental factors such as the ease of hiring and firing and the match between skills that employers need and that workers have. The oil and gas boom won't change these much.

That's why we should be skeptical about rosy projections of millions of new jobs. Wood MacKenzie, for example, claims that the energy boom could deliver as many as 1.1 million jobs by 2020, while Citigroup forecasts a whopping 3.6 million. Unless the U.S. economy remains deep in the doldrums for another decade, these will mostly come **at the expense of jobs elsewhere.**

### 2NC Energy Jobs

#### Oil production increases don’t solve employment – and they only cause job shifting, not growth

Casey Junkins 6-13-2012; West Virginia Observer “Drilling Not Helping Jobless Numbers” http://www.theintelligencer.net/page/content.detail/id/570900/Drilling-Not-Helping-Jobless-Numbers.html?nav=515

WHEELING - As West Virginia's unemployment rate jumps to 6.9 percent, some Mountain State residents believe a hiring boom in the oil and natural gas drilling industry is just around the corner. However, information from WorkForce West Virginia shows the Marcellus and Utica shale drilling industry has not created much direct employment over the past two years. "We've not seen much change in employment in the oil and gas industry over the past year. Employment in oil and gas in 2010 was 2,244, dropping slightly to 2,179 in 2011," said WorkForce spokeswoman Courtney Sisk. The presence of the drilling industry does lead to increased employment in certain areas, as restaurant and hotel owners report being very busy these days because of drillers working in the area. There are also companies that supply materials to the drilling industry that may hire more employees to meet these needs, while retailers may also see an upswing in some business because of mineral owners receiving spending money from lease and royalty checks. However, the WorkForce statistics show that the number of West Virginia residents working directly for gas and oil drillers has not increased over the past two years, despite a continued upswing in drilling and fracking. Gas industry jobs paying nearly $30 per hour are on the way to Marshall County soon, as Dominion Resources will look to hire 40-45 full-time, permanent workers for the natural gas processing plant set to open in December. There will be positions for electricians, plant operators and loaders. In all employment sectors combined, the number of jobless West Virginians residents rose by 1,900 in May to 55,600. There are 1,400 fewer people working in the mining and logging industries, while there are 400 fewer people employed in the manufacturing sector. West Virginia's unemployment rate was 6.7 percent in April. On the positive side, there are 400 more people working in the financial industry with another 100 more working in government. West Virginia's unemployment rate is still more than one point better than the 8.2 percent national average. In addition to serving as a Republican member of West Virginia's House of Delegates from Ohio County, Erikka Storch is also the chief financial officer for Wheeling-based Ohio Valley Steel. She said her company is not seeing much business growth right now, which hinders her ability to hire workers. "The level of construction is down," she said. "I can only keep so many people at levels like this." Storch said the company now has 26 employees, noting the optimal number should be in the range of 35 with a few more out in the field as ironworkers. "There are some out-of-area companies opening up sub-offices around here," she said. "These offices are hiring some employees, but they are mostly just taking local workers from one job to another job. These are employment shifts, rather than unemployed people getting jobs." "I am not seeing the private sector spending money like it usually does," Storch added.

### 2NC Tradeoff

#### Oil jobs trade off with other parts of the energy industry – those would create more growth than the aff

Jen Alic 6-12-2012; Energy Independence Equals Jobs across the Environmental Divide <http://oilprice.com/Energy/Energy-General/Energy-Independence-Equals-Jobs-across-the-Environmental-Divide.html>

With that in mind, let’s look at the prospects for energy jobs at a time when the national unemployment rate is about 8.2% and millions of Americans remain without jobs and with dwindling if not completely exhausted unemployment benefits. From a global perspective, the International Renewable Energy Agency (IRENA) said the off-grid electricity industry alone is poised to create 4 million jobs alone in accordance with the United Nation’s goal of providing sustainable energy for all by 2030. Currently, renewable energy companies worldwide employ an estimated 5 million people. Germany alone forecasts it will employ over half a million people in the renewable energy sector by 2030, while currently over 380,000 people work in the sector. Worldwide, between 2007 and 2011, the number of jobs in the renewable energy sector doubled. According to the UN, renewables are poised to have a **better job-creation rate than oil and gas sector** in the longer term. In the US, the solar industry in particular has seen a massive job boom. According to the National Solar Jobs Census 2011, employment growth in the solar sector was nearly 10 times higher than the average national rate last year, translating into over 100,000 solar jobs for Americans and a forecasted increase of 24% for 2012. And these figures are said to reflect the bare minimum. In the State of California, for instance, despite two major recessions, job creation in the renewable energy sector has outpaced job growth in any other sector, according to the Environmental Defense Fund (EDF).

#### The plan just creates an oil jobs bubble – exacerbates unemployment

Russell Gold 2-12-2012; Columnist for the Wall Street Journal, February 8, 2012, “Oil and Gas Boom Lifts U.S. Economy” http://online.wsj.com/article/SB10001424052970204652904577195303471199234.html

Though the energy boom looks like a road to prosperity, it may be a bumpy one. Drilling is disrupting communities in ways that are still unfolding, creating concerns about the costs to local governments for things like road damage. It is also raising fears about potential water contamination, air pollution and even earthquakes from the effects of drilling thousands of new deep wells.¶ Skeptics warn that individual shale communities could experience an employment boom, **followed by a painful bust**. Rosy economic models "tell us nothing about what will happen when drilling ends," warns a May 2011 paper published by Cornell University's City and Regional Planning Department and funded in part by a foundation opposed to shale drilling.

### manufacture

#### Lowering energy costs wouldn’t lead to a manufacturing boom

Levi 5-7 – Senior Fellow (at CFR) for Energy and the Environment and Director of the Program on Energy Security and Climate Change (Michael, July/August, “Think Again: The American Energy Boom (Michael, “Oil and Gas Euphoria Is Getting Out of Hand” <http://blogs.cfr.org/levi/2012/05/07/oil-and-gas-euphoria-is-getting-out-of-hand/>) Jacome

But there is more. Ignatius’s column isn’t just about energy; it’s also about the resurgence of U.S. manufacturing. Here’s how he links the two:

“Energy security would be one building block of a new prosperity. The other would be the revival of U.S. manufacturing and other industries. This would be driven in part by the low cost of electricity in the United States, which West forecasts will be relatively flat through the rest of this decade, and one-half to one-third that of economic competitors such as Spain, France or Germany.”

Once again, these sorts of claims have become increasingly common. Indeed the quantitative assertions are perfectly plausible. But the big picture implications don’t make sense. As of 2010, total sales of U.S. manufactured goods were about five trillion dollars. At the same time, the sector spent about 100 billion dollars on energy. That’s a mere two percent of total sales. You could slash energy costs to zero, **and it would barely move the needle** for most U.S. manufacturers. There are, of course, exceptions, like some iron, steel, cement, and paper makers. But even these industries care about much more than their electricity prices. Will lower energy costs move things at the margin? Of course they will, and that’s good news. **But they are nowhere close to what’s needed for U.S. manufacturing to broadly thrive.**

### A2 trade

#### Trade isn’t key to interdependence

**Streeten 2001** (Paul, Professor Emeritus of Economics at Boston University and Founder and Chairman of the journal World Development, Finance and Development, Vol 38, No 2, June)

Trade is, of course, only one, and not the most important, of many manifestations of economic interdependence. Others are the flow of factors of production—capital, technology, enterprise, and various types of labor—across frontiers and the exchange of assets, the acquisition of legal rights, and the international flows of information and knowledge. The global flow of foreign exchange has reached the incredible figure of $2 trillion per day, 98 percent of which is speculative. The multinational corporation has become an important agent of technological innovation and technology transfer. In 1995, the sales of multinationals amounted to $7 trillion, with these companies' sales outside their home countries growing 20-30 percent faster than exports.

## 2NC Russia DA

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#### Efforts to block Russian sphere of influence dooms US-Russia relations and risks war

**Eland, 2008** [Ivan, Nov, Sr. Fellow, Independent Inst., former Defense Analyst for Congressional Budget Office, The Independent Institute, http://www.independent.org/newsroom/article.asp?id=2363]

But the bear is now coming out of a long hibernation a bit rejuvenated. Using increased petroleum revenues from the oil price spike, the Russians will hike defense spending 26 percent next year to about $50 billion—the highest level since the collapse of the Soviet Union. Yet as the oil price declines from this historic high, Russia will have fewer revenues to increase defense spending and rebuild its military. Even the $50 billion a year has to be put in perspective. The United States is spending about $700 billion per year on defense and starting from a much higher plain of capability. After the collapse of the Soviet Union, the Russian military fell apart and was equivalent to that of a developing country. Even the traditionally hawkish U.S. military and defense leaders and analysts are not worried about Russia’s plans to buy modern arms, improve military living standards to attract better senior enlisted personnel, enhance training, and cut back the size of the bloated forces and officer corps. For example, Eugene B. Rumer of the U.S. National Defense University was quoted in the *Washington Post* as saying that Russian actions are “not a sign, really, of the Russian military being reborn, but more of a Russia being able to flex what relatively little muscle it has on the global scale, and to show that it actually matters.”[[1]](http://www.independent.org/newsroom/article.asp?id=2363" \l "_ftn1#_ftn1" \o ")In addition, the Russian military is very corrupt—with an estimated 40 percent of the money for some weapons and pay for personnel being stolen or wasted. This makes the amount of real defense spending far below the nominal $50 billion per year. U.S. analysts say, however, that increased military spending would allow Russia to have more influence over nations in its near abroad and Eastern Europe. Of course, throughout history, small countries living in the shadow of larger powers have had to make political, diplomatic, and economic adjustments to suit the larger power. Increased Russian influence in this sphere, however, should not necessarily threaten the security of the faraway United States. It does only because the United States has defined its security as requiring intrusions into Russia’s traditional sphere of influence. By expanding NATO into Eastern Europe and the former Soviet Union, the United States has guaranteed the security of these allied countries against a nuclear-armed power, in the worst case, by sacrificing its cities in a nuclear war. Providing this kind of guarantee for these non-strategic countries is not in the U.S. vital interest. Denying Russia the sphere of influence in nearby areas traditionally enjoyed by great powers (for example, the U.S. uses the Monroe Doctrine to police the Western Hemisphere) will only lead to unnecessary U.S.-Russian tension and possibly even cataclysmic war.

## 1NR Fiscal Cliff

### Overview

**Disad outweighs the case –**

**Magnitude—recession triggers 1930’s regional trading blocs, empirically escalates and is uniquely likely to cause extinction**

**Mootry 2008,** [Primus, B.A. Northern Illinois University “Americans likely to face more difficult times” - The Herald Bulletin, 10/8/2008 http://www.theheraldbulletin.com/columns/local\_story\_282184703.html?keyword=secondarystory]

These are difficult times. The direct and indirect costs associated with the war on Iraq have nearly wrecked our economy. The recent $700 billion bailout, bank failures, and the failure of many small and large businesses across the nation will take years — perhaps decades — to surmount. Along with these rampant business failures, we have seen unemployment rates skyrocket, record numbers of home foreclosures, an explosion of uninsured Americans, and other economic woes that together have politicians now openly willing to mention the "D" word: Depression. These are difficult days. We have seen our international reputation sink to all time lows. We have seen great natural disasters such as hurricanes Ike and Katrina leaving hundreds of thousands of citizens stripped of all they own or permanently dislocated. In all my years, I have never seen a time such as this. To make matters worse, we are witnessing a resurgence of animosities between the United States and Russia, as well as the rapid growth of India and China. As to the growth of these two huge countries, the problem for us is that they are demanding more and more oil — millions of barrels more each week — and there is not much we can say or do about it. In the meantime, if America does not get the oil it needs, our entire economy will grind to a halt. In short, the challenges we face are complex and enormous. Incidentally, one of the factors that makes this time unlike any other in history is the potential for worldwide nuclear conflict. **There has never been a time in** the long **history** of ~~man~~ **when**, through his own technologies — and his arrogance — ~~he~~ can destroy the planet. Given the tensions around the world, **a mere spark could lead to global conflagration.**[This evidence has been gender paraphrased].

#### Outweighs on timeframe

The Hotline October 24, 2012 “Panic Cliff” Lexis

Lawmakers "are downplaying hopes that they will avert the so-called fiscal cliff," but "they suggest a partial fix is likely. Leading lawmakers have no intention of letting the sequester happen or all of the tax cuts expire. Nor will Congress vote to punt those events entirely, even for a few months," cong. aides said. Instead, cong. "leaders are discussing a plan to make a down payment of targeted cuts worth about half of the" $110B, "while establishing a framework for additional cuts." Rep. Chris Van Hollen (D-MD): "It will be very difficult to put together a comprehensive plan in just six weeks. Everyone's going to have to scramble" (Friedman/House, National Journal Daily, 10/23). Sens. Mark Warner (D-VA) and Saxby Chambliss (R-GA) "told the financial community on" Oct. 23 "that the industry's engagement is critical if the country is to avoid the 'fiscal cliff." Chambliss "said he expects a 'tough political slugfest' between Thanksgiving and Christmas as Congress and the administration race to beat the end-of-year deadline in an environment that will be politically charged no matter who wins the" WH.

#### Turns economy and hegemony – can’t fund that stuff get credibility globally – destroys anufacturing base to solve manufacturing

**Turns natural gas investment – nobody gives money to the plan**

**Turns Japan – no incentive to continue being in the alliance**

### AT: Turns Heg

#### Fiscal cliff crushes defense industrial base and manufacturing

TNS (Targeted News Service) October 24, 2012 “Blakey: Time for Action on Sequestration” Lexis

"It's good to see basic agreement between the candidates on the need to find an alternative to sequestration budget cuts that will compromise U.S. national security and put millions of Americans out of work beginning in just 71 days. We need to find a solution immediately." "Turning our backs as we hurtle toward the "fiscal cliff" will only assure that our **country's economy will plunge into recession**, while ignoring the needs of the warfighter who is the tip of the spear when foreign policy is challenged abroad. We can't balance the budget on the backs of our military, and yet **more cuts to defense investment will erode our security** and undercut one of the last bastions of American manufacturing strength." "While President Obama and Governor Romney disagree on their approach to deficit reduction, the fact remains that sequestration would be a serious mistake. Regardless of the winner in November's election, America loses if sequestration isn't fixed. Congress must act quickly in the lame duck session to stop this impending crisis."

### AT: Bandaid

#### Credit pullout and collapse internal – some action solves

Victoria Craig (writer for Fox Business) September 24, 2012 “Fiscal Pitfalls Hinge on Gridlocked Congress” http://www.foxbusiness.com/government/2012/09/20/fiscal-pitfalls-hinge-on-gridlocked-congress/

A fix for the national economy is not as simple as just passing a budget, or reducing government spending. And the risk is potential to seriously destabilize an economy that is already at a tipping point. If more than one credit ratings service decides to downgrade its outlook on the U.S., it not only spells trouble for lawmakers, but financial markets as well. In its report, Moody’s warns what follows multiple downgrades would be a very different scene than when S&P took action. That’s because money-markets funds and other investment tools hold only the highest quality bonds. But the report adds, “Even without any action by the ratings agencies, a failure to make progress toward fiscal sustainability would signal that policymakers will not act until the budget is out of control and the nation is in a serious financial crisis.” Holtz Eakin takes that one step further, describing what the bigger picture would look like in the absence of some kind of Congressional action. “It would be an unambiguously bad event in the financial markets,” Holtz-Eakin said. “We’ve seen turbulence in the past and Main Street’s unimmune. We’d have bad equity market performance, bond yields would go up, credit channels would be depressed. It would send us into another recession.” Still, no matter how you slice it, it seems the future of the economy all comes down to politics.

#### Even short-term agreement key to avert credit downgrading

HAI (Helicopter Association International) September 12, 2012 “Moody's Could Downgrade U.S. Credit Rating” http://www.rotor.com/Publications/RotorNewssupregsup/tabid/177/newsid1237/76550/mid/1237/Default.aspx

According to a report released by Moody's Investors Service this week, budget negotiations during the lame duck session of Congress following the November elections will be key to maintaing the U.S. government's Aaa rating. If Congress and President Obama cannot reach a policy deal on taxes and spending during the six weeks following the election, Moody's would expect to lower the rating, probably to Aa1. However, if negotiations lead to specific policies that produce a stabilization, and then downward trend in the ratio of federal debt to gross domestic product over the medium term, the rating will likely be affirmed and the outlook returned to stable. Moody's confirmed this week that the Aaa rating, with its negative outlook, is likely to be maintained until the outcome of the budget negotiations between Congress and the White House during the lame duck session.

#### Independently causes economic collapse

**Washington Times, 6/14** (Patrice Hill, The Washington Times, 14 June 2012, “Debt fight poses new risk to U.S. credit rating,” http://www.washingtontimes.com/news/2012/jun/14/debt-fight-poses-new-risk-to-us-credit-rating/?page=all)//CC

Any downgrade by Moody’s could be more devastating than a second downgrade by S&P, analysts say, because it would clearly move the U.S. out of the exclusive club of AAA-rated nations and throw into question the privileged status of U.S. Treasury securities as a safe haven for global investors. Threat to Treasury Any significant flight from the Treasury market triggered by a downgrade would raise Treasury bond rates and have devastating consequences. The Congressional Budget Office has estimated that a 1-percentage-point increase in rates would increase Treasury’s debt payments by $1 trillion in the next decade, wiping out the benefit of all the budget cuts enacted by Congress last year. Treasury’s safe-haven status is the critical factor that enabled the U.S. to avoid a debilitating increase in interest rates after the S&P downgrade last year, said Ivan Rudolph-Shabinsky, an analyst at AllianceBernstein. In fact, Treasury rates declined after the S&P downgrade as the U.S. benefited from the turmoil created by the European debt crisis. The flight to safety by investors drawing out of Europe has pushed Treasury rates to record lows, with the yield on Treasury’s 10-year bond falling for the first time to 1.44 percent. Those extraordinarily low interest rates not only have enabled the U.S. government to easily finance its growing debt load, but have been a boon to the beleaguered U.S. housing market and indebted U.S. consumers. Thirty-year mortgage rates, which are linked to the 10-year bond rate, have plunged to record lows, below 4 percent, triggering a big wave of refinancings and boosting prospects for a budding housing recovery. Mr. Rudolph-Shabinsky said America’s safe-haven status doesn’t appear to be in much danger, but how markets view the political impasse will be critical. “The current assumption is that the threat of a potential crisis will spur the U.S. government to act” to reduce the debt at the end of the year, he said. But what if global investors conclude, like S&P, that “the U.S. is simply incapable of addressing its underlying structural issues with Social Security, Medicare and other entitlement programs?” In that case, Treasury yields will rise and “higher financing costs will cause a dramatic deterioration” in U.S. finances, he said, possibly putting the U.S. in the same boat with Greece, Spain and other debt-strapped European countries. “The U.S. might fall into the category of sovereign downgrades that accelerate an already-worsening fiscal situation,” he said.

### AT: No Compromise

#### Presidential push for a fiscal bargain solves status quo divisions

Vicki Needham (writer for The Hill) November 7, 2012 “Business groups urge quick extension of tax policies in lame duck” http://thehill.com/blogs/on-the-money/economy/266701-business-groups-urge-quick-extension-of-tax-policies-in-lame-duck

A grand bargain will require complex negotiations that will take more time than the six or so weeks left before year's end. "What we need is action," Engler said. Engler, Casey and Jay Timmons, president of the National Association of Manufacturers, told reporters that Obama must lay out a blueprint for Congress that will tackle the long list of these issues hampering a more robust economic recovery. "This is going to take executive leadership," Engler said. Timmons said it is time for unity to help the country improve its global competitiveness. "Our goal is to grow the economy," he said. The president talked to congressional leaders on Wednesday about the legislative agenda less than a day after winning reelection. But congressional leaders immediately staked out the same positions that have created so much division on Capitol Hill. Speaker John Boehner (R-Ohio) said he would not yield to raising any taxes this year, while Senate Majority Leader Harry Reid (D-Nev.) argued for letting tax rates expire for wealthier earners. Still, both men hinted that they need to find a way to work togther toward a bipartisan compromise.

#### Obama has all the leverage now – Republicans are starting to cave

Jason Pye (writer for United Liberty) November 8, 2012 “Boehner willing to raise taxes in lame duck session” http://www.unitedliberty.org/articles/11841-boehner-willing-to-raise-taxes-in-lame-duck-session

It didn’t take long for the predicted sellout by Republican leadership after the election. With Boehner has already showing weakness, Obama and Senate Democrats are going to wind up with a clear advantage out of whatever deal is made and whatever revenue cuts are agree upon will, much like past budget deals, most likely never come to fruition.

### 2NR UQ

#### View through lens of PC – it ensures sufficient numbers of Republican jump ship to resolve negotiations

Seth Fraser (writer for PolicyMic) November 8, 2012 “Should We Get Ready For 4 More Years of Ridiculous Obama vs GOP Obstructionism?” http://www.policymic.com/mobile/articles/18841/should-we-get-ready-for-4-more-years-of-ridiculous-obama-vs-gop-obstructionism

Whichever road taken, the GOP has about one and a half years to make votes on bills that suggest to their constituents that they have actually gotten something done. The incentive system hasn’t changed. In 2014, candidates will again have to report back to their districts and ask for your vote. What they have to show depends on Obama’s political agenda over the coming months and the Republicans' willingness to accept defeat and work with him. President Obama indeed owns a great deal of political capital.He has that much more momentum than Bush II, who famously said after his 2004 presidential win, “I have political capital. I intend to spend it.” The strategic political reason behind this momentum is due, in large part, to the way the GOP framed the election as a battle between big government and small government. In the end, voters wanted a president and a party in power that was pragmatic and could get things done. But now that Obama has won, it is difficult to argue that Obama’s victory wasn’t also a referendum on liberal or left-leaning ideals that government can play a meaningful part in people’s lives. Elizabeth Warren went as far as to say that the reason she was elected was because she stood up for the “core of liberalism.” The president also has economic winds at his back as the job and housing markets have shown signs of continuing recovery. The fact that there is evidence that the president’s policies are actually improving things should create a greater political willingness for Republicans to join the winning team, if only to take some of the credit. If things continue to improve and the Republicans still choose to obstruct and sit on the sidelines, the Democrats will be able to tout success once again in the face of Republican intransigence. These factors, as well as the increased media and public attention in the afterglow of the election, may provide an impetus for a new jobs bill and perhaps reaching a deal on raising new revenue, two things that will be addressed at the end of this year and early next year. Moreover, the Democrats will certainly continue to pound the strong narrative that the election was a mandate on raising new revenue, as Joe Biden recently pointed out.

#### GOP is giving ground now

Bill French (Writer for Democracy Arsenal) November 7, 2012 “Lame Duck Opening Moves: GOP Leadership Agrees DoD is on the Table?” http://www.democracyarsenal.org/2012/11/lame-duck-opening-moves-gop-leadership-agrees-dod-is-on-the-table-.html

Of those reductions, those affecting the Pentagon have received disproportionate attention. What role the Pentagon budget should play in avoiding the fiscal cliff has been hotly debated, with many – but by no means all – conservatives calling for a deal to exempt the DoD from cuts. Some, most notably Buck Mckeon (R-CA), have even called to reverse the cuts already in place, even though those "cuts" are from projected budgetary increases and the Pentagon budget is still on course to rise slightly over the next decade. But Boehner may have just signaled a significant softening of the GOP position. In his speech, he dedicated only one sentence to Pentagon spending to oppose “slashing” the DoD budget. Crucially, this is not objecting to reductions in Pentagon spending as such – a rhetorical fact which is likely indicative of GOP intentions when uttered in such a calibrated address. This interpretation would seem to be corroborated by House Majority Leader Eric Cantor's (R-VA) statements today when he similarly indicated merely opposing “massive defense cuts.” In looking forward to near-term the work required to avoid the fiscal cliff, it seems that the GOP leadership now tacitly agrees that Pentagon spending should remain on the table.

### AT: No Link

#### Obama will negotiate with Republicans now but the plan picks a fight that makes the lame duck toxic

Richard Cowan (writer for Reuters) October 22, 2012 “Some in Congress look to $55 billion fiscal cliff 'fallback'” http://www.reuters.com/article/2012/10/22/us-usa-congress-fiscalcliff-idUSBRE89L0YB20121022

Analysts are increasingly pointing to a status quo congressional election: one that keeps the House of Representatives under Republican control and the Senate under Democratic control. Even as Obama and Romney battle for votes in the last two weeks of their campaigns, some Republicans on Capitol Hill are speculating about a victory by the Democratic president. "If Obama wins, we're going to have to play the cards we're dealt and work out some negotiation with him," said one senior Republican aide who works on fiscal policy matters. Another Republican aide added that if Obama "squeaks out" a victory, the president "will have a choice to make: He can pick a fight, make the lame duck toxic and we can go over the fiscal cliff, or we can work to find common ground on the framework for a bigger tax and entitlement reform agreement" that could take at least a year to put together. At the same time, Democrats, who voice confidence in an Obama victory despite a late Romney surge, warn that they will stick to their demands that the wealthy share more of the burden of getting the U.S. fiscal house in order. "We really think we're going to have leverage and we will use it," the Senate Democratic aide said, pointing to a contentious lame duck session that might be in need of a "fallback."

**Requires Congressional authority**

**Lovell 2k** – Assistant Professor of Government, College of William and Mary (George, 17 Const. Commentary 79, AG)

An initial problem with this complaint is that it is not entirely accurate. Even in a world with delegation, voters can usually trace regulatory decisions to "yes" or "no" votes cast by their representatives in Congress. It is true that members of Congress do not cast "yes" or "no" votes on particular rules created by agencies, but they do quite often need to go on record with "yes" or "no" votes that make agency activities possible. Legislators must cast votes to establish executive branch agencies and to give those agencies the authority to make regulatory decisions. The democratic controls created by such votes weaken over time. (Most of the voters who voted for the legislators who passed the Agricultural Adjustment Act are now dead). But members of Congress need to take at least one vote per year (on the relevant appropriations bill) in order for any regulatory program to continue, and circumstances sometimes force members to cast additional votes on particular programs. Since no regulatory program can operate without being created and continually authorized by Congress, there is nothing about delegation that prevents an unhappy electorate from holding members of Congress accountable for regulatory power exercised by the agencies. Opponents of incumbents are certainly free to make such votes an issue in the next campaign, and they sometimes do. Representative George Nethercutt (R-Washington) recently found this out the hard way from an ad sponsored by some of his political opponents. Nethercutt probably did not know that he had voted for the Endangered [\*91] Species Act twelve times until he saw an ad that recounted his votes on various appropriations and authorizations items. 21

**Every SINGLE MOVE Obama makes is hotly contested and intensely debated—there’s only risk of a link**

**TVNZ 10/8** (Jon Johansson, 10/8/09, "A presidential chess game", http://tvnz.co.nz/world-news/presidential-chess-game-3060277)

While only his most serious chess matches have been mentioned here, numerous other games are continually taking shape, demanding his study and his response. Every single move Obama makes, in whichever game he plays, is hotly contested and intensely debated. There is no let up for him.

**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.

**Obama will take the fall**

**Politico, 1-7-10**, p. http://www.politico.com/news/stories/0110/31259.html

Taking a decidedly different tack from his predecessor in the face of a government failure, President Barack Obama on Thursday took the blame for shortcomings that led to a failed Christmas Day bombing plot, saying, “The buck stops with me.”

Aides to Obama signaled that he was consciously seeking to be the anti-Bush, airing the administration’s dirty laundry and stepping up to take his share of the responsibility.

“The president also wanted to do something, I think, unusual today,” National Security Council Chief of Staff Denis McDonough said during a webchat after Obama’s speech. “Not only was this a very quick accounting, not only did the president accept responsibility for it, but the president also wanted to do this as transparently as possible.”

Quick, transparent, willing to take the blame — all things Obama has said President George W. Bush was not.

### AT: Link Turn

#### Their link turns don’t apply during the lame duck

Richard Miniter, investigative journalist, NYTimes best selling author, 2012, Leading from Behind: The Reluctant President and the Advisors Who Decide for Him, google books p. 85-6

After the historic defeat, Axelrod went on to teach a course called Campaign Strategy at Northwestern University in the Chicago suburbs. The day after the election, many White House staffers described their mood as "depressed." The loss of the U.S. House of Representatives and only a skinny remaining majority in the U.S. Senate meant that passing new programs would be very difficult. Would the next two years be an endless and enervating siege? Obama seemed strangely upbeat, '[he day after the midterm elections, the president convened a meeting with his senior Staff, While they saw clouds, he saw the sun through them. Democrats still ran both houses of Congress until January 3.2011. when the new session convened. To the surprise of some starters present, he enumerated an ambitious list of measures that he would like to see made law in the next sixty days; "a tax deal, extending unemployment benefits, ratification of New START treaty reducing nuclear arms, repeal of the Pentagon's Don't Ask/ Don't Tell policy preventing gays and lesbians from openly serving in the military, passage of the DREAM Act (which would grant citizenship to undocumented young adults who met certain requirements), and a children's nutrition bill advocated by Michelle Obama."" The list was unrealistic. It would have been a demanding agenda for Congress to accomplish over two years. let alone two months. Besides, using a "lame duck" Congress to pass major legislation had enormous political risks. It would be seen as an end-run around voters who had just elected a new majority with a new agenda. When President Carter had used a "lame duck' Congress to pass major bills (including the costly "Superfund" program) following the November 1980 elections in which he lost his reelection bid and Republicans won control of the Senate for the first time since I95-\*. the public was outraged. The outrage would be much bigger this time: Since 1980. the Internet, talk radio, and the Fox News Channel had emerged as powerful forums for channeling outrage. liven if Congress could actually adopt these controversial measures in a few short months, the political price of such a strategy would he high. Still, Obama continued to back Axelrod's analysis, which held that "independent voters wanted a leader who would make all the squabbling schoolchildren in Washington do their assignments."12 Who would do the "assigning"? The voters or the White House? Neither Obama nor Axel-rod seemed to wonder. If the federal government would finally pass a liberal wish list. Axelrod and Obama contended, voters would be happy. It was an unusual view. Independent voters in swing districts had actually voted down candidates who had supported the president's policies in the 2010 elections. Even in safely Democratic districts, independent voters had reduced their support of liberal lawmakers compared with 2008, exit polls showed. Few staffers were persuaded ch.it the president was right, although none dared to contradict him during that meeting. Passing Obama’s priorities during the Thanksgiving and Christmas holiday season had yet another obstacle. A massive White House staff reorganization was in progress. Rahm Emmanuel had stepped down as chief of staff in October 2010 and many other staffers were returning to Chicago or to academia. Without staff, it would be harder to rally the already reluctant Congress to act. Still, Obama was keen to proceed as planned. He was finally going to lead, but the timing and strategy were ill-considered. "Obama didn't care about the criticism that he was too insular," a White House aide said. "He didn't give a shit.\* Obama's proposals were dutifully sent to Capitol 1 lill. but most were essentially dead on arrival. Congress was exhausted and didn't want to take any more political risks.

#### Plan’s empirically unpopular in Congress

**Goode, 11** – staff writer for Politico (Darren, Politico, 5/18, "Senate slams GOP drilling bill", http://www.politico.com/news/stories/0511/55241.html

A Senate Republican offshore drilling bill died Wednesday due to opposition from Democrats and criticism from within the GOP that the measure didn't go far enough in enabling new production.

The 42-57 vote left sponsors well short of the needed 60 for the motion to proceed to pass.

Five Republicans voted no — Sens. Jim DeMint, Mike Lee, Richard Shelby, Olympia Snowe and David Vitter. No Democrats voted yes; Finance Committee Chairman Max Baucus didn't vote.

#### Congress will fight the plan – Democrats see it as vital to pay back environmentalist support from the election

**Goldenberg, 11/7/12 -** the US environment correspondent of the Guardian and is based in Washington DC (Suzanne, “Obama stokes expectations for second term” EnviroLib,

http://envirolib.org/news/obama-stokes-expectations-for-second-term/

Barack Obama‘s invocation of “the destructive power of a warming planet” in his victory speech has stoked expectation that he will act on climate change in his second term.

Environmental campaigners are already mobilising to hold the president to that promise.

They argued Obama’s re-election, amid the devastation of superstorm Sandy, was a clear mandate for action on climate change, in stark contrast to Mitt Romney, who turned sea-level rise into a laugh line in the biggest speech of his political career.

Campaigners put Obama on immediate notice, calling an 18 November demonstration at the White House to demand he scrap the controversial Keystone XL pipeline.

“In the wake of hurricane Sandy, as the warmest year in American history draws to a close, as the disastrous drought lingers on in the midwest, everyone is looking for ways to make a real difference in the fight to slow climate change,” said an open letter from 350.org and the Sierra Club.

But a strategic decision by the White House in 2009 to downplay climate change, and Obama’s avoidance of the issue during the campaign, makes it tricky for the president to now claim that he was elected to act on the issue.

The Republicans’ continued control of the House of Representatives will also continue to limit Obama’s scope for action.

However, environmental campaigners said Sandy – and an endorsement from New York city mayor, Michael Bloomberg, due to Obama’s position on climate change – create public space for the president to act.

“Of course president Obama certainly did not take up the cause in the way we had hoped but he has indicated in numerous events and in the New Yorker and Rolling Stone that climate will be a top priority for his second term,” said Bets Taylor, president of the climate strategy firm Breakthrough Solutions. “There is reason to feel hope. We moved from silence to a growing mandate for action.”

A number of newly elected Democrats in the Senate and the House of Representatives also owe their victories, in part, to support from environmental campaign groups, giving greens more allies in Congress.

#### Any new effort to loosen restrictions will be a fight – for every group that supports the plan, powerful groups will fight it

**Dloughy, 11/7**/12 – reporter in the Hearst Newspapers Washington Bureau (Jennifer, “Obama and the environment - a new path?” San Francisco Chronicle,

<http://www.sfgate.com/science/article/Obama-and-the-environment-a-new-path-4018611.php>

President Obama enters a second term in the White House free to toughen regulations on domestic drilling despite industry objections - and to approve natural gas exports and the controversial Keystone XL pipeline without fear of alienating environmentalists he needed at the ballot box.

But the newly unfettered president will be navigating many of the same political obstacles he faced during the first term, when his administration balanced new pollution regulations by delaying mercury rules for power plants and giving the oil industry big concessions as part of other environmental mandates.

Obama also will be facing a sharply divided Congress, with Republicans eager to use their House control to undercut new environmental requirements and Democrats in charge of the Senate pushing back against efforts to weaken them.

"The president faces checks and balances from Congress," noted Benjamin Salisbury, an analyst with FBR Capital Markets. "He also faces checks and balances from litigation, from industry and negotiations and environmental groups."

### AT: Boehner

#### PC key

Janie Lorber and Kate Ackley (writers for Roll Call) November 8, 2012 “Lobbyists Eager for Short-Term Fiscal Deal” http://www.rollcall.com/issues/58\_35/Lobbyists-Eager-for-Short-Term-Fiscal-Deal-218891-1.html?pos=olobh

“The stakes over the fiscal cliff discussion just got significantly higher,” said David French, chief lobbyist at the National Retail Federation. “If Washington was looking to guidance from the voters on the path ahead, voters weren’t exactly clear.” As the nation approaches its debt ceiling yet again, lawmakers have less than 20 legislative days to decide what to do about the simultaneous expiration of the Bush-era tax cuts and the Social Security payroll tax holiday, as well as the first round of sequestration cuts. Every interest group has a stake. Business advocates argue that the tax provisions set to expire on Dec. 31 will stifle the still sputtering economy. Defense lobbyists fear that the longer the Pentagon budget remains up in the air, the harder it will be for contractors to recover. And unions and other liberal groups worry that emboldened Senate Democrats may agree to cuts in Medicare as part of a last-minute compromise. Add to that pleas from lobbyists representing municipalities ravaged by Hurricane Sandy that are desperate for federal funds to speed disaster relief efforts. “Folks in the business community believe it’s time to unite our country because America’s competitiveness is at stake,” Jay Timmons, the president of the National Association of Manufacturers, said on a conference call Wednesday. “I don’t think there’s anything more urgent than dealing with our fiscal crisis.” For the past year, defense giants and, to a lesser degree, technology firms, have begged lawmakers to avoid billions of dollars in cuts associated with sequestration. Michael Herson, a Republican lobbyist with American Defense International, said he is optimistic that lawmakers will delay sequestration until the next Congress and said most defense lobbyists will adopt a wait-and-see approach for the lame-duck session. The U.S. Chamber of Commerce, which fielded its largest voter mobilization effort ever and spent millions in support of Republicans this cycle, also urged the parties to come together on comprehensive tax and entitlement reforms. But with many of the same faces returning to Washington, D.C., next year, lobbyists wondered whether the illusive “grand bargain” is little more than a pipe dream. “[It] hinges on how Obama plays it. If he and his team really bear down and work with GOPers — an element sadly lacking the last four years — they can make a lot of progress,” said Jack Howard, a Republican lobbyist at Wexler & Walker Public Policy Associates. “If, however, he takes a hands-off approach, then I don’t really see much of a path forward. He has to be the arm-twister, the head-knocker to move things forward.”

#### Obama’s political capital will give him leverage in the ‘fiscal cliff’ negotiations now – brokers a deal

Andrew Sprung (he is the CEO of Sprung PR and hold a PhD from the University of Rochestor) September 21, 2012 “Ezra Klein's unconvincing theory that Obama misunderstands (or misrepresents) "change," http://xpostfactoid.blogspot.com/2012/09/ezra-kleins-unconvincing-theory-that.html)

In my view, Klein is viewing this question too narrowly. Obama is well aware of the limitations of the bully pulpit, and he's got to know better than any person on the planet that presidential advocacy polarizes, entrenching the opposing party in implacable opposition to whatever the president proposes. Yet, in presenting a revamped theory of how the presidency works, he's not just feeding us a line of BS. And if Obama wins reelection, I believe that we will look back five or ten or twenty years from now and recognize that yes, Obama did change the way Washington works. Or at the very least, he kept the US on a sane policy course in a time of extreme polarization and thus gave (will have given...) the system space to self-correct, as it has in the past. Let's start with Klein's objection to Obama's characterization of how healthcare reform got done: The health-care process, which I reported on extensively, was a firmly “inside game” strategy. There were backroom deals with most every major interest group and every swing legislator.... By the time the law passed, many more Americans viewed it unfavorably than viewed it favorably — exactly the opposite of what you’d expect if health care had passed through an “outside game” strategy in which, as Obama put it, “the American people … put pressure on Congress to move these things forward.” And yet, health care passed. The inside game worked. All true, laddie. And yet, in claiming that the impetus for healthcare reform came from the outside, I don't think Obama is attempting to whitewash this long and messy process -- or is even referring to it. He is alluding to the marshaling or channeling of popular will that got him elected. The essence of Obama's primary election argument against Hillary Clinton was that he was better equipped to marshal the popular will for fundamental change -- with healthcare reform as the centerpiece -- than she was. I well remember the moment when that argument first impressed itself on me. It was in a debate in the immediate aftermath of the Iowa caucuses, on Jan. 5, 2008: Look, I think it's easier to be cynical and just say, "You know what, it can't be done because Washington's designed to resist change." But in fact there have been periods of time in our history where a president inspired the American people to do better, and I think we're in one of those moments right now. I think the American people are hungry for something different and can be mobilized around big changes -- not incremental changes, not small changes. I actually give Bill Clinton enormous credit for having balanced those budgets during those years. It did take political courage for him to do that. But we never built the majority and coalesced the American people around being able to get the other stuff done. And, you know, so the truth is actually words do inspire. Words do help people get involved. Words do help members of Congress get into power so that they can be part of a coalition to deliver health care reform, to deliver a bold energy policy. Don't discount that power, because when the American people are determined that something is going to happen, then it happens. And if they are disaffected and cynical and fearful and told that it can't be done, then it doesn't. I'm running for president because I want to tell them, yes, we can. And that's why I think they're responding in such large numbers.

Cue the political science eye-roll. The American people were not "determined" that healthcare reform per se had to occur. You can't read the results of the 2008 wave election as a "mandate" for a specific policy. In the aftermath, the electoral tide went back out with a vengeance. But it's also true that in two years of campaigning Obama's words did inspire people, that the American people were hungry for change after Bush, that Obama made a broad and conceptually coherent case for moving the center of American politics back to the left with a renewed commitment to shared prosperity and investment in the common good, and that healthcare reform was at the center of that case. True too that the results of that election gave him enough of a majority to persist, even when relentless Republican misinformation and bad-faith negotiation and delay eroded public support. Obama also used the bully pulpit at crucial points, if not to rally public opinion, at least to re-commit wavering Democrats -- and also to convince the public, as he enduringly has, that he was more of a good faith negotiator, more willing to compromise, than the Republicans. Those pressure points were the September 2009 speech he gave to a joint session of Congress, and the remarkable eight-hour symposium he staged with the leadership of both parties in late February 2010 to showcase the extent to which the ACA incorporated past Republican proposals and met goals allegedly shared by both parties, as well as his own bend-over-backwards willingness to incorporate any Republican ideas that could reasonably be cast as advancing those goals. In a series of posts about Ronald Reagan, Brendhan Nyhan has demonstrated that presidential rhetoric generally does not sway public opinion. Savvy politicians channel public opinion; transformative ones seize an opportunity when their basic narrative of where the country needs to go aligns with a shift in public opinion, usually in response to recent setbacks or turmoil. Obama, like Reagan, effected major change in his first two years because he caught such a wave -- he amassed the political capital, and he spent it, and we got what he paid for. The force from outside -- a wave election -- empowered Obama to work change from inside in a system that reached a new peak of dysfunctionality. Klein's also objects to Obama's pitch for how to effect change going forward. In 2011, he notes, Obama highlighted the substantial change won from the messy inside game of legislating, touting the long list of legislative accomplishments of the 111th Congress. In election season, he has reverted to a keynote of his 2008 campaign: change comes from you, the electorate; it happens when ”the American people … put pressure on Congress to move these things forward.” Klein regards this as election season hooey: But while this theory of change might play better, it’s the precise theory of change that the last few years have shattered. Whatever you want to say about the inside game, it worked. Legislation passed.

#### Status quo congressional meetings are hollow – presidential leadership is key to get a deal done

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.

### Winners Win

#### PC finite

**Gerson, 12/17** (Michael, 12/17/10, Washington Post, “When it comes to politics, Obama's ego keeps getting in the way,” <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/16/AR2010121604039.html>)

In some areas - such as education reform or the tax deal - Obama's governing practice is better than his political skills. But these skills matter precisely because political capital is limited. The early pursuit of ambitious health-care reform was a political mistake, as former chief of staff Rahm Emanuel internally argued. But every president has the right to spend his popularity on what he regards as matters of principle. Political risks, taken out of conviction with open eyes, are an admirable element of leadership.

Yet political errors made out of pique or poor planning undermine the possibility of achievement. Rather than being spent, popularity is squandered - something the Obama administration has often done.

**Winner’s win theory not true for Obama**

**American Prospect, 5-16-11**, p. http://prospect.org/cs/articles?article=barack\_obamas\_theory\_of\_power

Obama won more legislative trophies during his first two years than Clinton did, but in many respects, they were poisoned chalices. Health reform proved broadly unpopular because of political missteps—a net negative for Democrats in the 2010 midterm. The stimulus, though valuable, was too small to be a major political plus. Obama hailed it as a great victory rather than pledging to come back for more until recovery was assured. He prematurely abandoned the fight for jobs as his administration’s central theme, though the recession still wracked the nation. And because of the administration’s alliance with Wall Street, Obama suffered both the appearance and reality of being too close to the bankers, despite a partial success on financial reform. Obama’s mortgage-rescue program was the worst of both worlds—it failed to deliver enough relief to make an economic difference yet still signaled politically disabling sympathy for both “deadbeat” homeowners and for bankers. (See this month’s special report on page A1.)

### Dickinson

**Their ev is a blog post, not peer reviewed and only about court nominations –Dickinson concludes neg**

**Dickinson, 2009** (Matthew, professor of political science at Middlebury College. He taught previously at Harvard University, where he also received his Ph.D., working under the supervision of presidential scholar Richard Neustadt, We All Want a Revolution: Neustadt, New Institutionalism, and the Future of Presidency Research, Presidential Studies Quarterly 39 no4 736-70 D 2009)

Small wonder, then, that initial efforts to find evidence of presidential power centered on explaining legislative outcomes in Congress. Because scholars found it difficult to directly and systematically measure presidential influence or "skill," however, they often tried to estimate it indirectly, after first establishing a baseline model that explained these outcomes on other factors, including party strength in Congress, members of Congress's ideology, the president's electoral support and/or popular approval, and various control variables related to time in office and political and economic context. With the baseline established, one could then presumably see how much of the unexplained variance might be attributed to presidents, and whether individual presidents did better or worse than the model predicted. Despite differences in modeling assumptions and measurements, however, these studies came to remarkably similar conclusions: individual presidents did not seem to matter very much in explaining legislators' voting behavior or lawmaking outcomes (but see Lockerbie and Borrelli 1989, 97-106). As Richard Fleisher, Jon Bond, and B. Dan Wood summarized, "[S]tudies that compare presidential success to some baseline fail to find evidence that perceptions of skill have systematic effects" (2008, 197; see also Bond, Fleisher, and Krutz 1996, 127; Edwards 1989, 212). To some scholars, these results indicate that Neustadt's "president-centered" perspective is incorrect (Bond and Fleisher 1990, 221-23). In fact, the aggregate results reinforce Neustadt's recurring refrain that presidents are weak and that, when dealing with Congress, a president's power is "comparably limited" (Neustadt 1990, 184). The misinterpretation of the findings as they relate to PP stems in part from scholars' difficulty in defining and operationalizing presidential influence (Cameron 2000b; Dietz 2002, 105-6; Edwards 2000, 12; Shull and Shaw 1999). But it is also that case that scholars often misconstrue Neustadt's analytic perspective; his description of what presidents must do to influence policy making does not mean that he believes presidents are the dominant influence on that process. Neustadt writes from the president's perspective, but without adopting a president-centered explanation of power. Nonetheless, if Neustadt clearly recognizes that a president's influence in Congress is exercised mostly, as George Edwards (1989) puts it, "at the margins," his case studies in PP also suggest that, within this limited bound, presidents do strive to influence legislative outcomes. But how? Scholars often argue that a president's most direct means of influence is to directly lobby certain members of Congress, often through quid pro quo exchanges, at critical junctures during the lawmaking sequence. Spatial models of legislative voting suggest that these lobbying efforts are most effective when presidents target the median, veto, and filibuster "pivots" within Congress.

This logic finds empirical support in vote-switching studies that indicate that presidents do direct lobbying efforts at these pivotal voters, and with positive legislative results. Keith Krehbiel analyzes successive votes by legislators in the context of a presidential veto and finds "modest support for the

### AT: ME War Defense

#### It escalates

Khouri 11 ( Rami G. Khouri is editor-at-large of The Daily Star, and director of the Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut. Jan 5. “Arabia's Troubling Script,” <http://www.nytimes.com/2011/01/06/opinion/06iht-edkhouri06.html?_r=1>)

It is evident from places like Palestine, Iraq, Lebanon, Somalia and Yemen that the Arab world faces some serious challenges in holding together individual countries under a single national leadership that commands universal respect, legitimacy and allegiance. Other Arab countries that do not face such internal strains usually do so because of the strong security measures of a highly centralized state, which largely drains the concept of citizenship of much if its freedoms, rights and vitality. The choice between a fractured state and a police state is not a very pleasant one for the ordinary Arab citizen, but it looms increasingly as the unfortunate reality for most Arabs. The transformation of the formerly localized Arab-Israeli conflict into the fulcrum of a much wider regional confrontation with strong religious overtones bodes ill for the region in the years ahead. The Arab-Israeli conflict now anchors a much more violent and complex stand-off that sees some Arab states (notably Syria), Iran and powerful Arab Islamist resistance movements like Hamas and Hezbollah working together to repel not only Israeli territorial aggression, but what they see as wider American-Israeli hegemonic ambitions in the Arab-Islamic Middle East. The narrow competing claims of Palestinians and Israelis in a small corner of the region have now transformed into a regional and quasi-global existential battle among powerful actors who seem prepared to fight to the finish. Large regional and global conflicts will now more easily find local proxies to wage the battle, while local feuds will often escalate quickly into more fierce and intractable conflicts because of the association with foreign actors.

## 1NR Addons

### A2 shipbuilding addon

**Fleet readiness high now**

**Collum, 09** (Philip, Dir. Fleet Readiness Division and Deputy Chief of Naval Operations, Fleet Readiness and Logistics in US Navy, Federal News Service, L/N)

Fleet priorities, the unambiguous maintenance requirements of aircraft carriers and submarines, and the lack of an updated, technically validated surface ship class maintenance plan has resulted in surface ship maintenance being the area where we have historically taken funding risk in a resource-constrained environment. Despite these challenges, current ship readiness for the Navy's surface force remains strong and the committee can be assured that we do not have a “hollow” force. We are meeting all our commitments around the globe today. If allowed to persist, however, these material discrepancies will ultimately impact our future readiness and shorten the service life of our surface ships. The good news is that the Navy and Surface Warfare Enterprise have taken specific steps to address these issues. Partners from the Navy's technical community and fleet maintenance community are with me here today to provide the committee with a more detailed account of the actions they are taking in their respective areas of responsibility to ensure we continue to maintain and sustain our naval forces.

**The US can't have and doesn't need a domestic shipbuilding industry**

**White 7** (Robert, Senior Engineer in Ranges, Engineering, and Analysis Department @ Naval Sea Systems Command Division, Naval War College Review, “Globalization of Navy shipbuilding: a key to affordability for a new maritime strategy”, Autumn, http://findarticles.com/p/articles/mi\_m0JIW/is\_4\_60/ai\_n21107633/pg\_4/?tag=content;col1)

The commercial American shipbuilding industry is virtually nonexistent. What remains today is wholly dependent on a domestic market guaranteed by the Merchant Marine Act of 1920 (known as the Jones Act). (22) Though once competitive in the world market, U.S. industry no longer exports any vessels. (23) Today, commercial vessels can be built in South Korea for a third of the price of comparable ships built in the United States. (24) In fact, a Korean shipyard can deliver a new ship for what an American shipyard pays for steel alone. (25) The American military shipbuilding industry is concentrated in six shipyards run by two prime contractors. (26) Their sole customer is the U.S. Navy. As the Navy shrank from the eight-hundred-ship fleet of World War II to the roughly 280-ship fleet of today, the shipbuilding industry consolidated. Unfortunately, however, while the Navy modernized, industry fell behind. Facing no competition, U.S. shipyards became inefficient and outdated. Today's U.S. Navy combatants are highly sophisticated and more lethal than ever, yet they are constructed in essentially the same manner as they were sixty years ago. Instead of reinventing processes to remain competitive as foreign shipyards did, U.S. yards relied on "Buy American" legislation. Analysis completed in 2005 showed that Navy and industry initiatives are closing the productivity gap with foreign shipyards; (27) nonetheless, American shipyards remain fifteen years behind foreign peers. (28) Industry blames low and unstable production rates for high material costs and low productivity. But those factors have existed for sixty years. Moreover, toward the end of the Cold War the Defense Department recognized that military demand would no longer generate the economies of scale required for affordable production. The present emphasis on dual-use technology, relaxation of former requirements to use military-specification components where industry specifications are sufficient, and the preference for COTS items wherever possible have all been outgrowths of that realization. Unfortunately, their effectiveness has been limited by the segregation of U.S. shipbuilding between the commercial and military sectors. Few shipyards work in both. (29) Commercial shipbuilding, then, depends solely on protectionist legislation, and military shipbuilding hides conveniently behind national-security claims. The Department of Commerce states this claim succinctly: "It is essential that the capability and infrastructure needed to build these [military] ships is resident in the United States because it provides added assurance that they can be built, repaired, and maintained during times of conflict." (30) The problem with maintaining such a "surge" capability is twofold. First, as the Commerce Department freely admits, maintaining excess industrial capacity drives up cost and degrades competitiveness. Between 1997 and 2002 the cost of a surface combatant rose 30 percent above inflation; (31) in comparison, competition and overcapacity in shipyards on the world market drove the price of a new commercial vessel down 19 percent. (32) Second, the complexity of modern combatants renders a World War II-style mobilization entirely infeasible. (33) In fact, a three-to-five-year construction cycle means that a warship ordered at the beginning of a conflict is not likely to be available before the end. (34) Further, it is plainly unrealistic to believe that all foreign shipyards in friendly and allied countries "would simultaneously turn down revenues and deny access." (35) Finally, as early as 1988 the national security strategy recognized that defense industrial mobilization is not a unilateral matter but requires coordination between the United States and its allies. In the words of President Ronald Reagan, "Fortress America is an obsolete concept." (36)

# Round 3 – Neg v Georgia LS

## 1NC

### T 1NC

**Restrictions refer to content not place**

Martin Borowski (Faculty at Birmingham Law School, Vice-President of the British Section of the International Association for Philosophy of Law and Social Philosophy) 2003 “Religious Freedom as a Fundamental Human Right, a Rawlsian Perspective” in Pluralism and Law, Conference Proceedings” p. 58

Where it is a question of the diminution of the content of basic liberties, Rawls distinguishes between restriction and regulation. He Illustrates this distinction by turning to the example of freedom of speech. Interference with the content of speech counts as a restriction, whereas interference with the modalities of speech, such as place and time, counts merely as regulation. Regulations do not offend against basic liberties; rather they show that basic liberties are self-limiting.5’ It is necessary, however, that the central range of application of the basic liberties be respected. It must be assumed, in Rawls’ theory, that the distinction between restriction and regulation survives the transformation from basic liberty to basic right or freedom, such that the distinction can be found at the stage of constitutional law, too. This gives voice to the question of whether this distinction can serve as an adequate reconstruction of the constitutional protection afforded to religious freedom.

#### Vote Neg

#### Limits – there are an infinite number of indirect limitations on company’s ability to produce energy – simply measuring its end effect explodes the literature base. Raises entry barriers for debate and destroy competitive equity.

#### B) Precision – undermines all policy analysis skills

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.

### Fiscal Cliff 1NC

#### Obama PC high now – GOP softening now on fiscal cliff – but it will be a fight

Kimberly Atkins (writer for the Boston-Herald) November 8, 2012 “Prez returns to D.C. with more clout” http://bostonherald.com/news/columnists/view/20221108prez\_returns\_to\_dc\_with\_more\_clout

When President Obama returned yesterday to the White House, he brought with him political capital earned in a tough re-election fight as well as a mandate from voters — which means bold changes and bruising fights could lie ahead. The first agenda item is already waiting for him: reaching an agreement with lawmakers to avert the looming fiscal cliff. GOP lawmakers have previously shot down any plan involving tax increases. Obama’s win — based in part on a message of making the wealthiest Americans pay more — may already be paying dividends. In remarks at the Capitol yesterday, House Speaker John Boehner seemed to acknowledge the GOP has to take a different tack than the obstructionism that has marred progress in the past. “The president has signaled a willingness to do tax reform with lower rates. Republicans have signaled a willingness to accept new revenue if it comes from growth and reform,” Boehner said. “Let’s start the discussion there.” Obama’s fresh political clout could extend to longer term fiscal policies beyond the fiscal cliff, though don’t expect GOP pushback to vanish. House Republicans still have plenty of fight in them.

#### Ensures compromise now – but re-election PC is finite

Ron Kampeas (writer for Intermountain Jewish News) November 7, 2012 “Obama’s second term: More of the same, at least until Iran flares” http://www.ijn.com/presidential-elections/2012-presidential-elections/3530-obamas-second-term-more-of-the-same-at-least-until-iran-flares

The fiscal cliff and specifically sequestration is a major concern," Daroff said. "Our concern continues to be that as the nation and our political leaders continue to assess how to make cuts in spending that those cuts don't fall disproportionately on vulnerable populations that rely upon social service agencies that depend on our funding." Cuts of about 8.5 percent would immediately affect the viability of housing for the elderly, according to officials at B'nai B'rith International, which runs a network of homes. Officials at Jewish federations say the cuts also would curb the meals and transportation for the elderly they provide with assistance from federal programs. Obama and Congress would have had to deal with heading off sequestration in any case, but as a president with a veto-wielding mandate of four more years, he has the leverage to head off deep cuts to programs that his top officials have said remain essential, including food assistance to the poor and medical entitlements for the poor and elderly. David Makovsky, a senior analyst with the Washington Institute for Near East Policy, said Obama's priorities would be domestic. "While a victory in the second term tends to give you some political capital, capital is still finite," he said, citing George W. Bush's failure in 2005 to reform Social Security, despite his decisive 2004 triumph. "This suggests to me the president will keep his focus on the economy and health care," and not on major initiatives in the Middle East.

#### Plan sparks a fight kills pc

**Morgan, 11** (Curtis, Tampa Bay Times, “A year after Deepwater Horizon disaster, opposition to oil drilling fades” 4/18, <http://www.tampabay.com/news/environment/a-year-after-deepwater-horizon-disaster-opposition-to-oil-drilling-fades/1164429>) **Nelson=Florida Senator Bill Nelson, Fuller = Manley Fuller, president of the Florida Wildlife Federation**

In Washington, the Obama administration has adopted what Interior Secretary Salazar called a "thoughtful and deliberate approach'' to reopening the gulf, with a new oversight agency and new safety measures — notably, one mandating that the industry develop deep-water containment systems for worst-case blowouts, like the one that destroyed the Deepwater Horizon.

In October, the White House lifted the drilling ban it imposed after the BP spill but didn't start issuing new permits until last month, approving 10 new deep water wells so far, with 15 more in process. The administration also agreed to open new territory for exploration by selling new leases — but only in the already heavily drilled central and western gulf.

The three bills approved by a House committee last week don't target Florida waters specifically but lawmakers potentially could use them as tools to carve out prime areas for drilling, or shrink or lift the moratorium.

For now, with the House and Senate controlled by different parties, it's doubtful any drilling bill can make it out of Congress. Nelson and most environmentalists believe the ban on Florida's federal waters can survive political pressure and maneuvering.

"President Obama would have to lose and Bill Nelson would have to lose and they'd have to be replaced by people who want to remove that boundary,'' said Fuller of the Florida Wildlife Federation. "I don't think that is going to happen.''

A more serious threat, they say, is the possibility of a future Florida Legislature opening up state-controlled waters. That move would make it politically difficult to justify a continuing federal ban.

A coalition of environmental groups, Save Our Seas, Beaches and Shores, launched a petition drive after the 2009 House vote to put a ban on drilling in state waters into the Florida Constitution. Former Gov. Charlie Crist's effort to do the same thing during a special legislative session in July proved dead on arrival.

So far, Fuller acknowledged, only a few thousand signatures have been gathered through an online site, far short of the nearly 700,000 needed. In February, Crist's former chief financial officer, Alex Sink, who lost the governor's race to Scott, agreed to co-chair the petition drive with the goal of getting an amendment proposal on the ballot by 2012 or, more realistically, the following year.

Fuller doesn't anticipate lawmakers trying to ram through a divisive drilling bill in the near future but "that is one reason why we want it in the Constitution. We don't want to see it as a possibility at all.''

#### Failure to pass fiscal cliff guarantee collapse of the economy and hegemony – causes Middle East war

Kay Bailey Hutchison (U.S. Senator from Texas) 9/21/2012 “A Looming Threat to National Security,” States News Service, Lexis

Despite warnings of the dire consequences, America is teetering at the edge of a fiscal cliff, with January 1st, 2013 as the tipping point. On that date, unless Congress and the White House can reach agreement on how to cut the federal deficit, all taxpayers will be hit with higher taxes and deep cuts - called "sequestration" - will occur in almost all government spending, disrupting our already weak economy and putting our national security at risk. According to the House Armed Services Committee, if sequestration goes into effect, it would put us on course for more than $1 trillion in defense cuts over the next 10 years. What would that mean? A huge hit to our military personnel and their families; devastating cuts in funding for critical military equipment and supplies for our soldiers; and a potentially catastrophic blow to our national defense and security capabilities in a time of increasing violence and danger. All Americans feel a debt of gratitude to our men and women who serve in uniform. But Texas in particular has a culture that not only reveres the commitment and sacrifice they make to protect our freedom, we send a disproportionate number of our sons and daughters to serve. The burden is not borne solely by those who continue to answer the call of duty, but by their families as well, as they endure separation and the anxiety of a loved one going off to war. These Americans have made tremendous sacrifices. They deserve better than to face threats to their financial security and increased risks to their loved ones in uniform, purely for political gamesmanship. Sequestration would also place an additional burden on our economy. In the industries that support national defense, as many as 1 million skilled workers could be laid off. With 43 straight months of unemployment above 8 percent, it is beyond comprehension to add a virtual army to the 23 million Americans who are already out of work or under-employed. Government and private economic forecasters warn that sequestration will push the country back into recession next year. The recent murder of our Ambassador to Libya and members of his staff, attacks on US embassies and consulates and continued riots across the Middle East and North Africa are stark reminders that great portions of the world remain volatile and hostile to the US. We have the mantle of responsibility that being the world's lone super-power brings. In the absence of U.S. military leadership, upheaval in the Middle East would be worse. As any student of history can attest, instability does not confine itself to national borders. Strife that starts in one country can spread like wildfire across a region. Sequestration's cuts would reduce an additional 100,000 airmen, Marines, sailors and soldiers. That would leave us with the smallest ground force since 1940, the smallest naval fleet since 1915 and the smallest tactical fighter force in the Air Force's history. With the destabilization in the Middle East and other areas tenuous, we would be left with a crippled military, a diminished stature internationally and a loss of technological research, development and advantage - just as actors across the globe are increasing their capabilities. Sequestration can still be avoided. But that will require leadership from the President that has thus far been missing. Congress and the White House must reach a long-term agreement to reduce $1 trillion annual budget deficits, without the harsh tax increases that could stall economic growth and punish working families.

#### Econ collapse = nuclear war and turns naval power

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.

#### Middle east war = extinction

**Stirling 2011** – Governor & Lord Lieutenant of Canada, Lord High Admiral of Nova Scotia, & B.Sc. in Pol. Sc. & History; M.A. in European Studies (The Earl of Stirling, “General Middle East War Nears - Syrian events more dangerous than even nuclear nightmare in Japan”, http://europebusines.blogspot.com/2011/03/general-middle-east-war-nears-syrian.html)

Saddam Hussein's military had prepared what it called the "great equalizer", an arsenal of 25 Scud warheads carrying over 11,000lb of biological agents, including deadly botulism poison and anthrax germs (an additional 33,000lb of germ agents were placed in artillery shells and bombs). It was only after he was forced into denuding himself of his advanced weaponry that the neo-cons were able to begin the Second Gulf War commonly called the Iraq War. After Iraq, the Likud/neo-con war strategy calls for the neutralizing of Iran and Syria. The Iranians response, to this strategy, was to train and equip Hezbollah in Lebanon and to deepen their strategic alliance with Syria. During the 2006 Second Lebanon War, the Iranian trained and equipped Hezbollah forces repeated the efforts of Saddam during the First Gulf War. They delivered a very large number of rockets with “dumb” high explosive warheads on Israel. The Hezbollah Special Forces are in-effect a highly trained and well-equipped Iranian commando force of at least a Brigade in size. They man and protect a large number of mostly unguided and rather crude rockets, generally Katyusha 122mm artillery rockets with a 19 mile/30km range and capable of delivering approximately 66 pounds/30kg of warheads. Additionally, Hezbollah are known to possess a considerable number of more advanced and longer range guided missiles. During the 2006 war Hezbollah fired approximately 4,000 rockets (95% of which were Katyshas) all utilizing only "dumb" high explosive warheads. Some Iranian build and supplied Fajr-3 and Ra'ad 1 liquid-fueled missiles were also fired. At the time of the 2006 war Hezbollah was reported to have in the range of 13,000 rockets. There are creditable reports that this number has been rebuilt and expanded upon since the end of that war and that the number of rockets is now at least 50,000 and perhaps 60,000 or more. During the 2006 war the world watched as Israeli towns were hit time and time again by the Katyushas. What was not discussed by the main stream news media was the fact that the ordinance delivered by the Katyushas was mainly harassment fire with very limited effect. The Iranian/Syrian trained and supplied Hezhollah commandos were holding back their "heavy stuff" both in terms of their longer range guided missiles capable of hitting southern Israel and most importantly warheads of strategic military importance. That is NBC (nuclear [in this case radiological] chemical and biological) and advanced-conventional warheads. They were demonstrating their ability to deliver "ordinance on target" and their ability to survive a heavy Israeli ground and air combined arms attack. Hezbollah has the capability of loading truly strategic warheads on the large number of mostly crude older technology unguided rockets that it has. The use of advanced-conventional fuel-air explosive (FAE) warheads on the Katyushas would have had a much more profound effect in Israeli cities. The use of FAE submunitions on the larger missiles capable of hitting any target in Israel would have given Hezbollah the firepower of low-yield nuclear weapons without crossing the nuclear threshold. Coupled with the large number of missiles in Syria and those in Iran, the Hezbollah rockets posed, and continue to pose, a truly grave strategic threat to Israel if FAE warheads are used. This threat is dramatically increased if radiological ("dirty bombs"), chemical, and/or advanced biological warheads are used. The massive number of Hezbollah rockets could also be outfitted with chemical warheads. It is worth noting that the joint Syrian-Iranian chemical warfare R&D and production program is perhaps the largest and most complicated on earth. Generally the Israelis have shown themselves to be prepared for chemical warfare, however a chemical war attack following closely behind a FAE attack (to open up bunkers and apartment buildings) would have greater effect. While it is not necessary to utilize a rocket to deliver a biological war attack, it could be done and there is some benefit militarily to a rapid dispersal of biowar agents under the cover of conventional attacks. Radiological weapons deliver the long term (which can be hundreds of thousands of years) lethal effects of radiation without the blast effect of a nuclear bomb. The combined military strategic capability of NBC/Advanced Conventional warheads and very large numbers of rockets operated and protected by Hezbollah, coupled with the arsenal of Syria and Iran (and Hamas) acts as a MAD (mutually assured destruction) between Israel and Iran/Syria. Yes the Israelis can nuke the hell out of both Iran and Syria; however, they possess a fatal return punch. Only a madman would consider starting a war in a MAD environment. The response from the Israeli and neo-con hardliners to the new MAD strategic environment has been frightening. Instead of recognizing the danger to Israel and to the entire world from the Iranian/Syrian “checkmate” on the aggressive Israeli/neo-con strategy, and making major changes to their strategy, they are attempting to “tough it out”. The issue of “danger from the Iranian nuclear program” is a smokescreen to facilitate the coming war on Iran and her allies (Syria, Hezbollah, and Hamas) and to continue with the next stage of the neo-con strategy. The response from the hardliners is more war and damn their WMD (weapons of mass destruction). This is most unwise and most dangerous to the entire world. When the USSR was falling apart, and in the aftermath of the USSR breakup, Iran spend a lot of money to hire some of the best Soviet biological war experts. The advanced biowar weapons that Iran has developed gives Iran a Global Strategic Weapon of Mass Destruction that can unleash levels of death among the populations of the major neo-con nations (USA, UK, France, German, Italy, etc.) very similar to that from a global strategic nuclear strike. This means that Iran and her allies have a MAD with America, Canada, the United Kingdom, France, German, Italy, etc. Most people think of biological warfare as anthrax and smallpox; they do not understand that there has been a major shift in technology. The difference between the old biowar (that most people think of) and advanced biowar (with its recombination DNA designer super killer viruses) is like the difference between an old Model T Ford and a 2011 Rolls Royce Phantom. Both are cars, or biological weapons, but there is a difference of several orders of magnitude. Regardless of how a war against Iran breaks out, it is likely to very quickly escalate to the usage of WMD. There has been talk among USAF war planners of a 1,200 (some say 2,000 to 3,000 or more) target attack on Iran’s nuclear, industrial, military, political and religious infrastructure. If a foreign enemy were to bomb 1,200 or more targets in the United States what would be the response of the American government and it’s military? Actually the answer to this question is well known. The stated doctrine of the United States of America is to rain hundreds of hydrogen bombs (WMD) on the territory and people of such an aggressor; this has been our policy for approximately 60 years. Why do we presuppose that the Iranians would not do the same? If Iran is hit by either an Israeli and/or an American air attack, it is certain that Iran will respond. This response, even if is non-WMD at first, will certainly result in more escalation and counter-escalation. The chances of a regional Middle East war between Iran/Syria/Hezbollah/Hamas and Israel/USA not becoming a nuclear and advanced biological war nightmare are very low. In fact, since both sides know this, there is a strong military incentive to move to all out usage of WMD when the first bombs begin to fall (in order to utilize more of one’s weaponry before its destruction). This could include Iranian/Syrian fire-on-warning system using a fiber-optic CCC link between all the launch bunkers in Lebanon, Syria, Iran, and Palestine to co-ordinate fire a truly massive barrage of rockets and guided missiles, with WMD warheads, upon Israel within the first five-minutes of a launch warning. A similar fire-on-warning system for Israel, only involving nuclear-armed IRBMs, and submarine launched cruise missiles (SLCMs), and rapid launch of aircraft carried air-launched cruise missiles (ALCMs). could also launch within five minutes of warning. This is the "hair-triggering" of WMD in the single most dangerous place on the planet Earth. The end result will be a brief battle of unbelievable intensity that will leave half or more of all Israelis dead and large parts of the Israeli nation poisoned for hundreds of thousands of years by radiological warheads. Syria, Iran, and large parts of Lebanon and Palestine will cease to exists and will be little more than a green radioactive debris field poisonous to all forms of life higher than a cockroach for hundreds of thousands of years (longer than modern man has existed). The Iranian oilfields and most likely the oilfields of a large part of Saudi Arabia, Kuwait, and other areas of the Middle East are also apt to be so poisoned by Iranian radiological warheads or Israeli/American nuclear fallout, that production will effectively cease. The destruction of the Middle Eastern oilfields and the blocking of the Gulf will cause the world to suffer its most complete economic collapse in history. All of this will take less than one week from the beginning of the General Middle East War. At about two weeks, after the beginning of the war on Iran, emergency rooms and doctors offices will begin to see a sudden spike in a number of new diseases with numerous very ill people being admitted to hospitals in North America, and Western Europe and what is left of Israel. By that time the Iranian and Syrian states will have effectively ceased to exist with insufficient manpower and organization to even bury their dead. The many new genetically engineered viruses causing the strange diseases showing up will have been spread by sleeper agents supplied with a number of new viruses and distributed in public places (movie theaters, shopping malls, churches, etc.) quietly without anyone knowing. Humans themselves will become the vectors of the diseases/biowar agents. Although the Bush/Obama Administrations have spent well over $40 billion on biowar defense in the last few years, there is little that can realistically be done against a global strategic advanced biowar attack. The tactic of necessity will be to lock down everyone, with only key persons being allowed to leave their homes, in order to let the multiple genetically engineered diseases burn themselves out (a nice way of saying letting everyone who has the illnesses die off). Expect to see sub dermal RFID chips implanted under the skin of the population left in the major neo-con states to “prove your disease free status” and necessary to buy, sell, or work. Expect to see military checkpoints everywhere and total control by the neo-con national governments over all aspects of life. Expect to see concentration camps for persons suspected of disloyalty to the state (this will include many viewers of sites like this one). Expect to see levels of death, fear, repression that are almost incomprehensible. Expect to see the various biological warfare diseases spread throughout the world, even with a total shutdown of international travel. Many many millions will die in Russia and China. Expect to see those national governments not controlled by the neo-con masters to go ape shit when their populations face the nightmare of advanced biowar. Expect the regional war in the Middle East to trigger an all out global battle utilizing all forms of weapons of mass destruction within a few weeks to a few months of the initial attacks on Iran. Before we allow hardliners in Israel take us into yet another war, we need to take a very hard and realistic look at just what a war involving MAD on all sides would mean to Israel, to Europe, to North America and the entire world. The strategy of using war to effect change in the Middle East is no longer realistic, as we are in a mutually assured destruction (MAD) environment. It is also imperative, that the United States and Israel stop insisting on maintaining the Mubarak regime (perhaps minus Mubarak himself). With each passing day, week and month that the people of Egypt are prevented from successful revolution, the forces of the Muslim Brotherhood will grow. While not all in the Muslim Brotherhood are extremist, the danger is that a radicalized Egyptian population and a future government will not continue to support regional peace with Israel and that itself will dramatically raise regional danger levels. It is imperative, given the highly lethal nature of 21st Century warfare, that we stop the drive to war against Iran and stop the neocon strategy of using military force to reshape the Middle East. We (the Human Race) simply cannot survive the global use of Advanced Biological Warfare**.**

### QER 1NC

#### The United States federal government ought to establish a Quadrennial Energy Review. In the Quadrennial Energy Review, the United States federal government ought to include a recommendation to reduce production restrictions on federal lands in the Outer Continental Shelf for conventional gas.

#### Recommending plan mandates through a QER process solves—only the CP creates policy sustainability and private sector coordination that unlocks energy innovation

Moniz 12

Ernest Moniz, Cecil and Ida Green Professor of Physics and Engineering Systems and Director of the Energy Initiative at the Massachusetts Institute of Technology; Former Clinton Administration Under Secretary of the Department of Energy and as Associate Director for Science in the Office of Science and Technology Policy ; serves on the President’s Council of Advisors on Science and Technology, Spring 2012, Stimulating Energy Technology Innovation, Daedalus, Vol. 141, No. 2, Pages 81-93

It should come as no surprise that I do not have the answers for how the government should intersect the latter stages of the innovation process in a general sense. However, PCAST recommended a pragmatic approach to an integrated federal energy policy that would employ all the tools available to the government in a coherent way. Termed **the** Quadrennial Energy Review (**QER**), the process is necessarily complex, but **history suggests** that **anything short of a full multiagency effort is unlikely to provide a robust plan that accounts for the many threads of an energy policy**. Furthermore, a degree of analysis is required that has not been present in previous efforts.

Energy policy is derivative of many policies: environment, technology and competitiveness, diplomacy and security, natural resources, and land and food, among many others. Indeed, multiple agencies that are not labeled “energy” have major equities and long-held perspectives on key elements of energy policy. Often, the preferred policies for different agencies’ agendas conflict. Further, states and local governments play a strong role, for example with building codes, and their approaches can vary dramatically in different parts of the country; certainly, California’s energy policies have influenced the national market. The tools available to support innovation are also diverse, ranging from direct support of RD&D to a variety of economic incentives, regulation, standards, and federal procurement, among other instruments. Congress is equally fragmented: in the House of Representatives and Senate, many committees beyond those tasked with energy policy have equities that mirror those of the different executive agencies. **To overcome this fragmentation** of responsibilities and perspectives, and **especially if the goal is a plan that has staying power in advancing adoption and diffusion, PCAST recommended a QER process** to provide a multiyear roadmap that:

• lays out an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

• outlines **legislative proposals** to Congress;

• puts forward anticipated Executive actions (programmatic, regulatory, fiscal, and so on) coordinated across multiple agencies;

• **identifies resource requirements** for the RD&D programs **and** for innovation **incentive programs**; and, most important,

• provides a strong analytical base.14

This is a tall order intellectually and organizationally. Several process elements are essential to fostering a chance for success. First, the Executive Office of the President (eop) must use its convening power to ensure effective cooperation among the myriad relevant agencies. However, the capacity to carry out such an exercise and to sustain it does not (and should not) reside in the eop. The doe is the logical home for a substantial Executive Secretariat supporting the eop interagency process that would present decision recommendations to the president. However, the scope of the analytical capability needed does not currently reside at the doe or any other agency. The doe needs to build this capability, presumably supplemented by contractor support to gather data, develop and run models, and carry out analysis, such as independent energy-system engineering and economic analysis. Market trends and prices would be part of the analysis, including international markets and robust analyses of uncertainty. The Energy Information Administration can help with some data gathering and models, but its independence from the policy function needs to be preserved. The national laboratories also lack this range of functions, and tasking them with providing the analytical support to the policy process would be regarded as a conflict of interest; their focus is best directed at research, invention, and technology transfer. Building this analysis capacity is a large job that will take time.

For the QER to succeed, the government must seek substantial input from many quarters in a transparent way; certainly, ongoing dialogue with Congress and the energy industry are essential. The good news is that members of Congress have supported the development of the QER as a way to present a coherent **starting point for congressional action across many committees.** A hope is that **Congress could then use the QER as a basis for** a four or five-year **authorization that would provide the private sector with the increased confidence needed to make sound clean energy investment decisions**.

Given the magnitude of the task, PCAST recommended in 2011 that the doe carry out a Quadrennial Technology Review (qtr)–a first step centered in a single department and focused on technology. The qtr resulted in a rebalancing of the R&D portfolio toward the oil dependence challenge through advanced vehicle development, particularly transportation electrification. The key now will be to extend the processes developed for the qtr to the multiagency QER, involving the eop in a leadership role. Taking the next steps in 2012 will maintain momentum and establish the capabilities needed for the QER by early 2015, the time frame recommended by PCAST.

While some may view 2015 as a frustratingly long time away, the alternative is to rely on wishes rather than analysis while failing to gain multiple perspectives in a fair and open manner. **Rushing the process will result in a poorly done job that will not accomplish** any of the **key** QER **goals**. Certainly, **it will not bring together succeeding administrations and Congresses around a** reasonably **shared vision** and set of objectives **that can accelerate innovation in service of national competitiveness and environmental and security goals. Continuing with fragmented** and economically inefficient **policies, technologies “du jour,” and frequent shifts will complicate private-sector decisions rather than facilitate innovation**. The government unavoidably plays a strong role in the innovation process, even when this is unacknowledged in policy and political debates. The issue now is to present both a set of principles and fact-based analyses supporting coordinated government-wide actions that earn decent buy-in from major stakeholders.

[Note: PCAST = President’s Council of Advisors on Science and Technology]

### Courts 1NC

#### The United States Supreme Court ought to rule that compliance orders from federal enforcement agencies regarding production restrictions on federal lands in the Outer Continental Shelf for conventional gas are unconstitutional.

#### 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.

#### Solves natural gas

Barry Rabe (Nonresident Senior Fellow Governance Studies at the Brookings Institute) August 6, 2012 “Fracking, Legislation and the Court” http://www.brookings.edu/blogs/up-front/posts/2012/08/06-fracking-pennsylvania-energy-rabe

The ink was barely dry on far-reaching new Pennsylvania legislation to regulate hydraulic fracking practices before a state appellate court recently overturned key provisions as an unconstitutional encroachment on traditional land-use policies. This ruling serves as a reminder that few governance issues are as contentious as governmental battles over land-use decisions. Federal and state policies that restrict land-use preferences have routinely been assaulted by waves of litigation, many aiming to return authority to private and local hands. But many of the very organizations so outraged by top-down governmental control have been remarkably quiet as the Commonwealth of Pennsylvania enacted far-reaching legislation that dramatically shifted one major form of land-use from local to near-total state control. This is why last week’s decision by the Commonwealth Court to overturn key legislative provisions will only serve to draw more attention to this issue, as a larger national debate likely begins on all facets of governance related to fracking. In this case, the issue involves state desire for maximal extraction of natural gas through hydraulic fracking techniques. Pennsylvania was the “Saudi Arabia of oil” before Saudi Arabia was formed, dominating world production in the late 19th and early 20th Centuries (to learn more, read Daniel Yergin’s book, The Quest). Aggressive use of fracking in the Marcellus Shale may well provide the state a route back to an energy-intensive economy, one also offering some significant environmental benefits given the upsides of natural gas. But the Pennsylvania legislature and Governor Tom Corbett went off the deep end earlier this year by enacting Act 13, a sweeping statute covering many aspects of fracking governance. Among the most significant provisions was a remarkably detailed and complex set of measures designed to strip local governments of basic land-use controls long protected under Pennsylvania’s planning code that emphasizes local authority. These new provisions include tight constraints on how localities may address such issues as restricting vehicle access routes, well site operation hours, conditions for site screening and fencing, or limiting structural height or noise from facility operations. Every aspect of this legislation was designed to establish uniform land-use approaches to fracking operations, even in densely-populated areas. It severely constrains local governments and private land-holders from making independent judgments. The state went even further by blocking local authority to challenge any state regulatory decisions related to shale gas permits and threatening localities with immediate loss of their share of “local impact fee” revenues in the event of any local encroachment on state authority. Indeed, this legislation is a model for its ability to look at every conceivable regulatory provision as a venue for shifting authority from private and local hands toward state regulatory agencies. The passage of Act 13 in March led to a near-immediate turn to the courts by local governments. This included expressions of support for the challenge from legislators who had just voted in favor of the bill but began to see immediate impacts back home. The Commonwealth Court’s majority opinion concluded that Act 13 “violates substantive due process because it does not protect the interests of neighboring property owners from harm, alters the character of neighborhoods and makes irrational classifications.” Invariably, the state will appeal and the battle will continue in Harrisburg and elsewhere. But this case serves as a reminder that many basic governance issues related to shale gas are largely in state hands. Surveys suggest that the citizens of Pennsylvania would prefer a very different state policy approach, though they are generally supportive of continued pursuit of shale gas development. For decades, states have argued that they were engaged in a “race to the top,” finding creative ways to integrate local land-use and environmental protection needs with economic and energy development opportunities. Thus far, Pennsylvania appears to be racing in the opposite direction. How much authority should state governments have in determining land-use decisions linked to energy development? Should they treat all proposed energy sources, from shale gas drills to wind turbines, in the same way?

#### CP alone solves i-law

**Congressional Research Service 11**

[Offshore Oil and Gas Development: ¶ Legal Framework ¶ Adam Vann ¶ Legislative Attorney ¶ May 2, 2011]

The development of offshore oil, gas, and other mineral resources in the United States is ¶ impacted by a number of interrelated legal regimes, including international, federal, and ¶ state laws. International law provides a framework for establishing national ownership or ¶ control of offshore areas, and U.S. domestic law has, in substance, adopted these internationally ¶ recognized principles. U.S. domestic law further defines U.S. ocean resource jurisdiction and ¶ ownership of offshore minerals, dividing regulatory authority and ownership between the states ¶ and the federal government based on the resource’s proximity to the shore. This report explains ¶ the nature of U.S. authority over offshore areas pursuant to international and domestic law. It also ¶ describes the laws, at both the state and federal levels, governing the development of offshore oil ¶ and gas and the litigation that has flowed from development under these legal regimes. Also ¶ included is an outline of recent changes to the authorities regulating offshore development, as ¶ well as a discussion of recent executive action and legislative proposals concerning offshore oil ¶ and natural gas exploration and production. ¶ Ocean Resource Jurisdiction ¶ Under the United Nations Convention on the Law of the Sea,¶ 1¶ coastal nations are entitled to ¶ exercise varying levels of authority over a series of adjacent offshore zones. Nations may claim a ¶ 12-nautical-mile territorial sea, over which they may exercise rights comparable to, in most ¶ significant respects, sovereignty. An additional area, termed the contiguous zone and extending ¶ 24 nautical miles from the coast (or baseline), may also be claimed. In this area, coastal nations ¶ may regulate, as necessary, to protect the territorial sea and to enforce their customs, fiscal, ¶ immigration, and sanitary laws. Further, in the contiguous zone and an additional area, the ¶ exclusive economic zone (EEZ), coastal nations have sovereign rights to explore, exploit, ¶ conserve, and manage marine resources and assert jurisdiction over: ¶ i. the establishment and use of artificial islands, installations and structures; ¶ ii. marine scientific research; and ¶ iii. the protection and preservation of the marine environment.¶ 2¶ The EEZ extends 200 nautical miles from the baseline from which a nation’s territorial sea is ¶ measured (usually near the coastline). This area overlaps substantially with another offshore area ¶ designation, the continental shelf. International law defines a nation’s continental shelf as the ¶ seabed and subsoil of the submarine areas that extend beyond either “the natural prolongation of ¶ [a coastal nation’s] land territory to the outer edge of the continental margin, or to a distance of ¶ 200 nautical miles from the baselines from which the breadth of the territorial sea is measured ¶ where the outer edge of the continental margin does not extend up to that distance.”¶ 3¶ In general, ¶ however, under UNCLOS, a nation’s continental shelf cannot extend beyond 350 nautical miles ¶ from its recognized coastline regardless of submarine geology.¶ 4¶ In this area, as in the EEZ, a coastal nation may claim “sovereign rights” for the purpose of exploring and exploiting the ¶ natural resources of its continental shelf.¶ 5¶ Federal Jurisdiction ¶ While a signatory to UNCLOS, the United States has not ratified the treaty. Regardless, many of ¶ its provisions are now generally accepted principles of customary international law and, through a ¶ series of Executive Orders, the United States has claimed offshore zones that are virtually ¶ identical to those described in the treaty.¶ 6¶ In a series of related cases long before UNCLOS, the ¶ U.S. Supreme Court confirmed federal control of these offshore areas.¶ 7¶ Federal statutes also refer ¶ to these areas and, in some instances, define them as well. Of particular relevance, the primary ¶ federal law governing offshore oil and gas development indicates that it applies to the “outer ¶ Continental Shelf,” which it defines as “all submerged lands lying seaward and outside of the ¶ areas ... [under state control] and of which the subsoil and seabed appertain to the United States ¶ and are subject to its jurisdiction and control....”¶ 8¶ Thus, the U.S. Outer Continental Shelf (OCS) ¶ would appear to comprise an area extending at least 200 nautical miles from the official U.S. ¶ coastline and possibly farther where the geological continental shelf extends beyond that point. ¶ The federal government’s legal authority to provide for and to regulate offshore oil and gas ¶ development therefore applies to all areas under U.S. control except where U.S. waters have been ¶ placed under the primary jurisdiction of the states.

**Extinction**

**Damrosch and Mullerson ’95**, Professor of Law, Columbia, and Mullerson, Professor of International Law, King’s, Beyond Confrontation, International Law for the Post Cold War Era, p. 2-3I. Pressures on International Law: Demands Placed on It and Obstacles to Its Effectiveness

The contemporary world has an ever increasing need for an international legal system that can respond to the demands of our time. Of the many reasons for this fact, we will survey only a few of the most salient. First and foremost is the increasing interdependence of all peoples. Even as the world is riven with many contradictions and conflicts, it is also becoming more integrated with a greater need for orderly, predictable conduct. Events, and especially natural and social disasters, even when they occur within a single country, have more noticeable effects on conditions in the world at large. The Chernobyl accident, the earthquake in Armenia, and even internal political processes underway in the territories of the former Soviet Union and Eastern Europe—these and many other events occurring within separate countries or regions have a global significance affecting the destiny of all peoples. The intertwining of the economic life of diverse countries today is even greater than was the interdependence of different regions within the same state only half a century ago. Order and predictability of the behavior of actors on the international scene can be achieved first of all with the aid of social norms, among which international law occupies an important place. A second reason for the growth of the role of international law is inextricably connected with the first. The threat of a thermonuclear catastrophe, universal ecological crisis, and acute economic problems in developing countries are of global concern and endanger the very existence of humanity. Resolution of these problems demands coordinated efforts of all states and peoples, which would be impossible to achieve without the aid of international norms, procedures, and institutions. A third reason is the breathtaking political transformations of recent years. The changes that began in 1985 in the former Soviet Union and were unleashed in Eastern Europe have radically transformed the map of the world. Although it is impossible to give a final evaluation of the character and significance of these changes at the present time, it is possible to conclude that the fundamental global contradiction of the Cold War era—the contradiction between socialism and capitalism, which to a great extent determined not only the general climate in the world but also the role and significance of international law in it—has been overcome. In the Charter of Paris for a New Europe, 32 countries of Europe, together with the United States and Canada, affirmed that “the era of confrontation and division in Europe has ended.” The end has come not only for division in Europe, but also in the world at large. But this fact can hardly lead automatically to a non-contradictory, stable, world order. The acuteness of conflicts that are not connected with the so-called “fundamental contradiction of the epoch” can even intensify, as the unleashing of savage interethnic conflict in the former Yugoslavia and the former Soviet Union amply demonstrates. Nonetheless, it is precisely the cooperation between former ideological and political adversaries that can serve as the prerequisite and condition for the resolution of many of problems and conflicts. A vivid example may be found in the reaction of world society to the aggression of Iraq against Kuwait and the reining in of the aggressor with the aid of U.N. mechanisms in accordance with the U.N. Charter and other norms of international law.

### 1nc Exports

#### They can’t solve – they don’t remove restrictions on offshore LNG plant construction, just production restrictions – their Kilisek evidence says that’s key

#### If they fiat past this, they’re not topical – energy production excludes conversion processes – voting issue for making production catch-all category exploding the literature base and making debate impossible

Energici (provides business intelligence and decision support services to companies and investors active in the wind, solar, hydro, geothermal and bioenergy industries. Specializes in providing robust research, analysis and intelligence coverage of trends and developments) February 2012 “PRIMARY ENERGY PRODUCTION (MONTHLY)” http://www.energici.com/energy-profiles/by-country/europe-m-z/sweden/49-countries/north-america/usa/usa-geothermal/449-primary-energy-production

Definition : Primary Energy Production is the amount of energy converted from a primary energy source in its natural state, such as coal, gas, wind etc. that has not been subjected to any conversion or transformation process. The U.S. Energy Information Administration includes the following in U.S. primary energy production: coal production, waste coal supplied, and coal refuse recovery; crude oil and lease condensate production; natural gas plant liquids production; dry natural gas—excluding supplemental gaseous fuels—production; nuclear electricity net generation\*, conventional hydroelectricity\* (not hydro pumped storage), geothermal electricity\*, solar thermal and photovoltaic electricity\*, wind electricity\*, wood and wood-derived fuels consumption; biomass waste consumption and biofuels feedstock.

#### US-Japan relations resilient – empirically proven and China guarantees continued cooperation

**Green 11** – associate professor of international relations at Georgetown University and senior advisor and Japan chair at the Center for Strategic and International Studies (Michael J., "The Democratic Party of Japan and the Future of the U.S.-Japan Alliance" The Journal of Japanese Studies, Volume 27, Number 1, Winter 2011, Project MUSE)

Despite the travails and uncertainty now clouding the alliance, there are multiple reasons to expect that Japan will continue to be closely aligned with the United States and influential in the international system. First, there is historical precedent. As Kenneth Pyle has pointed out, Japan has always successfully reordered its domestic institutions and instruments of national power in the face of new international challenges even if institutions in Japan's conservative political culture have a sticky resistance to change, as Carol Gluck has observed.10 Postwar history also demonstrates the resilience of U.S.-Japan security relations. The fact is that the alliance has entered periods of drift and faced crises before, including the 1960 Anpo demonstrations, the protests against the Vietnam War, the "Nixon shocks," the FS-X confrontation, and the 1995 Okinawa rape incident. In each case, observers predicted the end of the alliance, yet in each case the security relationship emerged significantly strengthened. Kent Calder has described a pattern in Japanese domestic politics in which the conservative LDP elite would co-opt the opposition's policy initiatives in response to social or economic crises, thus reinforcing the social contract and legitimacy of conservative rule.11 In similar ways, the United States and Japan have repeatedly responded to bilateral political crises by offering new reciprocal "compensation" in terms of expanded Japanese security responsibilities and a reduction of the U.S. military footprint in Japan.12 This continual process of redefining and reaffirming the 1960 security treaty is not always visible in the midst of a crisis, but it is one reason why support for the alliance has steadily expanded in both the United States and Japan over its 50-year history. In addition to historical precedent, structural factors will bind if not ultimately define Japan's strategic options. The rise of Chinese power and North Korean nuclear brinkmanship render a close alliance with the United States by far the best guarantor of Japanese security, while growing economic [End Page 94] interdependence with China will ensure that Japanese governments (and U.S. governments, for that matter) will resist crude strategies of containment against China. Japan's demographic and fiscal challenges are already limiting the DPJ's original promises of largess (cutting highway fees, distributing child allowances, etc.) and forcing a consensus within the party that the policy tool kit will have to include some combination of cutting corporate taxes, raising the consumption tax, and restricting spending. If these seemed like uniquely difficult choices for Japan at one point, it is only necessary to observe the enormous changes Europe must now make in its social contract in order to remain fiscally solvent—or to consider the massive demographic challenge looming in the decade ahead in China as a result of the one child policy and a massively deficient social welfare net. Exaggerating the uniqueness and irreversibility of Japanese challenges today makes no more sense than predicting Japan's certain global domination did 20 years ago.

#### No impact to the alliance

Anthony **DiFilippo**, Prof. Sociology at Lincoln University, **2002**, The Challenges of the U.S.-Japan Military Arrangement: Competing Security Transitions in a Changing International Environment, pg. 13

One thing that has not changed about the U.S.-Japan security alliance in the fifty years that it has existed is that it is supposed to have maintained regional stability. If stability is defined as a state where war or the high level threat of war does not exist, then the alliance has not been terribly effective. Although the Soviet Union never attacked Japan during the Cold War, other serious destabilizing forces have appeared despite the continued existence of the bilateral alliance. The Korean War, which began in June 1950, did not end after the signing of the U.S.-Japan Security Treaty in 1951 nor after the accord went into effect in 1952. The alliance did not prevent China from developing nuclear weapons-hardly a stabilizing event in the region. The U.S.-Japan alliance did not prevent or end the Vietnam War. More recently, the U.S.-Japan security alliance did not stop the Democratic People's Republic of Korea (North Korea) from beginning a nuclear weapons program in the early 1990s, thwart Pyongyang's missile development efforts, or discourage it from launching a projectile over Japan without prior notice in August 1998. With the bilateral alliance in effect for decades, China went ahead with nuclear testing in 1995 to assure that its nuclear arsenal was capable of neutralizing the threats it perceives from the other nuclear powers.

#### No Senkaku conflict — multiple safeguards and reversible tensions

**Feng 10 –** professor at the Peking University International Studies [Zhu, “An Emerging Trend in East Asia: Military Budget Increases and Their Impact”, http://www.fpif.org/articles/an\_emerging\_trend\_in\_east\_asia?utm\_source=feed]

As such, the surge of defense expenditures in East Asia does not add up to an arms race. No country in East Asia wants to see a new geopolitical divide and spiraling tensions in the region. The growing defense expenditures powerfully illuminate the deepening of a regional “security dilemma,” whereby the “defensive” actions taken by one country are perceived as “offensive” by another country, which in turn takes its own “defensive” actions that the first country deems “offensive.” As long as the region doesn’t split into rival blocs, however, an arms race will not ensue. What is happening in East Asia is the extension of what Robert Hartfiel and Brian Job call “competitive arms processes.” The history of the cold war is telling in this regard. Arm races occur between great-power rivals only if the rivalry is doomed to intensify. The perceived tensions in the region do not automatically translate into consistent and lasting increases in military spending. Even declared budget increases are reversible. Taiwan’s defense budget for fiscal year 2010, for instance, will fall 9 percent. This is a convincing case of how domestic constraints can reverse a government decision to increase the defense budget. Australia’s twenty-year plan to increase the defense budget could change with a domestic economic contraction or if a new party comes to power. China’s two-digit increase in its military budget might vanish one day if the type of regime changes or the high rate of economic growth slows. Without a geopolitical split or a significant great-power rivalry, military budget increases will not likely evolve into “arms races.” The security dilemma alone is not a leading variable in determining the curve of military expenditures. Nor will trends in weapon development and procurement inevitably induce “risk-taking” behavior. Given the stability of the regional security architecture—the combination of U.S.-centered alliance politics and regional, cooperation-based security networking—any power shift in East Asia will hardly upset the overall status quo. China’s military modernization, its determination to “prepare for the worst and hope for the best,” hasn’t yet led to a regional response in military budget increases. In contrast, countries in the region continue to emphasize political and economic engagement with China, though “balancing China” strategies can be found in almost every corner of the region as part of an overall balance-of-power logic. In the last few years, China has taken big strides toward building up asymmetric war capabilities against Taiwan. Beijing also holds to the formula of a peaceful solution of the Taiwan issue except in the case of the island’s de jure declaration of independence. Despite its nascent capability of power projection, **China shows no sign** that it would coerce Taiwan or become **militarily** assertive over contentious territorial claims ranging from the Senkaku Islands to the Spratly Islands to the India-China border dispute.

#### Encroaching on Russian influence just pisses Russia off – you can’t actually decrease Russian influence and the attempt to do so causes lashout

**Zhukov 8** - PhD in government from Harvard, Masters with Honors from Georgetown, and AB with honors in International Relations, (Yuri, “A Russian Sphere of Influence is Geopolitical Reality” http://web.archive.org/web/20100712180330/http://www.nextamerica.org/node/460)

Finally, a policy of neo-containment would be counterproductive. The alternative to a Russian sphere of influence may be a **political and security vacuum**, not necessarily a stronger U.S. position. As a global power, the U.S. will always face multiple demands on its foreign policy, of which Eurasia will rarely be the most pressing. Neither it nor any other regional power — whether China, India, Turkey or Iran — is likely to garner the resources and will to fill the void left by Russia. Meanwhile, when isolated and pushed into a corner, **even a weak Moscow could create significant problems in areas of great importance to the U.S**. — in weapons proliferation, Iran, the Eastern Mediterranean, Venezuela, the Korean Peninsula and in the former Soviet Union itself. Absent a credible commitment to the defense of its allies in Eurasia, the U.S. will need to consider whether neo-containment is an effective means to support the independence of Russia’s neighbors, or whether it will only bolster Russia’s desire to re-assert its authority in the region. Accepting a Russian sphere of influence in Eurasia need not be a strategic retreat. The U.S. should continue to expand its relationships with Russia’s neighbors and support their continued independence. At the same time, the U.S. should be keenly aware of the limits of what it can achieve.

#### Geopolitical risk is onbalance worse with a weak Russia than a strong Russia

**Nye,** 12/29/**11** – dean of Harvard’s JFK School of Government (Joseph, “Russia in Global Affairs Since the End of the Cold War,” Russia in Global Affairs, http://eng.globalaffairs.ru/number/The-Dialectics-of-Rise-and-Decline-15419

From the American point of view, Russia still retains the potential to pose a threat largely because it is the one country with enough missiles and nuclear warheads to destroy the United States, and its relative decline has made it more reluctant to renounce its nuclear status. Russia also possesses enormous scale, an educated population, skilled scientists and engineers, and vast natural resources. But it seems unlikely that Russia would again possess the resources to present the same sort of balance to American power that the Soviet Union presented during the four decades after World War II. In balance of power terms, both Russia and the United States share an interest in shaping the international environment in ways that encourage a rising China to become a responsible stakeholder.

In my book *The Future of Power*, I argue that there are two great power shifts occurring at the beginning of this century: a shift of economic power from the West to Asia, and a shift of power from governments to non-governmental actors. In a world of new transnational challenges created by non-state actors – such as global financial instability, climate change, terrorism and pandemics – the United States and Russia have much to gain from working together to cope with these new challenges. In short, the U.S. has more to gain from partnership with a strong reformed Russia rather than a weak declining Russia. Let us hope that will be the direction for Russia in the third decade after the end of the Cold War.

#### No post-terrorism lashout

**Jenkins-Smith 04** – professor of government at Texas A&M (Hank, “U.S. Public Response to Terrorism: Fault Lines or Bedrock,” http://www.spp.gatech.edu/current-students/exams/Fall-2004\_reviewmanuscript.pdf)

Our final contrasting set of expectations relate to the degree to which the public will support or demand retribution against terrorists and supporting states. Here our data show that support for using conventional U.S. military force to retaliate against terrorists initially averaged above midscale, but did not reach a high level of emotional demand for military action. Initial support declined significantly across all demographic and belief categories by the time of our survey in 2002. Furthermore, panelists both in 2001 and 2002 preferred that high levels of certainty about culpability (above 8.5 on a scale from zero to ten) be established before taking military action. Again, we find the weight of evidence supporting revisionist expectations of public opinion.

Overall, these results are inconsistent with the contention that highly charged events will result in volatile and unstructured responses among mass publics that prove problematic for policy processes. The initial response to the terrorist strikes, in the immediate aftermath of the event, demonstrated a broad and consistent shift in public assessments toward a greater perceived threat from terrorism, and greater willingness to support policies to reduce that threat. But even in the highly charged context of such a serious attack on the American homeland, the overall public response was quite measured. On average, the public showed very little propensity to undermine speech protections, and initial willing-ness to engage in military retaliation moderated significantly over the following year.

#### No US-Russia War

**Graham 2007** (Thomas, Russia in Global Affairs, "The dialectics of strength and weakness", http://eng.globalaffairs.ru/numbers/20/1129.html, WEA)

An astute historian of Russia, Martin Malia, wrote several years ago that “Russia has at different times been demonized or divinized by Western opinion less because of her real role in Europe than because of the fears and frustrations, or hopes and aspirations, generated within European society by its own domestic problems.” Such is the case today. To be sure, mounting Western concerns about Russia are a consequence of Russian policies that appear to undermine Western interests, but they are also a reflection of declining confidence in our own abilities and the efficacy of our own policies. Ironically, this growing fear and distrust of Russia come at a time when Russia is arguably less threatening to the West, and the United States in particular, than it has been at any time since the end of the Second World War. Russia does not champion a totalitarian ideology intent on our destruction, its military poses no threat to sweep across Europe, its economic growth depends on constructive commercial relations with Europe, and its strategic arsenal – while still capable of annihilating the United States – is under more reliable control than it has been in the past fifteen years and the threat of a strategic strike approaches zero probability. Political gridlock in key Western countries, however, precludes the creativity, risk-taking, and subtlety needed to advance our interests on issues over which we are at odds with Russia while laying the basis for more constructive long-term relations with Russia.

### 1nc Navy

#### Squo solves and restrictions irrelevant- prices too low to incentivize drilling

**Harder, 12** -- National Journal energy correspondent

(Amy, "The Price Isn't Right," National Journal Daily AM, 1-31-12, General OneFile)

For the United States to really capitalize on all the natural gas President Obama is boasting about, the price of it has to go up so that companies have an incentive to drill. Calling for high energy prices doesn't make political sense. But Obama is implicitly trying to do that by pushing incentives for natural-gas-powered trucks and cars that could boost demand for the energy source--and therefore prices. Obama traveled to the battleground states of Nevada and Colorado last week to tout such a proposal in the wake of his State of the Union address. Legislation incentivizing natural-gas-powered trucks is politically popular and has Republican support in Congress. Such a measure would have the potential to create jobs, bolster energy independence--and raise natural-gas prices. The administration is quietly taking two other politically controversial steps that could also boost natural-gas demand: implementing environmental regulations that are prompting utilities to shift from coal to the relatively cleaner-burning natural gas, and processing applications from companies to export natural gas. With the nation's natural-gas prices under $3 per million British thermal units (a worldwide low, and down from nearly $14 per million Btu in 2008), oil and gas companies are shifting investments from America's recently discovered vast shale gas reserves to resources that fetch higher prices--such as oil. Energy analysts say that this trend will continue for at least the next few years until prices reach a level where it becomes more profitable to produce gas. "There are a lot of benefits to our economy to having a relatively low price of natural gas," said Senate Energy and Natural Resources Chairman Jeff Bingaman , D-N.M. "We have the reverse circumstance right now that natural-gas producers are shutting wells because of the very low price of natural gas."

#### Prices will stay low – no spikes

Lior Cohen (MA graduate in Economics, worked for several years in a variety of economic related positions) August 20, 2012 “Will Natural Gas Fall Below $2.50?” http://seekingalpha.com/article/817181-will-natural-gas-fall-below-2-50

Last week, natural gas prices continued their downward trend. The prices of natural gas declined despite the low injection to storage and the continuous hotter-than-normal weather. Will prices continue to fall in the following weeks? Let's examine the recent developments in natural gas markets to try and answer this question. During the past week, the price of Henry Hub (spot) declined by 4.6%, the future price (short-term delivery) also decreased by 1.8%, and United States Natural Gas (UNG) price decreased by 1.6%. The recent fall of natural gas prices may have also contributed to the recent decline of natural gas and oil producer stocks such as Exxon Mobil (XOM). The chart blow shows the rise and fall of the Henry Hub spot and future (short-term delivery) prices during recent weeks. Supply From the supply side, the gross natural gas production rose by 0.2% during last week; it was 2.4% above the production level in 2011. Imports from Canada, on the other hand, decreased by 4.4% (week over week), and the imports were also 5.6% below the imports recorded during the same week in 2011. The total U.S. natural gas supply declined on a weekly scale by 0.4%. Finally, the natural gas rotary rig count decreased by three and settled at 495 rigs. Therefore, the NG supply contracted again during last week. Storage Natural gas injection to the underground natural gas storage was only 20 Bcf, which was much lower to the injection during the parallel week in 2011 -- it was back then 50 Bcf. Furthermore, the injection was also 20 Bcf lower than the five-year average injection. The current storage is at 3,261 Bcf for all lower 48 states, which is still nearly 12.5% above the five-year average. The difference between the current storage levels and five-year average storage continues to contract; at the current rate the difference could nullify, based on my rough estimate, around October 2012. The table below shows my crude estimate based on the gaps between recent injections and five-year injections. Demand According to the EIA, during last week the average U.S. NG consumption declined 2.7%. The power sector led the fall with a 6.8% drop (week over week). Alternatively, many other sectors' demand, such as residential/commercial sectors, increased during last week. The total demand for NG decreased by 2.4% compared with the previous week's levels; it was 4.2% above the demand during the parallel week in 2011. Both the natural gas supply and demand moderately declined during last week, and it seems that the supply declined by a lower pace than the demand. Thus, the natural gas market has loosened a bit compared to its condition a week earlier. Warmer Than Normal Weather Subsides The weather remains warmer than normal, but was less hot than in July. According the EIA, July was the third hottest month on record. This extreme heat increased the demand for natural gas consumption in the power sector -- there was a rise in air conditioning usage. But since then the heat has subsided and is expected to continue in the weeks to follow. During the past week, the U.S. temperatures (on a national level) were higher by 3.1 degrees than the 30-year normal temperature and only 0.4 degrees warmer than the same week in 2011. Seasonality Natural gas prices tend to decrease during August: The Henry Hub spot price declined by 8.9% during August 2011, by nearly 16.6% during August 2010, by 39.1% during August 2009, and by 17.7% during August 2009. Up until now, this strong seasonality effect seemed to take place this year as well. This downward trend could continue in the following weeks. So what does it mean for the natural gas market? Based on the recent developments in the natural gas demand and supply, it seems the natural gas market has loosened. The demand for natural declined by a higher rate than the supply did; the weather cooled down a bit and contributed to the decline in demand. The seasonality effect along with the expectations of another drop in temperatures could suggest the pressures from the demand side will subside further. This may result in another decrease in natural gas prices in the next couple of weeks. On the other hand, the decline in supply is likely to keep natural gas from tumbling down. The natural gas rig count continues to fall, as the injections are still well below last year and the five-year average injections. The bottom line is that natural gas will likely continue to dwindle -- but not by much -- as the weather cools down and the demand for natural gas falls.

#### OCS drilling trades off with military exercises and naval range safeguarding

**Bouchard, ‘7** retired Navy commander, specialist in strategic and operational planning, former Deputy Senior Director for Defense Policy and Arms Control on the National Security Council, principal author of the National Security Strategy 1997-1999, PhD in Political Science from Stanford University (Joseph F. Bouchard, Eastern Shore Defense Alliance, 8 October 2007, “Impact of Offshore Gas Drilling on the Virginia Capes Operating Area,” http://easternshoredefensealliance.org/files/Impact%20of%20Offshore%20Gas%20Drilling.pdf)//CC

In response to the Congressional proposal to expand offshore drilling for oil and natural gas, the Navy, in its role as Executive Agent for the Department of Defense for outer continental shelf (OCS) matters, provided its views on drilling in DOD offshore training areas to the Minerals Management Service. As a user of the oceans, navigational waters, and air space above the OCS, the Navy and Air Force have maintained a keen interest in preserving unrestricted access to these areas and ensuring that national security associated with ongoing training and testing activities are not adversely affected by activities that occur in the OCS. Our commanders have told us that unrestricted use of critical sea ranges, warning areas, and military airspace operating areas is essential to naval exercises, pilot training, and live ordnance and weapon system testing and evaluation. Drilling rigs and related structures, because of their height and size would be hazardous to low flying drone aircraft and missiles and military exercises would be hazardous to operations associated with oil and gas resources development. To prevent such incompatible encroachment, DoD has sought to discourage oil and gas development that would interfere with current and future military uses of the OCS. 3 This leaves no doubt that drilling for natural gas inside the Virginia Capes Operating Area would constitute incompatible encroachment on the ability of the Navy and Air Force to conduct training and testing in the area. To even consider such a proposal at a time when the Virginia Capes Operating Area is used heavily for training Navy and Air Force combat units for the war in Iraq and the broader War on Terror is unconscionable.

#### That’s key to naval power

**Bouchard, ‘7** retired Navy commander, specialist in strategic and operational planning, former Deputy Senior Director for Defense Policy and Arms Control on the National Security Council, principal author of the National Security Strategy 1997-1999, PhD in Political Science from Stanford University (Joseph F. Bouchard, Eastern Shore Defense Alliance, 8 October 2007, “Impact of Offshore Gas Drilling on the Virginia Capes Operating Area,” http://easternshoredefensealliance.org/files/Impact%20of%20Offshore%20Gas%20Drilling.pdf)//CC

Ranges and operational areas (OPAREAs) are locations where Navy personnel train to accomplish their mission of national defense. The Navy has geographically grouped its ranges and OPAREAs to form range complexes, which are organized and managed to optimize training opportunities in a safe and controlled environment. The ranges and facilities of the VACAPES Range Complex are unique and provide training opportunities essential for the safety and readiness of military personnel and the success of the military mission. The protection of natural and cultural resources is also an integral component of this training. Navy training activities incorporate protective measures as standard operating procedure to promote environmental conservation. The VACAPES Range Complex represents an essential combination of land, sea and air space that provides realistic training areas for Navy personnel. For nearly a century the area has supported Navy training activities, and is now host to a wide range of training every year to ensure the nation’s military are fully prepared when in harm’s way. It is the principal training area for air, surface and submarine units located in Hampton Roads, Virginia. The VACAPES Range Complex is also the primary homeport of the Atlantic Fleet. The Hampton Roads area includes more than 80,000 active duty Navy personnel. In addition to serving as the site for essential Navy training, the VACAPES Range Complex is host to activities for the research, development, test and evaluation of emerging technologies. Realistic training is the single greatest asset the military has in preparing and protecting Navy personnel. “Train As We Fight” is not just a phrase - it is a statement of the absolute necessity to realistically train Navy personnel for the conditions in which they may find themselves while protecting the nation. International events, changes in naval strategy, base closures, and population growth are increasing the challenges the Navy faces in training its personnel to be prepared to defend the nation. To face these challenges and continue to provide combat capable forces that are ready to deploy worldwide, the Navy is comprehensively evaluating and planning activities at the range complex level. 1

#### Sea power is irrelevant

**Jarkowsky, 2** (Lt. Col. Jeffrey Jarkowsky, US Army War College, “’Boots on the Ground’–Will US Landpower still be decisive in future conflicts?” Stinet)

The role of seapower is unlikely to change from the vision expressed in current naval doctrine and vision. With no naval competitor in sight, the U.S. Navy's focus on projection of U.S. power ashore, and protection of global trade, fits the conditions expected in the future. The opening round of OPERATION ENDURING FREEDOM has demonstrated the capability and contribution of seapower to America's future conflicts. The nature of the conflict will determine whether seapower can be decisive. Quite obviously, in a limited seaborne conflict, such as protecting shipping in the Straits of Hormuz, seapower was and can be the decisive element. In more general conflicts of the type we have recently seen and are likely to deal with again, although a key contributor, seapower is not likely to be the sole decisive force in achieving the conflict's objectives

#### Navy resilient

**Work 09** (Robert, VP of Strategic Studies @ Center for Strategic and Budgetary Assessments, “Strategy for the Long Haul: the US Navy Charting A Course for Tomorrow’s Fleet”, http://www.csbaonline.org/4Publications/PubLibrary/R.20090217.The\_US\_Navy\_Charti/R.20090217.The\_US\_Navy\_Charti.pdf)

On August 1, 2008, the TSBF numbered 280 ships of all types (see Figure One).3 Predictably, naval advocates fretted that the smaller fleet posed a great risk to US national security. For example, Seth Cropsey, a Deputy Undersecretary of the Navy in the Reagan and George H. W. Bush administrations, cautioned that, “Without intending it, US policy is verging toward unilateral naval disarmament.”4 He went on to say: The Navy’s focus is [unclear]. Its [280] combat ships — a number that House Armed Services Committee Chairman Ike Skelton called “shocking” — comprise a force that is less than half the size achieved during the Reagan years . . . The last time the US possessed so small a fleet was sometime between December 1916 and April 1917, on the eve of the nation’s entry into World War I. While technically true, these dire comments are misleading. Of the many ways to gauge US naval power, comparing the size of the current US battle force to that of past US fleets is the least useful. Past TSBFs are reflections of different strategic environments, federal budgets, national grand strategies, and stages of technological development. They also reflect the state of the contemporary global naval competition. In 1916, although the TSBF numbered only 245 ships of all types, the 36 battleships of the Navy’s battle line placed it second among world navies behind the British Royal Navy. Despite having “only” 245 ships, it could safely assume it would never have to fight the Royal Navy, and be relatively confident that it could fight and defeat any other navy in the world. During the 1980s, even as it grew to a post-Vietnam high of nearly 600 vessels, the Navy was fighting off a concerted effort by the Soviet Navy to knock it out of the top spot.5 In other words, whether today’s TSBF is as big as the US fleets in 1916 or 1987 is utterly irrelevant. Far more important is the answer to the following question: how does the US Navy stack up against its potential contemporary competitors? And the answer to this question paints a very different picture than comparing today’s TSBF with that of past US fleets. SECOND TO NONE The first true indicator of US naval dominance comes from comparing the size of the US battle force with other world navies. What alarmists over fleet size fail to mention is that although the US TSBF is the smallest it has been in over ninety years, so too are the rest of the world’s navies.6 At the height of its naval dominance, Great Britain strove to achieve at least a “two-navy standard.” That is, the Royal Navy aimed to maintain a fleet and battle line that was as large as the combined fleets of the two closest naval powers. Today, counting those ships that can perform naval fire and maneuver in distant theaters — aviation platforms of all types, tactical submarines (nuclear and diesel-electric attack boats and conventional guided-missile submarines), and surface combatants and amphibious ships with full load displacements greater than 2,000 tons7 — the next two largest contemporary navies belong to Russia and the People’s Republic of China (PRC). Together, they operate a total of 215 warships of all types. The US Navy alone operates 203 such warships, very close to, but not quite, a two-navy standard.8 However, when factoring in a second important indicator of naval power — aggregate fleet displacement (tonnage) — the US Navy enjoys considerably more than a two-navy standard. As naval analyst Geoffrey Till explains, “[t]here is a rough correlation between the ambitions of a navy and the size and individual fighting capacity of its main units, provided they are properly maintained and manned.”9 Therefore, full load displacements and aggregate fleet warship displacements are the best proxies available to measure a ship’s and a fleet’s overall combat capability, respectively. Accordingly, both are useful measures for sizing up the contemporary global hierarchy of naval competitors.10 When considering aggregate fleet displacements, the US Navy’s overwhelming advantage in combat capability is readily apparent. Besides the United States, there are only twenty navies in the world that operate fleets with aggregate displacements of 50,000 tons or more. In order of fleet displacement (largest to smallest), these navies are operated by: Russia, the PRC, Japan, the United Kingdom, France, India, Taiwan, Italy, Indonesia, Spain, South Korea, Brazil, Turkey, Australia, Greece, Canada, Germany, the Netherlands, Peru, and Singapore. Together, these twenty navies operate a total of 719 ships with a combined displacement of 3,632,270 tons.11 In comparison, the combined displacement of the US Navy’s 203 fighting warships totals 3,121,014 tons — which exceeds the total tonnage of warships operated by the next thirteen navies combined. In other words, in terms of overall fleet combat capability, the US Navy enjoys a thirteen-navy standard. However, it is important to note that of the twenty countries discussed above, eighteen are formal US allies (Australia, Canada, France, Germany, Greece, Italy, Japan, the Netherlands, South Korea, Spain, Turkey, and the United Kingdom), governments friendly to the United States, (Peru, Brazil, Indonesia, and Singapore), or emerging strategic partners (India). Moreover, all of these nations are either full or partial democracies. The likelihood of the United States ever finding itself in a war or naval confrontation with any of these countries is extremely remote**.** Indeed, if anything, during times of crisis the US Navy can normally count on receiving important naval contributions from some or all of these nations. At the turn of the twentieth century, the officers of the British Royal Navy concluded that they would never again fight the US Navy, and could remove its rapidly expanding fleet from calculations over the minimal two-navy standard. Similarly, eight years after the turn of the twenty-first century, the US can confidently exclude these eighteen navies from its naval force planning calculations. This is the implicit message of the Navy’s recently published Cooperative Strategy for 21st Century Seapower, which seeks to foster and sustain cooperative maritime relationships with more international partners.12

#### Fleet readiness high now

**Collum, 09** (Philip, Dir. Fleet Readiness Division and Deputy Chief of Naval Operations, Fleet Readiness and Logistics in US Navy, Federal News Service, L/N)

Fleet priorities, the unambiguous maintenance requirements of aircraft carriers and submarines, and the lack of an updated, technically validated surface ship class maintenance plan has resulted in surface ship maintenance being the area where we have historically taken funding risk in a resource-constrained environment. Despite these challenges, current ship readiness for the Navy's surface force remains strong and the committee can be assured that we do not have a “hollow” force. We are meeting all our commitments around the globe today. If allowed to persist, however, these material discrepancies will ultimately impact our future readiness and shorten the service life of our surface ships. The good news is that the Navy and Surface Warfare Enterprise have taken specific steps to address these issues. Partners from the Navy's technical community and fleet maintenance community are with me here today to provide the committee with a more detailed account of the actions they are taking in their respective areas of responsibility to ensure we continue to maintain and sustain our naval forces.

#### The US can't have and doesn't need a domestic shipbuilding industry

**White 7** (Robert, Senior Engineer in Ranges, Engineering, and Analysis Department @ Naval Sea Systems Command Division, Naval War College Review, “Globalization of Navy shipbuilding: a key to affordability for a new maritime strategy”, Autumn, http://findarticles.com/p/articles/mi\_m0JIW/is\_4\_60/ai\_n21107633/pg\_4/?tag=content;col1)

The commercial American shipbuilding industry is virtually nonexistent. What remains today is wholly dependent on a domestic market guaranteed by the Merchant Marine Act of 1920 (known as the Jones Act). (22) Though once competitive in the world market, U.S. industry no longer exports any vessels. (23) Today, commercial vessels can be built in South Korea for a third of the price of comparable ships built in the United States. (24) In fact, a Korean shipyard can deliver a new ship for what an American shipyard pays for steel alone. (25) The American military shipbuilding industry is concentrated in six shipyards run by two prime contractors. (26) Their sole customer is the U.S. Navy. As the Navy shrank from the eight-hundred-ship fleet of World War II to the roughly 280-ship fleet of today, the shipbuilding industry consolidated. Unfortunately, however, while the Navy modernized, industry fell behind. Facing no competition, U.S. shipyards became inefficient and outdated. Today's U.S. Navy combatants are highly sophisticated and more lethal than ever, yet they are constructed in essentially the same manner as they were sixty years ago. Instead of reinventing processes to remain competitive as foreign shipyards did, U.S. yards relied on "Buy American" legislation. Analysis completed in 2005 showed that Navy and industry initiatives are closing the productivity gap with foreign shipyards; (27) nonetheless, American shipyards remain fifteen years behind foreign peers. (28) Industry blames low and unstable production rates for high material costs and low productivity. But those factors have existed for sixty years. Moreover, toward the end of the Cold War the Defense Department recognized that military demand would no longer generate the economies of scale required for affordable production. The present emphasis on dual-use technology, relaxation of former requirements to use military-specification components where industry specifications are sufficient, and the preference for COTS items wherever possible have all been outgrowths of that realization. Unfortunately, their effectiveness has been limited by the segregation of U.S. shipbuilding between the commercial and military sectors. Few shipyards work in both. (29) Commercial shipbuilding, then, depends solely on protectionist legislation, and military shipbuilding hides conveniently behind national-security claims. The Department of Commerce states this claim succinctly: "It is essential that the capability and infrastructure needed to build these [military] ships is resident in the United States because it provides added assurance that they can be built, repaired, and maintained during times of conflict." (30) The problem with maintaining such a "surge" capability is twofold. First, as the Commerce Department freely admits, maintaining excess industrial capacity drives up cost and degrades competitiveness. Between 1997 and 2002 the cost of a surface combatant rose 30 percent above inflation; (31) in comparison, competition and overcapacity in shipyards on the world market drove the price of a new commercial vessel down 19 percent. (32) Second, the complexity of modern combatants renders a World War II-style mobilization entirely infeasible. (33) In fact, a three-to-five-year construction cycle means that a warship ordered at the beginning of a conflict is not likely to be available before the end. (34) Further, it is plainly unrealistic to believe that all foreign shipyards in friendly and allied countries "would simultaneously turn down revenues and deny access." (35) Finally, as early as 1988 the national security strategy recognized that defense industrial mobilization is not a unilateral matter but requires coordination between the United States and its allies. In the words of President Ronald Reagan, "Fortress America is an obsolete concept." (36)

#### Peaceful rise and no US-China war

**Rosecrance and Qingguo 2010** – \*political science professor at Cal and senior fellow at Harvard’s Belfer Center for Science and International Affairs, former director of the Burkle Center for International Relations at UCLA, \*\*PhD from Cornell, Professor and Associate Dean of the School of International Studies of Peking University (Jia Qingguo and Richard Rosecrance, Global Asia, 4.4, “Delicately Poised: Are China and the US Heading for Conflict?”, <http://www.globalasia.org/l.php?c=e251>, WEA)

Will China and the US Go to War?   
If one accepts the previous analysis, the answer is “no,” or at least not likely. Why?   
First, despite its revolutionary past, China has gradually accepted the US-led world order and become a status quo power. It has joined most of the important inter-governmental international organizations. It has subscribed to most of the important international laws and regimes. It has not only accepted the current world order, it has become a strong supporter and defender of it. China has repeatedly argued that the authority of the United Nations and international law should be respected in the handling of international security crises. China has become an ardent advocate of multilateralism in managing international problems. And China has repeatedly defended the principle of free trade in the global effort to fight the current economic crisis, despite efforts by some countries, including the US, to resort to protectionism. To be sure, there are some aspects of the US world order that China does not like and wants to reform. However, it wishes to improve that world order rather than to destroy it.   
Second, China has clearly rejected the option of territorial expansion. It argues that territorial expansion is both immoral and counterproductive: immoral because it is imperialistic and counterproductive because it does not advance one’s interests. China’s behavior shows that instead of trying to expand its territories, it has been trying to settle its border disputes through negotiation. Through persistent efforts, China has concluded quite a number of border agreements in recent years. As a result, most of its land borders are now clearly drawn and marked under agreements with its neighbors. In addition, China is engaging in negotiations to resolve its remaining border disputes and making arrangements for peaceful settlement of disputed islands and territorial waters. Finally, even on the question of Taiwan, which China believes is an indisputable part of its territory, it has adopted a policy of peaceful reunification. A country that handles territorial issues in such a manner is by no means expansionist.   
Third, China has relied on trade and investment for national welfare and prestige, instead of military conquest. And like the US, Japan and Germany, China has been very successful in this regard. In fact, so successful that it really sees no other option than to continue on this path to prosperity.   
Finally, after years of reforms, China increasingly finds itself sharing certain basic values with the US, such as a commitment to the free market, rule of law, human rights and democracy. Of course, there are still significant differences in terms of how China understands and practices these values. However, at a conceptual level, Beijing agrees that these are good values that it should strive to realize in practice.   
A Different World   
It is also important to note that certain changes in international relations since the end of World War II have made the peaceful rise of a great power more likely. To begin with, the emergence of nuclear weapons has drastically reduced the usefulness of war as a way to settle great power rivalry. By now, all great powers either have nuclear weapons or are under a nuclear umbrella. If the objective of great power rivalry is to enhance one’s interests or prestige, the sheer destructiveness of nuclear weapons means that these goals can no longer be achieved through military confrontation. Under these circumstances, countries have to find other ways to accommodate each other — something that China and the US have been doing and are likely to continue to do.   
Also, globalization has made it easier for great powers to increase their national welfare and prestige through international trade and investment rather than territorial expansion. In conducting its foreign relations, the US relied more on trade and investment than territorial expansion during its rise, while Japan and Germany relied almost exclusively on international trade and investment. China, too, has found that its interests are best served by adopting the same approach.   
Finally, the development of relative pacifism in the industrialized world, and indeed throughout the world since World War II, has discouraged any country from engaging in territorial expansion. There is less and less popular support for using force to address even legitimate concerns on the part of nation states. Against this background, efforts to engage in territorial expansion are likely to rally international resistance and condemnation.   
Given all this, is the rise of China likely to lead to territorial expansion and war with the US? The answer is no.

## 2NC courts

### 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.

### 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.

### A2 delay

#### Test cases are in the pike now

Lawrence Hurley (reporter for E&E Publishing) August 2012 “Fresh off Supreme Court win, legal group girds for more battles with EPA” http://eenews.net/public/Greenwire/2012/08/17/2

The success in Sackett looks as if it could open up a new front in PLF's battle against the government. Many of the potential clients who have called seeking advice since the ruling complain of similar treatment, not just at the hands of EPA but also other agencies, including the Army Corps of Engineers. Schiff hopes Sackett will help him challenge Army Corps decisions on wetlands jurisdiction. But first, he has a case in New Mexico involving property owners who had a "Sackett-like experience" with the corps. PLF might also file briefs in cases that were already under way before the Supreme Court issued its ruling. One involves a chicken farm in West Virginia; another concerns Gasco Energy Inc. in Colorado. In both cases, EPA issued a compliance order and the companies involved were not able to challenge it in court first.

### solvency

#### 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.”

#### Court rulings solve – everyone will comply

Stephen L. Carter (Professor of Law, Yale University) Summer 1986 53 U. Chi. L. Rev. 819

The force with which the American people (and just as important, those who govern them) are socialized into obedience to the rule of law as articulated by the Supreme Court **is tremendous**. Children are taught obedience to law from early in their school years; as adolescents, they learn in civics that the Supreme Court authoritatively interprets the Constitution; as adults, they are warned that disobedience to the courts is subversive. This general respect for law, even if the law is considered unjust, **is probably the most powerful bulwark the American legal and political culture** offers against revolution. This socialization and the concomitant responsibilities it surely carries are the most powerful weapons the Court can bring to bear in any struggle with the Congress. Although the public may be angry, the Justices, if they possess sufficient fortitude, will nearly always win -- at least for the near term. But the fact that the Congress is likely to lose its battle to convince the Court (if it is a fact) cannot be the argument against undertaking it. The point is that by enacting a statute that the Supreme Court will likely find patently unconstitutional, the Congress may nevertheless play a role in constitutional dialogue. This is surely what Abraham Lincoln had in mind when, in debate with Stephen Douglas, he declined to assign to the Dred Scott decision n117 the force some claimed for it: We do not propose that when Dred Scott has been decided to be a slave by the court, we, as a mob, will decide him to be free. . . . [W]e nevertheless do oppose that decision as a political rule . . . which shall be binding on the members of Congress or the President to favor no measure that does not actually [\*856] concur with the principles of that decision. . . . We propose so resisting it as to have it reversed if we can, and a new judicial rule established upon this subject. n118 His argument was not for mob justice or revolution. His method, after all, would not succeed unless the Justices changed their minds. Thus the torturous judicial and academic searches for authority to explain and rules to limit the scope of the congressional authority enunciated in Katzenbach v. Morgan may be somewhat misguided. After all, a sufficiently determined Supreme Court might have countered section 4(e) with an opinion boiling down to this: "Look, we told you before that literacy tests do not violate the fourteenth or fifteenth amendments, so quit trying to find a way around our decision." Instead it said in effect: "Well, okay, if you're really sure that literacy tests are so bad, we're content to go along." Oregon v. Mitchell, n119 in which the Justices sustained the nationwide suspension of literacy tests, might be explained the same way. To take a contrary case, in Mississippi University for Women v. Hogan, n120 wherein they rejected a claim that the Congress possessed and had exercised authority under section 5 of the fourteenth amendment to permit the states to operate single-sex nursing schools, the Justices were plainly unpersuaded that sexually segregated schools run by the state were a good thing. Following the same reasoning, in the unlikely event that the Congress were to enact a Human Life Bill, judicial independence would not necessarily be threatened: The Justices could certainly strike the legislation as patently unconstitutional. On the other hand, the Justices might vote to sustain it. Were they to do so, the best explanation would be not that they had yielded their constitutional prerogative, but rather that they had been convinced by the reasoning (or the depth) of the congressional opposition. If all of this is so, then the place of the Morgan power in the dialogue between the Court and its constituents should be plain. I earlier outlined the ideal of symbiotic progress, in which the Congress and the Supreme Court take turns leading the way toward a better future. An exercise of the Morgan power may fit into that progression in a special way, as the Congress's most effective tool for expressing its strong disapproval of a judicial decision accepting [\*857]or rejecting a claim of fundamental right without risking the Court's legitimacy, hence the Constitution's, hence ultimately its own. To be sure, the Congress might try to do the same thing by enacting apparently unconstitutional legislation under the authority granted by any number of constitutional provisions, but proceeding under section 5 reduces the likelihood that the moral authority of the Court will be diminished should the Justices alter their decisions. As clever lawyers, the Justices can always accommodate the congressional action without unduly expanding congressional authority. Justice Brennan tried to do exactly this through his footnote 10 in Morgan. Furthermore, reliance on the special power granted to the Congress under the fourteenth amendment is consistent with the distinction I have drawn here and elsewhere between types of constitutional provisions. When the decision that the Congress calls into question is one regarding governmental structure, flowing therefore from the document's structural provisions, the Court may properly decline to enter the dialogue. By hypothesis, the Justices construe the Constitution's structural clauses under a set of rules chosen to channel their discretion narrowly. But under the open-textured clauses, where there is less to guide the Court in its decisions, it is particularly important that the Congress be able to engage the Court in dialogue without being accused of defiance. The Court may reaffirm its decisions, and in most cases -- including, I suspect, Roe v. Wade -- it presumably will, but it must do so with the knowledge that there exists a congressional consensus adequate to bring about affirmative and contrary legislation. Denying to the Congress the authority to enact the legislation is in a sense to deny to the Justices the knowledge that this contrary consensus exists. Permitting the legislation, even when it might subsequently be overturned, forces the Court to make an informed choice. And in the continuing dialogue, informed choices are the ones that matter most. This understanding of the Morgan power seems entirely consistent with the separation of powers. There is no violation of the rule of United States v. Klein, n121 because the Congress is not requiring the courts to decide cases in a particular way. After all, the Supreme Court still has the power to say "No," thus preventing enforcement of the congressional plan. No matter how many plans are presented, the Court may strike all of them down until the [\*858] Congress gets tired of trying, as Texas apparently did in the "white primary" cases. n122 Or the Justices may instead be the first to tire and may reverse themselves, as they apparently did during the New Deal. n123 But as long as the decision rests with the Justices alone, a judicial change of mind cannot be barred by separation of powers, even when the change is brought on by congressional or public pressure. The doctrine of separation of powers insulates the courts from force, not from persuasion.

## 2NC Econ

### A2 jobs

#### Energy production doesn’t solve jobs

Levi 12 – Senior Fellow (at CFR) for Energy and the Environment and Director of the Program on Energy Security and Climate Change (Michael, July/August, “Think Again: The American Energy Boom” <http://www.foreignpolicy.com/articles/2012/06/18/think_again_the_american_energy_boom?page=full>) Jacome

"The U.S. Energy Boom Will Create Millions of New Jobs."

**Overstated**. The U.S. oil and gas boom has come at an auspicious time. With record numbers of Americans out of work, hydrocarbon production is helping create much-needed jobs in communities from Pennsylvania to North Dakota. Shale gas production alone accounted for an estimated 600,000 U.S. jobs as of 2010, according to the consultancy IHS CERA.

It's much harder, though, to extrapolate into the future. In a deeply depressed economy, new development can put people to work without reducing employment elsewhere. That's why boom states have benefited massively in recent years. The same is not true, though, in a more normal economy. Unemployment rates are typically determined by fundamental factors such as the ease of hiring and firing and the match between skills that employers need and that workers have. The oil and gas boom won't change these much.

That's why we should be skeptical about rosy projections of millions of new jobs. Wood MacKenzie, for example, claims that the energy boom could deliver as many as 1.1 million jobs by 2020, while Citigroup forecasts a whopping 3.6 million. Unless the U.S. economy remains deep in the doldrums for another decade, these will mostly come **at the expense of jobs elsewhere.**

### 2NC Energy Jobs

#### Oil production increases don’t solve employment – and they only cause job shifting, not growth

Casey Junkins 6-13-2012; West Virginia Observer “Drilling Not Helping Jobless Numbers” http://www.theintelligencer.net/page/content.detail/id/570900/Drilling-Not-Helping-Jobless-Numbers.html?nav=515

WHEELING - As West Virginia's unemployment rate jumps to 6.9 percent, some Mountain State residents believe a hiring boom in the oil and natural gas drilling industry is just around the corner. However, information from WorkForce West Virginia shows the Marcellus and Utica shale drilling industry has not created much direct employment over the past two years. "We've not seen much change in employment in the oil and gas industry over the past year. Employment in oil and gas in 2010 was 2,244, dropping slightly to 2,179 in 2011," said WorkForce spokeswoman Courtney Sisk. The presence of the drilling industry does lead to increased employment in certain areas, as restaurant and hotel owners report being very busy these days because of drillers working in the area. There are also companies that supply materials to the drilling industry that may hire more employees to meet these needs, while retailers may also see an upswing in some business because of mineral owners receiving spending money from lease and royalty checks. However, the WorkForce statistics show that the number of West Virginia residents working directly for gas and oil drillers has not increased over the past two years, despite a continued upswing in drilling and fracking. Gas industry jobs paying nearly $30 per hour are on the way to Marshall County soon, as Dominion Resources will look to hire 40-45 full-time, permanent workers for the natural gas processing plant set to open in December. There will be positions for electricians, plant operators and loaders. In all employment sectors combined, the number of jobless West Virginians residents rose by 1,900 in May to 55,600. There are 1,400 fewer people working in the mining and logging industries, while there are 400 fewer people employed in the manufacturing sector. West Virginia's unemployment rate was 6.7 percent in April. On the positive side, there are 400 more people working in the financial industry with another 100 more working in government. West Virginia's unemployment rate is still more than one point better than the 8.2 percent national average. In addition to serving as a Republican member of West Virginia's House of Delegates from Ohio County, Erikka Storch is also the chief financial officer for Wheeling-based Ohio Valley Steel. She said her company is not seeing much business growth right now, which hinders her ability to hire workers. "The level of construction is down," she said. "I can only keep so many people at levels like this." Storch said the company now has 26 employees, noting the optimal number should be in the range of 35 with a few more out in the field as ironworkers. "There are some out-of-area companies opening up sub-offices around here," she said. "These offices are hiring some employees, but they are mostly just taking local workers from one job to another job. These are employment shifts, rather than unemployed people getting jobs." "I am not seeing the private sector spending money like it usually does," Storch added.

### manufacture

#### Lowering energy costs wouldn’t lead to a manufacturing boom

Levi 5-7 – Senior Fellow (at CFR) for Energy and the Environment and Director of the Program on Energy Security and Climate Change (Michael, July/August, “Think Again: The American Energy Boom (Michael, “Oil and Gas Euphoria Is Getting Out of Hand” <http://blogs.cfr.org/levi/2012/05/07/oil-and-gas-euphoria-is-getting-out-of-hand/>) Jacome

But there is more. Ignatius’s column isn’t just about energy; it’s also about the resurgence of U.S. manufacturing. Here’s how he links the two:

“Energy security would be one building block of a new prosperity. The other would be the revival of U.S. manufacturing and other industries. This would be driven in part by the low cost of electricity in the United States, which West forecasts will be relatively flat through the rest of this decade, and one-half to one-third that of economic competitors such as Spain, France or Germany.”

Once again, these sorts of claims have become increasingly common. Indeed the quantitative assertions are perfectly plausible. But the big picture implications don’t make sense. As of 2010, total sales of U.S. manufactured goods were about five trillion dollars. At the same time, the sector spent about 100 billion dollars on energy. That’s a mere two percent of total sales. You could slash energy costs to zero, **and it would barely move the needle** for most U.S. manufacturers. There are, of course, exceptions, like some iron, steel, cement, and paper makers. But even these industries care about much more than their electricity prices. Will lower energy costs move things at the margin? Of course they will, and that’s good news. **But they are nowhere close to what’s needed for U.S. manufacturing to broadly thrive.**

### A2 trade deficit

#### 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.

## 2NC Russia

### 2nc ruskies

#### Efforts to block Russian sphere of influence dooms US-Russia relations and risks war

**Eland, 2008** [Ivan, Nov, Sr. Fellow, Independent Inst., former Defense Analyst for Congressional Budget Office, The Independent Institute, http://www.independent.org/newsroom/article.asp?id=2363]

But the bear is now coming out of a long hibernation a bit rejuvenated. Using increased petroleum revenues from the oil price spike, the Russians will hike defense spending 26 percent next year to about $50 billion—the highest level since the collapse of the Soviet Union. Yet as the oil price declines from this historic high, Russia will have fewer revenues to increase defense spending and rebuild its military. Even the $50 billion a year has to be put in perspective. The United States is spending about $700 billion per year on defense and starting from a much higher plain of capability. After the collapse of the Soviet Union, the Russian military fell apart and was equivalent to that of a developing country. Even the traditionally hawkish U.S. military and defense leaders and analysts are not worried about Russia’s plans to buy modern arms, improve military living standards to attract better senior enlisted personnel, enhance training, and cut back the size of the bloated forces and officer corps. For example, Eugene B. Rumer of the U.S. National Defense University was quoted in the *Washington Post* as saying that Russian actions are “not a sign, really, of the Russian military being reborn, but more of a Russia being able to flex what relatively little muscle it has on the global scale, and to show that it actually matters.”[[1]](http://www.independent.org/newsroom/article.asp?id=2363#_ftn1#_ftn1)In addition, the Russian military is very corrupt—with an estimated 40 percent of the money for some weapons and pay for personnel being stolen or wasted. This makes the amount of real defense spending far below the nominal $50 billion per year. U.S. analysts say, however, that increased military spending would allow Russia to have more influence over nations in its near abroad and Eastern Europe. Of course, throughout history, small countries living in the shadow of larger powers have had to make political, diplomatic, and economic adjustments to suit the larger power. Increased Russian influence in this sphere, however, should not necessarily threaten the security of the faraway United States. It does only because the United States has defined its security as requiring intrusions into Russia’s traditional sphere of influence. By expanding NATO into Eastern Europe and the former Soviet Union, the United States has guaranteed the security of these allied countries against a nuclear-armed power, in the worst case, by sacrificing its cities in a nuclear war. Providing this kind of guarantee for these non-strategic countries is not in the U.S. vital interest. Denying Russia the sphere of influence in nearby areas traditionally enjoyed by great powers (for example, the U.S. uses the Monroe Doctrine to police the Western Hemisphere) will only lead to unnecessary U.S.-Russian tension and possibly even cataclysmic war.

#### The Georgia conflict was a warning shot – Russia is willing to use its military to prevent threats to its sphere of influence

**Palmer, 12** (Alex, Harvard International Review, “Russia Rising,” 1/12, http://hir.harvard.edu/politics-of-disease/russia-rising

For Putin, the fall of the Soviet Union was not a fitting end for a corrupt and poorly-functioning empire stretched beyond its means, as it has often been portrayed in the United States. Rather, it was a departure from the natural order of the world, a geopolitical disaster that created only chaos and confusion within both Russia and its proper sphere of influence throughout Eurasia. Separatist movements like Chechen nationalism are, therefore, directly attributable to Russia’s failure to reclaim its rightful place in the world order, and ordinary Russians have suffered as a result.

It is these considerations that have motivated Putin to craft what Friedman describes as an empire without the traditional burdens of empire. “What he recognized was the problem of the Soviet empire, the problem with the czarist empire,” Friedman explains, “was that they totally controlled surrounding territories. As such, they benefited from them, but they were responsible for them as well, and so that wealth was transferred into them to maintain them, to sustain the regimes, and so on and so forth. Putin came up with a new structure in which he had limited desires from countries like Ukraine.” There were certain things these countries could not do—become a part of NATO or house hostile forces, for instance—but Russia was not directly responsible for their future, as the Soviet Union had been with its satellite countries. By aligning former Soviet states with Russia without suffering the economic drain of empire, Putin has positioned Russia to achieve maximum influence at minimum cost. Partly as a result, governments friendly to Russia have popped up across the former Soviet Union, including in Ukraine.

This is not to say that Russia is afraid to use force, however. In August 2008, Russia shocked the world by sending troops into neighboring Georgia in support of separatist movements in South Ossetia and Abkhazia that sought to align those territories more closely with Russia. Though the war was brief and small in scale, it demonstrated Russia’s willingness to balance finesse with force and soft influence with hard power. It was an effective warning to other potential adversaries in Russia’s sphere of influence.

Russian presidential elections are scheduled for March 2012, and as of July 2011 neither Putin nor Medvedev has publicly discussed who will run for president or what the configuration of power will be in the Kremlin after the end of Medvedev’s term. The elections themselves are more a formality than a test of democratic will, and whatever the outcome, the influence of Putin, and his vision of a new Russia reclaiming its rightful place in the world order, will remain strong.

#### Russia has economic incentives not to continue any gas war

**Riley 2009** (Alan, professor at City Law School, City University, in London and an associate research fellow at the Center for European Policy Studies in Brussels, Wall Street Journal Europe, "Russia's Gas War Gets Credit-Crunched" http://online.wsj.com/article/SB123136742359262291.html)

The gas disputes with Ukraine, together with more longstanding Russian allegations of gas theft and demands for access to gas stored on Ukrainian territory, have contributed to the development of a "Ukraine-free" strategy. Gazprom plans to build two new major pipelines, Nord Stream and South Stream, which will provide an alternative route for Russian gas to reach Gazprom's most valuable European markets. However, these pipelines are very expensive to build. Gazprom and its joint venture partners in Nord Stream have already faced a doubling in estimated construction costs to $12 billion. The project also still faces substantial additional costs in preparing the route underneath the Baltic Sea and dealing with environmental concerns, as well as undersea weapons and explosive dumps. South Stream could be even more expensive. As the International Energy Agency diplomatically says in its 2008 World Energy Outlook "South Stream is a challenging project, both because of its offshore length of 900 kilometers, and depth (2,200 meters compared to an average of 200 meters in the Baltic Sea for Nord Stream). It will also be a costly venture, with estimates reaching $20 billion." Gazprom so far resolutely maintains that both pipelines will be built. However, the financial crisis has put a massive strain on both the resources of the company and the Russian state. For the state, tax revenues will in all likelihood tumble following the collapse in energy prices. Even the massive reserves that Russia has built up, which should have given the Kremlin an economic cushion, are being burned through at a scary rate. The cost of defending the ruble, bailing out banks and protecting key economic sectors has cost at least $163 billion since August. Official figures put Russian reserves now at some $435 billion, though private analysts have put the total at closer to $300 billion -- which would mean the reserves have been halved in the last five months. The danger for Moscow is that over 2009 the cost of currency defense and bailouts will rapidly run down these remaining reserves. In such circumstances it will be difficult for the state to easily fund Nord Stream and South Stream. Equally, Gazprom's finances have come under real strain. Its market capitalization has fallen 69% in the past year. In 2007 -- at the height of the energy boom and the last year for which we have full figures -- Gazprom reported $28 billion of debt on its books. And because of the fall in energy prices, in the second half of 2009 (given the time lag in gas contracts) it faces a fall to $250-300 per thousand cubic meters of gas from around $500. Gazprom is not about to go bust: In 2007 Gazprom made $14 billion on revenues of $70 billion. While those figures will take a hit this year, Gazprom will still generate significant profits. However, those profits won't be enough to finance Nord Stream, South Stream and the crucial development of new gas fields necessary to keep the gas flowing as the existing supergiant fields in the Nadym Pur Taz region begin to wind down by next year. The economic realities that Gazprom and the Kremlin face will push them during 2009 to sort out the company's rights to transport gas over Ukrainian territory. The Ukrainian export pipeline capacity, at almost 180 billion cubic meters per year, is more than enough to carry all of Russia's current European exports. If it is to avoid the costly Nord Stream and South Stream projects, **Gazprom needs a deal** with Ukraine and the European Union to establish a comprehensive, tough and transparent transit regime which will ensure the safe delivery of Russian gas to European markets, as well as an arbitration system to sort out disputes. This would suggest finally hammering out a deal on the draft Transit Protocol of the Energy Charter Treaty (ECT), which Russia and the EU have come close on several occasions to agreeing. This transit argument is likely to be reinforced by the realization in Moscow that, even if Nord Stream and South Stream are abandoned, Russia is still going to need huge amounts of capital to develop its gas fields, a lot of which must come from foreign investors. Those investors will also want stronger guarantees that gas will actually be delivered into European markets, a deal on the Transit Protocol would give them that security. More broadly, **Russia has to recognize that in straitened economic circumstances it is going to need foreign investment** to develop its gas fields. This involves taking a long hard look at its protected sectors law, which limits foreign investment in the energy sector. It also means making a strong statement on investor protection. This means not only honoring its legal obligations regarding the investor-protection provisions of the ECT, but ratifying the treaty. While Russia is already bound by the ECT, ratification would send a very valuable message as to Russian intentions and effectively end an era of energy-asset expropriation in Russia. It is of course true that, because of Chinese structural demand, the oil price will rebound toward $100 a barrel once the global economy recovers. The Kremlin and Gazprom will then be flooded again with cash and able to afford its "Ukraine Free" pipeline strategy. Unfortunately for them, the global oil price is not going to recover soon. The world is facing a deep recession, and 2009 may be the first negative year of growth in the global economy since 1945. Well before the oil price recovers, the Kremlin and Gazprom will face very intense economic pressures. Under these intense pressures there will have to be a reassessment of strategy. In the credit-crunch era Ukraine cannot afford this game, and increasingly neither can Gazprom. There is a deal that can be done to ensure safe passage of gas through Ukrainian territory to ensure continued substantial revenues to Gazprom and Russia. It would better for Moscow and Kiev to recognize the impact of the credit crunch and do a deal sooner rather than later.

### No terrorism

#### Don’t evaluate their terrorism impact—the combined probability is insanely low

**Schneidmiller 9** (Chris, Experts Debate Threat of Nuclear, Biological Terrorism, 13 January 2009, http://www.globalsecuritynewswire.org/gsn/nw\_20090113\_7105.php, AMiles)

There is an "almost vanishingly small" likelihood that terrorists would ever be able to acquire and detonate a nuclear weapon, one expert said here yesterday (see GSN, Dec. 2, 2008). In even the most likely scenario of nuclear terrorism, there are 20 barriers between extremists and a successful nuclear strike on a major city, said John Mueller, a political science professor at Ohio State University. The process itself is seemingly straightforward but exceedingly difficult -- buy or steal highly enriched uranium, manufacture a weapon, take the bomb to the target site and blow it up. Meanwhile, variables strewn across the path to an attack would increase the complexity of the effort, Mueller argued. Terrorists would have to bribe officials in a state nuclear program to acquire the material, while avoiding a sting by authorities or a scam by the sellers. The material itself could also turn out to be bad. "Once the purloined material is purloined, [police are] going to be chasing after you. They are also going to put on a high reward, extremely high reward, on getting the weapon back or getting the fissile material back," Mueller said during a panel discussion at a two-day Cato Institute conference on counterterrorism issues facing the incoming Obama administration. Smuggling the material out of a country would mean relying on criminals who "are very good at extortion" and might have to be killed to avoid a double-cross, Mueller said. The terrorists would then have to find scientists and engineers willing to give up their normal lives to manufacture a bomb, which would require an expensive and sophisticated machine shop. Finally, further technological expertise would be needed to sneak the weapon across national borders to its destination point and conduct a successful detonation, Mueller said. Every obstacle is "difficult but not impossible" to overcome, Mueller said, putting the chance of success at no less than one in three for each. The likelihood of successfully passing through each obstacle, in sequence, would be roughly one in 3 1/2 billion, he said, but for argument's sake dropped it to 3 1/2 million. "It's a total gamble. This is a very expensive and difficult thing to do," said Mueller, who addresses the issue at greater length in an upcoming book, Atomic Obsession. "So unlike buying a ticket to the lottery ... you're basically putting everything, including your life, at stake for a gamble that's maybe one in 3 1/2 million or 3 1/2 billion." Other scenarios are even less probable, Mueller said. A nuclear-armed state is "exceedingly unlikely" to hand a weapon to a terrorist group, he argued: "States just simply won't give it to somebody they can't control." Terrorists are also not likely to be able to steal a whole weapon, Mueller asserted, dismissing the idea of "loose nukes." Even Pakistan, which today is perhaps the nation of greatest concern regarding nuclear security, keeps its bombs in two segments that are stored at different locations, he said (see GSN, Jan. 12). Fear of an "extremely improbable event" such as nuclear terrorism produces support for a wide range of homeland security activities, Mueller said. He argued that there has been a major and costly overreaction to the terrorism threat -- noting that the Sept. 11 attacks helped to precipitate the invasion of Iraq, which has led to far more deaths than the original event. Panel moderator Benjamin Friedman, a research fellow at the Cato Institute, said academic and governmental discussions of acts of nuclear or biological terrorism have tended to focus on "worst-case assumptions about terrorists' ability to use these weapons to kill us." There is need for consideration for what is probable rather than simply what is possible, he said. Friedman took issue with the finding late last year of an experts' report that an act of WMD terrorism would "more likely than not" occur in the next half decade unless the international community takes greater action. "I would say that the report, if you read it, actually offers no analysis to justify that claim, which seems to have been made to change policy by generating alarm in headlines." One panel speaker offered a partial rebuttal to Mueller's presentation. Jim Walsh, principal research scientist for the Security Studies Program at the Massachusetts Institute of Technology, said he agreed that nations would almost certainly not give a nuclear weapon to a nonstate group, that most terrorist organizations have no interest in seeking out the bomb, and that it would be difficult to build a weapon or use one that has been stolen.

## 2NC Japan

### A2 japan

#### Shared threat perception

**Bisley 8** (Nick, Associate Prof. IR @ La Trobe U., Contemporary Southeast Asia, “Securing the "anchor of regional stability"? The transformation of the US-Japan alliance and East Asian security; Report”, 4-1, 30:1, L/N)

The US-Japan relationship stands on robust political foundations and has overcome many of the strategic and operational problems which had bedevilled it in the 1990s and it is one of the key pieces of America's global strategy. It rests on a number of pillars which include a shared set of interests, shared threat perceptions and policy responses, and is underpinned by a set of common values that are overtly expressed as vital to the relationship. In the words of a senior Japanese policy-maker, the US-Japan relationship is in a "mature phase". (41) The quality of the relationship was personified by the concord which existed between President Bush and Prime Minister Koizumi. Koizumi's final trip to the United States included not only a summit putting the rhetorical stamp on alliance transformation, it included an unprecedented presidential tour of Elvis Presley's home, Graceland. As a metaphor for the alliance more generally, the visit could hardly be more fitting. Although the personal relationship between the two was very important to the political and operational process of alliance enhancement, the strategic interests it advances and the extent of the consensus about these among policy-makers is such that, providing alliance managers exercise due care, the basic tenor of the current relationship will last long after these two political leaders have left the stage. (42)

The United States and Japan now have a genuine alliance, although one distinguished by an unusual and clearly delineated division of labour, which is intended to be the foundation of Japanese defence and security, a mechanism to stabilize a strategically complex region and a vital piece of America's global strategy. In both states there is a strong consensus as to its long-term value. Although, the US-Japan alliance is still quite different from those which America has with other states, it is testimony to the scope of changes wrought in the past five years or so that it is now not impossible to imagine that, over the longer term, Japan could become an ally which carries a strategic weight similar to that born by the United Kingdom.

#### No alternatives

**Okamoto 2** (Yukio, President – Okamoto Associates, Washington Quarterly, Spring, Lexis)

Given the magnitude of the danger that an end of the alliance would pose to both Japan and the United States, both sides will likely want to maintain their security relationship for many years to come. A completely new world would have to emerge for Japan and the United States to no longer need each other. Despite frictions over trade, supposed Japanese passivity, purported U.S. arrogance, and the myriad overwrought "threats to the alliance," the truth is that this military alliance between two democratic states is well-nigh unbreakable -- because there are no acceptable alternatives.

#### Cooperation inevitable—disputes won’t manifest

**Bader 10** Jeffrey 6/7, Senior fellow at Brookings- Director of the John L. Thornton China Center, 6/7/10 [Keynote Speech: US-Japan Alliance at 50: Toward a Reenergized Partnership” http://stimson.org/japan/pdf/Transcript\_Jeff\_Bader.pdf]

The sinking of the South Korean naval vessel, Cheonan, by North Korea served as a dramatic reminder that Northeast Asia is still “a dangerous neighborhood.” The Japanese Cabinet noticed. The Japanese government also experienced some difficulties in its relationship with China, in which it had invested a considerable amount. The DPJ has come to understand with increasing clarity that others in the region have been watching closely the U.S.-Japan alliance, and Japan could not afford the impression of a rift to “gain traction.” It turns out that all politics is not 100 percent local, as it had been seen in Japan for some months before then. The decision came against a series of other policy decisions by the Japanese government that demonstrate that the alliance is about more than basing issues. Japan has allocated $900 million in its current budget towards a multi-year, $5 billion, pledge to the Afghan Army and police, including for rehabilitation and training of demobilized Taliban and important development projects. Japan, like the United States, believes that peace and security in Afghanistan depend significantly on stability in Pakistan, and Tokyo has pledged $1 billion in assistance to Pakistan and hosted a major pledging conference. Japan has strongly backed the Republic of Korea, in the face of aggression from the North, in the wake of the Cheonan incident. Its solidarity with South Korea has been firm and public. Japan has sought trilateral cooperation with the U.S. and South Korea, and taken a leading role in fashioning a UN Security Council response. As a member of the UN Security Council, this year, Japan is supporting the U.S.–led draft of a resolution on Iran. Prime Minister Kan – Prime Minister to be Kan – indeed reiterated that support in his first conversation with President Obama, this past week. Japan’s leadership has made clear recently that it favors U.S. participation in an eventual East Asian Community, a change taken from the DPJ position last fall. Japan strongly supported President Obama’s initiatives in the April Nuclear Security Summit and worked closely with the U.S. delegation at the NPT Review Conference in May. So, nine months after the DPJ’s electoral victory, the scorecard, from the U.S. perspective, at last, is positive and improving. There has been lots of attention to what a rough ride it has been, to the precipitous decline in Hatoyama’s polling numbers and, ultimately, his demise, his political demise, to the difficulties of the DPJ government in “getting its feet under it.” And now the – as I said – the resignation. I’ll leave to experts on Japan the analysis of these, but from the viewpoint of the U.S., the larger issue, in conclusion, is this: That Japan has gone through the single most dramatic political change in 50 years – after 50 years of stasis in party rule, and the U.S.-Japan alliance has emerged in sound condition, having been scrutinized and ultimately validated by the new political leadership. This is, in one sense, not surprising, since 80 percent of all Japanese, in polling, support the alliance.\*\* That is the indispensible foundation for the alliance.

### No impact

#### Cyber-terrorism is literally impossible. This isn’t WarGames

**Green 2** – editor of The Washington Monthly (Joshua, 11/11, The Myth of Cyberterrorism, http://www.washingtonmonthly.com/features/2001/0211.green.html)

There's just one problem: There is no such thing as cyberterrorism--no instance of anyone ever having been killed by a terrorist (or anyone else) using a computer. Nor is there compelling evidence that al Qaeda or any other terrorist organization has resorted to computers for any sort of serious destructive activity. What's more, outside of a Tom Clancy novel, computer security specialists believe it is virtually impossible to use the Internet to inflict death on a large scale, and many scoff at the notion that terrorists would bother trying. "I don't lie awake at night worrying about cyberattacks ruining my life," says Dorothy Denning, a computer science professor at Georgetown University and one of the country's foremost cybersecurity experts. "Not only does [cyberterrorism] not rank alongside chemical, biological, or nuclear weapons, but it is not anywhere near as serious as other potential physical threats like car bombs or suicide bombers."

Which is not to say that cybersecurity isn't a serious problem--it's just not one that involves terrorists. Interviews with terrorism and computer security experts, and current and former government and military officials, yielded near unanimous agreement that the real danger is from the criminals and other hackers who did $15 billion in damage to the global economy last year using viruses, worms, and other readily available tools. That figure is sure to balloon if more isn't done to protect vulnerable computer systems, the vast majority of which are in the private sector. Yet when it comes to imposing the tough measures on business necessary to protect against the real cyberthreats, the Bush administration has balked.

Crushing BlackBerrys

When ordinary people imagine cyberterrorism, they tend to think along Hollywood plot lines, doomsday scenarios in which terrorists hijack nuclear weapons, airliners, or military computers from halfway around the world. Given the colorful history of federal boondoggles--billion-dollar weapons systems that misfire, $600 toilet seats--that's an understandable concern. But, with few exceptions, it's not one that applies to preparedness for a cyberattack. "The government is miles ahead of the private sector when it comes to cybersecurity," says Michael Cheek, director of intelligence for iDefense, a Virginia-based computer security company with government and private-sector clients. "Particularly the most sensitive military systems."

Serious effort and plain good fortune have combined to bring this about. Take nuclear weapons. The biggest fallacy about their vulnerability, promoted in action thrillers like WarGames, is that they're designed for remote operation. "[The movie] is premised on the assumption that there's a modem bank hanging on the side of the computer that controls the missiles," says Martin Libicki, a defense analyst at the RAND Corporation. "I assure you, there isn't." Rather, nuclear weapons and other sensitive military systems enjoy the most basic form of Internet security: they're "air-gapped," meaning that they're not physically connected to the Internet and are therefore inaccessible to outside hackers. (Nuclear weapons also contain "permissive action links," mechanisms to prevent weapons from being armed without inputting codes carried by the president.) A retired military official was somewhat indignant at the mere suggestion: "As a general principle, we've been looking at this thing for 20 years. What cave have you been living in if you haven't considered this [threat]?"

When it comes to cyberthreats, the Defense Department has been particularly vigilant to protect key systems by isolating them from the Net and even from the Pentagon's internal network. All new software must be submitted to the National Security Agency for security testing. "Terrorists could not gain control of our spacecraft, nuclear weapons, or any other type of high-consequence asset," says Air Force Chief Information Officer John Gilligan. For more than a year, Pentagon CIO John Stenbit has enforced a moratorium on new wireless networks, which are often easy to hack into, as well as common wireless devices such as PDAs, BlackBerrys, and even wireless or infrared copiers and faxes.

The September 11 hijackings led to an outcry that airliners are particularly susceptible to cyberterrorism. Earlier this year, for instance, Sen. Charles Schumer (D-N.Y.) described "the absolute havoc and devastation that would result if cyberterrorists suddenly shut down our air traffic control system, with thousands of planes in mid-flight." In fact, cybersecurity experts give some of their highest marks to the FAA, which reasonably separates its administrative and air traffic control systems and strictly air-gaps the latter. And there's a reason the 9/11 hijackers used box-cutters instead of keyboards: It's impossible to hijack a plane remotely, which eliminates the possibility of a high-tech 9/11 scenario in which planes are used as weapons.

## 1NR Trade Addon

### A2 trade

#### Trade leadership is permanently damaged and they can’t overcome alt causes

**Kim 2010** – Policy Analyst in Heritage's Center for International Trade and Economics, master's degree in international trade and investment policy from the Elliott School of International Affairs at the George Washington University (4/12, Anthony, Heritage Foundation, “A trade war averted for now”, http://blog.heritage.org/2010/04/12/a-trade-war-averted-for-now/, WEA)

So, a trade war was avoided. More precisely, it has been delayed. Considerable murkiness lingers on the trade horizon, and not just with Brazil. As Friday’s WSJ editorial points out: \* WTO-approved retaliation to counteract U.S. trade violations is spreading. More than $3.4 billion [in] U.S. exports now face punishing retaliation tariffs. \* The U.S.’s most economically damaging trade war is with Mexico. As part of the North American Free Trade Agreement ([NAFTA]), the U.S. is supposed to give Mexican trucking companies access to the U.S. But 17 years into [NAFTA], Mexican trucks still don’t cross the border, because the Teamsters union won’t accept the competition. A [NAFTA] dispute panel [has] authorized Mexico to retaliate. Last year it imposed duties on $2.4 billion of U.S. exports. \* The [European] Union and Japan have also asked the WTO for authorization to retaliate because the U.S. Commerce Department insists on deciding antidumping cases with an arcane calculation that the WTO ruled against in 2007. As a result, according to the trade publication “Inside U.S. Trade”, both Japan and the European Union are eyeing retaliation. The total value of U.S. exports affected could top $500 million. The fallout from U.S. protectionism will hurt our ongoing economic recovery efforts. The protectionism itself is doing irrevocable damage to America’s leadership in international economic discussions. Free trade and its expansion through multilateral, regional, and bilateral agreements have been vital to world economic strength and prosperity. Treasury Secretary Tim Geithner commented during his recent two-day visit to India that President Obama “was ‘deeply committed’ to trying to build a consensus among Americans for more open trade and to support the [economic] recovery,” as noted in the Financial Times. While the Obama Administration has repeatedly said that the U.S. will not abandon its legacy of supporting open and free commerce, the fact is that it has done little to nothing to demonstrate that commitment in more substantive terms. One sign of inaction: three pending free trade agreements with Panama, Colombia, and South Korea remain on ice. Talking about “strengthening” America’s trade relations around the world, boosting exports, and even enforcing trade rules are only empty gestures without tangible action to re-establish America’s leadership in advancing free trade.

## 1NR Ukraine Addon

### 1NR Ukraine Addon

#### Zero chance of Ukraine embroilment

**Jaworsky 95** (John, Assistant Prof. Politics @ Waterloo U., “Ukraine: Stability & Instability”, Chapter 8 SOME CONCLUSIONS, http://www.ndu.edu/inss/McNair/mcnair42/m042ch08.html)

Conversely, it is highly unlikely that Ukraine will become the scene of mass violence followed by civil war. An unpredictable chain of events could possibly lead to large-scale civil conflict, but extremist forces in Ukraine still have only a narrow social base and lack political influence. Of the mainstream political forces in Ukraine, none currently possesses the will, social support, and organizational resources needed to launch and sustain a major challenge to the current administration's authority. Equally important, none of these forces has a coherent plan for leading Ukraine out of its present crisis situation. The absence of widespread violence in Ukraine is probably also due to another, less tangible factor: the great emphasis most citizens of Ukraine place on maintaining social peace. The importance of peaceful conflict resolution has been conditioned by the great losses of life experienced by Ukraine during the many wars and other conflicts on its territory in the 20th century, as well as the devastation wrought by the brutal forced collectivization of agriculture in Ukraine in the early 1930s.

**No Ukraine-Russia escalation**

**Brzezinski 9** (Zbigniew, Prof. and former US National Security Advisor, Polish News Bulletin, “Brzezinski: Global Understanding or Fierce Conflicts”)

However I hope wisdom will prevail and no such thing will take place. And even if such unrest erupted in Ukraine, Kremlin leaders will be prudent. In the end they must realise that even if there was a direct military tension between Russia and the West, their support for Ukrainian separatists would shut their passage to economic co-operation with the world for many years. The reaction would be much sharper, than in case of Ossetia and Abkhazia. Moreover Ukrainian resistance could be catastrophic for Russia. It would end their chances for rebuilding of Russia, and its position in the world.

## 1NR Fiscal Cliff

### 2nc overview

**Econ collapse outweighs and turns case, that’s Friedberg and Schoenfeld—no impact D in 2ac means try-or-die**

**Biggest threat to global stability**

**Mootry 2008,** [Primus, B.A. Northern Illinois University “Americans likely to face more difficult times” - The Herald Bulletin, 10/8/2008 http://www.theheraldbulletin.com/columns/local\_story\_282184703.html?keyword=secondarystory]

These are difficult times. The direct and indirect costs associated with the war on Iraq have nearly wrecked our economy. The recent $700 billion bailout, bank failures, and the failure of many small and large businesses across the nation will take years — perhaps decades — to surmount. Along with these rampant business failures, we have seen unemployment rates skyrocket, record numbers of home foreclosures, an explosion of uninsured Americans, and other economic woes that together have politicians now openly willing to mention the "D" word: Depression. These are difficult days. We have seen our international reputation sink to all time lows. We have seen great natural disasters such as hurricanes Ike and Katrina leaving hundreds of thousands of citizens stripped of all they own or permanently dislocated. In all my years, I have never seen a time such as this. To make matters worse, we are witnessing a resurgence of animosities between the United States and Russia, as well as the rapid growth of India and China. As to the growth of these two huge countries, the problem for us is that they are demanding more and more oil — millions of barrels more each week — and there is not much we can say or do about it. In the meantime, if America does not get the oil it needs, our entire economy will grind to a halt. In short, the challenges we face are complex and enormous. Incidentally, one of the factors that makes this time unlike any other in history is the potential for worldwide nuclear conflict. **There has never been a time in** the long **history** of ~~man~~ **when**, through his own technologies — and his arrogance — ~~he~~ can destroy the planet. Given the tensions around the world, **a mere spark could lead to global conflagration.**[This evidence has been gender paraphrased].

#### Outweighs on timeframe

The Hotline October 24, 2012 “Panic Cliff” Lexis

Lawmakers "are downplaying hopes that they will avert the so-called fiscal cliff," but "they suggest a partial fix is likely. Leading lawmakers have no intention of letting the sequester happen or all of the tax cuts expire. Nor will Congress vote to punt those events entirely, even for a few months," cong. aides said. Instead, cong. "leaders are discussing a plan to make a down payment of targeted cuts worth about half of the" $110B, "while establishing a framework for additional cuts." Rep. Chris Van Hollen (D-MD): "It will be very difficult to put together a comprehensive plan in just six weeks. Everyone's going to have to scramble" (Friedman/House, National Journal Daily, 10/23). Sens. Mark Warner (D-VA) and Saxby Chambliss (R-GA) "told the financial community on" Oct. 23 "that the industry's engagement is critical if the country is to avoid the 'fiscal cliff." Chambliss "said he expects a 'tough political slugfest' between Thanksgiving and Christmas as Congress and the administration race to beat the end-of-year deadline in an environment that will be politically charged no matter who wins the" WH.

**Turns natural gas investment – nobody gives money to the plan**

**Turns Japan – no incentive to continue being in the alliance**

**Turns trade**

**Barfield 2009** – resident scholar at AEI (10/1, Claude, “Protectionism and the Global Economic Crisis”, http://www.aei.org/article/101169, WEA)

The impact on world trade of recent protectionist tendencies--including increased tariffs, anti-dumping measures, sector subsidies, and "buy national" provisions--depends on the swiftness of economic recovery from the current crisis. If the global economy continues to improve, protectionist government policies will likely fade; however, if the recovery weakens and a recession returns, the pressures for protectionist measures may mount.

The impact of protectionism--both outright and "murky"--on world trade will be highly dependent on the future course of the economic crisis. If the "green shoots" of an economic recovery blossom and bear fruit, then the (thus-far) moderate upsurge of protectionist government actions is likely to fade; if on the other hand, the world should plunge back into a "double dip" recession then all bets would be off.

Certainly, the absolute numbers chronicling the world economy from 2007 through 2009 are stark. World output slowed appreciably from 3.5 percent growth in 2007 to 1.7 percent in 2008. Then, for the first time since World War II, the World Bank predicts that in 2009 world GDP will decline (2.9 percent in the latest projection). Similarly, a decline in foreign direct investment flows began in 2008 and is projected to deepen in 2009, dropping some 30 percent in year-over-year numbers.

Trade figures were no exception to the negative trends. World trade by volume grew 6 percent in 2007, then by only 2 percent in 2008. For 2009, the projection is for an unprecedented decline of 11 percent.[1]

**Turns terrorism**

**Schaub 4** (Drew, Professor of Political Science – Penn State University, Journal of Conflict Resolution, 48(2), April)

Despite the caveats, our analysis suggests important policy implications for the war against terrorism. National governments should realize that economic globalization is not the cause of, but a possible partial solution to, transnational terrorism. Although opening up one’s border facilitates the movement of terrorists and their activities, our results show that the effect of such facilitation appears weak. It does not precipitate a significant rise in transnational terrorist attacks within countries. This is an important lesson for policy makers who are designing antiterrorism policies. More important, economic openness, to the extent that it promotes economic development, may actually help to reduce indirectly the number of transnational terrorist incidents inside a country. Closing borders to foreign goods and capital may produce undesirable effects. Economic closure and autarky can generate more incentives to engage in transnational terrorist activities by hindering economic development. Antiterrorism policy measures should be designed with caution. They should not be designed to slow down economic globalization. Promoting economic development and reducing poverty should be important components of the global war against terrorism. Such effects are structural and system-wide. It is in the best interest of the United States not only to develop by itself but also to help other countries to grow quickly. The effect of economic development on the number of transnational terrorist incidents is large. The role of economic development deserves much more attention from policy makers than it currently enjoys.

### 2nc – yes grand bargain

#### Presidential push for a fiscal bargain solves status quo divisions

Vicki Needham (writer for The Hill) November 7, 2012 “Business groups urge quick extension of tax policies in lame duck” http://thehill.com/blogs/on-the-money/economy/266701-business-groups-urge-quick-extension-of-tax-policies-in-lame-duck

A grand bargain will require complex negotiations that will take more time than the six or so weeks left before year's end. "What we need is action," Engler said. Engler, Casey and Jay Timmons, president of the National Association of Manufacturers, told reporters that Obama must lay out a blueprint for Congress that will tackle the long list of these issues hampering a more robust economic recovery. "This is going to take executive leadership," Engler said. Timmons said it is time for unity to help the country improve its global competitiveness. "Our goal is to grow the economy," he said. The president talked to congressional leaders on Wednesday about the legislative agenda less than a day after winning reelection. But congressional leaders immediately staked out the same positions that have created so much division on Capitol Hill. Speaker John Boehner (R-Ohio) said he would not yield to raising any taxes this year, while Senate Majority Leader Harry Reid (D-Nev.) argued for letting tax rates expire for wealthier earners. Still, both men hinted that they need to find a way to work togther toward a bipartisan compromise.

#### Obama has all the leverage now – Republicans are starting to cave

Jason Pye (writer for United Liberty) November 8, 2012 “Boehner willing to raise taxes in lame duck session” http://www.unitedliberty.org/articles/11841-boehner-willing-to-raise-taxes-in-lame-duck-session

It didn’t take long for the predicted sellout by Republican leadership after the election. With Boehner has already showing weakness, Obama and Senate Democrats are going to wind up with a clear advantage out of whatever deal is made and whatever revenue cuts are agree upon will, much like past budget deals, most likely never come to fruition.

#### This PC ensures sufficient numbers of Republican jump ship to resolve negotiations

Seth Fraser (writer for PolicyMic) November 8, 2012 “Should We Get Ready For 4 More Years of Ridiculous Obama vs GOP Obstructionism?” http://www.policymic.com/mobile/articles/18841/should-we-get-ready-for-4-more-years-of-ridiculous-obama-vs-gop-obstructionism

Whichever road taken, the GOP has about one and a half years to make votes on bills that suggest to their constituents that they have actually gotten something done. The incentive system hasn’t changed. In 2014, candidates will again have to report back to their districts and ask for your vote. What they have to show depends on Obama’s political agenda over the coming months and the Republicans' willingness to accept defeat and work with him. President Obama indeed owns a great deal of political capital.He has that much more momentum than Bush II, who famously said after his 2004 presidential win, “I have political capital. I intend to spend it.” The strategic political reason behind this momentum is due, in large part, to the way the GOP framed the election as a battle between big government and small government. In the end, voters wanted a president and a party in power that was pragmatic and could get things done. But now that Obama has won, it is difficult to argue that Obama’s victory wasn’t also a referendum on liberal or left-leaning ideals that government can play a meaningful part in people’s lives. Elizabeth Warren went as far as to say that the reason she was elected was because she stood up for the “core of liberalism.” The president also has economic winds at his back as the job and housing markets have shown signs of continuing recovery. The fact that there is evidence that the president’s policies are actually improving things should create a greater political willingness for Republicans to join the winning team, if only to take some of the credit. If things continue to improve and the Republicans still choose to obstruct and sit on the sidelines, the Democrats will be able to tout success once again in the face of Republican intransigence. These factors, as well as the increased media and public attention in the afterglow of the election, may provide an impetus for a new jobs bill and perhaps reaching a deal on raising new revenue, two things that will be addressed at the end of this year and early next year. Moreover, the Democrats will certainly continue to pound the strong narrative that the election was a mandate on raising new revenue, as Joe Biden recently pointed out.

#### GOP is giving ground now

Bill French (Writer for Democracy Arsenal) November 7, 2012 “Lame Duck Opening Moves: GOP Leadership Agrees DoD is on the Table?” http://www.democracyarsenal.org/2012/11/lame-duck-opening-moves-gop-leadership-agrees-dod-is-on-the-table-.html

Of those reductions, those affecting the Pentagon have received disproportionate attention. What role the Pentagon budget should play in avoiding the fiscal cliff has been hotly debated, with many – but by no means all – conservatives calling for a deal to exempt the DoD from cuts. Some, most notably Buck Mckeon (R-CA), have even called to reverse the cuts already in place, even though those "cuts" are from projected budgetary increases and the Pentagon budget is still on course to rise slightly over the next decade. But Boehner may have just signaled a significant softening of the GOP position. In his speech, he dedicated only one sentence to Pentagon spending to oppose “slashing” the DoD budget. Crucially, this is not objecting to reductions in Pentagon spending as such – a rhetorical fact which is likely indicative of GOP intentions when uttered in such a calibrated address. This interpretation would seem to be corroborated by House Majority Leader Eric Cantor's (R-VA) statements today when he similarly indicated merely opposing “massive defense cuts.” In looking forward to near-term the work required to avoid the fiscal cliff, it seems that the GOP leadership now tacitly agrees that Pentagon spending should remain on the table.

#### Even short-term agreement key to avert credit downgrading

HAI (Helicopter Association International) September 12, 2012 “Moody's Could Downgrade U.S. Credit Rating” http://www.rotor.com/Publications/RotorNewssupregsup/tabid/177/newsid1237/76550/mid/1237/Default.aspx

According to a report released by Moody's Investors Service this week, budget negotiations during the lame duck session of Congress following the November elections will be key to maintaing the U.S. government's Aaa rating. If Congress and President Obama cannot reach a policy deal on taxes and spending during the six weeks following the election, Moody's would expect to lower the rating, probably to Aa1. However, if negotiations lead to specific policies that produce a stabilization, and then downward trend in the ratio of federal debt to gross domestic product over the medium term, the rating will likely be affirmed and the outlook returned to stable. Moody's confirmed this week that the Aaa rating, with its negative outlook, is likely to be maintained until the outcome of the budget negotiations between Congress and the White House during the lame duck session.

#### Independently causes economic collapse

**Washington Times, 6/14** (Patrice Hill, The Washington Times, 14 June 2012, “Debt fight poses new risk to U.S. credit rating,” http://www.washingtontimes.com/news/2012/jun/14/debt-fight-poses-new-risk-to-us-credit-rating/?page=all)//CC

Any downgrade by Moody’s could be more devastating than a second downgrade by S&P, analysts say, because it would clearly move the U.S. out of the exclusive club of AAA-rated nations and throw into question the privileged status of U.S. Treasury securities as a safe haven for global investors. Threat to Treasury Any significant flight from the Treasury market triggered by a downgrade would raise Treasury bond rates and have devastating consequences. The Congressional Budget Office has estimated that a 1-percentage-point increase in rates would increase Treasury’s debt payments by $1 trillion in the next decade, wiping out the benefit of all the budget cuts enacted by Congress last year. Treasury’s safe-haven status is the critical factor that enabled the U.S. to avoid a debilitating increase in interest rates after the S&P downgrade last year, said Ivan Rudolph-Shabinsky, an analyst at AllianceBernstein. In fact, Treasury rates declined after the S&P downgrade as the U.S. benefited from the turmoil created by the European debt crisis. The flight to safety by investors drawing out of Europe has pushed Treasury rates to record lows, with the yield on Treasury’s 10-year bond falling for the first time to 1.44 percent. Those extraordinarily low interest rates not only have enabled the U.S. government to easily finance its growing debt load, but have been a boon to the beleaguered U.S. housing market and indebted U.S. consumers. Thirty-year mortgage rates, which are linked to the 10-year bond rate, have plunged to record lows, below 4 percent, triggering a big wave of refinancings and boosting prospects for a budding housing recovery. Mr. Rudolph-Shabinsky said America’s safe-haven status doesn’t appear to be in much danger, but how markets view the political impasse will be critical. “The current assumption is that the threat of a potential crisis will spur the U.S. government to act” to reduce the debt at the end of the year, he said. But what if global investors conclude, like S&P, that “the U.S. is simply incapable of addressing its underlying structural issues with Social Security, Medicare and other entitlement programs?” In that case, Treasury yields will rise and “higher financing costs will cause a dramatic deterioration” in U.S. finances, he said, possibly putting the U.S. in the same boat with Greece, Spain and other debt-strapped European countries. “The U.S. might fall into the category of sovereign downgrades that accelerate an already-worsening fiscal situation.

### At: time

#### Obama just started negotiations on Friday

Oliver Knox (writer for Yahoo News) November 9, 2012 “Obama: Americans voted for tax hikes on rich” http://news.yahoo.com/blogs/ticket/obama-americans-voted-tax-hikes-rich-185912574--election.html

Claiming a mandate from his election romp over Mitt Romney, President Barack Obama announced on Friday that he had invited congressional leaders to the White House next week for talks on how to steer the battered economy away from a "fiscal cliff." Obama said he was open to compromise with Republicans—but that any final deal needed to raise taxes on the richest Americans. "This was a central question during the election," the president said in brief remarks in the East Room of the White House. "It was debated over and over again, and on Tuesday night we found out that a majority of Americans agree with my approach.

### AT: No PC

#### Obama PC high now – GOP softening now on fiscal cliff – but it will be a fight

Kimberly Atkins (writer for the Boston-Herald) November 8, 2012 “Prez returns to D.C. with more clout” http://bostonherald.com/news/columnists/view/20221108prez\_returns\_to\_dc\_with\_more\_clout

When President Obama returned yesterday to the White House, he brought with him political capital earned in a tough re-election fight as well as a mandate from voters — which means bold changes and bruising fights could lie ahead. The first agenda item is already waiting for him: reaching an agreement with lawmakers to avert the looming fiscal cliff. GOP lawmakers have previously shot down any plan involving tax increases. Obama’s win — based in part on a message of making the wealthiest Americans pay more — may already be paying dividends. In remarks at the Capitol yesterday, House Speaker John Boehner seemed to acknowledge the GOP has to take a different tack than the obstructionism that has marred progress in the past. “The president has signaled a willingness to do tax reform with lower rates. Republicans have signaled a willingness to accept new revenue if it comes from growth and reform,” Boehner said. “Let’s start the discussion there.” Obama’s fresh political clout could extend to longer term fiscal policies beyond the fiscal cliff, though don’t expect GOP pushback to vanish. House Republicans still have plenty of fight in them.

#### Obama’s political capital will give him leverage in the ‘fiscal cliff’ negotiations now – brokers a deal

Andrew Sprung (he is the CEO of Sprung PR and hold a PhD from the University of Rochestor) September 21, 2012 “Ezra Klein's unconvincing theory that Obama misunderstands (or misrepresents) "change," http://xpostfactoid.blogspot.com/2012/09/ezra-kleins-unconvincing-theory-that.html)

Cue the political science eye-roll. The American people were not "determined" that healthcare reform per se had to occur. You can't read the results of the 2008 wave election as a "mandate" for a specific policy. In the aftermath, the electoral tide went back out with a vengeance. But it's also true that in two years of campaigning Obama's words did inspire people, that the American people were hungry for change after Bush, that Obama made a broad and conceptually coherent case for moving the center of American politics back to the left with a renewed commitment to shared prosperity and investment in the common good, and that healthcare reform was at the center of that case. True too that the results of that election gave him enough of a majority to persist, even when relentless Republican misinformation and bad-faith negotiation and delay eroded public support. Obama also used the bully pulpit at crucial points, if not to rally public opinion, at least to re-commit wavering Democrats -- and also to convince the public, as he enduringly has, that he was more of a good faith negotiator, more willing to compromise, than the Republicans. Those pressure points were the September 2009 speech he gave to a joint session of Congress, and the remarkable eight-hour symposium he staged with the leadership of both parties in late February 2010 to showcase the extent to which the ACA incorporated past Republican proposals and met goals allegedly shared by both parties, as well as his own bend-over-backwards willingness to incorporate any Republican ideas that could reasonably be cast as advancing those goals. In a series of posts about Ronald Reagan, Brendhan Nyhan has demonstrated that presidential rhetoric generally does not sway public opinion. Savvy politicians channel public opinion; transformative ones seize an opportunity when their basic narrative of where the country needs to go aligns with a shift in public opinion, usually in response to recent setbacks or turmoil. Obama, like Reagan, effected major change in his first two years because he caught such a wave -- he amassed the political capital, and he spent it, and we got what he paid for. The force from outside -- a wave election -- empowered Obama to work change from inside in a system that reached a new peak of dysfunctionality. Klein's also objects to Obama's pitch for how to effect change going forward. In 2011, he notes, Obama highlighted the substantial change won from the messy inside game of legislating, touting the long list of legislative accomplishments of the 111th Congress. In election season, he has reverted to a keynote of his 2008 campaign: change comes from you, the electorate; it happens when ”the American people … put pressure on Congress to move these things forward.” Klein regards this as election season hooey: But while this theory of change might play better, it’s the precise theory of change that the last few years have shattered. Whatever you want to say about the inside game, it worked. Legislation passed.

### AT: Agencies Shield

**Voting issue – specifying in 2ac changes terms of the agency debate – skews neg ground and gives incentive to destroy neg strategy – if you want to spec do it in the 1AC**

#### Obama will negotiate with Republicans now but the plan picks a fight that makes the lame duck toxic

Richard Cowan (writer for Reuters) October 22, 2012 “Some in Congress look to $55 billion fiscal cliff 'fallback'” http://www.reuters.com/article/2012/10/22/us-usa-congress-fiscalcliff-idUSBRE89L0YB20121022

Analysts are increasingly pointing to a status quo congressional election: one that keeps the House of Representatives under Republican control and the Senate under Democratic control. Even as Obama and Romney battle for votes in the last two weeks of their campaigns, some Republicans on Capitol Hill are speculating about a victory by the Democratic president. "If Obama wins, we're going to have to play the cards we're dealt and work out some negotiation with him," said one senior Republican aide who works on fiscal policy matters. Another Republican aide added that if Obama "squeaks out" a victory, the president "will have a choice to make: He can pick a fight, make the lame duck toxic and we can go over the fiscal cliff, or we can work to find common ground on the framework for a bigger tax and entitlement reform agreement" that could take at least a year to put together. At the same time, Democrats, who voice confidence in an Obama victory despite a late Romney surge, warn that they will stick to their demands that the wealthy share more of the burden of getting the U.S. fiscal house in order. "We really think we're going to have leverage and we will use it," the Senate Democratic aide said, pointing to a contentious lame duck session that might be in need of a "fallback."

**Requires Congressional authority**

**Lovell 2k** – Assistant Professor of Government, College of William and Mary (George, 17 Const. Commentary 79, AG)

An initial problem with this complaint is that it is not entirely accurate. Even in a world with delegation, voters can usually trace regulatory decisions to "yes" or "no" votes cast by their representatives in Congress. It is true that members of Congress do not cast "yes" or "no" votes on particular rules created by agencies, but they do quite often need to go on record with "yes" or "no" votes that make agency activities possible. Legislators must cast votes to establish executive branch agencies and to give those agencies the authority to make regulatory decisions. The democratic controls created by such votes weaken over time. (Most of the voters who voted for the legislators who passed the Agricultural Adjustment Act are now dead). But members of Congress need to take at least one vote per year (on the relevant appropriations bill) in order for any regulatory program to continue, and circumstances sometimes force members to cast additional votes on particular programs. Since no regulatory program can operate without being created and continually authorized by Congress, there is nothing about delegation that prevents an unhappy electorate from holding members of Congress accountable for regulatory power exercised by the agencies. Opponents of incumbents are certainly free to make such votes an issue in the next campaign, and they sometimes do. Representative George Nethercutt (R-Washington) recently found this out the hard way from an ad sponsored by some of his political opponents. Nethercutt probably did not know that he had voted for the Endangered [\*91] Species Act twelve times until he saw an ad that recounted his votes on various appropriations and authorizations items. 21

**Every SINGLE MOVE Obama makes is hotly contested and intensely debated—there’s only risk of a link**

**TVNZ 10/8** (Jon Johansson, 10/8/09, "A presidential chess game", http://tvnz.co.nz/world-news/presidential-chess-game-3060277)

While only his most serious chess matches have been mentioned here, numerous other games are continually taking shape, demanding his study and his response. Every single move Obama makes, in whichever game he plays, is hotly contested and intensely debated. There is no let up for him.

**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.

**Obama will take the fall**

**Politico, 1-7-10**, p. http://www.politico.com/news/stories/0110/31259.html

Taking a decidedly different tack from his predecessor in the face of a government failure, President Barack Obama on Thursday took the blame for shortcomings that led to a failed Christmas Day bombing plot, saying, “The buck stops with me.”

Aides to Obama signaled that he was consciously seeking to be the anti-Bush, airing the administration’s dirty laundry and stepping up to take his share of the responsibility.

“The president also wanted to do something, I think, unusual today,” National Security Council Chief of Staff Denis McDonough said during a webchat after Obama’s speech. “Not only was this a very quick accounting, not only did the president accept responsibility for it, but the president also wanted to do this as transparently as possible.”

Quick, transparent, willing to take the blame — all things Obama has said President George W. Bush was not.

### AT: Nat Gas Link Turn 2NC

#### Their link turns don’t apply during the lame duck

Richard Miniter, investigative journalist, NYTimes best selling author, 2012, Leading from Behind: The Reluctant President and the Advisors Who Decide for Him, google books p. 85-6

After the historic defeat, Axelrod went on to teach a course called Campaign Strategy at Northwestern University in the Chicago suburbs. The day after the election, many White House staffers described their mood as "depressed." The loss of the U.S. House of Representatives and only a skinny remaining majority in the U.S. Senate meant that passing new programs would be very difficult. Would the next two years be an endless and enervating siege? Obama seemed strangely upbeat, '[he day after the midterm elections, the president convened a meeting with his senior Staff, While they saw clouds, he saw the sun through them. Democrats still ran both houses of Congress until January 3.2011. when the new session convened. To the surprise of some starters present, he enumerated an ambitious list of measures that he would like to see made law in the next sixty days; "a tax deal, extending unemployment benefits, ratification of New START treaty reducing nuclear arms, repeal of the Pentagon's Don't Ask/ Don't Tell policy preventing gays and lesbians from openly serving in the military, passage of the DREAM Act (which would grant citizenship to undocumented young adults who met certain requirements), and a children's nutrition bill advocated by Michelle Obama."" The list was unrealistic. It would have been a demanding agenda for Congress to accomplish over two years. let alone two months. Besides, using a "lame duck" Congress to pass major legislation had enormous political risks. It would be seen as an end-run around voters who had just elected a new majority with a new agenda. When President Carter had used a "lame duck' Congress to pass major bills (including the costly "Superfund" program) following the November 1980 elections in which he lost his reelection bid and Republicans won control of the Senate for the first time since I95-\*. the public was outraged. The outrage would be much bigger this time: Since 1980. the Internet, talk radio, and the Fox News Channel had emerged as powerful forums for channeling outrage. liven if Congress could actually adopt these controversial measures in a few short months, the political price of such a strategy would he high. Still, Obama continued to back Axelrod's analysis, which held that "independent voters wanted a leader who would make all the squabbling schoolchildren in Washington do their assignments."12 Who would do the "assigning"? The voters or the White House? Neither Obama nor Axel-rod seemed to wonder. If the federal government would finally pass a liberal wish list. Axelrod and Obama contended, voters would be happy. It was an unusual view. Independent voters in swing districts had actually voted down candidates who had supported the president's policies in the 2010 elections. Even in safely Democratic districts, independent voters had reduced their support of liberal lawmakers compared with 2008, exit polls showed. Few staffers were persuaded ch.it the president was right, although none dared to contradict him during that meeting. Passing Obama’s priorities during the Thanksgiving and Christmas holiday season had yet another obstacle. A massive White House staff reorganization was in progress. Rahm Emmanuel had stepped down as chief of staff in October 2010 and many other staffers were returning to Chicago or to academia. Without staff, it would be harder to rally the already reluctant Congress to act. Still, Obama was keen to proceed as planned. He was finally going to lead, but the timing and strategy were ill-considered. "Obama didn't care about the criticism that he was too insular," a White House aide said. "He didn't give a shit.\* Obama's proposals were dutifully sent to Capitol 1 lill. but most were essentially dead on arrival. Congress was exhausted and didn't want to take any more political risks.

#### Plan’s empirically unpopular in Congress

**Goode, 11** – staff writer for Politico (Darren, Politico, 5/18, "Senate slams GOP drilling bill", http://www.politico.com/news/stories/0511/55241.html

A Senate Republican offshore drilling bill died Wednesday due to opposition from Democrats and criticism from within the GOP that the measure didn't go far enough in enabling new production.

The 42-57 vote left sponsors well short of the needed 60 for the motion to proceed to pass.

Five Republicans voted no — Sens. Jim DeMint, Mike Lee, Richard Shelby, Olympia Snowe and David Vitter. No Democrats voted yes; Finance Committee Chairman Max Baucus didn't vote.

#### Congress will fight the plan – Democrats see it as vital to pay back environmentalist support from the election

**Goldenberg, 11/7/12 -** the US environment correspondent of the Guardian and is based in Washington DC (Suzanne, “Obama stokes expectations for second term” EnviroLib,

http://envirolib.org/news/obama-stokes-expectations-for-second-term/

Barack Obama‘s invocation of “the destructive power of a warming planet” in his victory speech has stoked expectation that he will act on climate change in his second term.

Environmental campaigners are already mobilising to hold the president to that promise.

They argued Obama’s re-election, amid the devastation of superstorm Sandy, was a clear mandate for action on climate change, in stark contrast to Mitt Romney, who turned sea-level rise into a laugh line in the biggest speech of his political career.

Campaigners put Obama on immediate notice, calling an 18 November demonstration at the White House to demand he scrap the controversial Keystone XL pipeline.

“In the wake of hurricane Sandy, as the warmest year in American history draws to a close, as the disastrous drought lingers on in the midwest, everyone is looking for ways to make a real difference in the fight to slow climate change,” said an open letter from 350.org and the Sierra Club.

But a strategic decision by the White House in 2009 to downplay climate change, and Obama’s avoidance of the issue during the campaign, makes it tricky for the president to now claim that he was elected to act on the issue.

The Republicans’ continued control of the House of Representatives will also continue to limit Obama’s scope for action.

However, environmental campaigners said Sandy – and an endorsement from New York city mayor, Michael Bloomberg, due to Obama’s position on climate change – create public space for the president to act.

“Of course president Obama certainly did not take up the cause in the way we had hoped but he has indicated in numerous events and in the New Yorker and Rolling Stone that climate will be a top priority for his second term,” said Bets Taylor, president of the climate strategy firm Breakthrough Solutions. “There is reason to feel hope. We moved from silence to a growing mandate for action.”

A number of newly elected Democrats in the Senate and the House of Representatives also owe their victories, in part, to support from environmental campaign groups, giving greens more allies in Congress.

#### Any new effort to loosen restrictions will be a fight – for every group that supports the plan, powerful groups will fight it

**Dloughy, 11/7**/12 – reporter in the Hearst Newspapers Washington Bureau (Jennifer, “Obama and the environment - a new path?” San Francisco Chronicle,

<http://www.sfgate.com/science/article/Obama-and-the-environment-a-new-path-4018611.php>

President Obama enters a second term in the White House free to toughen regulations on domestic drilling despite industry objections - and to approve natural gas exports and the controversial Keystone XL pipeline without fear of alienating environmentalists he needed at the ballot box.

But the newly unfettered president will be navigating many of the same political obstacles he faced during the first term, when his administration balanced new pollution regulations by delaying mercury rules for power plants and giving the oil industry big concessions as part of other environmental mandates.

Obama also will be facing a sharply divided Congress, with Republicans eager to use their House control to undercut new environmental requirements and Democrats in charge of the Senate pushing back against efforts to weaken them.

"The president faces checks and balances from Congress," noted Benjamin Salisbury, an analyst with FBR Capital Markets. "He also faces checks and balances from litigation, from industry and negotiations and environmental groups."

### AT: Boehner

#### Status quo congressional meetings are hollow – presidential leadership is key to get a deal done

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.

#### PC key

Janie Lorber and Kate Ackley (writers for Roll Call) November 8, 2012 “Lobbyists Eager for Short-Term Fiscal Deal” http://www.rollcall.com/issues/58\_35/Lobbyists-Eager-for-Short-Term-Fiscal-Deal-218891-1.html?pos=olobh

“The stakes over the fiscal cliff discussion just got significantly higher,” said David French, chief lobbyist at the National Retail Federation. “If Washington was looking to guidance from the voters on the path ahead, voters weren’t exactly clear.” As the nation approaches its debt ceiling yet again, lawmakers have less than 20 legislative days to decide what to do about the simultaneous expiration of the Bush-era tax cuts and the Social Security payroll tax holiday, as well as the first round of sequestration cuts. Every interest group has a stake. Business advocates argue that the tax provisions set to expire on Dec. 31 will stifle the still sputtering economy. Defense lobbyists fear that the longer the Pentagon budget remains up in the air, the harder it will be for contractors to recover. And unions and other liberal groups worry that emboldened Senate Democrats may agree to cuts in Medicare as part of a last-minute compromise. Add to that pleas from lobbyists representing municipalities ravaged by Hurricane Sandy that are desperate for federal funds to speed disaster relief efforts. “Folks in the business community believe it’s time to unite our country because America’s competitiveness is at stake,” Jay Timmons, the president of the National Association of Manufacturers, said on a conference call Wednesday. “I don’t think there’s anything more urgent than dealing with our fiscal crisis.” For the past year, defense giants and, to a lesser degree, technology firms, have begged lawmakers to avoid billions of dollars in cuts associated with sequestration. Michael Herson, a Republican lobbyist with American Defense International, said he is optimistic that lawmakers will delay sequestration until the next Congress and said most defense lobbyists will adopt a wait-and-see approach for the lame-duck session. The U.S. Chamber of Commerce, which fielded its largest voter mobilization effort ever and spent millions in support of Republicans this cycle, also urged the parties to come together on comprehensive tax and entitlement reforms. But with many of the same faces returning to Washington, D.C., next year, lobbyists wondered whether the illusive “grand bargain” is little more than a pipe dream. “[It] hinges on how Obama plays it. If he and his team really bear down and work with GOPers — an element sadly lacking the last four years — they can make a lot of progress,” said Jack Howard, a Republican lobbyist at Wexler & Walker Public Policy Associates. “If, however, he takes a hands-off approach, then I don’t really see much of a path forward. He has to be the arm-twister, the head-knocker to move things forward.”

### AT: Dickinson

#### Their ev is a blog post, not peer reviewed and only about court nominations –Dickinson concludes neg

**Dickinson, 2009** (Matthew, professor of political science at Middlebury College. He taught previously at Harvard University, where he also received his Ph.D., working under the supervision of presidential scholar Richard Neustadt, We All Want a Revolution: Neustadt, New Institutionalism, and the Future of Presidency Research, Presidential Studies Quarterly 39 no4 736-70 D 2009)

Small wonder, then, that initial efforts to find evidence of presidential power centered on explaining legislative outcomes in Congress. Because scholars found it difficult to directly and systematically measure presidential influence or "skill," however, they often tried to estimate it indirectly, after first establishing a baseline model that explained these outcomes on other factors, including party strength in Congress, members of Congress's ideology, the president's electoral support and/or popular approval, and various control variables related to time in office and political and economic context. With the baseline established, one could then presumably see how much of the unexplained variance might be attributed to presidents, and whether individual presidents did better or worse than the model predicted. Despite differences in modeling assumptions and measurements, however, these studies came to remarkably similar conclusions: individual presidents did not seem to matter very much in explaining legislators' voting behavior or lawmaking outcomes (but see Lockerbie and Borrelli 1989, 97-106). As Richard Fleisher, Jon Bond, and B. Dan Wood summarized, "[S]tudies that compare presidential success to some baseline fail to find evidence that perceptions of skill have systematic effects" (2008, 197; see also Bond, Fleisher, and Krutz 1996, 127; Edwards 1989, 212). To some scholars, these results indicate that Neustadt's "president-centered" perspective is incorrect (Bond and Fleisher 1990, 221-23). In fact, the aggregate results reinforce Neustadt's recurring refrain that presidents are weak and that, when dealing with Congress, a president's power is "comparably limited" (Neustadt 1990, 184). The misinterpretation of the findings as they relate to PP stems in part from scholars' difficulty in defining and operationalizing presidential influence (Cameron 2000b; Dietz 2002, 105-6; Edwards 2000, 12; Shull and Shaw 1999). But it is also that case that scholars often misconstrue Neustadt's analytic perspective; his description of what presidents must do to influence policy making does not mean that he believes presidents are the dominant influence on that process. Neustadt writes from the president's perspective, but without adopting a president-centered explanation of power. Nonetheless, if Neustadt clearly recognizes that a president's influence in Congress is exercised mostly, as George Edwards (1989) puts it, "at the margins," his case studies in PP also suggest that, within this limited bound, presidents do strive to influence legislative outcomes. But how? Scholars often argue that a president's most direct means of influence is to directly lobby certain members of Congress, often through quid pro quo exchanges, at critical junctures during the lawmaking sequence. Spatial models of legislative voting suggest that these lobbying efforts are most effective when presidents target the median, veto, and filibuster "pivots" within Congress.

This logic finds empirical support in vote-switching studies that indicate that presidents do direct lobbying efforts at these pivotal voters, and with positive legislative results. Keith Krehbiel analyzes successive votes by legislators in the context of a presidential veto and finds "modest support

### 2nc at: winners win

#### PC finite

**Gerson, 12/17** (Michael, 12/17/10, Washington Post, “When it comes to politics, Obama's ego keeps getting in the way,” <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/16/AR2010121604039.html>)

In some areas - such as education reform or the tax deal - Obama's governing practice is better than his political skills. But these skills matter precisely because political capital is limited. The early pursuit of ambitious health-care reform was a political mistake, as former chief of staff Rahm Emanuel internally argued. But every president has the right to spend his popularity on what he regards as matters of principle. Political risks, taken out of conviction with open eyes, are an admirable element of leadership.

Yet political errors made out of pique or poor planning undermine the possibility of achievement. Rather than being spent, popularity is squandered - something the Obama administration has often done.

**Winner’s win theory not true for Obama**

**American Prospect, 5-16-11**, p. http://prospect.org/cs/articles?article=barack\_obamas\_theory\_of\_power

Obama won more legislative trophies during his first two years than Clinton did, but in many respects, they were poisoned chalices. Health reform proved broadly unpopular because of political missteps—a net negative for Democrats in the 2010 midterm. The stimulus, though valuable, was too small to be a major political plus. Obama hailed it as a great victory rather than pledging to come back for more until recovery was assured. He prematurely abandoned the fight for jobs as his administration’s central theme, though the recession still wracked the nation. And because of the administration’s alliance with Wall Street, Obama suffered both the appearance and reality of being too close to the bankers, despite a partial success on financial reform. Obama’s mortgage-rescue program was the worst of both worlds—it failed to deliver enough relief to make an economic difference yet still signaled politically disabling sympathy for both “deadbeat” homeowners and for bankers. (See this month’s special report on page A1.)

### AT: ME War Defense

#### It escalates

Khouri 11 ( Rami G. Khouri is editor-at-large of The Daily Star, and director of the Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut. Jan 5. “Arabia's Troubling Script,” <http://www.nytimes.com/2011/01/06/opinion/06iht-edkhouri06.html?_r=1>)

It is evident from places like Palestine, Iraq, Lebanon, Somalia and Yemen that the Arab world faces some serious challenges in holding together individual countries under a single national leadership that commands universal respect, legitimacy and allegiance. Other Arab countries that do not face such internal strains usually do so because of the strong security measures of a highly centralized state, which largely drains the concept of citizenship of much if its freedoms, rights and vitality. The choice between a fractured state and a police state is not a very pleasant one for the ordinary Arab citizen, but it looms increasingly as the unfortunate reality for most Arabs. The transformation of the formerly localized Arab-Israeli conflict into the fulcrum of a much wider regional confrontation with strong religious overtones bodes ill for the region in the years ahead. The Arab-Israeli conflict now anchors a much more violent and complex stand-off that sees some Arab states (notably Syria), Iran and powerful Arab Islamist resistance movements like Hamas

and Hezbollah working together to repel not only Israeli territorial aggression, but what they see as wider American-Israeli hegemonic ambitions in the Arab-Islamic Middle East. The narrow competing claims of Palestinians and Israelis in a small corner of the region have now transformed into a regional and quasi-global existential battle among powerful actors who seem prepared to fight to the finish. Large regional and global conflicts will now more easily find local proxies to wage the battle, while local feuds will often escalate quickly into more fierce and intractable conflicts because of the association with foreign actors.

## 2NR

### Econ 2nR

#### Economy is already starting to contract because of investor jitters now – resolving fiscal cliff IMMEDIATELY jumpstarts growth

Richard Leong (writer for Reuters) November 7, 2012 “Global stocks sink on fiscal angst after U.S. vote, euro slips” <http://www.reuters.com/article/2012/11/07/us-markets-global-idUSBRE88901C20121107>

Shares on world markets slumped and the euro slid further on Wednesday as investors worried that the fiscal challenges facing U.S. President Barack a day after his re-election could lead to a new recession. Fresh concerns about Europe's debt crisis added to the jitters among investors, who scrambled for safer assets. Benchmark U.S. Treasury yields were set for their biggest one-day fall since May. Markets doubted that Obama can reach a timely deal with Republican lawmakers in the lame-duck session of a divided Congress to avert the "fiscal cliff" - some $600 billion in automatic tax hikes and spending cuts set to kick in on January 1. "The minute such a deal is cut, we'll boom. If one is not cut - and soon - we may well double-dip into recession," said Robert L. Reynolds, president and chief executive of Putnam Investments in Boston. "This upcoming lame-duck session may just be the most consequential in our lifetimes. The stakes are high and the time is short," he said in a statement. Rhetoric from Obama and some top lawmakers on Wednesday suggested a possibility of reaching a compromise to avoid to a dire path for the economy and further erosion of the country's creditworthiness, but the contentious history between the two main political parties offered little confidence to investors.

# Round 6 – Neg v UMKC JW

## 1NC

### 1

#### ‘Restrictions’ must be direct and immediate limitations on freedom – otherwise it is simply a regulation

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

#### Violation – The aff reduces only indirect limitations on production

#### That’s a voter:

#### A) Limits – there are an infinite number of indirect limitations on company’s ability to produce energy – simply measuring its end effect explodes the literature base. Raises entry barriers for debate and destroy competitive equity.

#### B) Precision - Broadly defining ‘restriction’ is bad – obliterates subtleties in meaning, undermines all legal and policy analysis under the topic

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

#### 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.

#### Aff role of the ballot argument is extra-topical – the plan claims advantages out of structural analysis of the round

**That unlimits the topic – disincentivizes specific research practices and makes acquiring effective education difficult. It rigs the debate in their favor by allowing them to pick a less controversial position that the neg can’t prepare or effectively refute.**

#### Moreover, 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.

### 3

#### Progressive forces are pushing Kennedy to make a controversial decision to preserve affirmative action

David Gans (Director of the Human Rights, Civil Rights & Citizenship Program at the Constitutional Accountability Center) February 28, 2012 “Fisher v. University of Texas, Justice Kennedy, and the Text and History of the Fourteenth Amendment “ http://balkin.blogspot.com/2012/02/fisher-v-university-of-texas-justice.html

Progressives have the upper hand in this constitutional debate – the difference between oppression and assistance is deeply ingrained in our constitutional history – but to win in Fisher, they have to convince Justice Anthony Kennedy that UT Austin’s admission program survives strict scrutiny. Justice Kennedy began his career as a trenchant critic of affirmative action programs, but in recent years, he has forged a middle position on the Court, demanding that racial classifications be justified by strict scrutiny while recognizing that the government has a critical – and compelling – role in fostering equality of opportunity.¶ In 2003, Justice Kennedy’s dissent in Grutter recognized that “a university admissions program may take account of race as one, nonpredominant factor in a system designed to consider each applicant as an individual, provided that the program can meet the test of strict scrutiny by the judiciary.” To be constitutional, he wrote, “a university’s compelling state interest in a diverse student body must be achieved by a system where individual assessment is safeguarded through the entire process.” Justice Kennedy would have struck down the University of Michigan’s policy under strict scrutiny because, as implemented, the University sought “to make race an automatic factor in most instances and to achieve numerical goals indistinguishable from quotas.”¶ In 2007, in Parents Involved v. Seattle School District, Justice Kennedy broke from the rest of the Court’s conservatives. While Chief Justice Roberts, joined by the Court’s other conservative Justices, pronounced that “the way to stop discriminating on the basis of race is to stop discriminating on the basis of race,” Justice Kennedy rejected that sweeping statement, calling it inconsistent “with the history, meaning and reach of the Equal Protection Clause.” In line with the history of the Fourteenth Amendment, Justice Kennedy recognized the government’s compelling interest “in ensuring that all people have equal opportunity regardless of their race,” and rejected the notion that “the Constitution mandates that state and local authorities must accept the status quo of racial isolation in the schools.” Justice Kennedy concurred in the judgment invalidating the challenged policies because they used race in what he considered a heavy-handed, balkanizing manner – “reduc[ing] children to racial chits” – and thus could not satisfy strict scrutiny.¶ In Fisher, if Justice Kennedy pays heed to the text and history of the Fourteenth Amendment as well as his recent opinions, he should make a full break from Chief Justice Roberts and other conservatives on the meaning of equality. The University’s careful, tailored effort to redress racial isolation represents the best of our constitutional traditions, respecting the equality of all persons while taking modest steps to break down the lingering vestiges of our long history of racial discrimination. In Parents Involved, Justice Kennedy observed that the “Nation has a moral and ethical obligation to fulfill its historic commitment to creating an integrated society that ensures equal opportunity for all its children.” Fisher gives Justice Kennedy the opportunity to make good on his words and to honor the promise of equality at the core of the Constitution’s text and history.¶

#### Plan resolves a circuit dispute

BRIGGS ’11 (Alexander T.; J.D. Candidate – Seton Hall, “Managing Nuclear Power and Nuclear Terror: Considering the Threat of Terrorism as an Environmental Impact,” Seton Hall Circuit Review, 8 Seton Hall Cir. Rev. 223, l/n)

The Ninth Circuit departed from the NRC's Private Fuel Storage precedent in San Luis Obispo Mothers for Peace v. Nuclear Regulatory Commission, n18 when it held that an EIS must address the environmental consequences of a terrorist attack on the proposed nuclear facility. n19 Disagreeing with the Ninth Circuit, the Third Circuit in New Jersey Department of Environmental Protection v. United States Nuclear Regulatory Commission, n20 affirmed the NRC's decision that an EIS does not need to include a terrorism review. n21 With its decision in New Jersey Department of Environmental Protection, the Third Circuit created a circuit split between itself and the Ninth Circuit regarding whether the NRC must consider the threat of a terrorist attack on a nuclear facility in an EIS for a nuclear power plant or nuclear fuel storage facility. n22

#### Resolving circuit splits nationalizes the controversy and saps capital

GEWIRTZMAN ’12 (Doni; Associate Professor of Law – New York Law School, “Lower Court Constitutionalism: Circuit Court Discretion in a Complex Adaptive System,” 61 Am. U.L. Rev. 457, February, l/n)

Percolation's value remains highly contested, even though very little is actually known about how percolation actually operates within constitutional law or the extent to which the interpretive system benefits from prolonged periods of circuit court exploration and experimentation. n134 Percolation's fans, including several prominent jurists, n135 have sung its praises despite the potential for splits and differences among the circuits. Among other things, a robust percolation process allows the Court to use its limited monitoring resources more efficiently, n136 minimizes the Court's expenditures of political capital, n137 incentivizes lower court judges to take their job more seriously, n138 and lets the Court measure support for a potential [\*485] ruling among lower court judges, who are ultimately charged with applying the rule and whose allegiance is necessary for the Court to enforce its will. n139

Percolation may also result in "better" law by removing the Supreme Court from the equation entirely. There are risks every time the Court decides to intervene in a dispute, including the risk that the Court will magnify and nationalize a localized judicial mistake. n140 Indeed, intervention by the high court, even when lower federal courts are divided, can create more problems than it solves due to the potential for division, inconsistency, and compromise in a decision issued by a closely divided, multi-member Court. n141

Like the precedent model, percolation claims legitimacy by serving a range of constitutional values, including experimentalism, intra-and inter-branch deliberation, pluralism, and judicial restraint. n142

#### This will force Kennedy to strike down affirmative action - Court capital is key for Kennedy. He won’t make multiple controversial decisions

Michael Rappaport (Professor, University of San Diego School of Law) 2004 SYMPOSIUM: THE REHNQUIST COURT: IT'S THEO'CONNOR COURT: A BRIEF DISCUSSION OF SOME CRITIQUES OF THE REHNQUISTCOURT AND THEIR IMPLICATIONS FOR ADMINISTRATIVE LAW. 99 Nw. U.L. Rev.369, http://heinonline.org/HOL/Page?handle=hein.journals/illlr99&collection=journals&page=369#387,

One important element of O'Connor and Kennedy's judicial behavior is that they appear especially concerned with protecting the Court’s political capital. Consequently, these Justices would be unlikely to reach too many decisions that would lead to significant attacks on the Court. Many of the decisions that have been criticized for excessive judicial supremacy are actually better understood as reflecting an undue concern with the Court’s political capital. For example, Larry Kramer portrays United States v. Dickerson, which held unconstitutional a congressional statute that conflicted with Miranda v. Arizona, as reflecting a judicially su-premacist view that took umbrage at, and refused to defer to, a constitu-tional in terpretation by Congress.46 In my view, however, Dickerson is better understood as deriving from the Court’s unwillingness to be seen as overruling Miranda*.* Miranda arguably is the most famous decision in all of constitutional law. Citizens who know little else about constitutional law know from television and movies about “the right to remain silent.” If the Rehnquist Court had overruled Miranda, it would have not only been criticized by elite opinion but also taken a highly visible action to eliminate “a constitutional right.” As a result, Dickerson could have been used to sug-gest that the Court was demolishing the people’s liberties generally. In this situation, the most politically sensitive “conservative” Justices – O’Connor, Kennedy, and Rehnquist – bolted. A similar analysis applies to Planned Parenthood v. Casey, where the join opinion of Justices O’Connor, Kennedy, and Souter refused to over-rule Roe v. Wad*e.*47 Kramer again views this case as involving undue judicial supremacy because the joint opinion was concerned about the appearance created to its independence and credibility if it were to “over-rule under fire . . . a watershed decision.”48 While I certainly do not want to defend the joint opinion on legal grounds, I see no reason to doubt that it was motivated by its stated fear for the political capital of the Court rather than disrespect for the public’s constitutional views. Had the Court over-ruled *Roe v. Wade*, it was likely to have been subjected to a vehement attack by the political elite as well as by large numbers of ordinary citizens. These attacks could have charged not only that the Court had mistakenly eliminated a constitutional right, but that it had responded to political pressure. It was much safer for the Court to approve the precedent while suggesting that the decision was wrong as an original matter.49¶

#### He is the swing vote in Fisher v UT-Austin

Daniel de Vise (writer for the Washington Post) February 23, 2012 “Texas affirmative action case may hinge on Justice Kennedy” http://www.washingtonpost.com/blogs/college-inc/post/supreme-court-to-hear-case-on-affirmative-action-in-college-admissions/2012/02/23/gIQA1nZJWR\_blog.html

¶ Which way the Supreme Court goes on this case will most likely rest with Justice Anthony Kennedy, the swing vote on the court, who has been a vociferous critic of racial quotas, but who has also published some fairly nuanced opinions on race in college admissions. Because Justice Elena Kagan has recused herself from the case, there will only be eight justices voting.¶ ¶ If Kennedy votes with the conservative wing of the court, the Texas program could be overturned, meaning many colleges and universities — both public and private — may have to overhaul how they make admissions decisions. If he joins the three remaining liberals, resulting in a tie, the lower-court decision — which upheld the Texas program — would stand. Or he could come down somewhere in the middle, joining the conservatives or liberals, but writing a separate opinion that will hold more weight due to his swing-vote status.¶ ¶ That’s what happened in the last case involving race and schools in 2007, and lawyers for both sides will no doubt be poring over Kennedy’s past opinions as they plan oral arguments meant to sway him. Here’s a quick summary of what they will find:

#### That solves racism and oppression

**Steinberg 99** – “Confronting The Misuse of Class-Based Affirmative Action,” Stephen Steinberg is a professor in the Urban Studies Department of Queens College. His book, Turning Back: The Retreat from Racial Justice in American Thought and Policy, received the Oliver Cromwell Cox Award for Distinguished Anti-Racist Scholarship [from New Politics, vol. 7, no. 2 (new series), whole no. 26, Winter 1999] <http://www.wpunj.edu/newpol/issue26/steinb26.htm> WM

In Chicago, job protests launched by a coalition of black neighborhood organizations shut down twenty-three South Side construction projects involving $85 million in contracts. . . . The demonstrations in Pittsburgh were more violent than in Chicago, but were similarly organized and focused on job discrimination in construction. One clash in Pittsburgh in late August left 50 black protestors and 12 policemen injured. . . . Racial violence over jobs also occurred in Seattle, and black coalitions announced job protest drives for New York, Cleveland, Detroit, Milwaukee, and Boston (pp. 334-335). It is true, as Davis and others have claimed, that Nixon had little to lose by "sticking it" to the Democratic unions. But it is also true that, given the war in Vietnam, Nixon had political reason to defuse black protest, lest he find himself confronted with a "second front" at home. Whatever the political calculations that led Nixon to back Fletcher's proposal to resurrect the Philadelphia Plan, one thing is clear: without the pressure from below, the Plan would have remained in the Labor Department's trash bin where it had been deposited by the previous Democratic administration. No such claim can be made with respect to class-based affirmative action. This proposal did not evolve out of a mobilization of working-class people or their unions to combat the blatant classism that restricts their access to higher education and to many white-collar jobs. Rather, the idea of class-based affirmative action is the brainchild of armchair theorists and political pundits with no political leverage or constituency. Worse still, the suggestion that affirmative action should be class-based rather than race-based was advanced, not for its own sake, but as a second line of defense against the right-wing crusade to gut affirmative action. It provided a rejoinder to the contention that it was unfair to give preference to the child of a black doctor over the child of a white miner or garbage collector. Class-based affirmative action never had a chance of being enacted as policy, but served only as a rhetorical foil in the affirmative action debate. This explains why the idea of class-based affirmative action has been embraced by the very conservatives who spearheaded the crusade against affirmative action: Clint Bolick, Dinesh D'Souza, Clarence Thomas, Charles Murray, Richard Herrnstein, and Newt Gingrich.[1](http://www.wpunj.edu/newpol/issue26/steinb26.htm#n1) Essentially they have used the "class card" to trump the "race card." They feign compassion for the working classes only to provide ideological cover for their assault on affirmative action.

CONT… Unfazed by the fact that the steady evisceration of race-based affirmative action has brought us no closer to his vision of an even more far-reaching affirmative action based on class, Kahlenberg has recently recycled his argument for the Spring 1998 issue of *The New Labor Forum*, published by the Labor Resource Center of the City University of New York. Precisely because the invocation of "class" has such visceral appeal to those on the Left, it behooves us to subject his argument to close examination. Kahlenberg predicates his position on three sets of premises: normative: by instituting a system of racial preference, affirmative action contradicts the ideal of a colorblind society and loses its "moral force." political: a class-based affirmative action will avoid the political fissures that open up when affirmative action is based on race. pragmatic: since blacks are disproportionately poor, they will receive much of the benefit of a class-based affirmative action anyway. At least at first blush, this line of argument resonates with central tenets of liberal-left politics. It seems to broaden the impact of affirmative action "beyond race," and attack the structures of inequality that unfairly restrict opportunity to those born outside the middle classes. It attacks the class structures that, it is assumed, are at the root of racism. And it upholds the shining ideal of the civil rights movement: a color-blind society. The problem is that none of this seductive logic stands up to close scrutiny. Let me attempt to parry each of Kahlenberg's core suppositions. From the standpoint of abstract logic, it may seem contradictory to employ racial classifications and racial preferences in the struggle against racism. In the real world, however, this is a logical and necessary step to counteract the effects of two centuries of slavery and a century of Jim Crow, compounded by an entrenched racism that continues to restrict minority access to jobs and opportunities. The whole point of affirmative action is to drive a wedge in the structure of occupational segregation that has existed, literally, since slavery. Furthermore, affirmative action is chiefly responsible for most of the "progress" that we celebrate. The black middle class is concentrated precisely in occupations where affirmative action programs have been in place for over two decades -- not only in the professions and in corporate management, but in major blue-collar industries and in government where over one-quarter of all blacks are employed. Kahlenberg is willing to trade away all of this for the sake of what he considers logical consistency. The problem, though, is that he is unable to grasp the difference between using a racial classification to subjugate an entire people, and using a racial classification for the purpose of remedying some of the lingering effects of that very system. 2) Kahlenberg bemoans the fact that affirmative action is unpopular, and he is all cut up over the split between blacks and labor. He thinks that a class-based affirmative action would restore interracial unity under the umbrella of the labor movement. Kahlenberg turns a blind eye to the long and sorry history of racism within the labor movement. Indeed, affirmative action has its origins with the Philadelphia Plan, which was aimed at the lily-white unions in the construction trades. Instead of calling upon organized labor to break with its racist past, he asks blacks to forgo opportunity for the sake of a non-existent black-labor alliance. In pressing his case for a class-based affirmative action, Kahlenberg dredges up the hackneyed argument that it is unfair to give preference to "the son of a black doctor over the son of a white garbage collector." Think about it. How often is it that the son of a black doctor finds himself vying with the son of a white garbage collector? Presumably, Kahlenberg has in mind competition for admission to Berkeley or to Yale. But that son of a black doctor is likely to find himself in competition with, not the sons of white garbage collectors, but the sons of white doctors, who have not had to cope with the psychological liabilities and material disadvantages of being black in a white society. This is the rationale for giving a leg up even to the son of a black doctor. Now let us think about that son of the white garbage collector. Granted, he has many liabilities to cope with in a society highly stratified by class. On the other hand, as a white man in a *racially* stratified society, he has access to coveted jobs in the blue-collar world that historically were the exclusive domain of white men. Indeed, in cities where garbage collectors were protected by union contracts, blacks could not even get hired as garbage collectors, much less as policemen or plumbers or assembly line workers. In short, affirmative action is designed to address inequities of caste, not class. It gives recognition to the fact that, as an oppressed minority, blacks have had to deal with the impediments of race in addition to those of class.

### 4

#### Congress should pass legislation excluding the evaluation of terrorism as a criterion from all environmental or energy evaluation and assessment policies. Congress should exercise its Article III power to eliminate the jurisdiction of any Federal Court to hear any challenges to the constitutionality of this legislation or to the authority of Congressional interpretation of Congress’ Article VI treaty powers.

#### Congress could do the plan – their author

BRIGGS ’11 (Alexander T.; J.D. Candidate – Seton Hall, “Managing Nuclear Power and Nuclear Terror: Considering the Threat of Terrorism as an Environmental Impact,” Seton Hall Circuit Review, 8 Seton Hall Cir. Rev. 223, l/n)

IV. CONCLUSION

Until this problem is resolved, the Ninth Circuit will continue to impose its distinct requirement that EIS statements contain provisions for the environmental effects of terrorism upon nuclear generating stations and fuel storage facilities within its jurisdiction. Such a regime will allow a handful of special interest groups to thwart the efforts of the NRC, the CEQ, and Congress to provide peaceful and prosperous uses of nuclear energy. The Supreme Court has the ability to resolve this split, and should do so by affirming the Third Circuit's ruling in New Jersey Department of Environmental Protection.

[\*256] Barring intervention by the Supreme Court, Congress has the ability to closely consider the public interest and implement a variety of mechanisms to address this issue. First, a limited revival of "worst case" analysis could provide a vehicle for a terrorism review. Second, Congress could free the NRC of this burden by entrusting terrorism analysis exclusively to Homeland Security. Third, Congress could require the agencies or Homeland Security to publish a Homeland Security Impact Statement. Finally, Congress could broaden the scope of the NRC's defensive capabilities and jurisdiction, and expressly charge it with the duty to evaluate the threat of terrorism. Until either Congress or the Supreme Court acts, the NRC will continue to enforce its statutory duty as per its discretion in a manner best serving the nation, while the Ninth Circuit exposes its energy industry to ambiguous and unattainable disclosure demands, and its citizens to unnecessary threats.

**Solves the aff – The counterplan creates a progressive moment in Congress – it spills over and would empower the Congress to reassert its authority**

Robin West ‘94 Prof. of Law. Georgetown (*Progressive Constitutionalism* p. 218-220)

The concluding section of this chapter argues that even in the short term, and certainly in the long term, there are good reasons for developing an alternative, non- or postliberal, and explicitly progressive paradigm of constitutional interpretation, even if it is clear, as it seems to be, that the present conservative Supreme Court will not embrace it. It also argues, however, that for both strategic and theoretical reasons, the proper audi­ence for the development of a progressive interpretation of the Constitution is Congress rather than the courts. The progressive Constitution should be meant for, and therefore must be aimed toward, legislative rather than adjudicative change. The strategic reasons for this proposed reorientation of progressive con­stitutional discourse should be self-evident. Although the progressive Con­stitution is arguably consistent with some aspects of the liberal-legalist paradigm of the middle of this century, it is utterly incompatible with the conservative paradigm now dominating constitutional adjudication. It does not follow, however, that the progressive Constitution is incompatible with all constitutional decision making: both legislatures and citizens have constitutional obligations, engage in constitutional discourse, and can be moved, presumably, to bring electoral politics in line with the progressive mandates of the Constitution, as those mandates have been understood and interpreted by progressive constitutional lawyers and theorists. I also argue, however, that for theoretical and strategic reasons, the long-range success, the sense, and even more modestly the relevance of the progressive interpretation of the Constitution depend not only on the merits of its interpretive claims but also, and perhaps more fundamentally, on a federal Congress reenlivened to its constitutional obligations. First, of course, it is Congress, not the Supreme Court, that is specifically mandated under the Fourteenth Amendment to take positive action to ensure equal protection and due process rights—the core constitutional tools for attack­ing illegitimate social and private power. If Congress is ever to fulfill this obligation, it will need the guidance of interpretive theories of the mean­ing of equal protection, due process, equality, and liberty that are aimed explicitly toward the context of legislative action and are not constrained by the possibilities and limits of adjudicative law. But more fundamentally, the progressive Constitution, I argue, will never achieve its full meaning—and worse, will remain riddled with paradox and contradiction—so long as it remains in an adjudicative forum. This is not only because of the probable political composition of the Court over the next few decades, but also because of the philosophical and political meanings of adjudi­cative law itself: the possibilities of adjudicative law are constrained by precisely the same profoundly conservative attitudes toward social power that underlie conservative constitutionalism. By acquiescing in a definition of the Constitution as a source of adjudicative law, progressives seriously undermine its progressive potential. Only by reconceptualizing the Consti­tution as a source of inspiration and guidance for legislation, rather than a superstructural constraint on adjudication, can we make good on its richly progressive promise. Therefore, the concluding section of this chapter argues that, for struc­tural long-term as well as strategic short-term reasons, the progressive Constitution—the cluster of meanings found or implanted in constitu­tional guarantees by modern progressive scholars—should be addressed to the Congress and to the citizenry rather than to the courts. The goal of progressive constitutionalists, both in the academy and at the bar, over the coming decades should be to create what Bruce Ackerman has called in other contexts a "constitutional moment" 20 and what Owen Fiss might call more dramatically an "interpretive crisis.' Progressives need to cre­ate a world in which it is clear that a progressive Congress has embraced one set of constitutional meanings, and the conservative Court a contrast­ing and incompatible set. The Supreme Court does, and always has, as Fiss reminds us, read the Constitution so as to avoid crisis.22 The lesson to draw is surely that only when faced with such a constitutional moment will this conservative Court change paths.

#### Supreme Court activism destroys participatory democracy and leads to judicial supremacy destroying ability to fight against oppression – only a congressional override and can solve

**Lipkin 6**

Robert - Professor of Law, Widener University School of Law, Ph.D., Princeton University, 1974, J.D., UCLA, 1984, “WHICH CONSTITUTION? WHO DECIDES?,” 28 Cardozo L. Rev. 1055, Lexis

Does any institution exercising such enormous unchecked power and authority comport with republican self-government? If the answer is no, what is the remedy? This Article first explains why such unchecked power and authority are incompatible with republican democracy. In a nutshell, republican democracy is a form of selfgovernment where complex deliberation is designed to articulate the community’s real interests or what the community reflectively judges its real interests to be. Republican democracy rejects both direct and representative majoritarian democracy.2 Instead, it embraces the distinction between the community’s reflective judgment and the everyday attitudes of the populace.3 Republican democracy fortifies this distinction by constructing deliberative governmental filters to transform the electorate’s raw, unrefined, and possibly transient beliefs into the reflective judgment of the community. Judicial review may be one of these filters by providing a chance for the lawmaking community to express second-thoughts—or critical reflection—concerning legislation and other governmental conduct.4 Ultimately, however, republican democracy is committed to the proposition that the electorate—after refining its judgment deliberatively through its representatives and other institutional procedures—is the final arbiter of constitutional meaning. Republican democracy founders when any governmental branch has final unchecked authority and uses it to shortcircuit this process. In the American republic, no other political institution has anything like the judiciary’s unchecked authority to invalidate or sustain5 federal and state legislation simply because the Court views such legislation to be unconstitutional.6 This power—known as judicial supremacy—is essentially a failure of accountability,7 not, as many jurists and commentators contend, a countermajoritarian difficulty.8 Even if a super-majority or a mere plurality were required to pass ordinary legislation, the problem of judicial supremacy would persist—not because it is countermajoritarian—but rather because no constitutional actor can effectively check the Court when it chooses to speak.9 This point requires emphasis. Accountability need not be majoritarian to its core. Even in such undemocratic governments as monarchies, aristocracies, or theocracies, a failure of accountability may exist when the institution primarily designated to create law is checked by another institution whose role as authoritative reviewer has been garnered informally. In other words, even when the primary designated decision-maker is unaccountable to the people, the problem of accountability is present if a formally undesignated decision-maker can overturn or significantly modify the primary designated decision maker’s decisions even if only on special occasions. Hence, one salient form of unaccountability is unchecked power by an undesignated decision maker.10 Defending the practice of judicial supremacy requires too great a tolerance for almost complete unaccountability in deciding constitutional meaning.11 This creates a republic where the constitutional choices of the people are often blocked or come to a virtual dead-end. Such a dead-end republic can, of course, survive; ours has for over 200 years. But it prevents citizens nevertheless from engaging in the joint enterprise of integrating and reconstructing their reflective judgments into a conception of the common good as the only authentic fount of sovereign authority over the society’s future.12 Rather than offering an internal remedy of judicial selfregulation— requiring judges to adopt judicial restraint13 or to adhere to the “correct” judicial methodology—I offer instead an external solution to be imposed on judges through a congressional override of Supreme Court decisions. My suggested remedy does not eliminate judicial review, but rather augments this important constitutional practice by fashioning an institutional safety net that permits the best reflective judgment of the people to prevail over the best reflective judgment of the courts.14 Article V makes it clear that the Constitution is committed to the proposition that the best reflective judgment of the electorate should prevail over other constitutional actors.15 However, while recognizing the promise of the electorate’s ultimate role in constitutional change, Article V fails to fulfill this promise.16 This Article proposes a congressional override as a more effective way for the electorate to fulfill its role as the ultimate constitutional arbiter. The idea of a congressional override has a grand legacy.17 But it is not the only possible solution to the problem of judicial supremacy. Among the more prominent solutions are: councils of revision; impeaching Justices; recalling Justices; electing Justices; a periodic reappointment procedure; referenda; random and temporary selection of appellate judges to serve as Justices on the Court; formal term limits or informal incentives such as attractive retirement packages; and most recently and controversially, congressional standing to challenge any attempt to strike down a congressional statute. Each of these remedies warrants examination, and each has costs and benefits. However, a congressional override of Supreme Court decisions as the solution to the problem of judicial supremacy has the advantage of resting the authority for constitutional decision-making in the governmental body representative of the electorate and one that can be held accountable by it.18

### 5

#### Positioning the debate through the lens of analysis pathologizes "hyperarousal" as one side of a binary against a presumed universal subject of sexuality that can be understood as "normal". Their analysis sees the entire debate community as a monolithic body-politic that only the affirmative's methodology can restore to normalcy.

**Milchman and Rosenberg '98.** Alan Milchman, professor of political science at Queen’s College of the City University of New York, in New York, and Alan Rosenberg, professor of philosophy at Queen’s College of the City University of New York, in New York, “A Foucauldian Analysis of Psychoanalysis: A Discipline that ‘Disciplines,’” <http://www.academyanalyticarts.org/milch&rosen.htm>

If **psychoanalysis** loomed large in Foucault's concerns about the developing disciplinary society, it was because it was one of the disciplines which **has had a decisive role in constituting the modern subject, which has shaped its very deployment and the mode in which it is disciplined.** According to Louis Sass, "**psychoanalysis** is by far the most influential contemporary vision of human nature...." It **shapes the way in which we today understand the personal domain (self, self-identity and subjectivity) as well as the relation between self-organization and the contemporary social and political worlds**. Moreover, **the knowledge proffered by psychoanalysis presupposes the person of desire, whose essential truth lies in her sexuality, and which is revealed through a confession, a verbalization, brought within the confines of a rigorous scientificity**. In addition, as Francoise Meltzer has argued, "Psychoanalysis has infiltrated such diverse areas as literature (to which it owes its myths), linguistics, philosophy, anthropology, history, feminism, psychology, archeology, neurology, to name some. And it is in the notion of 'some,' perhaps, that lies the crux of the problem. For there is in psychoanalysis an overt conviction that it exists as the ultimate totality, of which everything else is a part." Beyond the vast scope of its theoretical claims, psychoanalysis also shapes the therapies which are deployed by the health professions: a s Eli Zaretsky has pointed out, "... all forms of psychotherapy, other than drugs or behavioral modification, are based on some variation of psychoanalysis. Finally, **the modern subject, in the deployment of** which, and in whose therapeutic treatment, **psychoanalysis** has played so important a role, **has itself assumed an unexamined, taken-for-granted character; its truth is taken to be universal**, and as such, it is rarely questioned. Foucault's concerns about psychoanalysis were linked to his overall concern to alert us to the dangers involved in that which is taken to be self-evident, universal, and necessary. **Action based on the unexamined, taken-for-granted, assumptions implicit in our practices and thinking can have painful consequences.** For, as William E. Connolly has pointed out, Foucault believed that it **was the "arbitrary cruelty installed in regular institutional arrangements taken to embody the Law, the Good, or the Normal " that was most dangerous. These institutional arrangements are an integral part of the developing disciplinary society; their cruelty inseparable from it. In the case of psychoanalysis this "arbitrary cruelty" refers to the operations of a mode of thinking that creates the binary opposition between normality and pathology.** **This "dividing practice,"** to use a Foucauldian trope, **is dangerous because it judges individuals as "insiders" (normal) and "outsiders" (pathological). Such an ordering procedure in effect dictates what an individual should be, namely normal,** **and** then, according to John Caputo, **develops "administrative practices and professional competencies to see to it that such individuals are in fact produced....Individuals who are specified by the expert, the professional, as pathological come to understand themselves as "sick," and this designation may then become the basis for them not only being stigmatized, but feeling themselves to be, and understanding themselves as, perverted**. What is no less troubling is the situation of those individuals who do not see themselves as "sick" but who are nonetheless stigmatized by virtue of being so classified. As David Halperin has asserted, **these individuals are unable to speak the truth about their own lives because they have "been denied a rational basis on which to speak at all," that power having been arrogated by the expert, the psychoanalyst.** Thus, **for example**, **many psychoanalysts** in the 1950's and 1960', including such prominent figures as Irving Bieber, Lionel Ovesy, and Charles Socarides, **designated homosexuality as necessarily pathological, and viewed the adoption of heterosexual behavior to be a valid and important goal of treatment.** Their scientifically based assumption of a supposed normal pattern of sexual development, according to Nikolas Rose, simultaneously defined a state that was presumed to be healthy at the level of the individual, desirable at the social level, and normal at the statistical level. Confronted by such normative claims, many homosexuals were trapped by a rhetoric of pathologization and rejection, causing great personal anguish. That anguish was compounded by the fact that the homosexual confronted a series of claims and assertions that were supposedly scientifically grounded, and, thereby, seemingly unchallengeable. As David Halperin has pointed out: **To be**, and to find oneself being, known and **described--rationally** (or so it can be made to seem) **and therefore definitively, more objectively** (or so one is told) **than one is capable of describing oneself and therefore irrefutably,** resistlessly, and with an instantaneous finality that preempts and **defeats any attempt on one's own part to intervene in the process by which one becomes an object of knowledge, and that renders one helpless to stave off the effects of a knowledge one has had no share in creating -- that is an experience whose peculiar terror is hard to convey to those who have never suffered from the social liabilities that cause the rest of us to be continually and endlessly prey to it.**

#### The rhetorical technologies by which the 1ac pathologizes psychological behavior or improper relation to trauma normalizes exclusion to the abnormal in an epoch where power is exercised at the level of populations, making massacres vital and empowering the righteousness of world-killing technologies of extermination

Dean '1. MitchellDean**,** professor of sociology at Macquarie University in Australia, 2001, “Sovereignty and Biopolitics in Nonliberal Rule,” States of Imagination edited by Thomas Hansen and Finn Stepputat, pg. 41-64

There are, of course, plenty of examples of the exercise of sovereignty in the twentieth century that have practiced a decidedly nonliberal form and program of national government both in relation to their own populations and those of other states. Does this mean that the form of government of such states is assembled from elements that are radically different from the ones we have discussed here? Does this mean that state socialism and National Socialism, for example, cannot be subject to an analysis of the arts of government? The answer to both these questions, I believe, is no. The general argument of this essay is that the exercise of government in all modern states entails the articulation of a form of pastoral power with one of sovereign power. Liberalism, as we have just seen, makes that articulation in a specific way. Other types of rule have a no less distinctive response to the combination of elements of a biopolitics concerned with the detailed administration of life and sovereign power that reserves the right of death to itself. Consider again the contrastive terms in which it is possible to view biopolitics and sovereignty. The final chapter in the first volume of the History o Sexuality that contrasts sovereignty and biopolitics is titled “Right of Death and Power over Life.” The initial terms of the contrast between the two registers of government is thus between one that could employ power to put subjects to death, even if this right to kill was conditioned by the defense of the sovereign, and one that was concerned with the fostering of life. Nevertheless, each part of the contrast can be further broken down. The right of death can also be understood as “the right to take life or let live”; the power over life as the power “to foster life or disallow it.” Sovereign power is a power that distinguishes between political life (bios) and mere existence or bare life (zoe). Bare life is included in the constitution of sovereign power by its very exclusion from political life. In contrast, biopolitics might be thought to include zoe in bios: stripped down mere existence becomes a matter of ticrli. Thus, the cont between biopolitics and sovereignty is not one of a power of life versus a power of death but concerns the way the different forms of power treat matters of life and death and entail different conceptions of life. Thus, biopolitics reinscribes the earlier right of death and power over life and places it within a new and different form that attempts to include what had earlier been sacred and taboo, bare life, in political existence. It is no longer so much the right of the sovereign to put to death his enemies but to **disqualify the life**—the mere existence—of those who are a threat to the life of the population, to disallow those deemed “unworthy of life,” those whose bare life is not worth living. This allows us, first, to consider what might be thought of as the dark side of biopolitics(Foucault 1979a: 136—37). In Foucault’s account, biopolitics does not put an end to the practice of war: it provides it **with new and more sophisticated killing machines**. These machines allow killing itself to be reposed at the level of entire populations. Wars become genocidal in the twentieth century. The same state that takes on the duty to enhance the life of the population also exercises the power of death over whole populations. **Atomic weapons are the key weapons of this process of the power to put whole populations to death.** We might also consider here the aptly named biological and chemical weapons that seek an extermination of populations by visiting plagues upon them or polluting the biosphere in which they live to the point at which bare life is no longer sustainable. Nor does the birth of biopolitics put an end to the killing of one’s own populations. Rather, **it intensifies that killing—**whether by an “ethnic cleansing” that visits holocausts upon whole groups or by the mass slaughters of classes and groups conducted in the name of the utopia to be achieved. There is a certain restraint in sovereign power. The right of death is only occsionally exercised as the right to kill and then often in a ritual fashion that suggests a relation to the sacred More often, sovereign power is manifest in the refrainn from the right to kill. The biopolitical imperative knows no such restraint. **Power is exercised at the level of populations and hence wars will be waged at that level**, **on behalf of everyone and their lives.** This point brings us to the heart of Foucault’s provocative thesis about biopolitics: that there is an intimate connection between the exercise of a life-administering power and the commission of genocide: “If genocide is indeed the dream of modern powers, this is not because of a recent return of the ancient right to kill: it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population” (1979a: 137).Foucault completes this same passage with an expression that deserves more notice**: “massacres become vital.”** There is thus a kind of perverse homogeneity between the power over life and the power to take life characteristic of biopower. The emergence of a biopolitical racism in the nineteenth and twentieth centuries can be approached as a trajectory in which this homogeneity always threatened to tip over into a dreadful necessity. This racism can be approached as a **fundamental mechanism of power** that is inscribed in the biopolitical domain (Stoler 1995: 84—85). For Foucault, the primary function of this form of racism is to establish a division between those who must live and those who must die, and to distinguish the superior from the inferior, the fit from the unfit. The notion and techniques of population had given rise, at the end of the nineteenth century, to a new linkage among population the internal organization of states, and the competition between states Darwinism, as an imperial so cial and political program, would plot the ranking of individuals, populations, and nations along the common gradient of fitness and thus measure efflcienqj.6 However, the series “population, evolution, and race” is not simply a way of thinking about the superiority of the “white races” or of justifring colonialism, but also of thinking about how to treat the degenerates and the abnormals in one’s own population and prevent the further degeneration of the race. The second and most important function for Foucault of this biopolitical racism in the nineteenth century is that “it establishes a positive relation between the right to kill and the assurance of life” (Stoler 1995: 84). The life of the population, its vigor, its health, its capacities to survive, becomes necessarily linked to the elimination of internal and external threats. This power to disallow life is perhaps best encapsulated in the injunctions of the eugenic project: identifS’ those who are degenerate, abnormal, feeble-minded, or of an inferior race and subject them to forced sterilization; encourage those who are superior, fit, and intelligent to propagate. Identify those whose life is but mere existence and disqualify their propagation; encourage those who can partake of a sovereign existence and of moral and political life. But this last example does not necessarily establish a positive justification for the right to kill, only the right to disallow life.  If we are to begin to understand the type of racism engaged in by Nazism, however, we need to take into account another kind of denouement between the biopolitical management of population and the exercise of sovereignty. This version of sovereignty is no longer the transformed and democratized form founded on the liberty of the juridical subject, as it is for liberalism, but a sovereignty that takes up and transforms a further element of sovereignty, its “symbolics of blood” (Foucault 1979a: 148). For Foucault, **sovereignty is grounded in blood**—as a reality and as a symbol—just as one might say that sexuality becomes the key field on which biopolitical management of populations is articulated. When power is exercised through repression and deduction, through a law over which hangs the sword, when it is exercised on the scaffold by the torturer and the executioner, and when relations between households and families were forged through alliance, “blood was a reality with a symbolic function” By contrast, for biopolitics with its themes of health, vigor, fitness, vitality, progeny, survival, and race, “power spoke osexua1ity and to sexuality” (Foucault 1979a: 147).  For Foucault (1979a: 149—50), the novelty of National Socialism was the way it articulated “the oneiric exaltation of blood,” of fatherland, and of the triumph of the race in an immensely cynical and naïve fashion, with the paroxysms of a disciplinary and biopolitical power concerned with the detailed administration of the life of the population and the regulation of sexuality, family, marriage, and education. Nazism generalized biopower without the limit-critique posed by the juridical subject of right, but it could not do away with sovereignty. Instead, it established a set of permanent interventions into the conduct of the individual within the population and articulated this with the “mythical concern for blood and the triumph of the race.” Thus, the shepherd-flock game and the city-citizen game are transmuted into the eugenic ordering of biological existence (of mere living and subsistence) and articulated on the themes of the purity of blood and the myth of the fatherland.  In such an articulation of these elements of sovereign and biopolitical forms of power, the relation between the administration of life and the right to kill entire populations is no longer simply one of a dreadful homogeneity. It has become a necessary relation. The administration of life comes to require a bloodbath. It is not simply that power, and therefore war, will be exercised at the level of an entire population. It is that the act of disqualifing the right to life of other races becomes necessary for the fostering of the life of the race. Moreover, the elimination of other races is only one face of the purification of one’s own race (Foucault igç7b: 231). The other part is to expose the latter to a universal and absolute danger, to expose it to the risk of death and total destruction. For Foucault, with the Nazi state we have an “absolutely racist state, an absolutely murderous state and an absolutely suicidal state” (232), all of which are superimposed and converge on the Final Solution. With the Final Solution, the state tries to eliminate, through the Jews, all the other races, for whom the Jews were the symbol and the manifestation. This includes, in one of Hitler’s last acts, the order to destroy the bases of bare life for the German people itself. “Final Solution for other races, the absolute suicide of the German race” is inscribed, according to Foucault, in the functioning of the modern state (232).

#### They will claim that the act of analysis frees the debate community from repression of trauma, a subjective inability to grapple with suffering and unknowability. Yet in this very act of liberation the psychoanalyst posits a new regime of signs that gatekeep the truth of subjectivity through the confessional practices of analysis

**Milchman and Rosenberg '98.** Alan Milchman, professor of political science at Queen’s College of the City University of New York, in New York, and Alan Rosenberg, professor of philosophy at Queen’s College of the City University of New York, in New York, “A Foucauldian Analysis of Psychoanalysis: A Discipline that ‘Disciplines,’” http://www.academyanalyticarts.org/milch&rosen.htm

**For psychoanalysis, the discovery of the truth about one's sexuality is liberating, and, therefore, constitutes one of the primary goals of its therapeutic technologies. These therapeutic technologies, in which the patient is enjoined to speak the truth about his or her sexuality**, according to Foucault**, are linked to the confessional practices of ancient and medieval Christianity**. For Foucault, both Christian confession and psychoanalysis enjoin one to speak, to reveal, to disclose, in the former to a priest, in the latter to the analyst. **Verbalization is the basis of both. What psychoanalysis, and its scientia sexualis has wrought is a veritable transformation of confessional practices, which has "caused the rituals of confession to function within the norms of scientific regularity...."** For Foucault, **one of the main dangers of psychoanalysis was precisely its claim to know and reveal the Truth of the human subject**; its denial of the historicity and variability of the modes of human subjectification. As John Rajchman has opined, hasn't the purportedly revolutionary idea of psychoanalysis, that we are persons of desire, only continued "a confessional tradition, a jeu de verite of a time and place that had made it possible to say only one sort of truth about ourselves: the truth concerning our desire?" **The claim that there is an invariant human subject, the essence of which is revealed by psychoanalysis and its theoretical matrix, facilitates the constitution of norms of behavior which can be fashioned on the foundation of its purportedly scientific knowledge. Therein lies the basis for the various disciplinary technologies which are deployed in the developing disciplinary society.** It is against the backdrop of precisely that danger that Foucault undertakes his confrontation with psychoanalysis. For James Bernauer: The significance and form of Foucault's history of the man of desire are best grasped if the history is understood in the context of its contribution to his "archaeology of psychoanalysis"; the objective of this latter project was to undermine modern anthropology and the notion of the self that was one of its firmest supports and expressions. Freud's understanding is a model of this notion, and thus becomes the principal target of Foucault's effort to render the self freshly problematic. The failure to recognize the confrontation with Freud that is taking place in Foucault's last works has often prevented commentators from appreciating his intentions and organization in these writings....40 For Foucault, **what links the various psychoanalytic technologies is that they all provide procedures for making the self calculable, manageable, and governable along a set of fixed coordinates.** According to Hubert Dreyfus, **each of these technologies emanate from theories which "make causal claims based on an alleged science of human nature which justifies an account of normal and abnormal psychological function." Each of them postulates a subject, the features of which are fixed and unchangeable**. Thus, the Freudian and Kleinian versions of psychoanalysis insist that the truth about our human nature is lodged in our sexuality, a vision which they share with the anti-repressive hypotheses of Reich and Marcuse. As Dreyfus points out, even the currently very influential Lacanian version of Freudianism "assumes an ahistorical knowledge of human nature...." For John Rajchman, it was just that claim on the part of Lacan which provoked Foucault's questioning: "Did we really have to place at the heart of our eros a 'signifying chain' that would always be leading back to an impasse or failing in our desire, and forward to the intricate role this desire would keep having in our lives? Or was this not just the presumption of a specific practice of interpretation, a particular 'hermeneutic of the self'?" Similarly, **object-relations theory, one of the most important versions of psychoanalysis is the United States today, assumes that there is a fundamental human striving to relate to others, and that, according to Ronald Fairbairn, the libido is inherently object-seeking, not pleasure-seeking. Perhaps most important, object-relations theory posits algorithms of interaction which work by making human relations calculable**. Meanwhile, self-psychology postulates that the human infant arrives in the world with an innate, biological, need for attachment, which therapy seeks to facilitate by developing the analysand's capacity to find an empathetically responsive selfobject milieu.

#### Vote negative to refuse the ressentiment of attempting to secure the psyche against its own repression and instead embrace the vitalism of the unanalyzed unconscious. Give way to a nonanalysis of the schizo

**Seem '81** Mark, acupunturist and translator, Translator's Introduction to *Anti-Oedipus* by Gilles Deleuze and Felix Guattari

**"Lie down, then, on the soft couch which the analyst provides, and try to think up something different. The analyst has endless time and patience; every minute you detain him means money in his pocket**. . . . Whether you whine, howl, beg, weep, cajole, pray or curse—he listens. He is just a big ear minus a sympathetic nervous system. He is impervious to everything but truth. If you think it pays to fool him then fool him. Who will be the loser? If you think he can help you, and not yourself, then stick to him until you rot."1\* So concludes Henry Miller in *Sexus,* and Gilles Deleuze and Felix Guattari are quick to agree in their attack on psychoanalysis' own Oedipus complex (the holy family: daddy-mommy-me), an attack that is at times brutal and without pity, at other times sympathetic and full of a profound love of life, and often enormously amusing. An attack on the ego, on what is all-too-human in mankind, on oedipalized and oedipalizing analyses and neurotic modes of living. In confronting and finally overturning the Oedipal rock on which Man has chosen to take his stand, *Anti-Oedipus* comes as a kind of sequel to another similar venture, the attack on Christ, Christianity, and the herd in Nietzsche's *The Antichrist.* For who would deny, *Anti-Oedipus* begins, that **psychoanalysis was from the start**, still is, **and** perhaps **always will be a well-constituted church and a form of treatment based on a set of beliefs that only the very faithful could adhere to, ie., those who believe in a security that amounts to being lost in the herd and defined in terms of common and external goals? But where do such beliefs originate? What are they based on? For it is absolutely hopeless to think in terms of security**, as Miller states in *Sexus;* "**there is none. The man who looks for security**, even **in the mind, is like a man who would chop off his limbs in order to have artificial ones which will give him no pain or trouble"** (page 428). **No pain, no trouble—this is the neurotic's dream of a tranquilized** and conflict-free **existence. Such a set of beliefs,** Deleuze and Guattari **demonstrate, such a herd instinct, is based on the desire to be led, the desire to have someone else legislate life. The very desire that was brought so glaringly into focus in Europe with Hitler, Mussolini, and fascism; the desire that is still at work, making us all sick, today**. *Anti-Oedipus* starts by reviving Reich's completely serious question with respect to the rise of fascism: 'How could the masses be made to desire their own repression?' This is a question which the English and Americans are reluctant to deal with directly, tending too often to respond: "Fascism is a phenomenon that took place elsewhere, something that could only happen to others, but not to us; it's *their* problem." Is it though? Is fascism really a problem for others to deal with? Even revolutionary groups deal gingerly with the fascisizing elements we all carry deep within us, and yet they often possess a rarely analyzed but overriding group 'superego' that leads them to state, much like Nietzsche's man of *ressentiment,* that the *other* is evil (the Fascist! the Capitalist! the Communist!), *and hence that they themselves are good.* This conclusion is reached as an afterthought and a justification, a supremely se//-righteous rationalization for a politics that can only "squint" at life, through the thick clouds of foul-smelling air that permeates secret meeting places and "security" councils. **The man of *ressentiment****,* as Nietzsche explains, "loves hiding places, secret paths and back doors, everything covert entices him as *his* world, *his* security, *his* refreshment; he understands how to keep silent, how not to forget, how to wait, how to be provisionally self-deprecating and humble."2 Such a man, Nietzsche concludes, **needs very much to believe in some neutral, independent "subject"—the ego—for he is prompted by an instinct of self-affirmation and self-preservation that cares little about preserving or affirming life, an instinct "in which every lie is sanctified."** 3 This is the realm of the silent majority. And it is into these back rooms, behind the closed doors of the analyst's office, in the wings of the Oedipal theater, that Deleuze and Guattari weave their way, exclaiming as does Nietzsche that it smells bad there, and that what is needed is "a breath of fresh air, a relationship with the outside world." In examining the problem of the subject, the behind-the-scenes reactive and reactionary man, *Anti-Oedipus* develops an approach that is decidedly *diagnostic* ("What constitutes our sickness today?") and profoundly *healing* as well. **What it attempts to cure us of is the cure itself. Deleuze and Guattari term their approach "schizoanalysis," which they oppose on every count to psychoanalysis.** Where the latter measures everything against neurosis and castration, schizoanalysis begins with the schizo, his breakdowns and his breakthroughs. **For, they affirm, "a schizophrenic out for a walk is a better model than a neurotic lying on the analyst's couch. . . ."** Against the Oedipal and oedipalized territorialities (Family, Church, School, Nation, Party), and especially the territoriality of the individual, *Anti-Oedipus* seeks to discover the "deterritorialized" flows of desire, the flows that have not been reduced to the Oedipal codes and the neuroticized territorialities, the *desiring-machines* that escape such codes as *lines of escape* leading elsewhere.

### 6

#### Next off is out counter-methodology – you should take up the position of the analyst and question dominant discourse – however you should not force debaters onto the couch. The imperative demand to put debaters on the couch is psychoanalytic violence. It creates an impersonal space between the analyst and the person analyzed that causes unequal power relations and ineffective analysis. It also discourages new modes of thinking in favour of dogmatically repeating the stupid psychoanalytic nonsense that has been repeated forever despite the fact that it has no empirical evidence – vote negative to say no to the couch and to critically examine the aff’s practices and endorsement of traditional psychoanalysis

#### By the way, you should prefer our evidence, it’s from this year and is a meta-data study of all of the literature about the psychoanalytic usefulness of putting people on the couch and also cites a ton of new brain studies and concludes that there is not a single conclusive study that proves that the couch is useful

Freidberg and Linn 2012 (Ahron, psychoanalytically-trained psychiatrist in private practice with over 15 years’ experience.  He is an Assistant Clinical Professor at MSMC, Louis, private practice psychoanalyst with 10+ years of experience “THE COUCH AS ICON” <http://internationalpsychoanalysis.net/wp-content/uploads/2012/06/Couch-as-Icon-Friedberg-Linn.pdf>

The use of the couch is integral to most candidate’s psychoanalyst training (Cooper, 1985). In a well-known vignette, Hoffman (1994) describes an interesting incident with a control case during his psychoanalytic training. The patient, who is lying on the couch, turns toward Hoffman and says, “Are you sure the couch is necessary for the process. I think the eye contact is more important for me.” Hoffman playfully replies, “Well, I don’t know about the process but it might be necessary for me to graduate” (p. 200). This situation underscores an attitude among certain analytic institutes, societies, and organizations, namely, that at the very least for the purposes of training candidates, analyses should be conducted to some extent on the couch. This is true for both candi dates and the patients they treat. Thus, using the couch becomes integral to the identity of an analyst in training, whether or not it is most useful therapeutically for the trainee or his or her patients. As a treatment, psychoanalysis is a humanist discipline with scientific underpinnings, but psychoanalytic training is organized more like a religious belief or social system with its authoritarianism, genealogy, and politics (Kirsner, 2001). Notions like “psychoanalytic psychotherapy” and “applied psychoanalysis” may contribute to a restrictive view of psychoanalysis. For example, there is a tendency to consider such a treatment not an actual psychoanalysis and therefore not constituting valid psychoanalytic work. This notion may lead to the odd situation where the patient clearly gets better through all the techniques of analysis, but the treatment is not considered “an analysis.” Of even greater concern, the treatment may be considered an analysis in the most classical sense, but the patient may derive little or no therapeutic benefit—or even worse, be harmed by the treatment as narrowly defined and rigidly applied. The annals of medicine are full of treatments that were employed in this way and no longer exist. Indeed, if bloodletting, mercury potions, and enemas were used today as they had been employed “therapeutically” in the past, they would be considered forms of malpractice or abuse. Certainly, using classical psychoanalysis today for the treatment of schizophrenia, bipolar disorder (type I), and other psychotic conditions as had been done in the not so distant past might constitute unprofessional conduct, except in exceptional circumstances. So while one cannot simply judge the appropriateness of the couch according to a patient’s diagnosis, certain major psychiatric disorders may rule out its usage. No doubt the politics of the psychoanalytic community come into play when considering issues involving the couch. Clinicians become invested in clinical approaches that they themselves were trained in or, alternately, may respond or rebel against them. Each school tries to legitimize its position and techniques by referring back to the ways of the founding father, who famously did not always practice what he preached. Richard’s (2003) important “Plea for a Measure of Humility” underscores the complex motivations that each of us brings to our work as individual prac titioners who are part of a larger professional community. His notion about a “politics of exclusion” that exists in the psychoanalytic community is useful and relevant (Richards, 1999). The psychoanalytic debate is well summarized by Eisold (2003). Perhaps humility is too much to ask for. But what about common sense? As physicians, we especially know the timeless Hippocratic aphorism, “First, do no harm” (Primum non nocere). Developments in cognitive neuroscience and other areas of research can inform our approach to psychoanalysis both in terms of psychoanalytic theory and technique. Westen and Gabbard (2002) identify several such areas, including the nature of representations, the interaction of cognition and affect, and the mechanisms that the mind uses to find compromise solutions (p. 53). Recently, Lable and colleagues (2010) proposed a number of research designs for investigating the effect of the couch on the psychoanalytic process and outcome. They offer some preliminary empirical data based on archived audiotapes from two psychoanalyses. Such research-oriented approaches aim to investigate concepts underlying the use of the couch. Clearly, more research is necessary for making a determination about the tools and techniques of analysis. However, the approaches of evidence-based medicine and the standards of randomized clinical trials are not easily applied to psychoanalytic work—and may not be the best methodologies for studying the psychoanalytic process. Furthermore, when clinical material is presented or written up, it undoubtedly is influenced by the analyst’s theoretical orientation and professional biases (Bohm, 1999). What can reasonably be said is that using the couch emphasizes some aspects of the analysis (auditory) and deemphasizes others (visual). Intimacy and emotional closeness are necessary for the process in whatever ways and means this is achieved. In each patient the real relationship with the psychoanalyst may be as therapeutically important as the transferentially based one (Couch, 1999). This aspect of the therapeutic relationship may be more apparent when the patient has the analyst in sight. Real relationships are basic to personal well-being. In the analytic setting, this aspect of a relationship is better viewed as an aid than an impediment to psychoanalytic work. Human connection is an es sential aspect of psychological health and healing. “No man is an island,” as John Donne’s “XVII Meditation” begins. For some patients the couch is a facilitating tool for psychoanalysis. It may help a patient get in better touch with his or her inner life, such as affective experiences and fantasies, and more effectively adapt to the world. But there is ample evidence that for many patients, the couch is not advantageous and can even be therapeutically problematic. It may deprive a patient of the very therapeutic modalities he or she needs to get better. It is not just that such a patient may feel more comfortable and safe in a faceto- face setting in order to proceed with the analytic work; rather, the visual experience and other kinds of connections can be the therapeutic pathways of his or her analytic experience. For the most part, the way analysts arrange the classical psychoanalytic situation deprives both participants of the opportunity to view each other. It is not evident from reviewing the psychoanalytic literature that such an arrangement generally benefits the therapeutic work which psychoanalysis is meant to foster. However, rather than take up the issue as a subject of serious concern and study, the traditional psychoanalytic community has tended to take it as a given—an assumption—that a couch-based approach is best, at least partly because of historic precedence. Such is the kind of received wisdom that has been problematic for medicine in the past. It smacks of belief systems that tend to hamper new learning. To the extent that using the couch may retraumatize certain types of patients, then obviously it should not be used for them, especially if other efficacious treatments are available. At least some such patients are those who have experienced early losses and deprivations. However, from various case studies in the literature, these patients are often considered suitable candidates for couch-based analysis. Yet for such patients, face-to-face contact may be an integral and even essential part of a psychoanalytic relationship. Psychoanalysts have a long history of misapplying theory and technique to patients with schizophrenia, autism, obsessive–compulsive disorder, severe depression, and other psychiatric conditions. Generations of clinicians were convinced that major psychiatric conditions arose directly from dysfunctional families and were best treated with psychological interventions. Our profession remains full of ideas for which there is little tangible evidence but which have become entrenched because of historical precedent, charismatic personality, politics, self-interest, lack of better alternatives, and so on. One wonders how many of our current practices will stand the test of time in terms of therapeutic efficacy. Clearly, psychotherapy therapy can be a useful and important part of the overall approach to treating even major psychiatric disorders. However, given the integral place of the couch historically as a modality in psychoanalytic work, its usage should be more critically examined. From the standpoint of psychoanalytic theory, nothing is requisite about use of the couch in psychoanalysis. In fact, it is potentially harmful to patients and trainees to de!ne psychoanalysis in such terms. It plays into positions and attitudes that have little relationship to clinical ef!cacy. As Kernberg (2004b) points out, the psychoanalytic community is deeply ambivalent about research because it may interfere with cherished beliefs and traditional theories. However, to remain a vital and vibrant treatment, psychoanalysis needs to further question and examine the very tools and assumptions it is based in. No doubt scientific knowledge and more rigorous studies will shed light on the subject in years to come. An analytic approach to treating patients can be invaluable. Each analysis is individual and unique. Accordingly, a reasonable view regarding the use of the couch in analysis would seem to be that it depends on the patient and the analyst and how they relate to one another—their “fit,” so to speak. Until clearer criteria can be established for its indications, the use of the couch for psychoanalytic work should be more "exible, circumscribed, and circumspect (Hirsch, 2002).

### Case

#### Prefer util

Cummiskey 90 – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor, AG)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. **Persons** may **have "dignity**, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), **but**, as rational beings, persons **also** have **a fundamental equality which dictates that some must** sometimes **give way for the sake of others.** The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

**The 1AC asks you to put the debate community on the couch -- we never asked to be the analyzed and UMKC certainly didn't obtain consent from the debate community -- the discussion of the debate community's psychoanalytic profile in a public setting violates our patient's rights and shows blatant disregard for the sensitivity of traumatic case material -- reject them on ethical grounds**

**American Psychoanalytic Association Principles and Standards of Ethics for Psychoanalysts No Date** <http://www.apsa.org/About_APsaA/Ethics_Code.aspx>

II. Mutuality and Informed Consent. The treatment relationship between the patient and the psychoanalyst is founded upon trust and informed mutual agreement or **consen**t. At the outset of treatment, the patient should be made aware of the nature of psychoanalysis and relevant alternative therapies. The psychoanalyst should make agreements pertaining to scheduling, fees, and other rules and obligations of treatment tactfully and humanely, with adequate regard for the realistic and therapeutic aspects of the relationship. Promises made should be honored.

When the patient is a minor these same general principles pertain but the patient's age and stage of development should guide how specific arrangements will be handled and with whom.

IV. Confidentiality. Confidentiality of the patient’s communications is a basic patient’s right and an essential condition for effective psychoanalytic treatment and research. A psychoanalyst must take all measures necessary to not reveal present or former patient confidences without permission, nor discuss the particularities observed or inferred about patients outside consultative, educational or scientific contexts. If a psychoanalyst uses case material in exchanges with colleagues for consultative, educational or scientific purposes, the identity of the patient must be sufficiently disguised to prevent identification of the individual, or the patient's authorization must be obtained after frank discussion of the purpose(s) of the presentation, other options, the probable risks and benefits to the patient, and the patient's right to refuse or withdraw consent.

**The application of Lacanian psychoanalysis in particular to specific legal language creates a circularity where the analysis proves the theory and the theory becomes true in virtue of the analysis. This is sloppy scholarship -- analysts are able to simply make up their conclusions without regard to any sort of testable hypothesis or proof outside of interpretation. Reject their epistemic claims**

**O’Neill '1** (Edward, prof soc @ UC San Francisco “The Last Analysis of Slavoj Zizek” <http://www.film-philosophy.com/vol5-2001/n17oneill>

It would be hasty to assume that the ideas propounded by authors who class themselves as partisans of a Lacanian school are without value, even if one concludes that the rhetorical strategies employed to propound them are suspect, just as it would be naive to search for a theory 'without rhetoric' -- as if that could be subtracted off like so much butterfat. But when so many of the 'examples' given to explicate and to justify the theory are borrowed from other sources, it is possible to wonder whether the ideas being presented necessitate a reference to Lacan without which the ideas would no longer be 'Lacanian'. The reader begins to suspect that Lacan is being explicated through interpretations arrived at without the aid of Lacan's theories, which in turn causes one to wonder about the value of the theories being proffered. One gets the distinct impression that the writers collected in this volume, chief among them its editor, borrow the interpretations of others and then refine them and re-christen them as 'Lacanian', all the while claiming to set themselves apart from their academic rivals. But the difference seems in so many cases mostly nominal. Doubtless that is a 'performative' effect, and thus in itself Lacanian, since J. L. Austin's performative is probably itself already Lacanian. Despite consistent appeals to a the speech act model in Lacanian writing, the gesture of appealing to authority relies on an authority the gesture cannot itself confer but rather must depend upon, and so the very pronouncement of specific statements in this case does not produce the effects the statements describe, however much the authors might wish it were so. Being for or against a certain author or school should in principle be distinguishable from the ability to analyze the arguments presented, the terms into which they are cast, and their method of argumentation. I do not think the standards I have suggested above are so terribly constraining that they discourage serious discussion. Nor do I think the theories currently presented by means which are suspect are therefore themselves to be discarded. But to judge the ideas at issue would require better arguments being made, and by better means too. The arguments presented in this volume do not take many steps in that direction. To return at last to the question of method in the humanities under the banner of which I began this review, I am trying to say that it is not the conclusions which determine the validity of the theory but rather the procedures, since the conclusions in the human sciences tend to be simply the theoretical premises re-stated as if they were conclusions. If procedures without apparent method or rationale are used to reach a conclusion which as been determined in advance, we tend to feel the 'procedures' are a tissue of rationalizations. Such is often the case with the argumentative writing in the current volume. A more difficult exercise would be to disentangle, to the extent possible, the exact place of Lacan as a reader of Kant and Hegel, rather than collapsing Kant and Hegel into prefigurations of Lacan. The fact that this latter strategy is closer to what patient readers of Lacan like Mikkel Borch-Jacobson and Samuel Weber have done is proof that Lacan \*does\* have something significant to say, or in any case that he can be read as part of a tradition, as a reader of other texts. But assuming in advance that what Lacan said is both true and universally applicable is an entirely different project from either \*determining\* exactly what Lacan said or \*applying\* it, either of which would require a method. Assuming Lacan was correct may be a condition for being a Lacanian, but as a rhetorical strategy for convincing others that Lacan is a writer to be read, the strategy leaves much to be desired, since it assumes what it might instead set out to demonstrate, and demonstration is in the end a far more effective rhetorical tack than assumption.

This theory of language fails -- the composition of the Sign is cultural, not psychological

**Holland '98** (Norman, Prof emeritius @ florida, “The Trouble(s) with Lacan” <http://www.clas.ufl.edu/users/nholland/lacan.htm>)

Lacan presents psycholinguistic problems as well as linguistic. Even if Chomsky were all wrong, Lacan has made a still more fundamental error in psychologizing Saussure's account of language. Over and over again, Lacan claims that linguistic entities are in fact psychological entities. The most notorious instance where he converts a linguistic entity to a psychological one is, of course, signifier and signified. Lacan identifies the signifier pretty with the conscious and Saussure's signified with Freud's unconscious. Then the linguistic barre that Saussure posited between signifier and signified, Lacan equates to Freud's repression. As we have seen, Lacan approximates Jakobson's metonymy (roughly, sequence) and Jakobson's metaphor (roughly, substitution) to Freud's "condensation" and "displacement," and in turn to other linguists' "syntagm" and "paradigm." In other words, what he does is say that these linguistic entitities are in fact psychological entities. Similarly, the barre Saussure posited between signifier and signified comes to equal Freud's repression. The linguist's barre becomes the psychoanalyst's bar between conscious and unconscious, and the signifier cannot cross it. The hidden signifieds are the unconscious, and the signifiers are the "empty speech" with which we try to express, as in free associations, our real (unconscious) selves. We necessarily fail, because signifiers signify other signifiers, not signifieds. Conscious and unconscious are thus opposed in one of Lacan's two-valued systems. In effect, Lacan renders all psychic determinism as the single linguistic process of a signifier signifying other signifiers. That's quite a role for a process that modern linguists doubt even exists.

Psychoanalysis fails to recognize cultural difference -- there are no universal archetypes, especially true for the diversity evident in the phenomenon of terrorism

**Robinson '4** (Andrew, “Notes on Held and Zizek on 911 <http://andyrobinsontheoryblog.blogspot.com/>

For instance: the theme recurs of how something which has a horrifying effect is always a realisation of a repressed/disavowed fantasy. Behind this is a clumsy conflation of concern motivated by fear (eg. being aroused by a threatening stimulus) with actual desire (in the sense that one fantasises about, and secretly wants, what one fears). This is as far as I can tell an exegetical derivative of Lacanian theory, and I have yet to find a single argument or piece of evidence to support such a conflation. Zizek also refuses to admit any distinction between different individuals and different social groups, with the result that he often ends up inferring the actions of one group from the disavowed desire of an entirely different group. In this case, he implies that the hijackers were realising a repressed fantasy internal to the west, acting out the pre-constructed role of "the real-life counterpart of Ernst Stavro Blofeld". Zizek routinely makes such claims without seriously examining the motives of those involved and whether they are in the slightest connected to the psychological processes he describes. Has bin Laden, hidden in the mountains of a country where cinema and TV are banned, even heard of Ernst Stavro Blofeld, the Matrix or James Bond? Zizek ignores such questions, because of a general epistemology which refuses to take empirical issues seriously and reduces 'truth' to an outgrowth of Zizek's own closed theoretical system. What is the mechanism whereby the west produces its repressed other? Westerners may misrecognise the present situation by using western cinematic figures and tropes; they may react against the 'enemy' on grounds related as much to deep-rooted fears as to an actual act or threat (as in the case of "moral panics"). In this case, the hijackers' lack of concern for civilian deaths has been (probably) misinterpreted as a deliberate desire to kill

as many civilians as possible; the threat of further attacks may have been exaggerated; the "exceptional" status of the attack has been exaggerated, probably due to its symbolic rather than actual effects. Take all this away, and one no longer has a Blofeld; but one still has a large massacre, carried out by specific people with specific motives. Zizek's explanatory method hops between different levels of analysis too easily (eg. between symbolic significance and motives, and between western interpretations about those involved and their actual alignments). Zizek's arguments are a perfect example of what Korzybski denounces as "intensional" thought: they refer solely to other terms within his own linguistic system, and are not related to the evidence and events they claim to be explaining. The idea that "in this pure Outside, we [sic] should recognize the distilled version of our own essence" is a restatement of his "we are excrement" line, which recurs constantly throughout his writings. The principle that we are basically a Nothingness which misrecognises itself as valuable is pretty much non-testable, and it certainly cannot be inferred from September 11th; indeed, Zizek's purely exegetical appeal to Hegel suggests that he realises that he is imposing an interpretation from outside, rather than deriving one from motives and phenomena within the situation. Zizek's readers are in effect faced with a dogma which they may either endorse or reject, which Zizek passionately asserts but cannot provide any substantive case for believing. Without this dogma (and others Zizek raises from time to time), the rest of his conclusions fall apart, eg. the idea that any actions against a threatening Outside are "a paranoiac acting-out" (i.e. if the roots of September 11th are internal, any act against an Outside is misguided; but if this principle isn't established, Zizek's conclusion is not validly reached either). (This is not to say that Zizek isn't right in the claim he makes: empirically, the bombing of Afghanistan may well do little to reduce the likelihood of future attacks, and may motivate such attacks; but Zizek has not established this with the claims he makes. He may well have reached the right conclusion by the wrong means)

## 2NC Congress CP

### AT: Perm

#### No Net Benefit- It’s a weak congressional challenge.

Robert Justin Lipkin ‘6 Professor of Law, Widener University School of Law (28 Cardozo L. Rev. 1055)

A congressional override provides a safety net while at the same time permitting the benefits of judicial review to continue. Two conceptions of a congressional override exist: a weak version and a strong version. The weak version permits Congress to override a Supreme Court decision by passing the appropriate legislation, which the Court may then strike down. The strong version makes Congress the final arbiter. The weak version provides a cooperative inter-branch relationship within a **modified form** of judicial supremacy. In essence, the weak override requires the Court to defer to Congress whenever possible, and strike down an override only as a last resort. There is some value to a weak congressional override. Such an override is at  [\*1113]  least an improvement over our current form of judicial supremacy for two reasons. First, it makes Congress a partner - albeit a junior partner - in determining constitutional meaning. In short, it explicitly rejects the notion that courts have an exclusive role in constitutional interpretation. Second, this partnership may be enhanced by Congress publicly explaining its reasons for overriding the Court's decision. Then, if the Court strikes down that override, it in turn must explicitly reply to Congress's rationale and analysis. Accordingly, an explicit, dynamic constitutional dialogue between Congress and the Court is formally created. A Court acknowledging Congress' authority to weakly override its decisions might decline reviewing a challenge to an override by publicly requesting the electorate to chasten the legislators who enacted the override. If this fails, the Court has a choice to defer to the electorate or to strike down the override in an appropriate case. Though this is an improvement over our present system, in all probability it would be insufficient. The Court remains the final arbiter of constitutional meaning. The benefit, however, would be requiring the Court to respond analytically to serious objections from a co-equal branch of government. [172](https://www.lexis.com/research/retrieve?_m=b00d8e40303bbd2f1abee242874ec95d&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=7a15214eaa1deb8f698148329bfaa541" \l "n172" \t "_self) In the end, however, congressional overrides should be made of sterner stuff. [173](https://www.lexis.com/research/retrieve?_m=b00d8e40303bbd2f1abee242874ec95d&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=7a15214eaa1deb8f698148329bfaa541" \l "n173" \t "_self)

#### This snowballs into total court control

Mark Tushnet ‘3 (53 Univ. of Toronto L.J. 89)

Professor Roach's important examination of the extensive experience Canada has had in operating the world's leading weak-form system of judicial review shows that we should be cautious about endorsing weak-form judicial review as an alternative to strong-form judicial review. The materials he presents suggest that Canada's weak-form review has become strong-form judicial review, in part because of a lack of political will and in part because of structural obstacles to the legislature's actual ability to respond to Court decisions. The fact that in-your-face statutes are enacted will continue to place on the Canadian constitutional agenda the question of judicial restraint, as such statutes force us to consider whether weak-form systems require that courts exercise restraint when faced with constitutional interpretations with which the judges disagree but which they cannot fairly describe as unreasonable. In the end, then, the invention of weak-form judicial review may not displace the long-standing controversy in strong-form systems over judicial activism and restraint.

#### AND, reliance Courts destroys progressivism, which is key to solvency. – Also impact is above

(Conservativism fails)

Robin West ‘94 Prof. of Law. Georgetown (*Progressive Constitutionalism* p. 281-284)

In this conclusion I want to suggest briefly that there may be reasons to suspect some deeper tensions, not just between the progressive and con­servative interpretations of the Constitution, but between the progressive paradigm and the idea of adjudicative law within which both liberal and conservative courts operate. To the degree that progressives acquiesce in an understanding of the Constitution and of constitutional guarantees as a body of adjudicative law—as something that courts enforce as law against unwilling parties—they may be committed to a definition of constitution­alism that is antithetical to the goals of progressive politics; the phrase "progressive constitutionalism" may remain an anomaly. The idea of "adjudicative law" may be antithetical to the progressive understanding of the Constitution for at least four reasons. First, progres­sives understand constitutional law as possibilistic and open, as change rather than regularity, and as freedom rather than constraint. This under­standing of constitutionalism may be right, and it may even be right as an account of law, but as an account of adjudicative law—of what courts in fact do—it is perverse. Adjudicative law is persistently authoritarian: demonstration of the "truth" of legal propositions (arguably unlike other truth statements) relentlessly requires shows of positive authority. Existen­tialism may not be an odd foundation for a theory of politics, legislation, or constitutionalism, but it is certainly an odd (to say the least) ground­ing for a theory of adjudication. The lesson from this tension between the possibilistic Constitution envisioned by progressives and the authoritarian structure of adjudicative law is not necessarily that the conventional ac­count of adjudicative law as requiring demonstrations of binding authority is wrong; rather, the important point may be that the identification of con­stitutional process and choices with the sphere of adjudicative rather than legislative legality—with law rather than politics—is misguided. Second, the instrumental goal toward which the progressive Constitu­tion is aimed is the abolition of subordinating and damaging hierarchies. The justice to which it aspires is not corrective but distributive. Yet the ideal of justice to which adjudicative law aspires has historically been primarily corrective and compensatory, rather than redistributive.121 Another way to put the point is that adjudicative law has for the most part been essentially conservative: it maintains, stabilizes, and reifies the status quo against change. It exists to protect against change. Antisubordination is accordingly a peculiar goal to establish for adjudicative law. It is not, however, a peculiar goal for legislation, nor is it an odd or outlandish understanding of the import of the Fourteenth Amendment. Perhaps, again, we should conclude from this not that it is misguided to understand adjudicative law as aimed at corrective rather than redistributive justice, but, rather, that it is misguided to conceive of a progressive and radically redistribu­tive directive document such as the Fourteenth Amendment as a source of adjudicative law, rather than as a source of inspiration or guidance for legislative change. Third, the "morality" that adjudicative law undoubtedly absorbs from time to time is almost invariably conventional and traditional rather than aspirational or utopian. The Court may indeed read the "Law" through the lens of morality, but the morality that comprises the lens is the morality embraced by the dominant forces in the community,122 not an aspirational morality of unlived ideals informed by experiences of oppression.123 Adju­dicative law typically reflects a community's moral beliefs, and only rarely its aspirational ideals. Perhaps, then, we should conclude not that the conventional understanding of the relation between adjudicative law and conventional morality is wrong, but that the Constitution—because it is indeed open to an aspirational interpretation—is simply not exclusively a source of adjudicative law. Fourth, the form and processes of "adjudication" create additional ten­sions for the progressive paradigm, quite apart from and no less serious than those created by the idea of adjudicative law. As anyone who has ever been unwillingly caught in the process knows, adjudication is profoundly elitist, hierarchic, and nonparticipatory. It is itself a form of domina­tion that creates experiences of subordination. The protestations of mod­ern civic republicans notwithstanding, it is the antithesis of participatory democratic politics. The obsessive attention given by civic republican and liberal constitutionalists alike to the "antimajoritarian difficulty" posed by aggressive judicial review has not done anything actually to solve the difficulty; it has only served to highlight the utter incompatibility of both liberals' and republicans' substantive commitment to egalitarian and par­ticipatory democracy with their simultaneous endorsement of nonpartici­patory, antidemocratic, and intensely hierarchical adjudicative processes for achieving it.124 There are still other distorting constraints imposed by adjudication on the progressive paradigm. To name just a few: Adjudication presupposes bipolar conflicts; progressivism does not. Adjudication requires at every turn in the road recitation of and support from "authority"; progressivism is constitutively distrustful of authority. Adjudication requires a recalci­trant, guilty, state defendant, one consequence of which is a judicially constructed "nightwatchman"-like Constitution that can act only against pernicious state action, while progressivism understands the problems of inequality, subordination, and bondage in our lives to stem not from state action, but from private and social action followed by state inaction—the failure of the state to act against private oppression. Adjudication is particularistic and individualistic; progressivism is anything but. Finally, adjudication blames, condemns, and punishes; progressivism is fundamen­tally uninterested, on many levels and for complex reasons, with blame and innocence. These are surely good reasons to fear that a progressive Constitution is not going to fare well in any adjudicative body, not just in front of a conservative Supreme Court. The consequence of the tension between adjudication and progressiv­ism is that the legalization of constitutional discourse may have seriously impoverished the progressive tradition. When we read our progressive poli­tics through the lens of the Constitution, and then read the Constitution through the lens of law, we burden progressivism with the constraints, limits, doctrines, and nature of law. Progressivism, its very content, be­comes identified with that which courts might do and that which lawyers can feasibly argue. In the process, progressivism in the courts becomes weak and diluted. The consequence of this tension is not only, however, that progressivism in the Supreme Court is impoverished, although clearly it is. The consequence is also that progressive politics outside the Court is robbed of whatever rhetorical and political support it might have re­ceived from a de-legalized conception of the progressive Constitution. In a culture that routinely identifies its political aspirations with constitu­tionalism, it becomes extremely difficult to demand progressive change of a nature that the adjudicated Constitution cannot support. Redistribu­tive progressive politics, for example, may be burdened by the "shadow effect" of the refusal, both on the Court and outside it, to understand poverty as a suspect basis of classification, or minimal material well-being as a fundamental right. More generally, any antisubordinationist progres­sive legislation is marginalized by the inability of the Court to "find" an antisubordination principle in the Constitution. Constitutionalism defines our public morality, to some extent, and the failure of the adjudicated Constitution to accommodate progressive ends accordingly impoverishes progressive morality. Thus, progressive politics is impoverished by the adjudicated Constitu­tion simply because it loses the force, and power, of constitutional thought. The legal profession pervasively, and the larger culture somewhat, has come to view the Constitution as the repository of public morality; as the source, genesis, and articulation of our political obligations. If our collective social morality and our moral aspirations are embedded in our Constitution, if the Constitution is a form of adjudicative "law," and if adjudicative law exists in a state of profound and perpetual (and not par­ticularly creative) tension with progressive morality and ideals, then this conclusion is inescapable: progressive morality will never become part of our public morality, regardless of the composition of the Supreme Court. Progressive constitutionalism may be part of the problem (as the saying goes), not part of the solution. If progressive constitutionalists care as much about progressive politics as they care about the Constitution (a big "if"), then the imperative is unavoidable: the circle must be broken.

## 2NC Court Capital DA

### overview

#### Your philosophical mumbo-jumbo pales in comparison to the educational benefits of affirmative action

MOSES ’11 (Michele S.; Associate Professor of Educational Foundations, Policy and Practice – University of Colorado-Boulder, “Race, Affirmative Action, and Equality of Educational Opportunity in a So-Called “Post-Racial” America,” 30 Kan. J.L. & Pub. Pol’y 413, l/n)

I agree with critical race theorists that affirmative action can be seen merely as a Band-Aid. It is, after all, just one way to increase equality of educational opportunity. Clearly, it needs to be part of a larger, more comprehensive system to improve all levels of education and social services for underrepresented and underserved students of color. Still, the critical race argument against affirmative action policy does not have enough force. Although imperfect, affirmative action has opened, and continues to open, doors of opportunity to selective higher education. As such, affirmative action supports the critical development of democratic citizens of every race and ethnicity. Anderson makes a cogent point:

Unless disadvantaged racial groups are integrated into mainstream social institutions, they will continue to suffer from segregation and discrimination. But the loss is not only theirs. It is a loss suffered by the American public at large in its failure fully to realize civil society - extensive social spaces in which citizens from all origins exchange ideas and cooperate on terms of equality - which is the [\*426] indispensable social condition of democracy itself. n84

A healthy democracy needs diversity of all kinds to function optimally. n85 The moral disagreements and accompanying dialogue and deliberation stemming from diversity and pluralism foster democratic participation and can lead to positive social change. In that vein, Mouffe argues:

What is specific and valuable about modern liberal democracy is that, when properly understood, it creates a space in which this confrontation is kept open, power relations are always being put into question and no victory can be final ... such an "agonistic' democracy requires accepting that conflict and division are inherent to politics ... . n86

Affirmative action, then, does matter, both practically and symbolically, for developing democratic citizens who can participate and lead in their communities. It matters at every level of democratic politics and society. Affirmative action is a policy that fosters equal treatment of applicants under unequal social conditions. To take just one example, affirmative action policies create opportunities for more physicians of color, n87 who are in turn more likely to practice in underserved neighborhoods. n88 It also creates a better educational environment for all students. n89 This is, to be sure, a within-the-system argument, but this is the system we have and for there to be any chance at more radical change, people of color need to have places and voices at the table.

VI. Conclusion: Against the "Post-Racial" Thesis

To conclude, are we post-racial? Are the debates over affirmative action [\*427] and other race-conscious policies just an artifact of the culture wars, with little meaning for students currently underrepresented in selective institutions of higher education? I suppose the first part of my answer is, "It depends." The answers to these questions depend on one's world-view, whether one thinks civil rights and equality require pure sameness of treatment, or whether one thinks they require differences of treatment under certain circumstances. However, the second part of my answer is, "No, we are not indeed post-racial, and affirmative action remains an important way to increase opportunities for students underrepresented in selective higher education." Glenn Loury makes an important point: "the process of selecting those who will enter the prestigious colleges and universities is a visible, high-stakes civic exercise. And the perceived legitimacy of these annual "selection rituals' is a matter of vital public interest." n90 According to Kim Forde-Mazrui, just as proponents of affirmative action may invoke moral justifications for it, similarly, opponents may invoke moral arguments against it. n91 So it is not enough to say one is on the side of morality in this argument - there are moral arguments on both sides, related to the color-blind and race-egalitarian paradigms. The question then becomes, which moral arguments have the greater force and substance?

For all the attention to postmodern theories and anti-universalism, there is, I think, a right answer here. I have endeavored to show that race-conscious education policies, like affirmative action, foster educational opportunities for underrepresented students of color, treating them as equals. The more racially and ethnically integrated education and social system such policies create, in turn promotes democracy, the ideal of which cannot be realized when there is significant racial and ethnic segregation and injustice. As Justice Blackmun pointed out, because race and ethnicity matter very much in students' everyday lives, "in order to treat some persons equally, we must treat them differently." n92 Race-conscious education policies accomplish this goal in the service of equality of educational opportunity and democracy.

### Yes link mag

#### Individual decisions affect the Court’s capital – even small amounts of opposition can have a substantial impact

GROSSKOPF and MONDAK ’98 (Anke & Jeffrey J.; Professors of Political Science – University of Pittsburgh & Florida State University, Political Research Quarterly, Vol. 51, No. 3, September, factiva)

Despite these caveats, it would be rash to dismiss the effects identified here as the products of a liberal testing procedure. Using individual-level opinion data from national surveys, we have shown that specific decisions do matter for what people think about the Supreme Court. At minimum, this means that the Court is not fully insulated from backlash against its most controversial actions. Further, although Webster and Texas v. Johnson were of high salience, information about other decisions does reach the public (e.g., Franklin and Kosaki 1995). For instance, Adamany and Grossman (1983) reported that 40 percent of respondents could name at least one recent Supreme Court decision they either liked or disliked, suggesting that exposure to information about decisions is higher still. The pattern of effects reported here also comports well with the concept of a negativity bias. Respondents who agreed with both the abortion and the flag-burning decisions gave the Court minimal credit for ruling twice in the preferred direction, but people who disagreed with one or both edicts reacted more strongly against the Court in response. This pattern reveals why the Court must operate with caution: favorable response to its rulings is, in itself, likely to be insufficient to offset the damage inflicted by too many high-salience, unpopular decisions. The dominance of negativity also means that aggregate confidence in the Supreme Court can change even if large portions of the American public are unaware of a particular decision, because effects will be unidirectional. Where positive perceptions do not cancel out negative views, critical reactions to a decision by even a relatively small percentage of the public can trigger a measurable decline in confidence.

### capital

#### Kennedy would perceive the plan as costing capital

RAPPAPORT ’04 (Michael B.; Professor of Law – University of San Diego, 99 Nw. U.L. Rev. 369, l/n)

If these critiques of the Rehnquist Court are not accurate, then how should we portray the Court? The answer can be summarized in a sentence: It is the O'Connor Court or perhaps the O'Connor-Kennedy Court. The three conservatives cannot obtain a majority without both O'Connor and Kennedy joining the opinion, and therefore these justices dominate the Court's decisions. The O'Connor-Kennedy appellation fairly reflects the decisions and overall work product of the Court as I have been describing it. O'Connor [\*377] and Kennedy are political moderates, often leaning in a conservative direction, but sometimes following liberal views. In addition, neither Justice appears willing to consistently impose his or her views on other political institutions. One important element of O'Connor and Kennedy's judicial behavior is that they appear especially concerned with protecting the Court's political capital. Consequently, these Justices would be unlikely to reach too many decisions that would lead to significant attacks on the Court. Many of the decisions that have been criticized for excessive judicial supremacy are actually better understood as reflecting an undue concern with the Court's political capital. For example, Larry Kramer portrays United States v. Dickerson, which held unconstitutional a congressional statute that conflicted with Miranda v. Arizona, as reflecting a judicially supremacist view that took umbrage at, and refused to defer to, a constitutional interpretation by Congress. 46 In my view, however, Dickerson is better understood as deriving from the Court's unwillingness to be seen as overruling Miranda. Miranda arguably is the most famous decision in all of constitutional law. Citizens who know little else about constitutional law know from television and movies about "the right to remain silent." If the Rehnquist Court had overruled Miranda, it would have not only been criticized by elite opinion but also taken a highly visible action to eliminate "a constitutional right." As a result, Dickerson could have been used to suggest that the Court was demolishing the people's liberties generally. In this situation, the most politically sensitive "conservative" Justices - O'Connor, Kennedy, and Rehnquist - bolted. A similar analysis applies to Planned Parenthood v. Casey, where the joint opinion of Justices O'Connor, Kennedy, and Souter refused to overrule Roe v. Wade. 47 Kramer again views this case as involving undue judicial supremacy because the joint opinion was concerned about the appearance created to its independence and credibility if it were to "overrule under fire ... a watershed decision." 48 While I certainly do not want to defend the joint opinion on legal grounds, I see no reason to doubt that it was motivated by its stated fear for the political capital of the Court rather than disrespect for the public's constitutional views. Had the Court overruled Roe v. Wade, it was likely to have been subjected to a vehement attack by the political elite as well as by large numbers of ordinary citizens. These attacks could have charged not only that the Court had mistakenly eliminated a constitutional right, but that it had responded to political pressure. [\*378] It was much safer for the Court to approve the precedent while suggesting that the decision was wrong as an original matter. 49 Finally, the Court's federalism decisions can also be understood as an element of Justice O'Connor and Kennedy's political sensitivity. 50 While the five federalism Justices clearly seek to enforce constitutional federalism, the Court has not struck down any politically important legislation that might provoke the political branches to strongly attack it. Justices O'Connor and Kennedy have also adopted narrow positions regarding federalism, both in separate concurrences and in their votes. 51 It would seem that Justices O'Connor and Kennedy are wary of doing anything that would provoke the strong reactions that occurred during the New Deal.

#### Justices engage in cost benefit analysis

LUND ’96 (Nelson; Professor of Law – George Mason, 31 Ga. L. Rev. 1, Fall, l/n)

That state of affairs has now been drastically altered. When the Supreme Court began invoking the Due Process Clause of the Fourteenth Amendment to apply provisions of the Bill of Rights against state governments, it was compelled to begin deciding a wide range of questions that had not arisen earlier, and that might never have arisen but for this process of "incorporation." Even after the enormous transfer of responsibility to the central government beginning in the 1930s, it is still the states that engage in most of the regulatory actions that tend to generate hard questions [\*48] under the Bill of Rights. The effect has been profound: when the Supreme Court interprets a provision of the Bill of Rights in a way that leads to a dangerous curtailment of government power, there is no longer a safety valve in the system, for the Court's decision disables the states as well as the federal government. The direct result is that the Court has increasingly, and almost necessarily, begun to act more like a legislative body than like a court of law interpreting the written commands of the sovereign. Because its decisions about the limits of government power apply to the federal and state governments alike, the Court now engages in an endless process of adjusting and readjusting the permissible bounds of liberty in a variety of sensitive contexts. When engaged in this process, which takes place under the aegis of substantive due process as well as under the Bill of Rights, the Court has sometimes offered openly political judgments in support of its decisions, along with considerable sensitivity to public opinion. 109 More commonly, the Court has engaged in a manifestly policy-driven balancing of costs and benefits that has often become rather detached from either the text or history of the constitutional provision that is invoked to justify the results. 110 If the Court comes to be dominated by judges committed to a more [\*49] restrained judicial role than those who have taken the lead during the past few decades, these phenomena may diminish somewhat. Unless Fourteenth Amendment incorporation is discarded, however, and the Bill of Rights again taken only as a set of restraints on the federal government, the underlying task of balancing individual liberty against public safety will continue to be performed by the Court, though perhaps a little less flamboyantly. And no provision of the Bill of Rights more obviously requires a balancing of these interests than the Second Amendment.

## 2NC T

### 2NC Limits

#### The primary purpose of the plans action must be a direct effect on production – otherwise the topic is unmanagable

EIA, Energy Information Administration, Office of Energy Markets and End Use, U.S. DOE, 1992

(“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 Violation

#### Simply imposing a monitoring and reviewing system to scrutinize is explicitly not a ‘restriction’ – it is merely supervision

Jean Schiedler-Brown (Attorney at Law Offices of Jean Schiedler-Brown &

Associates) June 19 2012 Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### LITMUS TEST—can you comply? If you can, it is regulation, not restriction

Mohammed 7 Kerala High Court Sri Chithira Aero And Adventure ... vs The Director General Of Civil ... on 24 January, 1997 Equivalent citations: AIR 1997 Ker 121 Author: P Mohammed Bench: P Mohammed

Microlight aircrafts or hang gliders shall not be flown over an assembly of persons or over congested areas or restricted areas including cantonment areas, defence installations etc. unless prior permission in writing is obtained from appropriate authorities. These provisions do not create any restrictions. There is no total prohibition of operation of microlight aircraft or hang gliders. The distinction between 'regulation' and 'restriction' must be clearly perceived. The 'regulation' is a process which aids main function within the legal precinct whereas 'restriction' is a process which prevents the function without legal sanction. Regulation is allowable but restriction is objectionable. What is contained in the impugned clauses is, only regulations and not restrictions, complete or partial. They are issued with authority conferred on the first respondent, under Rule 133A of the Aircraft Rules consistent with the provisions contained in the Aircraft Act 1934 relating to the operation, use etc. of aircrafts flying in India.

#### Federal Energy regs are FIVE 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 K

### a2: permutation

#### To rid oneself of neuroses attached to the impulse to secure cognitive space with the false "cure" of the 1ac's inviting analysts' couch you must reject psychoanalytic frameworks

**Seem '81** Mark, acupunturist and translator, Translator's Introduction to *Anti-Oedipus* by Gilles Deleuze and Felix Guattari

**To be anti-oedipal is to be** anti-ego as well as anti-homo, **willfully attacking all reductive psychoanalytic and political analyses that remain caught within the sphere of totality and unity, in order to free the multiplicity of desire from the deadly neurotic and Oedipal yoke**. For Oedipus is not a mere psychoanalytic construct, Deleuze and Guattari explain. Oedipus is the figurehead of imperialism, "colonization pursued by other means, it is the interior colony, and we shall see that even here at home ... it is our intimate colonial education." **This internalization of man by man, this "oedipalization," creates a new meaning for suffering, *internal suffering,* and a new tone for life: the depressive tone.** Now depression does not just come about one fine day, *Anti-Oedipus* goes on, nor does Oedipus appear one day in the Family and feel secure in remaining there. **Depression and Oedipus are agencies of the State, agencies of paranoia, agencies of power, long before being delegated to the family. Oedipus is the figure of power as such, just as neurosis is the result of power on individuals**. Oedipus is everywhere. For anti-oedipalists the ego, like Oedipus, is "part of those things we must dismantle through the united assault of analytical and political forces ."4 Oedipus is belief injected into the unconscious, it is what gives us faith as it robs us of power, *it* is what teaches us to desire our own repression. Everybody has been oedipalized and neuroticized at home, at school, at work. Everybody wants to be a fascist. Deleuze and Guattari want to know how these beliefs succeed in taking hold of a body, thereby silencing the productive machines of the libido. They also want to know how the opposite situation is brought about, where a body successfully wards off the effects of power. Reversing the Freudian distinction between neurosis and psychosis that measures everything against the former, *Anti-Oedipus* concludes: **the neurotic is the one on whom the Oedipal imprints take, whereas the psychotic is the one incapable of being oedipalized, even and especially by psychoanalysis. The first task of the revolutionary, they add, is to learn from the psychotic how to shake off the Oedipal yoke and the effects of power, in order to initiate a radical politics of desire freed from all beliefs**. Such a politics dissolves the mystifications of power through the kindling, on all levels, of anti-oedipal forces—the schizzes-flows—forces that escape coding, scramble the codes, and flee in all directions: *orphans* (no daddy-mommy-me), *atheists* (no beliefs), and *nomads* (no habits, no territories). A schizoanalysis schizophrenizes in order to break the holds of power and institute research into a new collective subjectivity and a revolutionary healing of mankind. **For we are sick, so sick, of our *selves!* It is actually not accurate to say that Deleuze and Guattari develop the schizoanalytic approach, for, as they show, it has always been at work in writers like Miller or Nietzsche or Artaud. Stoned thinking based on intensely lived experiences: Pop Philosophy. To put it simply, as does Miller, "everybody becomes a healer the moment he forgets about himself."** And Miller continues: "Reality is here and now, everywhere, gleaming through every reflection that meets the eye. . . . Everybody is a neurotic, down to the last man and woman. The healer, or the analyst, if you like, is only a super-neurotic. ... To be cured we must rise from our graves and throw off the cerements of the dead. Nobody can do it for another—it is a private affair which is best done collectively."5 Once we forget about our egos a non-neurotic form of politics becomes possible, where singularity and collectivity are no longer at odds with each other, and where collective expressions of desire are possible. Such a politics does not seek to regiment individuals according to a totalitarian system of norms, but to de-normalize and de-individualize through a multiplicity of new, collective arrangements against power. Its goal is the transformation of human relationships in a struggle against power. And it urges militant groups, as well as lone individuals, to analyze and fight against the effects of power that subjugate them: "For a revolutionary group at the preconscious level remains a *subjugated group,* even in seizing power, as long as this power itself refers to a form of force that continues to enslave and crush desiring-production. ... A *subject-group,* on the contrary, is a group whose libidinal investments are themselves revolutionary, it causes desire to penetrate into the social field, and subordinates the socius or the forms of power to desiring-production; productive of desire and a desire that produces, the subject-group always invents mortal forma- tions that exorcize the effusion in it of a death instinct; it opposes real coefficients of transversality to the symbolic determinations of subjugation, coefficients without a hierarchy or a group superego." **There can be no revolutionary actions**, *Anti-Oedipus* concludes, **where the the relations between people and groups are relations of exclusion and segregation. Groups must multiply and connect in ever new ways, freeing up territorialities for the construction of new social arrangements. Theory must therefore be conceived as a toolbox, producing tools that work**; or as Ivan Illich says, we must learn to construct *tools for conviviality* through the use of counterfoil research.6 When Illich speaks of "convivial reconstruction," he is very close to Deleuze and Guattari's notion of a "desiring-revolution." Like Deleuze and Guattari, Illich also calls for a radical reversal of the relationships between individuals and tools or machines: "This reversal would permit the evolution of a life-style and of a political system which give priority to the protection, the maximum use, and the enjoyment of the one resource that is almost equally distributed among all people: personal energy under personal control."7 All three authors agree that such a reversal must be governed by a collective political process, and not by professionals and experts. The ultimate answer to neurotic dependencies on professionals is *mutual self-care.*8

#### Our approach leaves the question of desire unanswered -- this leaves subjective space for becomings, in which we discover desire affectively, through encounter

**Seem '81** Mark, acupunturist and translator, Translator's Introduction to *Anti-Oedipus* by Gilles Deleuze and Felix Guattari

**Freed from a psychoanalytic framework, the political group or collective cannot, however, push aside the problem of desire. Nor can it leave desire in the hands of new experts. It must analyze the function of desire, in itself and in the groups with which it is involved. What is the function of desire, *Anti-Oedipus* asks, if not one of making connections? For to be bogged down in arrangements from which escape is possible is to be neurotic, seeing an irresolvable crisis where alternatives in fact exist.** And as Deleuze and Guattari comment, "perhaps it will be discovered that the only incurable is the neurotic."

### Couches

#### Impersonality turns the aff – a lack of face to face contact causes problems to get worse

Freidberg and Linn 2012 (Ahron, psychoanalytically-trained psychiatrist in private practice with over 15 years’ experience.  He is an Assistant Clinical Professor at MSMC, Louis, private practice psychoanalyst with 10+ years of experience “THE COUCH AS ICON” <http://internationalpsychoanalysis.net/wp-content/uploads/2012/06/Couch-as-Icon-Friedberg-Linn.pdf>

Winnicott embraced the visual with his concept of “mirroring” (Reis, 2004). He saw mirroring as present in the loving gaze of the mother (Winnicott, 1967). It reflected her responsiveness to the infant rather than her own defenses. It had a visual nurturance and positive acceptance of the child that helped instill in him or her a sense of being loved and cared for. This idea seems relevant for patients who have not had good-enough mother experiences or have been traumatized by early loses of one sort or another—the patients who are often considered for a classical analysis. Using the couch may further deprive such patients of an important, even vital, therapeutic means of helping them to heal. Stern (2004) describes the importance of the authentic presence of the analyst for therapeutic change. He finds that an analyst opening himself or herself up to a patient to be more a source of real change than are verbal interpretations. This intersubjective perspective is underscored by the work of D W. Winnicott, Heinz Kohut, and Christopher Bollas, among others. It does not devalue verbal understanding and interpretive work but focuses on how best to create and utilize opportune moments of contact—“ kairos” as Stern calls them—that utilize the real relationship between analyst and analysand. No doubt there is a balance for each patient (or each analyst–analysand dyad) between work that can be characterized as intersubjective and intrapsychic. Finding a right balance between the two is integral to the psychoanalytic process. It may be that for many patients the authentic presence of the analyst is fostered by a face-to-face psychoanalytic experience.

#### Couches suck – framing of couch is key

Frank 1995 (Alvin, “[The Couch, Psychoanalytic Process, and Psychic Change: A Case Study](http://www.pep-web.org.proxy.lib.umich.edu/toc.php?journal=pi&volume=15#p0324)” Psychoanalytic inquiry 15:3, special issue on the Relevance of the Couch in Contemporary Psychoanalysis)

There were two distinct periods of problems with the couch—for a time from the beginning and another preceding the end of the analysis. While analytic technical models cast lying on it without the analyst in sight as a silent facilitator, during these times it became instrumental and integral. It was as if an enzyme suddenly began a double life as a reagent, thus unpredictably and erratically altering the nature and dynamics of a physiologic reaction. Despite the couch problem's formal status as a resistance, this couch problem and that with which it was associated were part of the rapid and effective evolvement of analytic beginning and middle phases. In contrast to the superficial appearance of disarray, the transferential dynamic curative process unfolded in classical progressive and deepening dimensions. The understandings that evolved, particularly those connecting present miseries with past experienced tragedies, were used to extend the influence of unharnessed adult strengths. It is ironic that what was presented as defiance of the analyst included the embrace of analysis. But refusal to use the couch in the last part of the fourth year's analysis was part of a very different process. It was an attempt to stop analysis by not stopping theanalysis. The specter of termination, originating in her realistic appreciation of progress and the fact that pain and crippling were now escapable, meant forfeiting claims tochildhood satisfaction, vengeance, unreasonable hopes, and unrealizable wished triumphs. Giving me up was losing the people of early memory, including herself as she had been. She tried to reinstate the regressive relationship and situation between us, which she already largely understood and whose analysis and working through so far had led to important improvement. Then she could desperately cling to the population and ethos of her earlier years, and she could repeat rather than resolve. This was then a classic transference resistance. So the same actions, feelings, and ideas involving the couch at different times had diametric meanings and impact.

#### Turns solvency – the couch causes people to be dogmatically and rigidly defined, this type of analysis causes cookie cutter solutions that are ineffective

Freidberg and Linn 2012 (Ahron, psychoanalytically-trained psychiatrist in private practice with over 15 years’ experience.  He is an Assistant Clinical Professor at MSMC, Louis, private practice psychoanalyst with 10+ years of experience “THE COUCH AS ICON” <http://internationalpsychoanalysis.net/wp-content/uploads/2012/06/Couch-as-Icon-Friedberg-Linn.pdf>

In traditional psychoanalytic circles such as Institutes of the American Psychoanalytic Association, it is still emphasized, if not taken as a given, that the couch is an important and even necessary tool for conducting a psychoanalysis. Ironically, a treatment that is meant to address the needs of individuals became codified and dogmatically defined in traditional institutes and training programs. In their contemporary textbook on psychoanalysis, Nersessian and Kopff (1996) introduce the section on treatment with the following statement: “The two principal conditions [for psychoanalysis] are that (1) the patient is seen four or five times a week for 50 minutes each time, and (2) he or she lies on a couch, with the psychoanalyst sitting behind” (p. 419). The editors attributed these conditions to Freud but, as mentioned, he famously conducted analyses that did not follow this supposed prescription throughout his career. Furthermore, these uniform parameters with couch and frequency are not used by the International Psychoanalytic Association (IPA, 2009). But here, in a standard textbook on psychoanalysis, the attitude is clearly “no couch, no analysis.” The traditional psychoanalytic community (e.g., the American Psychoanalytic Association and its Institutes) has tended to emphasize, if not adhere to, this belief that the couch is essential to the psychoanalytic situation and to conducting analysis. Given its centrality in psychoanalytic teaching and practice, one might consider the necessity of structuring the procedure in this manner to be scientifically proven or rigorously, clinically studied. However, a literature review of over four hundred papers on the usage of the couch in analysis demonstrated to us that such carefulness and thoroughness is not the case.1 Instead, it is generally taken as a given by some analysts that the couch is necessary for conducting analysis, and as a given by other analysts that it is not. No real consensus is reached between schools of thought. In fact, the literature of each side of this de bate is often published in journals whose philosophy and affiliation are in accordance with one point of view or the other. The classical psychoanalytic community also tends to hold the attitude that a couch-based analysis is the treatment of choice— the “gold standard” of treatment—for patients who are neurotic. Rothstein (1999) goes so far as to find it the best treatment overall for nonpsychotic patients. In Psychoanalytic Technique and the Creation of Analytic Patients, he states that “analysts who lack sufficient conviction and who have few or no cases in analysis may have an unconscious bias against analysis” (p. xii). He believes that a couch-based analysis is the best treatment for patients who seek help for complaints about their personal and professional lives or who have specific symptoms. This attitude is problematic for two reasons: (1) Not all patients who are nonpsychotic are analyzable using the techniques of classical psychoanalysis, and (2) even for patients who are analyzable, it is not necessarily the treatment of choice to help relieve suffering and foster personal growth. The literature about the limits and limitations of psychoanalysis is extensive, even in the classical psychoanalytic literature. The idea that any patient who comes for treatment and can be analyzed should be could seem self-serving. Although, of course, sometimes the patient’s best interest may be served by the analyst’s as well.

### Case

#### Psychoanalysis views "the symbolic order" as apolitical and independent of culture -- this is both historically ignorant and re-entrenches domination

**Fraser 90** (Nancy, “The Uses and Abuses of French Discourse Theories for Feminist Politics”

boundary 2, Vol. 17, No. 2 (Summer, 1990), pp. 82-101

It follows that one cannot even pose the question of cultural hege-mony. There can be no question about how the cultural authority of domi-nant groups in society is established and contested, no question of unequal negotiations between different social groups occupying different discur-sive positions. On the contrary, on the Lacanian view there is simply" the symbolic order, "a single universe of discourse that is so systematic, so all-pervasive, so monolithic that one cannot even conceive of such things

as alternative perspectives, multiple discursive sites, struggles over social meanings, contests between hegemonic and counterhegemonic definitions of social situations, conflicts of interpretation of social needs. One cannot even conceive, really, of a plurality of different speakers. With the way blocked to a political understanding of identities, groups, and cultural hegemony, the way is also blocked to an understand-ing of political practice. For one thing, there is no conceivable agent of such practice. None of the three moments that comprise the Lacanian view of the person can qualify as a political agent. The speaking subject is simply a grammatical "I" wholly subjected to the symbolic order; it can only and forever reproduce that order. The Lacanian ego is an imaginary projec-tion, deluded about its own stability and self-possession, hooked on an impossible desire for unity and self-completion; it therefore can only and forever tilt at windmills. Finally, there is the ambiguous Lacanian uncon-scious, sometimes an ensemble of repressed libidinal drives, sometimes the face of language as Other, but never anything that could count as a social agent.

# Round 7 – Neg v George Washington 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

#### Fiscal cliff resolution now

Kimberly Atkins (writer for the Boston-Herald) November 8, 2012 “Prez returns to D.C. with more clout” http://bostonherald.com/news/columnists/view/20221108prez\_returns\_to\_dc\_with\_more\_clout

When President Obama returned yesterday to the White House, he brought with him political capital earned in a tough re-election fight as well as a mandate from voters — which means bold changes and bruising fights could lie ahead. The first agenda item is already waiting for him: reaching an agreement with lawmakers to avert the looming fiscal cliff. GOP lawmakers have previously shot down any plan involving tax increases. Obama’s win — based in part on a message of making the wealthiest Americans pay more — may already be paying dividends. In remarks at the Capitol yesterday, House Speaker John Boehner seemed to acknowledge the GOP has to take a different tack than the obstructionism that has marred progress in the past. “The president has signaled a willingness to do tax reform with lower rates. Republicans have signaled a willingness to accept new revenue if it comes from growth and reform,” Boehner said. “Let’s start the discussion there.” Obama’s fresh political clout could extend to longer term fiscal policies beyond the fiscal cliff, though don’t expect GOP pushback to vanish. House Republicans still have plenty of fight in them.

#### Costs pc and Obama will push

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.

#### Ensures compromise now – but re-election PC is finite

Ron Kampeas (writer for Intermountain Jewish News) November 7, 2012 “Obama’s second term: More of the same, at least until Iran flares” http://www.ijn.com/presidential-elections/2012-presidential-elections/3530-obamas-second-term-more-of-the-same-at-least-until-iran-flares

The fiscal cliff and specifically sequestration is a major concern," Daroff said. "Our concern continues to be that as the nation and our political leaders continue to assess how to make cuts in spending that those cuts don't fall disproportionately on vulnerable populations that rely upon social service agencies that depend on our funding." Cuts of about 8.5 percent would immediately affect the viability of housing for the elderly, according to officials at B'nai B'rith International, which runs a network of homes. Officials at Jewish federations say the cuts also would curb the meals and transportation for the elderly they provide with assistance from federal programs. Obama and Congress would have had to deal with heading off sequestration in any case, but as a president with a veto-wielding mandate of four more years, he has the leverage to head off deep cuts to programs that his top officials have said remain essential, including food assistance to the poor and medical entitlements for the poor and elderly. David Makovsky, a senior analyst with the Washington Institute for Near East Policy, said Obama's priorities would be domestic. "While a victory in the second term tends to give you some political capital, capital is still finite," he said, citing George W. Bush's failure in 2005 to reform Social Security, despite his decisive 2004 triumph. "This suggests to me the president will keep his focus on the economy and health care," and not on major initiatives in the Middle East.

#### Failure to pass fiscal cliff guarantee collapse of the economy and hegemony – causes Middle East war

Kay Bailey Hutchison (U.S. Senator from Texas) 9/21/2012 “A Looming Threat to National Security,” States News Service, Lexis

Despite warnings of the dire consequences, America is teetering at the edge of a fiscal cliff, with January 1st, 2013 as the tipping point. On that date, unless Congress and the White House can reach agreement on how to cut the federal deficit, all taxpayers will be hit with higher taxes and deep cuts - called "sequestration" - will occur in almost all government spending, disrupting our already weak economy and putting our national security at risk. According to the House Armed Services Committee, if sequestration goes into effect, it would put us on course for more than $1 trillion in defense cuts over the next 10 years. What would that mean? A huge hit to our military personnel and their families; devastating cuts in funding for critical military equipment and supplies for our soldiers; and a potentially catastrophic blow to our national defense and security capabilities in a time of increasing violence and danger. All Americans feel a debt of gratitude to our men and women who serve in uniform. But Texas in particular has a culture that not only reveres the commitment and sacrifice they make to protect our freedom, we send a disproportionate number of our sons and daughters to serve. The burden is not borne solely by those who continue to answer the call of duty, but by their families as well, as they endure separation and the anxiety of a loved one going off to war. These Americans have made tremendous sacrifices. They deserve better than to face threats to their financial security and increased risks to their loved ones in uniform, purely for political gamesmanship. Sequestration would also place an additional burden on our economy. In the industries that support national defense, as many as 1 million skilled workers could be laid off. With 43 straight months of unemployment above 8 percent, it is beyond comprehension to add a virtual army to the 23 million Americans who are already out of work or under-employed. Government and private economic forecasters warn that sequestration will push the country back into recession next year. The recent murder of our Ambassador to Libya and members of his staff, attacks on US embassies and consulates and continued riots across the Middle East and North Africa are stark reminders that great portions of the world remain volatile and hostile to the US. We have the mantle of responsibility that being the world's lone super-power brings. In the absence of U.S. military leadership, upheaval in the Middle East would be worse. As any student of history can attest, instability does not confine itself to national borders. Strife that starts in one country can spread like wildfire across a region. Sequestration's cuts would reduce an additional 100,000 airmen, Marines, sailors and soldiers. That would leave us with the smallest ground force since 1940, the smallest naval fleet since 1915 and the smallest tactical fighter force in the Air Force's history. With the destabilization in the Middle East and other areas tenuous, we would be left with a crippled military, a diminished stature internationally and a loss of technological research, development and advantage - just as actors across the globe are increasing their capabilities. Sequestration can still be avoided. But that will require leadership from the President that has thus far been missing. Congress and the White House must reach a long-term agreement to reduce $1 trillion annual budget deficits, without the harsh tax increases that could stall economic growth and punish working families.

#### Econ collapse = nuclear war and turns naval power

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.

#### Middle east war = extinction

**Stirling 2011** – Governor & Lord Lieutenant of Canada, Lord High Admiral of Nova Scotia, & B.Sc. in Pol. Sc. & History; M.A. in European Studies (The Earl of Stirling, “General Middle East War Nears - Syrian events more dangerous than even nuclear nightmare in Japan”, http://europebusines.blogspot.com/2011/03/general-middle-east-war-nears-syrian.html)

Saddam Hussein's military had prepared what it called the "great equalizer", an arsenal of 25 Scud warheads carrying over 11,000lb of biological agents, including deadly botulism poison and anthrax germs (an additional 33,000lb of germ agents were placed in artillery shells and bombs). It was only after he was forced into denuding himself of his advanced weaponry that the neo-cons were able to begin the Second Gulf War commonly called the Iraq War. After Iraq, the Likud/neo-con war strategy calls for the neutralizing of Iran and Syria. The Iranians response, to this strategy, was to train and equip Hezbollah in Lebanon and to deepen their strategic alliance with Syria. During the 2006 Second Lebanon War, the Iranian trained and equipped Hezbollah forces repeated the efforts of Saddam during the First Gulf War. They delivered a very large number of rockets with “dumb” high explosive warheads on Israel. The Hezbollah Special Forces are in-effect a highly trained and well-equipped Iranian commando force of at least a Brigade in size. They man and protect a large number of mostly unguided and rather crude rockets, generally Katyusha 122mm artillery rockets with a 19 mile/30km range and capable of delivering approximately 66 pounds/30kg of warheads. Additionally, Hezbollah are known to possess a considerable number of more advanced and longer range guided missiles. During the 2006 war Hezbollah fired approximately 4,000 rockets (95% of which were Katyshas) all utilizing only "dumb" high explosive warheads. Some Iranian build and supplied Fajr-3 and Ra'ad 1 liquid-fueled missiles were also fired. At the time of the 2006 war Hezbollah was reported to have in the range of 13,000 rockets. There are creditable reports that this number has been rebuilt and expanded upon since the end of that war and that the number of rockets is now at least 50,000 and perhaps 60,000 or more. During the 2006 war the world watched as Israeli towns were hit time and time again by the Katyushas. What was not discussed by the main stream news media was the fact that the ordinance delivered by the Katyushas was mainly harassment fire with very limited effect. The Iranian/Syrian trained and supplied Hezhollah commandos were holding back their "heavy stuff" both in terms of their longer range guided missiles capable of hitting southern Israel and most importantly warheads of strategic military importance. That is NBC (nuclear [in this case radiological] chemical and biological) and advanced-conventional warheads. They were demonstrating their ability to deliver "ordinance on target" and their ability to survive a heavy Israeli ground and air combined arms attack. Hezbollah has the capability of loading truly strategic warheads on the large number of mostly crude older technology unguided rockets that it has. The use of advanced-conventional fuel-air explosive (FAE) warheads on the Katyushas would have had a much more profound effect in Israeli cities. The use of FAE submunitions on the larger missiles capable of hitting any target in Israel would have given Hezbollah the firepower of low-yield nuclear weapons without crossing the nuclear threshold. Coupled with the large number of missiles in Syria and those in Iran, the Hezbollah rockets posed, and continue to pose, a truly grave strategic threat to Israel if FAE warheads are used. This threat is dramatically increased if radiological ("dirty bombs"), chemical, and/or advanced biological warheads are used. The massive number of Hezbollah rockets could also be outfitted with chemical warheads. It is worth noting that the joint Syrian-Iranian chemical warfare R&D and production program is perhaps the largest and most complicated on earth. Generally the Israelis have shown themselves to be prepared for chemical warfare, however a chemical war attack following closely behind a FAE attack (to open up bunkers and apartment buildings) would have greater effect. While it is not necessary to utilize a rocket to deliver a biological war attack, it could be done and there is some benefit militarily to a rapid dispersal of biowar agents under the cover of conventional attacks. Radiological weapons deliver the long term (which can be hundreds of thousands of years) lethal effects of radiation without the blast effect of a nuclear bomb. The combined military strategic capability of NBC/Advanced Conventional warheads and very large numbers of rockets operated and protected by Hezbollah, coupled with the arsenal of Syria and Iran (and Hamas) acts as a MAD (mutually assured destruction) between Israel and Iran/Syria. Yes the Israelis can nuke the hell out of both Iran and Syria; however, they possess a fatal return punch. Only a madman would consider starting a war in a MAD environment. The response from the Israeli and neo-con hardliners to the new MAD strategic environment has been frightening. Instead of recognizing the danger to Israel and to the entire world from the Iranian/Syrian “checkmate” on the aggressive Israeli/neo-con strategy, and making major changes to their strategy, they are attempting to “tough it out”. The issue of “danger from the Iranian nuclear program” is a smokescreen to facilitate the coming war on Iran and her allies (Syria, Hezbollah, and Hamas) and to continue with the next stage of the neo-con strategy. The response from the hardliners is more war and damn their WMD (weapons of mass destruction). This is most unwise and most dangerous to the entire world. When the USSR was falling apart, and in the aftermath of the USSR breakup, Iran spend a lot of money to hire some of the best Soviet biological war experts. The advanced biowar weapons that Iran has developed gives Iran a Global Strategic Weapon of Mass Destruction that can unleash levels of death among the populations of the major neo-con nations (USA, UK, France, German, Italy, etc.) very similar to that from a global strategic nuclear strike. This means that Iran and her allies have a MAD with America, Canada, the United Kingdom, France, German, Italy, etc. Most people think of biological warfare as anthrax and smallpox; they do not understand that there has been a major shift in technology. The difference between the old biowar (that most people think of) and advanced biowar (with its recombination DNA designer super killer viruses) is like the difference between an old Model T Ford and a 2011 Rolls Royce Phantom. Both are cars, or biological weapons, but there is a difference of several orders of magnitude. Regardless of how a war against Iran breaks out, it is likely to very quickly escalate to the usage of WMD. There has been talk among USAF war planners of a 1,200 (some say 2,000 to 3,000 or more) target attack on Iran’s nuclear, industrial, military, political and religious infrastructure. If a foreign enemy were to bomb 1,200 or more targets in the United States what would be the response of the American government and it’s military? Actually the answer to this question is well known. The stated doctrine of the United States of America is to rain hundreds of hydrogen bombs (WMD) on the territory and people of such an aggressor; this has been our policy for approximately 60 years. Why do we presuppose that the Iranians would not do the same? If Iran is hit by either an Israeli and/or an American air attack, it is certain that Iran will respond. This response, even if is non-WMD at first, will certainly result in more escalation and counter-escalation. The chances of a regional Middle East war between Iran/Syria/Hezbollah/Hamas and Israel/USA not becoming a nuclear and advanced biological war nightmare are very low. In fact, since both sides know this, there is a strong military incentive to move to all out usage of WMD when the first bombs begin to fall (in order to utilize more of one’s weaponry before its destruction). This could include Iranian/Syrian fire-on-warning system using a fiber-optic CCC link between all the launch bunkers in Lebanon, Syria, Iran, and Palestine to co-ordinate fire a truly massive barrage of rockets and guided missiles, with WMD warheads, upon Israel within the first five-minutes of a launch warning. A similar fire-on-warning system for Israel, only involving nuclear-armed IRBMs, and submarine launched cruise missiles (SLCMs), and rapid launch of aircraft carried air-launched cruise missiles (ALCMs). could also launch within five minutes of warning. This is the "hair-triggering" of WMD in the single most dangerous place on the planet Earth. The end result will be a brief battle of unbelievable intensity that will leave half or more of all Israelis dead and large parts of the Israeli nation poisoned for hundreds of thousands of years by radiological warheads. Syria, Iran, and large parts of Lebanon and Palestine will cease to exists and will be little more than a green radioactive debris field poisonous to all forms of life higher than a cockroach for hundreds of thousands of years (longer than modern man has existed). The Iranian oilfields and most likely the oilfields of a large part of Saudi Arabia, Kuwait, and other areas of the Middle East are also apt to be so poisoned by Iranian radiological warheads or Israeli/American nuclear fallout, that production will effectively cease. The destruction of the Middle Eastern oilfields and the blocking of the Gulf will cause the world to suffer its most complete economic collapse in history. All of this will take less than one week from the beginning of the General Middle East War. At about two weeks, after the beginning of the war on Iran, emergency rooms and doctors offices will begin to see a sudden spike in a number of new diseases with numerous very ill people being admitted to hospitals in North America, and Western Europe and what is left of Israel. By that time the Iranian and Syrian states will have effectively ceased to exist with insufficient manpower and organization to even bury their dead. The many new genetically engineered viruses causing the strange diseases showing up will have been spread by sleeper agents supplied with a number of new viruses and distributed in public places (movie theaters, shopping malls, churches, etc.) quietly without anyone knowing. Humans themselves will become the vectors of the diseases/biowar agents. Although the Bush/Obama Administrations have spent well over $40 billion on biowar defense in the last few years, there is little that can realistically be done against a global strategic advanced biowar attack. The tactic of necessity will be to lock down everyone, with only key persons being allowed to leave their homes, in order to let the multiple genetically engineered diseases burn themselves out (a nice way of saying letting everyone who has the illnesses die off). Expect to see sub dermal RFID chips implanted under the skin of the population left in the major neo-con states to “prove your disease free status” and necessary to buy, sell, or work. Expect to see military checkpoints everywhere and total control by the neo-con national governments over all aspects of life. Expect to see concentration camps for persons suspected of disloyalty to the state (this will include many viewers of sites like this one). Expect to see levels of death, fear, repression that are almost incomprehensible. Expect to see the various biological warfare diseases spread throughout the world, even with a total shutdown of international travel. Many many millions will die in Russia and China. Expect to see those national governments not controlled by the neo-con masters to go ape shit when their populations face the nightmare of advanced biowar. Expect the regional war in the Middle East to trigger an all out global battle utilizing all forms of weapons of mass destruction within a few weeks to a few months of the initial attacks on Iran. Before we allow hardliners in Israel take us into yet another war, we need to take a very hard and realistic look at just what a war involving MAD on all sides would mean to Israel, to Europe, to North America and the entire world. The strategy of using war to effect change in the Middle East is no longer realistic, as we are in a mutually assured destruction (MAD) environment. It is also imperative, that the United States and Israel stop insisting on maintaining the Mubarak regime (perhaps minus Mubarak himself). With each passing day, week and month that the people of Egypt are prevented from successful revolution, the forces of the Muslim Brotherhood will grow. While not all in the Muslim Brotherhood are extremist, the danger is that a radicalized Egyptian population and a future government will not continue to support regional peace with Israel and that itself will dramatically raise regional danger levels. It is imperative, given the highly lethal nature of 21st Century warfare, that we stop the drive to war against Iran and stop the neocon strategy of using military force to reshape the Middle East. We (the Human Race) simply cannot survive the global use of Advanced Biological Warfare.

### 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.”

### 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

#### We control uniqueness—human well-being is on the rise

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).

#### 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.

#### 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.

#### Deconstruction doesn’t solve—material power relations are unchanged

**Bauerlein, 01** (Mark, professor at Emory, Partisan Review, Spring, proquest)

Social constructionism is one such expedient method. It has widespread support in the humanities, and so practitioners need waste no paragraphs validating it. It scoffs at empirical notions, chastising them as "naive positivism" and freeing scholars from having to prove the truth of constructionist premises and generalizations. It lightens the evidentiary load, affirming that an incisive reading of a single text or event is sufficient to illustrate a theoretical or historical generality. Objectivity as an ideal collapses, for while objectivity requires that one acknowledge opposing arguments and refute them on logical or empirical grounds, constructionism merely asks that inquirers position themselves as a subject in relation to other subject-positions. True, constructionism proposes to study phenomena as historical constructs, a proposal entailing a method of enumerating historical particulars and their convergence in this or that object. But in fact, constructionist analysis typically breaks the object down into theoretical, political, and (a few) historical constituents, most of which are common currency in academic parlance. In analyzing the text or event as a construct, inquirers suspend the whole question of the reality of the thing and the truth of the construction. All that counts is the particular version of the thing, and with no objective standard by which to measure the version, the laborious process of justification dissolves. Last month a scholarly journal asked me to assess a submission on Jacques Lacan's adoption of certain semiotic principles of Charles Sanders Peirce. After reading the essay, I recommended publication, but added that Lacan largely misconstrued Peirce's arguments and that the author needed to discuss the misrepresentations. He replied that whether Lacan was right or wrong was beside the point. He was only interested in how Lacan "appropriated" Peirce. To focus on whether Lacan understood Peirce correctly would sway the discussion from Lacan's creative uses of Peircean ideas, he said. Of course, the author's defense was epistemologically dubious, but it was institutionally beneficial. Although it put the author in the position of purveying Lacan's misconstruction of Peirce uncritically, it simplified his task enormously, saving him the trouble of checking Lacan's appropriations against Peirce's voluminous, difficult corpus. If only conservative evaluators would agree to the constructedness of Lacan's notions, not their truth, then the essay could proceed to publication. Apologias like this one are rampant in the humanities, and the books and articles that they enable flood the scholarly marketplace. University press catalogues, booknotes and ads in periodicals, and "list of contributors" pages in journals announce these publications as breakthough efforts and necessary reading, but despite the praise, most of them soon disappear into the library stacks never to be heard from again. They are hastily conceived and predictably argued, and notwithstanding the singularity promised on their dust jackets, they are all of a type. They begin with approved constructionist premises, bolster them with arguments from authority ("According to Richard Rorty. . ."), and attach them to standard generalities about power, race, and gender. They vary only in their subject matter, the texts and events selected for commentary. They also suffer from the stylistic and design flaws characteristic of scholarship pushed into production too quickly. Last year, I read six booklength manuscripts for university presses, five of them by junior faculty. All five I returned to the press with detailed instructions for developmental editing. The authors possessed considerable intelligence and earnest motives, but they obviously tried to compose too fast. Sentences were unpolished and contained uniform expressions. Transitions were jumpy and casual, as if the chapters succeeded one another with "Now, let's look at. . . ." The introductions were elliptical and rambling, as if the authors had not yet settled the question of what concerns the projects were aimed at resolving. But however rough and incoherent, such manuscripts often make it into print and the authors win promotions. This is the research result of the productivity requirements of the profession. Junior faculty scramble to get dissertations published before their time, and the market is saturated with scholarly ephemera. Younger humanities professors no longer spend ten years investigating a subject, sharpening their theses, and refining their prose. Lengthy archival studies and careful erudite readings no longer appear. Career trajectories of figures like Rene Girard, M. H. Abrams, Paul de Man, and Meyer Shapiro are eschewed, for none of those talents produced enough work early in their professional lives to merit tenure under the present system. Penalized for selecting long-term projects, assistant professors have too little time to embark upon studies such as The Mirror and the Lamp. This book-for-tenure requirement affects professors at the top fifty to seventy-five research institutions alone, but the general trend it represents-the acceleration of scholarship-reaches into all areas of academic life. Whenever faculty observe annual salary increases tied to their productivity for the year, and whenever graduate students face tuition support packages due to expire after four years, they will opt for a method of inquiry that ensures their professional livelihood. Whenever academic press editors favor topical culture studies over archival research, ambitious scholars will follow practices that help them keep pace with intellectual current events. Whenever hiring committees and funding agencies emphasize their interest in innovative, non-traditional forms of inquiry, applicants will fashion themselves accordingly, mindful of the ever more tenuous line between the avant-garde and the old hat. In each case, a commitment to painstaking induction and catholic learning proves disastrous. This is the bare and banal advantage of social constructionism: it saves time. Truth, facts, objectivity-those require too much reading, too many library visits, too much time soliciting interlibrary loan materials, scrolling through microfilm records, double-checking sources, and looking beyond academic trends that come and go. A philosophy that discredits the foundations of such time-consuming research is a professional blessing. It is the belief-system of inquirers who need an alibi for not reading the extra book, traveling to the other archives, or listening to the other point of view. This is why constructionism is the prevailing creed in the humanities today. It is the epistemology of scholarship in haste, of professors under the gun. As soon as the humanities embraced a productivity model of merit, empiricism and erudition became institutional dead ends, and constructionism emerged as the method of the fittest. Scholars may have initially embraced constructionism as a philosophical position, but the evolution of constructionism into a brash institutional maneuvering indicates that it now functions as a response to a changing labor environment. How unfortunate that humanities faculty did not fight back against the productivity standard as soon as it arose and insist that scholars need time to read, time to reflect, time to test ideas in the classroom and at conferences if they are to come up with anything lasting. What a shame that they were able to concoct a mode of thought that cooperated with the quantification system, a plan of survival that now stands as the academic wisdom of the age.

#### 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.

#### Rejection of securitization causes the state to become more interventionist—turns the K

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The following section will briefly raise some questions about the rejection of the old security framework as it has been taken up by the most powerful institutions and states. Here we can begin to see the political limits to critical and emancipatory frameworks. In an international system which is marked by great power inequalities between states, the rejection of the old narrow national interest-based security framework by major international institutions, and the adoption of ostensibly emancipatory policies and policy rhetoric, has the consequence of **problematising weak or unstable states** and allowing international institutions or major states a more interventionary role, yet without establishing mechanisms by which the citizens of states being intervened in might have any control over the agents or agencies of their emancipation. Whatever the problems associated with the pluralist security framework **there were at least formal and clear demarcations**. This has the consequence of **entrenching international power inequalities** and allowing for a shift towards a hierarchical international order in which the citizens in weak or unstable states may arguably have even less freedom or power than before. Radical critics of contemporary security policies, such as human security and humanitarian intervention, argue that we see an assertion of Western power and the creation of liberal subjectivities in the developing world. For example, see Mark Duffield’s important and insightful contribution to the ongoing debates about contemporary international security and development. Duffield attempts to provide a coherent empirical engagement with, and theoretical explanation of, these shifts. Whilst these shifts, away from a focus on state security, and the so-called merging of security and development are often portrayed as positive and progressive shifts that have come about because of the end of the Cold War, Duffield argues convincingly that these shifts are highly problematic and unprogressive. For example, the rejection of sovereignty as formal international equality and a presumption of nonintervention has eroded the division between the international and domestic spheres and led to an international environment in which Western NGOs and powerful states have a major role in the governance of third world states. Whilst for supporters of humanitarian intervention this is a good development, Duffield points out the depoliticising implications, drawing on examples in Mozambique and Afghanistan. Duffield also draws out the problems of the retreat from modernisation that is represented by sustainable development. The Western world has moved away from the development policies of the Cold War, which aimed to develop third world states industrially. Duffield describes this in terms of a new division of human life into uninsured and insured life. Whilst we in the West are ‘insured’ – that is we no longer have to be entirely self-reliant, we have welfare systems, a modern division of labour and so on – sustainable development aims to teach populations in poor states how to survive in the absence of any of this. Third world populations must be taught to be self-reliant, they will remain uninsured. Self-reliance of course means **the condemnation of millions to** **a barbarous life of inhuman bare survival**. Ironically, although sustainable development is celebrated by many on the left today, by leaving people to fend for themselves rather than developing a society wide system which can support people, sustainable development actually leads to a less human and humane system than that developed in modern capitalist states. Duffield also describes how many of these problematic shifts are embodied in the contemporary concept of human security. For Duffield, we can understand these shifts in terms of Foucauldian biopolitical framework, which can be understood as a regulatory power that seeks to support life through intervening in the biological, social and economic processes that constitute a human population (2007: 16). Sustainable development and human security are for Duffield technologies of security which aim to *create* self-managing and self-reliant subjectivities in the third world, which can then survive in a situation of serious underdevelopment (or being uninsured as Duffield terms it) without causing security problems for the developed world. For Duffield this is all driven by a neoliberal project which seeks to control and manage uninsured populations globally. Radical critic Costas Douzinas (2007) also criticises new forms of cosmopolitanism such as human rights and interventions for human rights as a triumph of American hegemony. Whilst we are in agreement with critics such as Douzinas and Duffield that these new security frameworks cannot be empowering, and ultimately lead to more power for powerful sta**tes**, we need to understand why these frameworks have the effect that they do. We can understand that these frameworks have political limitations without having to look for a specific plan on the part of current powerful states. In new security frameworks such as human security we can see the political limits of the framework proposed by critical and emancipatory theoretical approaches.

#### Security is a pre requisite to solidarity and democratic politics – retaining the signifier is key to reshaping and new meaning – rejection fails

Nunes 7 [João Reis Nunes, Marie Curie Fellow and Ph.D. Candidate in International Politics at the University of Wales, Aberystwyth, September 2007, “Politics, Security, Critical Theory: A Contribution to Current Debates on Security,” online: <http://archive.sgir.eu/uploads/Nunes-joaonunes-politicssecuritycriticaltheory.pdf>]

This section draws from the insight, discussed above, that the political response to the exception need not necessarily install the fear of the enemy and the exercise of unrestrained sovereign power as ‘energetic principles’ of politics. Simultaneously, the reflection here presented is indebted to the Welsh School’s insight that security plays a central role in social and political transformation. It will be argued that security, when freed from decisionist understandings, possesses an integrative value and can be considered a ‘necessary virtue’. The argument will show that it is possible and desirable to retain the security signifier and that recent work on the governance of security offers promising insights in the definition of ‘democratic virtues’ within security practices.¶ The argument presented in this paper has demonstrated that security has been (implicitly or explicitly) interpreted as a signifier, a register of meaning that orders social and political relations in a specific way – that is, as allowing for the rise of a discretionary and unchecked understanding of power. Huysmans has been particularly eloquent in arguing that ‘security has a history and implies a meaning, a particular signification of social relations’ (1998:228). His work has shown how ‘security’ can be seen as having a performative – and not merely descriptive – function: through the use of this signifier, social relations are transformed into security relations (1998:232). Huysmans’ work is a sophisticated example of how the inscription of issues into the security signifier – what he terms ‘security framing’ – has been used to legitimize undemocratic practices; moreover, his analysis of the spill-over effects of securitization processes (2006) has shown that the security logic can be discursively transposed and end up ‘contaminating’ other areas (e.g. migration and asylum).¶ This section wishes to draw from Huysmans’ work on security as a signifier, particularly from his conception of the signifier as eminently historical. It argues that we must radicalize this historicity and come to see the meaning of security as the result of a contingent crystallization, and not an ineluctable condition. In other words, there is no fixed ‘politics of the signifier’ of security (1998:232); as Rothschild (1995) and Wæver (2004) have shown, the meaning of security – and the set of understandings and practices that this wide order of meaning entails – have changed through time.¶ This section argues that the critique of the current meaning of security must be complemented with the definition of alternative meanings. In other words, the aim is to go beyond current understandings of security as the suspension of politics, not by arguing for the substitution of security with other supposedly autonomous signifier(i.e. politics), but rather by working within the signifier and attempting to release its transformative potential.¶ The theoretical reflection undertaken in the previous section can be seen as the first step of this departure from reified assumptions about the ‘politics of the signifier’ of security. By showing that Schmitt’s transcendental conception of sovereign power is problematic and can be criticized at both the philosophical (Benjamin) and the social-economic-legal level (Neumann), it opened the way for the definition of alternative normative principles of politics. In other words, it demonstrated the possibility of conceiving different modalities for dealing with the problem of the exception, thereby allowing for a denaturalization of the connection between security and an extreme conception of politics based on the ‘fear of the enemy’ and on unrestrained sovereign power. It is interesting to note that Huysmans’ himself engaged with the work of Neumann and argued that it is possible to conceive exceptionalism in different ways, according to ‘the energetic principles of politics upon which support for exceptionalism is based’ (2004:338). This section argues that it is possible to follow from this insight whilst retaining the signifier of security.¶ But why work within the signifier of security? Why not recognize the loaded and controversial meaning that security has come to convey, and rather opt for some other register of meaning, like politics? It can be argued, on the one hand, that this ‘strategy of replacement’ – which finds its most concrete materialization in calls for desecuritization – overlooks the interconnection and mutual dependency between these two signifiers (as Behnke 2006 persuasively argued in a response to Aradau). This part of the answer has been dealt with satisfactorily and will be left aside. Instead, this reflection will focus on another issue that is overlooked by calls for dispensing with security altogether: the positive value of security in the context of emancipatory change in the political realm, an insight that has been brought to critical debates by the Welsh School.¶ In this context, this reflection rejects an arguably dominant conception of security as something that is inherently inimical to ‘good’ social relations (a good example is Zedner 2003) and sides with a growing literature – located mainly in the field of criminology – that recognizes the positive and ‘civilizing’ role that security can play. Ian Loader and Neil Walker’s recent work is particularly significant here, and offers extremely interesting insights for a reevaluation of security and a reconfiguration of security practices along more democratic lines.¶ Loader and Walker defend the idea that security is ‘an indispensable constituent of any good society’ **(2007**:4). When understood as a ‘public good’, security can play an important role in the reinvention of social democratic politics. It is noteworthy that Loader and Walker directly challenge Schmittian understandings of friend/foe politics when they conceive security as a realm that deals with the relationship individuals have ‘to the intimates and strangers’ (2007:18). It is their contention that, when conceived along more democratic lines, security becomes ‘the producer and product of forms of trust and abstract solidaritybetween intimates and strangers that areprerequisite to democratic political communities’ (2007:8). Engaging explicitly with Neumann’s work on the detrimental effects of a culture of fear to democratic politics28, Loader and Walker argue that ‘a democratic, egalitarian and solidaristic security culture’ (2007:4) can constitute a powerful antidote to the lack of cohesiveness and integration of modern societies.¶ A connection can be established between the positive, emancipatory value of security put forward by the Welsh School and ¶ Loader and Walker’s understanding of security as a ‘thick’ public good, with an integrative and civilizing role in democratic ¶ societies29. Loader and Walker’s exploration of the meaning of security as a public good (2007:143- 169) focuses on three layers: the instrumental, the social and the constitutive. According to the first level, a social or public element is indispensable to the very process of producing or providing the good in question – in this sense, security is a public good because it cannot be produced or provided in the private sphere, always requiring a social interaction.¶ The second dimension sees security as an eminently social phenomenon, an intersubjective experience that is ‘based upon the fulfillment of certain social preconditions’ (Loader and Walker 2007:155). Given that the problem of insecurity is itself socially generated, the security of one is dependent upon the actions and attitudes of others. Thus, for Loader and Walker, the social dimension of security as a public good goes beyond security as an objective situation and points at ‘an internal relationship between the experience of security and the existence of stable social expectations’ (2007:157). Rather than functioning merely as a strategic prerequisite (as pertains the instrumental dimension), the enjoyment of security by others has an effect in the social context in which our own security can be enjoyed.¶ Finally, the constitutive level of security as a public good aims at investigating ‘how security is implicated in the very process of constituting the “social” or the “public”’ (Loader and Walker 2007:162). This is arguably the most relevant dimension for the purposes of this argument, as it gives theoretical substance to the contention that security has an impact in social and political relations. According to Loader and Walker, the actualization of the good of security ‘is so pivotal to the very purpose of community that at the level of self-identification is helps to construct and sustain our “we-feeling” – our very felt sense of “common publicness”’ (2007:162).¶ The public-constitutive character of security can be divided along three elements: firstly, security functions as a motivating factor in the formation and sustenance of reflexive publics; secondly, it constitutes a ‘way of social being or common sensibility of such a public’ (Loader and Walker 2007:165); thirdly, it possesses an important instrumental capacity, in the sense that it can become a ‘platform of public power’ (idem) for the provision of objective security.¶ At this point, Loader and Walker introduce an important element in their discussion, when they conceive the public good of security as ‘an axiomatic element of lived social relations’ (2007:167). According to this view, security is a necessary platform for any kind of society, a true ‘education in society’; it is precisely when security is absent in this axiomatic sense that it acquires the detrimental features examined earlier in this paper. When it cannot serve its constitutive function in the social realm, security becomes pervasive in its more unreflexive, parochial and dogmatic forms.¶

#### 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.

#### 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.

#### Even slight risks of catastrophic impacts outweigh

**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”.

#### 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.

## 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.”

#### Court rulings solve – everyone will comply

Stephen L. Carter (Professor of Law, Yale University) Summer 1986 53 U. Chi. L. Rev. 819

The force with which the American people (and just as important, those who govern them) are socialized into obedience to the rule of law as articulated by the Supreme Court **is tremendous**. Children are taught obedience to law from early in their school years; as adolescents, they learn in civics that the Supreme Court authoritatively interprets the Constitution; as adults, they are warned that disobedience to the courts is subversive. This general respect for law, even if the law is considered unjust, **is probably the most powerful bulwark the American legal and political culture** offers against revolution. This socialization and the concomitant responsibilities it surely carries are the most powerful weapons the Court can bring to bear in any struggle with the Congress. Although the public may be angry, the Justices, if they possess sufficient fortitude, will nearly always win -- at least for the near term. But the fact that the Congress is likely to lose its battle to convince the Court (if it is a fact) cannot be the argument against undertaking it. The point is that by enacting a statute that the Supreme Court will likely find patently unconstitutional, the Congress may nevertheless play a role in constitutional dialogue. This is surely what Abraham Lincoln had in mind when, in debate with Stephen Douglas, he declined to assign to the Dred Scott decision n117 the force some claimed for it: We do not propose that when Dred Scott has been decided to be a slave by the court, we, as a mob, will decide him to be free. . . . [W]e nevertheless do oppose that decision as a political rule . . . which shall be binding on the members of Congress or the President to favor no measure that does not actually [\*856] concur with the principles of that decision. . . . We propose so resisting it as to have it reversed if we can, and a new judicial rule established upon this subject. n118 His argument was not for mob justice or revolution. His method, after all, would not succeed unless the Justices changed their minds. Thus the torturous judicial and academic searches for authority to explain and rules to limit the scope of the congressional authority enunciated in Katzenbach v. Morgan may be somewhat misguided. After all, a sufficiently determined Supreme Court might have countered section 4(e) with an opinion boiling down to this: "Look, we told you before that literacy tests do not violate the fourteenth or fifteenth amendments, so quit trying to find a way around our decision." Instead it said in effect: "Well, okay, if you're really sure that literacy tests are so bad, we're content to go along." Oregon v. Mitchell, n119 in which the Justices sustained the nationwide suspension of literacy tests, might be explained the same way. To take a contrary case, in Mississippi University for Women v. Hogan, n120 wherein they rejected a claim that the Congress possessed and had exercised authority under section 5 of the fourteenth amendment to permit the states to operate single-sex nursing schools, the Justices were plainly unpersuaded that sexually segregated schools run by the state were a good thing. Following the same reasoning, in the unlikely event that the Congress were to enact a Human Life Bill, judicial independence would not necessarily be threatened: The Justices could certainly strike the legislation as patently unconstitutional. On the other hand, the Justices might vote to sustain it. Were they to do so, the best explanation would be not that they had yielded their constitutional prerogative, but rather that they had been convinced by the reasoning (or the depth) of the congressional opposition. If all of this is so, then the place of the Morgan power in the dialogue between the Court and its constituents should be plain. I earlier outlined the ideal of symbiotic progress, in which the Congress and the Supreme Court take turns leading the way toward a better future. An exercise of the Morgan power may fit into that progression in a special way, as the Congress's most effective tool for expressing its strong disapproval of a judicial decision accepting [\*857]or rejecting a claim of fundamental right without risking the Court's legitimacy, hence the Constitution's, hence ultimately its own. To be sure, the Congress might try to do the same thing by enacting apparently unconstitutional legislation under the authority granted by any number of constitutional provisions, but proceeding under section 5 reduces the likelihood that the moral authority of the Court will be diminished should the Justices alter their decisions. As clever lawyers, the Justices can always accommodate the congressional action without unduly expanding congressional authority. Justice Brennan tried to do exactly this through his footnote 10 in Morgan. Furthermore, reliance on the special power granted to the Congress under the fourteenth amendment is consistent with the distinction I have drawn here and elsewhere between types of constitutional provisions. When the decision that the Congress calls into question is one regarding governmental structure, flowing therefore from the document's structural provisions, the Court may properly decline to enter the dialogue. By hypothesis, the Justices construe the Constitution's structural clauses under a set of rules chosen to channel their discretion narrowly. But under the open-textured clauses, where there is less to guide the Court in its decisions, it is particularly important that the Congress be able to engage the Court in dialogue without being accused of defiance. The Court may reaffirm its decisions, and in most cases -- including, I suspect, Roe v. Wade -- it presumably will, but it must do so with the knowledge that there exists a congressional consensus adequate to bring about affirmative and contrary legislation. Denying to the Congress the authority to enact the legislation is in a sense to deny to the Justices the knowledge that this contrary consensus exists. Permitting the legislation, even when it might subsequently be overturned, forces the Court to make an informed choice. And in the continuing dialogue, informed choices are the ones that matter most. This understanding of the Morgan power seems entirely consistent with the separation of powers. There is no violation of the rule of United States v. Klein, n121 because the Congress is not requiring the courts to decide cases in a particular way. After all, the Supreme Court still has the power to say "No," thus preventing enforcement of the congressional plan. No matter how many plans are presented, the Court may strike all of them down until the [\*858] Congress gets tired of trying, as Texas apparently did in the "white primary" cases. n122 Or the Justices may instead be the first to tire and may reverse themselves, as they apparently did during the New Deal. n123 But as long as the decision rests with the Justices alone, a judicial change of mind cannot be barred by separation of powers, even when the change is brought on by congressional or public pressure. The doctrine of separation of powers insulates the courts from force, not from persuasion.

### 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.

### A2 delay

#### Test cases are in the pike now

Lawrence Hurley (reporter for E&E Publishing) August 2012 “Fresh off Supreme Court win, legal group girds for more battles with EPA” http://eenews.net/public/Greenwire/2012/08/17/2

The success in Sackett looks as if it could open up a new front in PLF's battle against the government. Many of the potential clients who have called seeking advice since the ruling complain of similar treatment, not just at the hands of EPA but also other agencies, including the Army Corps of Engineers. Schiff hopes Sackett will help him challenge Army Corps decisions on wetlands jurisdiction. But first, he has a case in New Mexico involving property owners who had a "Sackett-like experience" with the corps. PLF might also file briefs in cases that were already under way before the Supreme Court issued its ruling. One involves a chicken farm in West Virginia; another concerns Gasco Energy Inc. in Colorado. In both cases, EPA issued a compliance order and the companies involved were not able to challenge it in court first.

#### The court can always find a test case.

Adamany, 1990 (David, Professor at Wayne State, The American Courts: A Critical Assessment, p. 9)

Since Congress adopted the Judges Bill of 1925, most cases on the appellate and miscellaneous dockets have been by writ of certiorari — a request for the justices to hear cases that they may, but are not required, to hear. Under Supreme Court Rule 17, which gives broad categories of cases that the Court may hear, at least four justices must agree to hear a case before it is considered by the Court. Some cases on the appellate docket have been “appeals by right,” certain cases involving the constitutionality of state or federal laws or state constitutional provisions. By law, the Court was required to hear these cases; but the justices developed broad discretion by rejecting cases that failed to pose a substantial federal question as defined by the justices. In 1988, Congress revised the law virtually to eliminate appeals by right, thus giving the justices almost complete choice about what cases to decide. With more than 5.000 cases pending annually, the Supreme Court can almost always find a case to raise any policy issue that the justices wish to decide. Chief Justice Earl Warren apparently asked his law clerks to find a case on the Court’s docket that would allow the justices to overrule a previous decision holding that there was no right for the poor to have an attorney in every criminal trial. The clerks found such a case, and the Court used it to announce a new constitutional rule guaranteeing the right to counsel (Danelski and Danelski 1989, 508). The Court has sometimes gone to great lengths to find the issue it wants to decide. In the landmark case of Mapp v. Ohio (367 U.S. 617 [1961]), the Court held that illegally seized evidence could not be used in state criminal trials. But the dissenting justices accused the majority of “reaching out” to find that issue in the brief of amicus curiae, because the jurisdictional statements, briefs, and oral arguments of the parties had all been devoted to First Amendment free speech issues. Where the Court cannot find an issue on its docket, it may order parties to argue an issue that the justices want to consider. Over the strong objection of four justices that the majority was raising “a question not presented” by the parties, five justices ordered the parties in Patterson v. McLean Credit Union (485 U.S. 617 [1988]) to rearue the case to determine whether the Court’s 1976 interpretation of a federal civil rights statute should be reconsidered and changed. The majority pointed out four previous cases within the past twenty years when the Court had also ordered reargument to determine whether an earlier decision should be reconsidered and changed.

## 2NC case

### case

#### Discussing existential risks is good—makes them less likely and forumalates strategies

**Sandberg et al 2008** – \*James Martin Research Fellow at the Future of Humanity Institute at Oxford University, postdoctoral research assistant for the EU Enhance project, \*\*PhD candidate in Health Policy and Management at Johns Hopkins Bloomberg School of Public Health, special consultant to the Center for Biosecurity at the University of Pittsburgh Medical Center and co-founder of New Harvest, \*\*senior research associate at the Astronomical Observatory of Belgrade, assistant professor of physics at the University of Novi Sad in Serbia and Montenegro (Anders Sandberg, Jason G. Matheny, Milan M. Ćirković, “How Can We Reduce the Risk of Human Extinction”, http://thebulletin.org/web-edition/features/how-can-we-reduce-the-risk-of-human-extinction)

Perhaps least controversial, we should invest more in efforts to enumerate the risks to human survival and the means to mitigate them. We need more interdisciplinary research in quantitative risk assessment, probability theory, and technology forecasting. And we need to build a worldwide community of experts from various fields concerned about global catastrophic risks. Human extinction may, in the long run, be inevitable. But just as we work to secure a long life for individuals, even when our eventual death is assured, we should work to secure a long life for our species.

## 2NC Topicality

### 2nc prefer our evidence

#### 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.

### regulation link

#### 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 fiscal cliff

### Overview

**Outweighs on magnitude – magnitude 1st – that’s in the 2NC**

**Turns case – no investment climate people won’t care about racism**

#### 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

**And voting neg solves it –**

#### 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 – will pass

#### Presidential push for a fiscal bargain solves status quo divisions

Vicki Needham (writer for The Hill) November 7, 2012 “Business groups urge quick extension of tax policies in lame duck” http://thehill.com/blogs/on-the-money/economy/266701-business-groups-urge-quick-extension-of-tax-policies-in-lame-duck

A grand bargain will require complex negotiations that will take more time than the six or so weeks left before year's end. "What we need is action," Engler said. Engler, Casey and Jay Timmons, president of the National Association of Manufacturers, told reporters that Obama must lay out a blueprint for Congress that will tackle the long list of these issues hampering a more robust economic recovery. "This is going to take executive leadership," Engler said. Timmons said it is time for unity to help the country improve its global competitiveness. "Our goal is to grow the economy," he said. The president talked to congressional leaders on Wednesday about the legislative agenda less than a day after winning reelection. But congressional leaders immediately staked out the same positions that have created so much division on Capitol Hill. Speaker John Boehner (R-Ohio) said he would not yield to raising any taxes this year, while Senate Majority Leader Harry Reid (D-Nev.) argued for letting tax rates expire for wealthier earners. Still, both men hinted that they need to find a way to work togther toward a bipartisan compromise.

#### Obama has all the leverage now – Republicans are starting to cave

Jason Pye (writer for United Liberty) November 8, 2012 “Boehner willing to raise taxes in lame duck session” http://www.unitedliberty.org/articles/11841-boehner-willing-to-raise-taxes-in-lame-duck-session

It didn’t take long for the predicted sellout by Republican leadership after the election. With Boehner has already showing weakness, Obama and Senate Democrats are going to wind up with a clear advantage out of whatever deal is made and whatever revenue cuts are agree upon will, much like past budget deals, most likely never come to fruition.

### 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.

**Requires Congressional authority**

**Lovell 2k** – Assistant Professor of Government, College of William and Mary (George, 17 Const. Commentary 79, AG)

An initial problem with this complaint is that it is not entirely accurate. Even in a world with delegation, voters can usually trace regulatory decisions to "yes" or "no" votes cast by their representatives in Congress. It is true that members of Congress do not cast "yes" or "no" votes on particular rules created by agencies, but they do quite often need to go on record with "yes" or "no" votes that make agency activities possible. Legislators must cast votes to establish executive branch agencies and to give those agencies the authority to make regulatory decisions. The democratic controls created by such votes weaken over time. (Most of the voters who voted for the legislators who passed the Agricultural Adjustment Act are now dead). But members of Congress need to take at least one vote per year (on the relevant appropriations bill) in order for any regulatory program to continue, and circumstances sometimes force members to cast additional votes on particular programs. Since no regulatory program can operate without being created and continually authorized by Congress, there is nothing about delegation that prevents an unhappy electorate from holding members of Congress accountable for regulatory power exercised by the agencies. Opponents of incumbents are certainly free to make such votes an issue in the next campaign, and they sometimes do. Representative George Nethercutt (R-Washington) recently found this out the hard way from an ad sponsored by some of his political opponents. Nethercutt probably did not know that he had voted for the Endangered [\*91] Species Act twelve times until he saw an ad that recounted his votes on various appropriations and authorizations items. 21

**Every SINGLE MOVE Obama makes is hotly contested and intensely debated—there’s only risk of a link**

**TVNZ 10/8** (Jon Johansson, 10/8/09, "A presidential chess game", http://tvnz.co.nz/world-news/presidential-chess-game-3060277)

While only his most serious chess matches have been mentioned here, numerous other games are continually taking shape, demanding his study and his response. Every single move Obama makes, in whichever game he plays, is hotly contested and intensely debated. There is no let up for him.

**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.

**Obama will take the fall**

**Politico, 1-7-10**, p. http://www.politico.com/news/stories/0110/31259.html

Taking a decidedly different tack from his predecessor in the face of a government failure, President Barack Obama on Thursday took the blame for shortcomings that led to a failed Christmas Day bombing plot, saying, “The buck stops with me.”

Aides to Obama signaled that he was consciously seeking to be the anti-Bush, airing the administration’s dirty laundry and stepping up to take his share of the responsibility.

“The president also wanted to do something, I think, unusual today,” National Security Council Chief of Staff Denis McDonough said during a webchat after Obama’s speech. “Not only was this a very quick accounting, not only did the president accept responsibility for it, but the president also wanted to do this as transparently as possible.”

Quick, transparent, willing to take the blame — all things Obama has said President George W. Bush was not.

### 2NC Link wall

#### GOP hate clean energy policies as much as most hate Kanye West

Harder 3/22/12 (Amy Harder reports on energy and the environment for National Journal and moderates an expert blog on the topic as well. “Public Wary of Sequestration, Not Clean Energy,” <http://www.nationaljournal.com/daily/public-wary-of-sequestration-not-clean-energy-20120522>)

In a visit on Thursday to Iowa—the country’s second-largest wind-producing state after Texas—President Obama will urge Congress to extend a key production tax credit for wind and a clean-energy manufacturing credit. Congress is unlikely to consider these tax credits until year’s end when lawmakers take up the annual “tax-extenders” package. Whether congressional supporters of the tax credits, including senior Republican Sen. Chuck Grassley of Iowa, can muster enough support to extend the credits remains uncertain and likely depends on the outcome of the elections. Action this year on a clean-energy standard measure introduced by retiring Senate Energy and Natural Resources Chairman Jeff Bingaman, D-N.M., is very unlikely **no matter how Election Day goes**.

While support for these clean-energy policies was predictably stronger among Democrats and independents than Republicans, respondents identifying with the GOP were split. Almost half of Republicans said they support extending clean-energy tax credits (48 percent) and enacting a clean-energy standard (47 percent). That support is not reflected in Washington, where most congressional **Republicans shun clean-energy** policies, especially an energy mandate, in favor of less government involvement and reducing the deficit.

Costs mad pc

AP 6/13/12 (Associated Press, “Republicans, Democrats at odds on energy issues,” http://www.nbc11news.com/politics/headlines/Republicans\_Democrats\_at\_odds\_on\_energy\_issues\_158928675.html?storySection=story)

Republicans and Democrats seem to be living on different planets when it comes to how to meet U.S. energy needs. A new survey by The Associated Press-NORC Center for Public Affairs Research of public attitudes about energy shows that Republicans in the poll overwhelmingly push for more oil drilling, while Democrats back conservation and new sources such as wind and solar power. That reflects the polarized positions on energy that have divided Congress and emerged in the presidential campaign. The poll shows that majorities in both parties say energy an important issue. But political party identification is closely tied to people's perceptions of the causes of energy problems and possible solutions. No other demographic factor is as consistently associated with opinions on energy.

#### Their link turns don’t apply during the lame duck

Richard Miniter, investigative journalist, NYTimes best selling author, 2012, Leading from Behind: The Reluctant President and the Advisors Who Decide for Him, google books p. 85-6

After the historic defeat, Axelrod went on to teach a course called Campaign Strategy at Northwestern University in the Chicago suburbs. The day after the election, many White House staffers described their mood as "depressed." The loss of the U.S. House of Representatives and only a skinny remaining majority in the U.S. Senate meant that passing new programs would be very difficult. Would the next two years be an endless and enervating siege? Obama seemed strangely upbeat, '[he day after the midterm elections, the president convened a meeting with his senior Staff, While they saw clouds, he saw the sun through them. Democrats still ran both houses of Congress until January 3.2011. when the new session convened. To the surprise of some starters present, he enumerated an ambitious list of measures that he would like to see made law in the next sixty days; "a tax deal, extending unemployment benefits, ratification of New START treaty reducing nuclear arms, repeal of the Pentagon's Don't Ask/ Don't Tell policy preventing gays and lesbians from openly serving in the military, passage of the DREAM Act (which would grant citizenship to undocumented young adults who met certain requirements), and a children's nutrition bill advocated by Michelle Obama."" The list was unrealistic. It would have been a demanding agenda for Congress to accomplish over two years. let alone two months. Besides, using a "lame duck" Congress to pass major legislation had enormous political risks. It would be seen as an end-run around voters who had just elected a new majority with a new agenda. When President Carter had used a "lame duck' Congress to pass major bills (including the costly "Superfund" program) following the November 1980 elections in which he lost his reelection bid and Republicans won control of the Senate for the first time since I95-\*. the public was outraged. The outrage would be much bigger this time: Since 1980. the Internet, talk radio, and the Fox News Channel had emerged as powerful forums for channeling outrage. liven if Congress could actually adopt these controversial measures in a few short months, the political price of such a strategy would he high. Still, Obama continued to back Axelrod's analysis, which held that "independent voters wanted a leader who would make all the squabbling schoolchildren in Washington do their assignments."12 Who would do the "assigning"? The voters or the White House? Neither Obama nor Axel-rod seemed to wonder. If the federal government would finally pass a liberal wish list. Axelrod and Obama contended, voters would be happy. It was an unusual view. Independent voters in swing districts had actually voted down candidates who had supported the president's policies in the 2010 elections. Even in safely Democratic districts, independent voters had reduced their support of liberal lawmakers compared with 2008, exit polls showed. Few staffers were persuaded ch.it the president was right, although none dared to contradict him during that meeting. Passing Obama’s priorities during the Thanksgiving and Christmas holiday season had yet another obstacle. A massive White House staff reorganization was in progress. Rahm Emmanuel had stepped down as chief of staff in October 2010 and many other staffers were returning to Chicago or to academia. Without staff, it would be harder to rally the already reluctant Congress to act. Still, Obama was keen to proceed as planned. He was finally going to lead, but the timing and strategy were ill-considered. "Obama didn't care about the criticism that he was too insular," a White House aide said. "He didn't give a shit.\* Obama's proposals were dutifully sent to Capitol 1 lill. but most were essentially dead on arrival. Congress was exhausted and didn't want to take any more political risks.

### 2nc a2 spillover

#### Lame duck distinct

Inside U.S. Trade, "Vietnam PNTR could be delayed by Peru, Oman despite broad support" June 16, 2006 lexis

Business lobbyists reacted with alarm to Boehner's comments, because considering trade bills in a lame duck session creates additional uncertainties. Following the elections, members may not vote the way they would have previously, one source noted, and there also is a danger that the agenda in a lame duck session would become too crowded for consideration of trade bills.

#### Outweighs the lack of spill over

The Times of India, Chidanand Rajghatta, "Senate takes up bill on Indo-US nuke deal" November 16, 2006 lexis

The timeline is so short and tight and the legislative agenda for the lame-duck session is so crowded that some Indian activists were fearful that the Nuke deal might again get pushed out of the calendar. But Frist's announcement set the fears to rest.

#### PC finite

**Gerson, 12/17** (Michael, 12/17/10, Washington Post, “When it comes to politics, Obama's ego keeps getting in the way,” <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/16/AR2010121604039.html>)

In some areas - such as education reform or the tax deal - Obama's governing practice is better than his political skills. But these skills matter precisely because political capital is limited. The early pursuit of ambitious health-care reform was a political mistake, as former chief of staff Rahm Emanuel internally argued. But every president has the right to spend his popularity on what he regards as matters of principle. Political risks, taken out of conviction with open eyes, are an admirable element of leadership.

Yet political errors made out of pique or poor planning undermine the possibility of achievement. Rather than being spent, popularity is squandered - something the Obama administration has often done.

### 2nc a2 corker/Obama Key

#### Status quo congressional meetings are hollow – presidential leadership is key to get a deal done

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.

#### Presidential push for a fiscal bargain solves status quo divisions

Vicki Needham (writer for The Hill) November 7, 2012 “Business groups urge quick extension of tax policies in lame duck” http://thehill.com/blogs/on-the-money/economy/266701-business-groups-urge-quick-extension-of-tax-policies-in-lame-duck

A grand bargain will require complex negotiations that will take more time than the six or so weeks left before year's end. "What we need is action," Engler said. Engler, Casey and Jay Timmons, president of the National Association of Manufacturers, told reporters that Obama must lay out a blueprint for Congress that will tackle the long list of these issues hampering a more robust economic recovery. "This is going to take executive leadership," Engler said. Timmons said it is time for unity to help the country improve its global competitiveness. "Our goal is to grow the economy," he said. The president talked to congressional leaders on Wednesday about the legislative agenda less than a day after winning reelection. But congressional leaders immediately staked out the same positions that have created so much division on Capitol Hill. Speaker John Boehner (R-Ohio) said he would not yield to raising any taxes this year, while Senate Majority Leader Harry Reid (D-Nev.) argued for letting tax rates expire for wealthier earners. Still, both men hinted that they need to find a way to work together toward a bipartisan compromise.

### AT: Death Cult

**We do not fear death, we discuss our impacts for the purpose of confronting death and engaging with its prospect it is only by discussing death that we can define its purpose and the true purpose and value of life**

**Gunaratna** Buddhist **1982** (V.F. “Buddhist Reflections on Death” http://www.accesstoinsight.org/lib/authors/gunaratna/wheel102.html)

To the average man death is by no means a pleasant subject or talk for discussion. It is something dismal and oppressive — a veritable kill-joy, a fit topic for a funeral house only. The average man immersed as he is in the self, ever seeking after the pleasurable, ever pursuing that which excites and gratifies the senses, refuses to pause and ponder seriously that these very objects of pleasure and gratification will some day reach their end. If wise counsel does not prevail and urge the unthinking pleasure-seeking man to consider seriously that death can knock at his door also, it is only the shock of a bereavement under his own roof, the sudden and untimely death of a parent, wife or child that will rouse him up from his delirious round of sense-gratification and rudely awaken him to the hard facts of life. Then only will his eyes open, then only will he begin to ask himself why there is such a phenomenon as death. Why is it inevitable? Why are there these painful partings which rob life of its joys? To most of us, at some moment or another, the spectacle of death must have given rise to the deepest of thoughts and profoundest of questions. What is life worth, if able bodies that once performed great deeds now lie flat and cold, senseless and lifeless? What is life worth, if eyes that once sparkled with joy, eyes that once beamed with love are now closed forever, bereft of movement, bereft of life? Thoughts such as these are not to be repressed. It is just these inquiring thoughts, if wisely pursued, that will ultimately **unfold the potentialities inherent in the human mind to receive the highest truths.** According to the Buddhist way of thinking, death, far from being a subject to be shunned and avoided, is the key that **unlocks the seeming mystery of life**. It is by understanding death that we understand life; for death is part of the process of life in the larger sense. In another sense, life and death are two ends of the same process and if you understand one end of the process, you also understand the other end. Hence, by understanding the purpose of death we also understand the purpose of life. It is the contemplation of death, the intensive thought that it will some day come upon us, that softens the hardest of hearts, binds one to another with cords of love and compassion, and destroys the barriers of caste, creed and race among the peoples of this earth all of whom are subject to the common destiny of death. **Death is a great leveler**. Pride of birth, pride of position, pride of wealth, pride of power must give way to the all-consuming thought of inevitable death. It is this leveling aspect of death that made the poet say: "Scepter and crown Must tumble down And in the dust be equal made With the poor crooked scythe and spade." It is the contemplation of death that helps to destroy the infatuation of sense-pleasure. It is the contemplation of death that destroys vanity. It is the contemplation of death that gives balance and a healthy sense of proportion to our highly over-wrought minds with their misguided sense of values. It is the contemplation of death that gives strength and steadiness and direction to the erratic human mind, now wandering in one direction, now in another, without an aim, without a purpose. It is not for nothing that the Buddha has, in the very highest terms, commended to his disciples the practice of mindfulness regarding death. This is known as "marananussati bhavana." One who wants to practice it must at stated times, and also every now and then, revert to the thought maranam bhavissati — "death will take place." This contemplation of death is one of the classical meditation-subjects treated in the Visuddhi Magga which states that in order to obtain the fullest results, one should practice this meditation in the correct way, that is, with mindfulness (sati), with a sense of urgency (samvega) and with understanding (ñana). For example, suppose a young disciple fails to realize keenly that death can come upon him at any moment, and regards it as something that will occur in old age in the distant future; his contemplation of death will be lacking strength and clarity, so much so that it will run on lines which are not conducive to success. How great and useful is the contemplation of death can be seen from the following beneficial effects enumerated in the Visuddhi Magga: — "The disciple who devotes himself to this contemplation of death is always vigilant, takes no delight in any form of existence, gives up hankering after life, censures evil doing, is free from craving as regards the requisites of life, his perception of impermanence becomes established, he realizes the painful and soulless nature of existence and at the moment of death he is devoid of fear, and remains mindful and self-possessed. Finally, if in this present life he fails to attain to Nibbana, upon the dissolution of the body he is bound for a happy destiny." Thus it will be seen that mindfulness of death not only purifies and refines the mind but also **has the effect of robbing death of its fears and terrors,** and helps one at that solemn moment when he is gasping for his last breath, to face that situation with fortitude and calm. He is never unnerved at the thought of death but is always prepared for it. It is such a man that can truly exclaim, "O death, where is thy sting?" In the Anguttara Nikaya the Buddha has said, "Oh Monks, there are ten ideas, which if made to grow, made much of, are of great fruit, of great profit for plunging into Nibbana, for ending up in Nibbana." Of these ten, one is death. Contemplation on death and on other forms of sorrow such as old age, and disease, constitutes a convenient starting point for the long line of investigation and meditation that will ultimately lead to Reality. This is exactly what happened in the case of the Buddha. Was it not the sight of an old man followed by the sight of a sick man and thereafter the sight of a dead man that made Prince Siddhattha, living in the lap of luxury, to give up wife and child, home and the prospect of a kingdom, and to embark on a voyage of discovery of truth, a voyage that ended in the glory of Buddhahood and the bliss of Nibbana? The marked disinclination of the average man to advert to the problem of death, the distaste that arouses in him the desire to turn away from it whenever the subject is broached, are all due to the weakness of the human mind, sometimes occasioned by fear, sometimes by tanha or selfishness, but at all times supported by ignorance (avijja). The disinclination to understand death, is no different from the disinclination of a man to subject himself to a medical check-up although he feels that something is wrong with him. We must learn to value the necessity to face facts. Safety always lies in truth. The sooner we know our condition the safer are we, for we can then take the steps necessary for our betterment. The saying, "where ignorance is bliss it is folly to be wise" has no application here. **To live with no thought of death is to live in a fool's paradise**.

#### Refusing to think about death causes us to be incapable of eventually confronting it – their deaths will be pitiful and sad – Michigan’s deaths will be joyous and awesome

**Manivaÿso 2010** (Phramaha Pisit, Buddhist studies @ Mahachulalongkornrajavidyalaya University (yes, this is a real place) “THE ANALYSTICAL STUDY OF MARA\_ASSATI IN THERAVADA BUDDHISM” <http://www.mcu.ac.th/userfiles/file/library1/Thesis/762.pdf>

It is accepted as a general truth that everybody fears death. 91 We fear death because we crave for life with all our might. It is also a fact that we fear the unknown. We know least about death; therefore we fear death for a duality of reasons. It seems reasonable to conjecture that the fear of death, or the fear of harm to life, lurks at the root of all fear. Therefore each time we become frightened we either run away from the source of fear or fight against it, thus making every effort to preserve life. But we can do so only so long as our body is capable of either fighting or running away from danger. On the contrary, when at last we are on the deathbed face to face with approaching death, and the body is no longer strong enough for any protest, it is very unlikely that we will accept death with a mental attitude of resignation. We will mentally try hard to survive. As our yearning for life (tanhà 92 ) is so strong, we will mentally grasp (upàdàna 93 ) another viable place, as our body can no longer support life. Once such a place, for example the fertilized ovum in a mother's womb, has been grasped, the psychological process of life (bhàva 94 ) will continue with the newly found place as its basis. Birth (jàti 95 ) will take place in due course. This seems to be the process that is explained in the chain of causation as: craving conditions grasping, grasping conditions becoming or the process of growth, which in turn conditions birth. Thus the average man who fears death will necessarily take another birth as his ardent desire is to survive. And when the inevitable death comes to them, imagine how they, someone who never wanted to think about death, would deal with it. It would be very pathetic, very pitiful indeed. Their final moments could be best summarized as “Fearful, restless and not knowing what to do, what would happen next, where they would be going next.” On the other hand, the people who always reflect on death would be fully equipped to handle the final moment calmly and with a clear mind. They would not be shaken by fear of separation. Moreover, they are most likely guaranteed to go to a good place in their next reincarnation, because the Buddha himself has affirmed that, in our final moment, “If one’s mind is clear and calm, one can be assured of going to a good place.” 96

### More PC Key (AT: email ev)

#### PC key

Janie Lorber and Kate Ackley (writers for Roll Call) November 8, 2012 “Lobbyists Eager for Short-Term Fiscal Deal” http://www.rollcall.com/issues/58\_35/Lobbyists-Eager-for-Short-Term-Fiscal-Deal-218891-1.html?pos=olobh

“The stakes over the fiscal cliff discussion just got significantly higher,” said David French, chief lobbyist at the National Retail Federation. “If Washington was looking to guidance from the voters on the path ahead, voters weren’t exactly clear.” As the nation approaches its debt ceiling yet again, lawmakers have less than 20 legislative days to decide what to do about the simultaneous expiration of the Bush-era tax cuts and the Social Security payroll tax holiday, as well as the first round of sequestration cuts. Every interest group has a stake. Business advocates argue that the tax provisions set to expire on Dec. 31 will stifle the still sputtering economy. Defense lobbyists fear that the longer the Pentagon budget remains up in the air, the harder it will be for contractors to recover. And unions and other liberal groups worry that emboldened Senate Democrats may agree to cuts in Medicare as part of a last-minute compromise. Add to that pleas from lobbyists representing municipalities ravaged by Hurricane Sandy that are desperate for federal funds to speed disaster relief efforts. “Folks in the business community believe it’s time to unite our country because America’s competitiveness is at stake,” Jay Timmons, the president of the National Association of Manufacturers, said on a conference call Wednesday. “I don’t think there’s anything more urgent than dealing with our fiscal crisis.” For the past year, defense giants and, to a lesser degree, technology firms, have begged lawmakers to avoid billions of dollars in cuts associated with sequestration. Michael Herson, a Republican lobbyist with American Defense International, said he is optimistic that lawmakers will delay sequestration until the next Congress and said most defense lobbyists will adopt a wait-and-see approach for the lame-duck session. The U.S. Chamber of Commerce, which fielded its largest voter mobilization effort ever and spent millions in support of Republicans this cycle, also urged the parties to come together on comprehensive tax and entitlement reforms. But with many of the same faces returning to Washington, D.C., next year, lobbyists wondered whether the illusive “grand bargain” is little more than a pipe dream. “[It] hinges on how Obama plays it. If he and his team really bear down and work with GOPers — an element sadly lacking the last four years — they can make a lot of progress,” said Jack Howard, a Republican lobbyist at Wexler & Walker Public Policy Associates. “If, however, he takes a hands-off approach, then I don’t really see much of a path forward. He has to be the arm-twister, the head-knocker to move things forward.”

# Doubles – Neg v Minnesota CE

## 1nc

### T

**Restrictions refer to content not place**

Martin Borowski (Faculty at Birmingham Law School, Vice-President of the British Section of the International Association for Philosophy of Law and Social Philosophy) 2003 “Religious Freedom as a Fundamental Human Right, a Rawlsian Perspective” in Pluralism and Law, Conference Proceedings” p. 58

Where it is a question of the diminution of the content of basic liberties, Rawls distinguishes between restriction and regulation. He Illustrates this distinction by turning to the example of freedom of speech. Interference with the content of speech counts as a restriction, whereas interference with the modalities of speech, such as place and time, counts merely as regulation. Regulations do not offend against basic liberties; rather they show that basic liberties are self-limiting.5’ It is necessary, however, that the central range of application of the basic liberties be respected. It must be assumed, in Rawls’ theory, that the distinction between restriction and regulation survives the transformation from basic liberty to basic right or freedom, such that the distinction can be found at the stage of constitutional law, too. This gives voice to the question of whether this distinction can serve as an adequate reconstruction of the constitutional protection afforded to religious freedom.

#### Vote Neg

#### Limits – there are an infinite number of indirect limitations on company’s ability to produce energy – simply measuring its end effect explodes the literature base. Raises entry barriers for debate and destroy competitive equity.

### QER

#### The United States federal government ought to establish a Quadrennial Energy Review. In the Quadrennial Energy Review, the United States federal government ought to include a recommendation to significantly reduce restrictions on the production of crude oil on federal lands.

#### Recommending plan mandates through a QER process solves—only the CP creates policy sustainability and private sector coordination that unlocks energy innovation

Moniz 12

Ernest Moniz, Cecil and Ida Green Professor of Physics and Engineering Systems and Director of the Energy Initiative at the Massachusetts Institute of Technology; Former Clinton Administration Under Secretary of the Department of Energy and as Associate Director for Science in the Office of Science and Technology Policy ; serves on the President’s Council of Advisors on Science and Technology, Spring 2012, Stimulating Energy Technology Innovation, Daedalus, Vol. 141, No. 2, Pages 81-93

It should come as no surprise that I do not have the answers for how the government should intersect the latter stages of the innovation process in a general sense. However, PCAST recommended a pragmatic approach to an integrated federal energy policy that would employ all the tools available to the government in a coherent way. Termed **the** Quadrennial Energy Review (**QER**), the process is necessarily complex, but **history suggests** that **anything short of a full multiagency effort is unlikely to provide a robust plan that accounts for the many threads of an energy policy**. Furthermore, a degree of analysis is required that has not been present in previous efforts.

Energy policy is derivative of many policies: environment, technology and competitiveness, diplomacy and security, natural resources, and land and food, among many others. Indeed, multiple agencies that are not labeled “energy” have major equities and long-held perspectives on key elements of energy policy. Often, the preferred policies for different agencies’ agendas conflict. Further, states and local governments play a strong role, for example with building codes, and their approaches can vary dramatically in different parts of the country; certainly, California’s energy policies have influenced the national market. The tools available to support innovation are also diverse, ranging from direct support of RD&D to a variety of economic incentives, regulation, standards, and federal procurement, among other instruments. Congress is equally fragmented: in the House of Representatives and Senate, many committees beyond those tasked with energy policy have equities that mirror those of the different executive agencies. **To overcome this fragmentation** of responsibilities and perspectives, and **especially if the goal is a plan that has staying power in advancing adoption and diffusion, PCAST recommended a QER process** to provide a multiyear roadmap that:

• lays out an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

• outlines **legislative proposals** to Congress;

• puts forward anticipated Executive actions (programmatic, regulatory, fiscal, and so on) coordinated across multiple agencies;

• **identifies resource requirements** for the RD&D programs **and** for innovation **incentive programs**; and, most important,

• provides a strong analytical base.14

This is a tall order intellectually and organizationally. Several process elements are essential to fostering a chance for success. First, the Executive Office of the President (eop) must use its convening power to ensure effective cooperation among the myriad relevant agencies. However, the capacity to carry out such an exercise and to sustain it does not (and should not) reside in the eop. The doe is the logical home for a substantial Executive Secretariat supporting the eop interagency process that would present decision recommendations to the president. However, the scope of the analytical capability needed does not currently reside at the doe or any other agency. The doe needs to build this capability, presumably supplemented by contractor support to gather data, develop and run models, and carry out analysis, such as independent energy-system engineering and economic analysis. Market trends and prices would be part of the analysis, including international markets and robust analyses of uncertainty. The Energy Information Administration can help with some data gathering and models, but its independence from the policy function needs to be preserved. The national laboratories also lack this range of functions, and tasking them with providing the analytical support to the policy process would be regarded as a conflict of interest; their focus is best directed at research, invention, and technology transfer. Building this analysis capacity is a large job that will take time.

For the QER to succeed, the government must seek substantial input from many quarters in a transparent way; certainly, ongoing dialogue with Congress and the energy industry are essential. The good news is that members of Congress have supported the development of the QER as a way to present a coherent **starting point for congressional action across many committees.** A hope is that **Congress could then use the QER as a basis for** a four or five-year **authorization that would provide the private sector with the increased confidence needed to make sound clean energy investment decisions**.

Given the magnitude of the task, PCAST recommended in 2011 that the doe carry out a Quadrennial Technology Review (qtr)–a first step centered in a single department and focused on technology. The qtr resulted in a rebalancing of the R&D portfolio toward the oil dependence challenge through advanced vehicle development, particularly transportation electrification. The key now will be to extend the processes developed for the qtr to the multiagency QER, involving the eop in a leadership role. Taking the next steps in 2012 will maintain momentum and establish the capabilities needed for the QER by early 2015, the time frame recommended by PCAST.

While some may view 2015 as a frustratingly long time away, the alternative is to rely on wishes rather than analysis while failing to gain multiple perspectives in a fair and open manner. **Rushing the process will result in a poorly done job that will not accomplish** any of the **key** QER **goals**. Certainly, **it will not bring together succeeding administrations and Congresses around a** reasonably **shared vision** and set of objectives **that can accelerate innovation in service of national competitiveness and environmental and security goals. Continuing with fragmented** and economically inefficient **policies, technologies “du jour,” and frequent shifts will complicate private-sector decisions rather than facilitate innovation**. The government unavoidably plays a strong role in the innovation process, even when this is unacknowledged in policy and political debates. The issue now is to present both a set of principles and fact-based analyses supporting coordinated government-wide actions that earn decent buy-in from major stakeholders.

[Note: PCAST = President’s Council of Advisors on Science and Technology]

### Fiscal Cliff

#### Fiscal cliff will pass – pc is key

Kimberly Atkins (writer for the Boston-Herald) November 8, 2012 “Prez returns to D.C. with more clout” http://bostonherald.com/news/columnists/view/20221108prez\_returns\_to\_dc\_with\_more\_clout

When President Obama returned yesterday to the White House, he brought with him political capital earned in a tough re-election fight as well as a mandate from voters — which means bold changes and bruising fights could lie ahead. The first agenda item is already waiting for him: reaching an agreement with lawmakers to avert the looming fiscal cliff. GOP lawmakers have previously shot down any plan involving tax increases. Obama’s win — based in part on a message of making the wealthiest Americans pay more — may already be paying dividends. In remarks at the Capitol yesterday, House Speaker John Boehner seemed to acknowledge the GOP has to take a different tack than the obstructionism that has marred progress in the past. “The president has signaled a willingness to do tax reform with lower rates. Republicans have signaled a willingness to accept new revenue if it comes from growth and reform,” Boehner said. “Let’s start the discussion there.” Obama’s fresh political clout could extend to longer term fiscal policies beyond the fiscal cliff, though don’t expect GOP pushback to vanish. House Republicans still have plenty of fight in them.

#### Political capital is finite – only PC guarnatees compromise

Ron Kampeas (writer for Intermountain Jewish News) November 7, 2012 “Obama’s second term: More of the same, at least until Iran flares” http://www.ijn.com/presidential-elections/2012-presidential-elections/3530-obamas-second-term-more-of-the-same-at-least-until-iran-flares

The fiscal cliff and specifically sequestration is a major concern," Daroff said. "Our concern continues to be that as the nation and our political leaders continue to assess how to make cuts in spending that those cuts don't fall disproportionately on vulnerable populations that rely upon social service agencies that depend on our funding." Cuts of about 8.5 percent would immediately affect the viability of housing for the elderly, according to officials at B'nai B'rith International, which runs a network of homes. Officials at Jewish federations say the cuts also would curb the meals and transportation for the elderly they provide with assistance from federal programs. Obama and Congress would have had to deal with heading off sequestration in any case, but as a president with a veto-wielding mandate of four more years, he has the leverage to head off deep cuts to programs that his top officials have said remain essential, including food assistance to the poor and medical entitlements for the poor and elderly. David Makovsky, a senior analyst with the Washington Institute for Near East Policy, said Obama's priorities would be domestic. "While a victory in the second term tends to give you some political capital, capital is still finite," he said, citing George W. Bush's failure in 2005 to reform Social Security, despite his decisive 2004 triumph. "This suggests to me the president will keep his focus on the economy and health care," and not on major initiatives in the Middle East.

#### Obama can only lose political capital by advocating offshore drilling

Hobson 4/18 Margaret is a writer for E&E Publishing. “OFFSHORE DRILLING: Obama's development plans gain little political traction in years since Gulf spill,” 2012, http://www.eenews.net/public/energywire/2012/04/18/1

President Obama is embracing the offshore oil and gas development policies he proposed in early 2010 but were sidelined in the shadow of the Deepwater Horizon oil spill.¶ Two years after the BP PLC oil rig exploded, killing 11 people and causing the worst oil spill in U.S. history, Obama's "all of the above" energy policy includes offshore drilling provisions that are nearly identical to his aggressive March 2010 drilling plan.¶ Since the moratorium on offshore oil drilling ended in late 2010, the administration expanded oil and gas development in the western and central Gulf of Mexico and announced plans for lease sales in the eastern Gulf. The White House appears poised to allow Royal Dutch Shell PLC to begin exploring for oil this summer in Alaska's Beaufort and Chukchi seas and to open oil industry access to the Cook Inlet, south of Anchorage. The administration is also paving the way for oil and gas seismic studies along the mid- and south Atlantic coasts, the first such survey in 30 years.¶ While opening more offshore lands to oil and gas development, the Obama administration has also taken steps to make offshore oil drilling safer, according to a report card issued yesterday by Oil Spill Commission Action, an oversight panel formed by seven members of President Obama's oil spill commission.¶ That report criticized Congress for failing to adopt new oil spill safety laws but praised the Interior Department and industry for making progress in improving offshore oil development safety, environmental protection and oil spill preparation.¶ An environmental group was less complimentary. A report yesterday by Oceana charged that the measures adopted by government and industry are "woefully inadequate."¶ As the 2012 presidential campaign heats up and gasoline prices remain stuck near $4 per gallon, Obama's offshore oil development policies aren't winning him any political capital. The environmental community hates the drilling proposals. The Republicans and oil industry officials complain that the White House hasn't gone far enough. And independent voters are confused by the president's rhetoric.

#### Failure to pass fiscal cliff guarantee collapse of the economy and hegemony – causes Middle East war

Kay Bailey Hutchison (U.S. Senator from Texas) 9/21/2012 “A Looming Threat to National Security,” States News Service, Lexis

Despite warnings of the dire consequences, America is teetering at the edge of a fiscal cliff, with January 1st, 2013 as the tipping point. On that date, unless Congress and the White House can reach agreement on how to cut the federal deficit, all taxpayers will be hit with higher taxes and deep cuts - called "sequestration" - will occur in almost all government spending, disrupting our already weak economy and putting our national security at risk. According to the House Armed Services Committee, if sequestration goes into effect, it would put us on course for more than $1 trillion in defense cuts over the next 10 years. What would that mean? A huge hit to our military personnel and their families; devastating cuts in funding for critical military equipment and supplies for our soldiers; and a potentially catastrophic blow to our national defense and security capabilities in a time of increasing violence and danger. All Americans feel a debt of gratitude to our men and women who serve in uniform. But Texas in particular has a culture that not only reveres the commitment and sacrifice they make to protect our freedom, we send a disproportionate number of our sons and daughters to serve. The burden is not borne solely by those who continue to answer the call of duty, but by their families as well, as they endure separation and the anxiety of a loved one going off to war. These Americans have made tremendous sacrifices. They deserve better than to face threats to their financial security and increased risks to their loved ones in uniform, purely for political gamesmanship. Sequestration would also place an additional burden on our economy. In the industries that support national defense, as many as 1 million skilled workers could be laid off. With 43 straight months of unemployment above 8 percent, it is beyond comprehension to add a virtual army to the 23 million Americans who are already out of work or under-employed. Government and private economic forecasters warn that sequestration will push the country back into recession next year. The recent murder of our Ambassador to Libya and members of his staff, attacks on US embassies and consulates and continued riots across the Middle East and North Africa are stark reminders that great portions of the world remain volatile and hostile to the US. We have the mantle of responsibility that being the world's lone super-power brings. In the absence of U.S. military leadership, upheaval in the Middle East would be worse. As any student of history can attest, instability does not confine itself to national borders. Strife that starts in one country can spread like wildfire across a region. Sequestration's cuts would reduce an additional 100,000 airmen, Marines, sailors and soldiers. That would leave us with the smallest ground force since 1940, the smallest naval fleet since 1915 and the smallest tactical fighter force in the Air Force's history. With the destabilization in the Middle East and other areas tenuous, we would be left with a crippled military, a diminished stature internationally and a loss of technological research, development and advantage - just as actors across the globe are increasing their capabilities. Sequestration can still be avoided. But that will require leadership from the President that has thus far been missing. Congress and the White House must reach a long-term agreement to reduce $1 trillion annual budget deficits, without the harsh tax increases that could stall economic growth and punish working families.

#### Extinction

**Stirling 2011** – Governor & Lord Lieutenant of Canada, Lord High Admiral of Nova Scotia, & B.Sc. in Pol. Sc. & History; M.A. in European Studies (The Earl of Stirling, “General Middle East War Nears - Syrian events more dangerous than even nuclear nightmare in Japan”, http://europebusines.blogspot.com/2011/03/general-middle-east-war-nears-syrian.html)

Saddam Hussein's military had prepared what it called the "great equalizer", an arsenal of 25 Scud warheads carrying over 11,000lb of biological agents, including deadly botulism poison and anthrax germs (an additional 33,000lb of germ agents were placed in artillery shells and bombs). It was only after he was forced into denuding himself of his advanced weaponry that the neo-cons were able to begin the Second Gulf War commonly called the Iraq War. After Iraq, the Likud/neo-con war strategy calls for the neutralizing of Iran and Syria. The Iranians response, to this strategy, was to train and equip Hezbollah in Lebanon and to deepen their strategic alliance with Syria. During the 2006 Second Lebanon War, the Iranian trained and equipped Hezbollah forces repeated the efforts of Saddam during the First Gulf War. They delivered a very large number of rockets with “dumb” high explosive warheads on Israel. The Hezbollah Special Forces are in-effect a highly trained and well-equipped Iranian commando force of at least a Brigade in size. They man and protect a large number of mostly unguided and rather crude rockets, generally Katyusha 122mm artillery rockets with a 19 mile/30km range and capable of delivering approximately 66 pounds/30kg of warheads. Additionally, Hezbollah are known to possess a considerable number of more advanced and longer range guided missiles. During the 2006 war Hezbollah fired approximately 4,000 rockets (95% of which were Katyshas) all utilizing only "dumb" high explosive warheads. Some Iranian build and supplied Fajr-3 and Ra'ad 1 liquid-fueled missiles were also fired. At the time of the 2006 war Hezbollah was reported to have in the range of 13,000 rockets. There are creditable reports that this number has been rebuilt and expanded upon since the end of that war and that the number of rockets is now at least 50,000 and perhaps 60,000 or more. During the 2006 war the world watched as Israeli towns were hit time and time again by the Katyushas. What was not discussed by the main stream news media was the fact that the ordinance delivered by the Katyushas was mainly harassment fire with very limited effect. The Iranian/Syrian trained and supplied Hezhollah commandos were holding back their "heavy stuff" both in terms of their longer range guided missiles capable of hitting southern Israel and most importantly warheads of strategic military importance. That is NBC (nuclear [in this case radiological] chemical and biological) and advanced-conventional warheads. They were demonstrating their ability to deliver "ordinance on target" and their ability to survive a heavy Israeli ground and air combined arms attack. Hezbollah has the capability of loading truly strategic warheads on the large number of mostly crude older technology unguided rockets that it has. The use of advanced-conventional fuel-air explosive (FAE) warheads on the Katyushas would have had a much more profound effect in Israeli cities. The use of FAE submunitions on the larger missiles capable of hitting any target in Israel would have given Hezbollah the firepower of low-yield nuclear weapons without crossing the nuclear threshold. Coupled with the large number of missiles in Syria and those in Iran, the Hezbollah rockets posed, and continue to pose, a truly grave strategic threat to Israel if FAE warheads are used. This threat is dramatically increased if radiological ("dirty bombs"), chemical, and/or advanced biological warheads are used. The massive number of Hezbollah rockets could also be outfitted with chemical warheads. It is worth noting that the joint Syrian-Iranian chemical warfare R&D and production program is perhaps the largest and most complicated on earth. Generally the Israelis have shown themselves to be prepared for chemical warfare, however a chemical war attack following closely behind a FAE attack (to open up bunkers and apartment buildings) would have greater effect. While it is not necessary to utilize a rocket to deliver a biological war attack, it could be done and there is some benefit militarily to a rapid dispersal of biowar agents under the cover of conventional attacks. Radiological weapons deliver the long term (which can be hundreds of thousands of years) lethal effects of radiation without the blast effect of a nuclear bomb. The combined military strategic capability of NBC/Advanced Conventional warheads and very large numbers of rockets operated and protected by Hezbollah, coupled with the arsenal of Syria and Iran (and Hamas) acts as a MAD (mutually assured destruction) between Israel and Iran/Syria. Yes the Israelis can nuke the hell out of both Iran and Syria; however, they possess a fatal return punch. Only a madman would consider starting a war in a MAD environment. The response from the Israeli and neo-con hardliners to the new MAD strategic environment has been frightening. Instead of recognizing the danger to Israel and to the entire world from the Iranian/Syrian “checkmate” on the aggressive Israeli/neo-con strategy, and making major changes to their strategy, they are attempting to “tough it out”. The issue of “danger from the Iranian nuclear program” is a smokescreen to facilitate the coming war on Iran and her allies (Syria, Hezbollah, and Hamas) and to continue with the next stage of the neo-con strategy. The response from the hardliners is more war and damn their WMD (weapons of mass destruction). This is most unwise and most dangerous to the entire world. When the USSR was falling apart, and in the aftermath of the USSR breakup, Iran spend a lot of money to hire some of the best Soviet biological war experts. The advanced biowar weapons that Iran has developed gives Iran a Global Strategic Weapon of Mass Destruction that can unleash levels of death among the populations of the major neo-con nations (USA, UK, France, German, Italy, etc.) very similar to that from a global strategic nuclear strike. This means that Iran and her allies have a MAD with America, Canada, the United Kingdom, France, German, Italy, etc. Most people think of biological warfare as anthrax and smallpox; they do not understand that there has been a major shift in technology. The difference between the old biowar (that most people think of) and advanced biowar (with its recombination DNA designer super killer viruses) is like the difference between an old Model T Ford and a 2011 Rolls Royce Phantom. Both are cars, or biological weapons, but there is a difference of several orders of magnitude. Regardless of how a war against Iran breaks out, it is likely to very quickly escalate to the usage of WMD. There has been talk among USAF war planners of a 1,200 (some say 2,000 to 3,000 or more) target attack on Iran’s nuclear, industrial, military, political and religious infrastructure. If a foreign enemy were to bomb 1,200 or more targets in the United States what would be the response of the American government and it’s military? Actually the answer to this question is well known. The stated doctrine of the United States of America is to rain hundreds of hydrogen bombs (WMD) on the territory and people of such an aggressor; this has been our policy for approximately 60 years. Why do we presuppose that the Iranians would not do the same? If Iran is hit by either an Israeli and/or an American air attack, it is certain that Iran will respond. This response, even if is non-WMD at first, will certainly result in more escalation and counter-escalation. The chances of a regional Middle East war between Iran/Syria/Hezbollah/Hamas and Israel/USA not becoming a nuclear and advanced biological war nightmare are very low. In fact, since both sides know this, there is a strong military incentive to move to all out usage of WMD when the first bombs begin to fall (in order to utilize more of one’s weaponry before its destruction). This could include Iranian/Syrian fire-on-warning system using a fiber-optic CCC link between all the launch bunkers in Lebanon, Syria, Iran, and Palestine to co-ordinate fire a truly massive barrage of rockets and guided missiles, with WMD warheads, upon Israel within the first five-minutes of a launch warning. A similar fire-on-warning system for Israel, only involving nuclear-armed IRBMs, and submarine launched cruise missiles (SLCMs), and rapid launch of aircraft carried air-launched cruise missiles (ALCMs). could also launch within five minutes of warning. This is the "hair-triggering" of WMD in the single most dangerous place on the planet Earth. The end result will be a brief battle of unbelievable intensity that will leave half or more of all Israelis dead and large parts of the Israeli nation poisoned for hundreds of thousands of years by radiological warheads. Syria, Iran, and large parts of Lebanon and Palestine will cease to exists and will be little more than a green radioactive debris field poisonous to all forms of life higher than a cockroach for hundreds of thousands of years (longer than modern man has existed). The Iranian oilfields and most likely the oilfields of a large part of Saudi Arabia, Kuwait, and other areas of the Middle East are also apt to be so poisoned by Iranian radiological warheads or Israeli/American nuclear fallout, that production will effectively cease. The destruction of the Middle Eastern oilfields and the blocking of the Gulf will cause the world to suffer its most complete economic collapse in history. All of this will take less than one week from the beginning of the General Middle East War. At about two weeks, after the beginning of the war on Iran, emergency rooms and doctors offices will begin to see a sudden spike in a number of new diseases with numerous very ill people being admitted to hospitals in North America, and Western Europe and what is left of Israel. By that time the Iranian and Syrian states will have effectively ceased to exist with insufficient manpower and organization to even bury their dead. The many new genetically engineered viruses causing the strange diseases showing up will have been spread by sleeper agents supplied with a number of new viruses and distributed in public places (movie theaters, shopping malls, churches, etc.) quietly without anyone knowing. Humans themselves will become the vectors of the diseases/biowar agents. Although the Bush/Obama Administrations have spent well over $40 billion on biowar defense in the last few years, there is little that can realistically be done against a global strategic advanced biowar attack. The tactic of necessity will be to lock down everyone, with only key persons being allowed to leave their homes, in order to let the multiple genetically engineered diseases burn themselves out (a nice way of saying letting everyone who has the illnesses die off). Expect to see sub dermal RFID chips implanted under the skin of the population left in the major neo-con states to “prove your disease free status” and necessary to buy, sell, or work. Expect to see military checkpoints everywhere and total control by the neo-con national governments over all aspects of life. Expect to see concentration camps for persons suspected of disloyalty to the state (this will include many viewers of sites like this one). Expect to see levels of death, fear, repression that are almost incomprehensible. Expect to see the various biological warfare diseases spread throughout the world, even with a total shutdown of international travel. Many many millions will die in Russia and China. Expect to see those national governments not controlled by the neo-con masters to go ape shit when their populations face the nightmare of advanced biowar. Expect the regional war in the Middle East to trigger an all out global battle utilizing all forms of weapons of mass destruction within a few weeks to a few months of the initial attacks on Iran. Before we allow hardliners in Israel take us into yet another war, we need to take a very hard and realistic look at just what a war involving MAD on all sides would mean to Israel, to Europe, to North America and the entire world. The strategy of using war to effect change in the Middle East is no longer realistic, as we are in a mutually assured destruction (MAD) environment. It is also imperative, that the United States and Israel stop insisting on maintaining the Mubarak regime (perhaps minus Mubarak himself). With each passing day, week and month that the people of Egypt are prevented from successful revolution, the forces of the Muslim Brotherhood will grow. While not all in the Muslim Brotherhood are extremist, the danger is that a radicalized Egyptian population and a future government will not continue to support regional peace with Israel and that itself will dramatically raise regional danger levels. It is imperative, given the highly lethal nature of 21st Century warfare, that we stop the drive to war against Iran and stop the neocon strategy of using military force to reshape the Middle East. We (the Human Race) simply cannot survive the global use of Advanced Biological Warfare**.**

### Courts

#### The United States Supreme Court should rule restrictions on the production of crude oil on federal lands unconstitutional.

#### Courts can invalidate restrictions on oil

Simon 7 [Christopher A. Simon - Director, Master of Public Administration, Political Science Department, University of Utah, Professor, Political Science, “Alternative Energy: Political, Economic, and Social Feasibility”]

THE COURTS

The institutional power of the federal courts regarding energy policy is not ex- plicit in Article III. The role of energy and the intra- and interstate transporta- tion of fuels and electricity in the United States is, for the most part, a late nine- teenth- and early twentieth-century phenomenon. Early energy policy-related cases were argued within the confines of the judiciary’s narrowly defined enu- merated powers. In the late nineteenth century, the court system remained timid in terms of taking energy and material related cases. Post-Loehner (1905). the judiciary showed itself more willing to enter into disputes between state government and citizens. Although the case had nothing to do with en- ergy policy, the Supreme Court—by taking the case—opened the doors to the expansion of one of its enumerated Article III powers in a way that more di- rectly scrunitized policymaking at the state and local levels and de facto ex- panded the notion that federal court decisions were linked to the national gov- ernment’s supremacy. The 1937 case West Coast Hotel u Parrish confirmed the judiciary’s interest in scrutinizing public policy at all levels of government. Constitutionally, legal theory was now open to an enlarged analysis of the in- terchange between national regulatory powers and policymaking authority and state and local powers. In essence, the Court more fully disclosed acceptance of judicial positivism in method and decision making rather than a strict con- structionist approach.

Over the years, the courts have had a significant role in energy policy. The Court has been particularly interested in regulation of safety with regard to energy policy, as safety issues are central to the public good aspect of energy. While not directly related to energy policy. New Jersey Steam Navigation Company v. Merchants' Bank of Boston 47 U.S. 344 (1848) does illustrate the Court's particular and early interest in issues related to energy safety. The case involved the destruction by fire of a steam-operated commercial boat. In the end, the Court sided with the plaintiffs and the decision of a lower court to award damages. The case ultimately turned on the issue of fuel safety as the boat was fitted for wood-burning energy production, but was burning a much hotter “modem” fuel for boats of the time—anthracite coal. Although other deficiencies had been noted in terms of safety equipment that ultimately tied to the issue of the federal court's “admirality jurisdiction,” the case provides early evidence that the Court saw a role for itself in re- viewing aspects of energy safety, particularly in terms of transportation safety—albeit tangentially and quite possibly with little emphasis beyond the nature of the case.

The Court, however, tightened its level of scrutiny in term of energy- related safety issues in Champlin Refining Co. v. Corporation Commission of Oklahoma et al. 286 U.S. 210 (1932). In this case, one of the earliest cases involving the regulation of safety issues related to petroleum refinement, the Court dismissed broadly defined environmental restrictions on the extraction and refining of petroleum. In essence, the Court demonstrated that an early state-level effort to protect the environment from the impact of oil drilling and processing could only occur if statutes were written narrowly and were essentially based on scientific principles related to environmental safety. One could argue that by taking the case and deciding it, the Court opened further the door to national regulation of environmental policy as is most di- rectly related to the issue of energy resource development, processing, and distribution.

The 1970s, a decade in which the petroleum-based energy paradigm expe- rienced a major shock, saw the Court dealing with two prominent cases re- lated to energy safety issues. In Vermont Yankee Nuclear Power Corp. v. Nat- ural Resources Defense Council, Inc., et alia 435 U.S. 519 (1978), the Court dealt with questions related to “the proper scope of judicial review of the Atomic Energy Commission’s procedures with regards to the licensing of nu- clear power plants.” In lower court decisions, the commission's rule-making procedures related to nuclear energy fuel management and safety issues were overturned through court decision. In essence, this would have opened the door to further court scrutiny of the nuclear energy process in terms of safety. In a unanimous decision, the late William Rehnquist wrote that the Court of Appeals has improperly developed its own conception of safe reactor process and remanded the case to a lower court to scrutinize the commission’s regu- latory clarity. The case is significant because it effectively maintained nuclear energy policy as viable as long as rule making and regulatory processes gov- erning this form of alternative energy were rationally constructed and com- plete. The Court looked to administrative solutions to any lack of clarity or completeness first but was fairly definitive in removing the judicial system from the process or filling in areas of vagueness or rewriting significant por- tions of regulation and process-related nuclear energy policy.

In the same year, the Court decided the so-called trans-Alaska pipeline rate cases. The Court sought to clarify rate change policies related to the shipment of crudc oil and natural gas. In essence, the Court solidified the authority of Interstate Commerce Commission (ICC) in its efforts to manage the pipeline. The commission’s ability to adjust rates for rational economic reasons and to require pipeline operators to refund excess rate charges to customers was rec- ognized by the Court. The pipeline cases were critical to the legitimacy of the commission’s authority over the transportation of petroleum from Alaska. In a broader sense, the Court established precedence of the ICC to regulate pe- troleum transportation. Appellate court decision has further solidified its po- sition on pipeline rates in BP West Coast Products, LLC v. Federal Energy Regulatory Commission 376 F. 3d 1223 (2004). The Court was careful to bal- ance this decision in relation to the states’ power to regulate intrastate energy policy issues.

In Exxon Corp. et alia v. Governor of Maryland et alia 437 U.S. 117 (1978), the Court recognized the power of state government to regulate gaso- line markets within its borders. The Court found that neither the interstate commerce clause nor the due process clause of the Fourteenth Amendment were violated by Maryland's regulations on petroleum producers’ ability to establish gas stations and policy efforts to ensure equity within the gasoline market across various corporate concerns operating fueling station in-state. In essence, the Court established a balance between the interests of the national government in regulating energy transportation and use and the interests of the state in advancing goals not inconsistent with national constitutional in- terpretation and national policy priorities.

#### It’s competitive --- doesn’t reduce restrictions, just rules them unenforceable

Treanor & Sperling 93 William - Prof Law at Fordham. Gene - Deputy Assistant to President for Economic Policy. “PROSPECTIVE OVERRULING AND THE REVIVAL OF "UNCONSTITUTIONAL" STATUTES,” Columbia Law Review, Dec 93, lexis

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 overturned. n42 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 pronounced unconstitutional in Adkins. After the Court reversed Adkins in West Coast Hotel, President Roosevelt asked Attorney General Homer [\*1913] Cummings 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 statute 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. n43

Enforcement of the statute followed without congressional action. n44

When this enforcement was challenged, the Municipal Court of Appeals for the District of Columbia in Jawish v. Morlet n45 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. n46

The court declared this precedent sound since the cases were "in accord with the principle "that a decision of a court of appellate jurisdiction 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.' " n47 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, " "Just about everybody was fooled.' " n48 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. n49

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 the Jawish court, using a similar formalistic [\*1914] analysis. n50 The sole decision in which a court adopted the nonrevival position is Jefferson v. Jefferson, n51 a poorly reasoned decision of the Louisiana Supreme Court. The plaintiff in Jefferson sought child support 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 Appeals. The Court of Appeals rejected his appeal as untimely, even though the Louisiana Supreme Court had previously found that the applicable 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 decree changing the final judgment of unconstitutionality to constitutionality as this would constitute a reenactment of the law by the Court - an assumption of legislative power not delegated to it by the Constitution. n52

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 therefore entails judicial legislation and thereby violates constitutionally mandated separation of powers: because the initial legislative passage [\*1915] 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 powers doctrine is too simplistic. Contrary to the Jefferson rationale, a "revived" 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 legislative 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. n53 In short, the one case in which there was a holding that a statute

#### Applying CIL isn’t enough – only application in *direct opposition of federal policy* sets *binding precedent for judicial incorporation* – the permutation isn’t a showdown

**Kundmueller ‘2** [Michelle. The Journal of Legislation, 2002. ]

This Note has attempted to demonstrate some of the difficulties of applying customary international law in U.S. courts. At every level, there are unanswered questions. Many of these issues, like how "general" a practice or its acceptance must be in order to constitute customary international law, can only be given imprecise answers. Not only are these general problems inherent in all legal questions involving line-drawing in the defining of customary international law, but there is a virtual war being waged over where that line should be drawn and by whom. This issue, in turn, raises questions of constitutional importance, the gravity of which it is almost impossible to overstate. Practical concerns about the balance of powers, no less than theoretical misgivings over undermining our government's consentbased authority and legitimacy, demand our attention as the possibility of directly incorporating customary international law, perhaps even when in direct contravention of federal statute, comes closer to becoming a reality. Current cases do not present any of these possibilities as realities. They do, however, contain the beginnings of what could become fundamental structural changes in customary--and hence, United States--law should the judicial system prove dominant in determining customary international law. Current cases show U.S. courts, on a fairly modest level, defining, determining, and applying customary international law. The cases have yet to produce a real showdown between domestic, either constitutional or congressional, and customary law. To date, congressional and executive actions and statements have been taken as one type of evidence in determining the content of customary international law, but they have not served as dispositive or controlling in the face of overwhelming evidence that customary international law as a whole dictates a contrary outcome. This, of course, is the real issue. What happens when the will of the people or a dictate of the Constitution conflicts directly with customary international law? No doubt, our courts will do their best to interpret creatively so as to avoid such a conflict, but, eventually, the conflict will come, and a decision will be made**.** The conflict is inevitable due to the nature of modern customary international law. No longer delegated to issues traditionally understood as exterior, modern customary international law is beginning to define relationships between governments and their citizens and amongst citizens.  [\*378]

#### Extinction

**Damrosch and Mullerson ’95**, Professor of Law, Columbia, and Mullerson, Professor of International Law, King’s, Beyond Confrontation, International Law for the Post Cold War Era, p. 2-3I. Pressures on International Law: Demands Placed on It and Obstacles to Its Effectiveness

The contemporary world has an ever increasing need for an international legal system that can respond to the demands of our time. Of the many reasons for this fact, we will survey only a few of the most salient. First and foremost is the increasing interdependence of all peoples. Even as the world is riven with many contradictions and conflicts, it is also becoming more integrated with a greater need for orderly, predictable conduct. Events, and especially natural and social disasters, even when they occur within a single country, have more noticeable effects on conditions in the world at large. The Chernobyl accident, the earthquake in Armenia, and even internal political processes underway in the territories of the former Soviet Union and Eastern Europe—these and many other events occurring within separate countries or regions have a global significance affecting the destiny of all peoples. The intertwining of the economic life of diverse countries today is even greater than was the interdependence of different regions within the same state only half a century ago. Order and predictability of the behavior of actors on the international scene can be achieved first of all with the aid of social norms, among which international law occupies an important place. A second reason for the growth of the role of international law is inextricably connected with the first. The threat of a thermonuclear catastrophe, universal ecological crisis, and acute economic problems in developing countries are of global concern and endanger the very existence of humanity. Resolution of these problems demands coordinated efforts of all states and peoples, which would be impossible to achieve without the aid of international norms, procedures, and institutions. A third reason is the breathtaking political transformations of recent years. The changes that began in 1985 in the former Soviet Union and were unleashed in Eastern Europe have radically transformed the map of the world. Although it is impossible to give a final evaluation of the character and significance of these changes at the present time, it is possible to conclude that the fundamental global contradiction of the Cold War era—the contradiction between socialism and capitalism, which to a great extent determined not only the general climate in the world but also the role and significance of international law in it—has been overcome. In the Charter of Paris for a New Europe, 32 countries of Europe, together with the United States and Canada, affirmed that “the era of confrontation and division in Europe has ended.” The end has come not only for division in Europe, but also in the world at large. But this fact can hardly lead automatically to a non-contradictory, stable, world order. The acuteness of conflicts that are not connected with the so-called “fundamental contradiction of the epoch” can even intensify, as the unleashing of savage interethnic conflict in the former Yugoslavia and the former Soviet Union amply demonstrates. Nonetheless, it is precisely the cooperation between former ideological and political adversaries that can serve as the prerequisite and condition for the resolution of many of problems and conflicts. A vivid example may be found in the reaction of world society to the aggression of Iraq against Kuwait and the reining in of the aggressor with the aid of U.N. mechanisms in accordance with the U.N. Charter and other norms of international law.

### 1nc oil da

#### Oil prices will stabilize now – prices will stick above exporter break-even levels without significant changes

Irina Rogovaya August 2012; writer for Oil and Gas Eurasia, Oil Price Changes: Everyone Wants Stability <http://www.oilandgaseurasia.com/articles/p/164/article/1875/>

According to the current base forecast for the Eurozone prepared by Oxford Economics, within the next two years oil prices will continue to drift lower, but not beyond the bounds of the “green” corridor for the world economy – $80-100 per barrel. This forecast coincides with the expectations of the World Bank (see Fig. 4). Meanwhile, S&P analysts presented three scenarios for the energy market in June. In the base scenario, oil will remain at $100 per barrel. S&P calculates that the likelihood of a stressful scenario in which the price of oil drops below $60 per barrel (the bottom in 2009) is 1:3. Analysts believe that given today’s state of economic and geopolitical affairs, strong political will would be needed to force the price of oil below $70-80 (the current level of effective production). So far, that will is nowhere to be seen. Recent events have shown that nobody is interested in the Eurozone breaking apart. And nobody wants a war in the Persian Gulf. Furthermore, nobody today intends to force the production of less valuable oil. At least that is what OPEC leaders promised during the recent summit. “Stability on the market should be at the center of our attention,” General Secretary Abdalla El-Badri said. Even Saudi Arabia, which consistently violates OPEC discipline in over-producing its quotas, announced at the beginning of July that it would review its margins to determine a higher price for Saudi supplies ordered on August contracts. Analysts noted that the average price of oil supplied to Europe and Asia had jumped (by $0.85 and $0.66 per barrel respectively), a fact which could be seen as proof that the collective members of the cartel will not let prices fall under $100 per barrel.

#### US oil production would cause a massive overproduction glut and collapse prices

Derek Brower July 2012; editor of Petroleum Economist, Saudi Arabia steps into the breach HIGHLIGHT: The kingdom's efforts to balance the market are working. It may herald a new era of oil abundance, writes Derek Brower, Lexis

An 'unprecedented' rise in supply North America's unconventional oil sector will lead a vast new swathe of global supply that could lead to a "glut of overproduction and a steep dip in oil prices" and make the Western hemisphere the new centre of gravity in the world's oil sector, according to a report from the Belfer Center for Science and International Affairs at Harvard University. The field-by-field analysis of oil exploration and production projects around the world says that output could rise by 49 million b/d by 2020, or more than twice world demand in 2011, an "unprecedented" increase that has got underway "quite unnoticed". The revival has been "driven by high oil prices, booming investments, private companies' desperate need to restore their reserves, and the misguided but still prevalent perception that oil must become a rare commodity". In 2012 alone, more than $600 billion will be spent worldwide in oil and gas exploration and production, calculates the report's author, Leonardo Maugeri, a former Eni executive. Even after adjusting the potential production growth to account for risk, up to 29 million b/d could be added. Including depletion rates, which Maugeri says have been overestimated and are typically no more than 2-3%, net additions to production could reach 17.6 million b/d by 2020, yielding output of 110.6 million b/d - "the most significant increase in any decade since the 1980s."

#### High prices are key to the Russian economy and domestic stability

Michael Schuman 7-5-2012 ; writes about Asia and global economic issues as a correspondent for TIME in Hong Kong. B.A. in Asian history and political science from the University of Pennsylvania and a master of international affairs from Columbia; “Why Vladimir Putin Needs Higher Oil Prices” http://business.time.com/2012/07/05/why-vladimir-putin-needs-higher-oil-prices/

But Vladimir Putin is not one of them. The economy that the Russian President has built not only runs on oil, but runs on oil priced extremely high. Falling oil prices means rising problems for Russia – both for the strength of its economic performance, and possibly, the strength of Putin himself. Despite the fact that Russia has been labeled one of the world’s most promising emerging markets, often mentioned in the same breath as China and India, the Russian economy is actually quite different from the others. While India gains growth benefits from an expanding population, Russia, like much of Europe, is aging; while economists fret over China’s excessive dependence on investment, Russia badly needs more of it. Most of all, Russia is little more than an oil state in disguise. The country is the largest producer of oil in the world (yes, bigger even than Saudi Arabia), and Russia’s dependence on crude has been increasing. About a decade ago, oil and gas accounted for less than half of Russia’s exports; in recent years, that share has risen to two-thirds. Most of all, oil provides more than half of the federal government’s revenues. What’s more, the economic model Putin has designed in Russia relies heavily not just on oil, but high oil prices. Oil lubricates the Russian economy by making possible the increases in government largesse that have fueled Russian consumption. Budget spending reached 23.6% of GDP in the first quarter of 2012, up from 15.2% four years earlier. What that means is Putin requires a higher oil price to meet his spending requirements today than he did just a few years ago. Research firm Capital Economics figures that the government budget balanced at an oil price of $55 a barrel in 2008, but that now it balances at close to $120. Oil prices today have fallen far below that, with Brent near $100 and U.S. crude less than $90. The farther oil prices fall, the more pressure is placed on Putin’s budget, and the harder it is for him to keep spreading oil wealth to the greater population through the government. With a large swath of the populace angered by his re-election to the nation’s presidency in March, and protests erupting on the streets of Moscow, Putin can ill-afford a significant blow to the economy, or his ability to use government resources to firm up his popularity. That’s why Putin hasn’t been scaling back even as oil prices fall. His government is earmarking $40 billion to support the economy, if necessary, over the next two years. He does have financial wiggle room, even with oil prices falling. Moscow has wisely stashed away petrodollars into a rainy day fund it can tap to fill its budget needs. But Putin doesn’t have the flexibility he used to have. The fund has shrunk, from almost 8% of GDP in 2008 to a touch more than 3% today. The package, says Capital Economics, simply highlights the weaknesses of Russia’s economy: This cuts to the heart of a problem we have highlighted before – namely that Russia is now much more dependent on high and rising oil prices than in the past… The fact that the share of ‘permanent’ spending (e.g. on salaries and pensions) has increased…creates additional problems should oil prices drop back (and is also a concern from the perspective of medium-term growth)…The present growth model looks unsustainable unless oil prices remain at or above $120pb.

#### Oil prices are on the brink for Canada’s energy industry – lower prices crush their economy

Ora Morison 7-15-2012; The Globe and Mail “Falling oil puts pinch on economy” <http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/falling-oil-puts-pinch-on-economy/article4418057/>

Few countries feel the rise and fall of oil prices more than Canada, and a healthy oil industry is crucial to ensure the country’s modest growth outlook doesn’t turn into something worse. Consider that oil and gas exports and investment in machinery and infrastructure in the oil sands accounted for fully one-third of Canada’s economic growth in 2010 and 2011. In May, oil exports fell 5.5 per cent to $5.7-billion (Canadian), according to Statistics Canada – the fourth-consecutive monthly decline. “If oil prices get to a point where they are going to deter investment in the [energy] sector, the negatives outweigh the benefits,” said Diana Petramala, an economist at the Toronto-Dominion Bank. At Calgary-based Mullen Group, the negatives are starting to be felt. The trucking and oil-field services company is paying less for fuel, its second-largest operating cost. But its most important customers, oil sands producers, are slowing production and putting off expansion. Murray Mullen, CEO of the company whose roots go back to 1949, says he’s happier when energy prices are higher, even if it costs more to run his machines. “There’s a fine balance,” he said. “Oil is a lifeblood to our customers.” Worries are mounting about the energy sector’s pace of spending. Energy stocks, which comprise one-quarter of the value of the S&P/TSX composite index, have been poor performers. The sector has declined by 9 per cent this year as declining oil prices, particularly for Canadian benchmark crude, have dampened earnings expectations. If oil prices were to reach as low as $70 per barrel, large Canadian producers such as Imperial Oil, controlled by Exxon Mobil Corp., would be “significantly outspending cash flow,” said Andrew Potter, an analyst at CIBC World Markets.

#### Canadian economic decline causes Quebec secession

Nuechterlein1999; Rockefeller Research Scholar at the University of California, Berkeley,[Donald E. Nuechterlein, September 1999. “CANADA DEBATES A VARIETY OF DOMESTIC ISSUES,” <http://donaldnuechterlein.com/1999/canada.html>.

Current opinion polls in Quebec show that pro-independence forces are somewhat below the 50 percent margin that would trigger formal negotiations with the rest of Canada on the terms of separation. The current premier, Lucien Bouchard, is a crafty nationalist who will not put the question to another referendum unless he is convinced it will obtain a majority vote. My guess is that if Bouchard has doubts about reaching at least 50 percent in favor of independence, he will first call a provincial election and hope to increase the majority of his Parti Quebecois. That would give him more confidence about winning a referendum. An important factor influencing many Quebeckers will be their **degree of satisfaction with the Canadian economy**. At present, prosperity reigns in most parts of the country and many Quebec voters may worry that their province will suffer economically if it separates.

#### Quebec secession crushes Canada’s great power aspirations – those are key t0 prevent Arctic conflict, Russia-EU war, NATO collapse, and check multipolar transition wars

Zach Paikin 7-27-2012; a frequent media commentator on public policy issues and Canadian political affairs. He also contributes research on international affairs to several Washington-based think tanks and institutes. He was a candidate for National Policy Chair of the Liberal Party of Canada at the party’s 2012 biennial convention. He holds a BA in Middle East Studies from McGill University and is currently pursuing graduate studies in Global Affairs at the University of Toronto. ‘How Canada can become a major global power ‘ http://www.ipolitics.ca/2012/07/27/zach-paikin-how-canada-can-become-a-major-global-power/

The theme of my most recent column may suggest that Quebec could not survive outside of Canada under the current economic circumstances. What also needs to be understood, however, is that Canada cannot survive without Quebec. This is not only the case with regards to the economic assets that the Canadian economy would lose from Quebec’s secession (forestry, shale gas, mining, hydroelectricity and a bilingual workforce all come to mind quite quickly). Canada, as we know it, would cease to exist. In a Canada without Quebec, Ontario would possess almost half of the seats in the national legislature. Some might suggest that the province of Ontario would need to be broken up in order to prevent its dominance when it comes to political issues within the federation. The result may well be a total redraw of the federal-provincial power balance and therefore a fundamental change in how Canada operates and thinks of itself – and that’s only if negotiations between Ottawa and the other provinces succeed. The question of whether Canada and Quebec need one another has proven to be a never-ending debate. Some outside Quebec acknowledge the latter’s above-cited contribution to Confederation whereas others pounce on the idea that Quebec is holding back the more successful provinces in the West. Within Quebec, some note that the French-speaking province could not survive economically without Canada while others disagree in one way or another, arguing that the economic downturn following secession would be negligible in the long run or alternatively that secession is a goal to be achieved over the long term. The key for those who cherish national unity is to advance an irrefutable argument that focuses on what all regions of Canada can accomplish together. Here is one very important element of that thesis: A strong and united Canada can be one of the 21st century’s major powers. This is a position seldom put forward by our country’s political leaders and one that may come as a shock to most readers. Canadians have for a very long time seen themselves in the shadow of the United States – as members of a nation content to make a large moral impact but a limited physical one. Becoming a global power is not only within the realm of possibility thanks to Canada’s large territory, good borders (an ally to the south and oceans to the north, east and west), potential for population growth, relatively solid finances and abundant natural resources. It is also a national necessity. The United States, already in strategic decline, will likely voluntarily continue its slow retreat from the world in order to get its fiscal house in order and to placate an electorate that is largely fed up with allocating so much spending to overseas wars. That means that Washington will be less inclined to defend its NATO allies in future conflicts. And Canada is most certainly vulnerable. As climate change advances and the Northwest Passage continues to thaw, global interest in the Arctic region (believed to possess as much as 25 per cent of the world’s oil reserves) increases. Canada has a vital interest in ensuring that the Passage – which has considerable strategic and economic value – is viewed internationally as being under Canadian sovereignty. This presents Canada with the opportunity not only to rebuild and refocus its military, but also to make significant strategic advances across the globe. A deal – be it legal or economic – struck between Canada and Russia over the Northwest Passage would be of major importance to both countries and would allow for an important rapprochement between Ottawa and Moscow. This would allow Canada to increase its diplomatic clout in former Soviet republics and Warsaw Pact states, which in turn would give Canada the opportunity to act more significantly as an interlocutor between NATO and Russia when it comes to issues such as ballistic missile defense. (Missile defense installations are planned over the coming years in Eastern European states such as Poland and Romania.) In the same vein, Canada would have more of a say in mediating economic relations between the European Union (which now contains numerous Eastern European states) and Russia, which consequently would increase Canada’s influence within the EU itself. A Canada with major inroads in Europe and Russia. A Canada with the potential to increase exports to Asian markets drastically. A Canada that can use its special relationship with the United States to project its influence to regions originally thought to be out of its reach. This is the Canada of the 21st century. And this Canada can only be achieved if national unity is preserved and strengthened. If Quebec were to separate Canada would lose more than just military bases vital to ensuring Arctic sovereignty. (A similar argument could be advanced if the West, for argument’s sake, were to separate.) Canada would also have to deal with Quebec’s competing Arctic claims and may lose the ability to achieve much of the global influence described above as a consequence. A strong and united Canada is one that can think strategically and advance its interests significantly across the globe. Advancing those interests is what will give Canada the ability to advance and secure its values at home and abroad on a magnified scale. This is the next argument in support of national unity, and the one that will be explored in my next column.

#### High prices key to dollar hegemony – forces capital investment in the US

Stratfor 1-8-2008. “Annual Forecast 2008,” web.stratfor.com/images/writers/STRATFOR\_Annual\_1\_08.pdf.

Quietly developing in the background, the global economy is undergoing a no less dramatic transformation. While we expect oil prices to retreat somewhat in 2008 after years of surges, their sustained strength continues to shove a great deal of cash into the hands of the world’s oil exporters — cash that these countries cannot process internally and that therefore will either be stored in dollars or invested in the only country with deep enough capital pools to handle it: the United States. Add in the torrent of exports from the Asian states, which generates nearly identical cash-management problems, and the result is a deep dollarization of the global system **even as the U.S. dollar gives ground**. **The talk on the ﬁnancial pages will be of dollar** (implying American) **weakness, even as the currency steadily shifts from the one of ﬁrst resort to the true foundation of the entire system**.

#### Dollar hegemony is key to overall US hegemony and prevents currency status shift

Robert Looney, November 2003. Professor of National Security Affairs at the Naval Postgraduate School. “From Petrodollars to Petroeuros: Are the Dollar's Days as an International Reserve Currency Drawing to an End?” Strategic Insights, 2.11, <http://www.ccc.nps.navy.mil/si/nov03/middleEast.asp>.

Political power and prestige. The benefits of "power and prestige" are nebulous. Nevertheless, the loss of key currency status and the loss of international creditor status have sometimes been associated, along with such non-economic factors as the loss of colonies and military power, in discussions of the historical decline of great powers. Causality may well flow from key currency status to power and prestige and in the opposite direction as well.[8] On a broader scale, Niall Ferguson[9] notes that one pillar of American dominance can be found in the way successive U.S. government sought to take advantage of the dollar's role as a key currency. Quoting several noted authorities, he notes that [the role of the dollar] enabled the United States to be "far less restrained…than all other states by normal fiscal and foreign exchange constraints when it came to funding whatever foreign or strategic policies it decided to implement." As Robert Gilpin notes, quoting Charles de Gaulle, such policies led to a 'hegemony of the dollar" that gave the U.S. "extravagant privileges." In David Calleo's words, the U.S. government had access to a "gold mine of paper" and could therefore collect a subsidy form foreigners in the form of seignorage (the profits that flow to those who mint or print a depreciating currency). The web contains many more radical interactions of the dollar's role. Usually something along the following lines: World trade is now a game in which the U.S. produces dollars and the rest of the world produces things that dollars can buy. The world's interlinked economies no longer trade to capture a comparative advantage; they compete in exports to capture needed dollars to service dollar-denominated foreign debts and to accumulate dollar reserves to sustain the exchange value of their domestic currencies…. This phenomenon is known as dollar hegemony, which is created by the geopolitically constructed peculiarity that critical commodities, most notably oil, are denominated in dollars. Everyone accepts dollars because dollars can buy oil. The recycling of petro-dollars is the price the U.S. has extracted from oil-producing countries for U.S. tolerance of the oil-exporting cartel since 1973.[10] **America's coercive power in the world is based as much on the dollar's status as the global reserve currency as on U.S. military muscle**. Everyone needs oil, and to pay for it, they must have dollars. To secure dollars, they must sell their goods to the U.S., under terms acceptable to the people who rule America. The dollar is way overpriced, but it's the only world currency. Under the current dollars-only arrangement, U.S. money is in effect backed by the oil reserves of every other nation.[11] While it is tempting to dismiss passages of this sort as uninformed rants, they do contain some elements of truth. There are tangible benefits that accrue to the country whose currency is a reserve currency. The real question is: if this situation is so intolerable and unfair, why hasn't the world ganged up on the United States and changed the system? Why haven't countries like Libya and Iran required something like euros or gold dinars in payment for oil? After all, with the collapse of the Bretton Woods system in 1971 the International Monitary Fund's Standard Drawing Rights (unit of account) was certainly an available alternative to the dollar.[12]

### 1nc econ

#### Status quo solves the economy – consumer spending improving multiple sectors

**AP 10/26**/12 (“American Economy Expands at Modest 2 Percent Pace” <http://abcnews.go.com/US/wireStory/us-economy-grew-slowly-quarter-17569003?page=2#.UItWZ2-HIeo>)

The latest snapshot of economic growth shows the U.S. recovery remains tepid. Growth in the July-September quarter climbed slightly but was still too weak to stir significantly more hiring. The pace of expansion rose to a 2 percent annual rate from 1.3 percent in the April-June quarter, led by more consumer and government spending. Voters who are still undecided about the presidential election aren't likely to be swayed by Friday's mixed report from the Commerce Department. "For the average American, I don't think changes in quarterly GDP" make a big difference in their perception of the economy, said Andrew Kohut, president of the Pew Research Center. "It's certainly good for the president that the number is not bad because that would resonate." With 11 days until the election, the economy is being kept afloat by a revitalized consumer and the early stages of a housing recovery. But more than three years after the Great Recession ended, the nation continues to struggle because businesses are reluctant to invest, and slower global growth has cut demand for American exports. Republican nominee Mitt Romney is telling voters that President Barack Obama's policies have kept the economy from accelerating and have even slowed growth in the past two years. The 1.7 percent annual growth rate for the first nine months of 2012 remains slightly behind last year's 1.8 percent growth. And both are below 2010's growth of 2.4 percent. The economy contracted 5.3 percent in the first three months of 2009, just as Obama took office during the worst downturn since the Great Depression. Obama says his policies stabilized the economy later that year and argues that the stimulus package and auto bailout helped it grow in 2010. The White House points to an economy that's expanded for 13 straight quarters. Yet this year's third-quarter growth is slightly below the 2.2 percent average annual pace since the recession ended in June 2009. The economy's health is most closely tied to consumers, whose spending drives 70 percent of economic activity. The latest report showed some progress. Consumer spending rose at an annual rate of 2 percent in the July-September quarter, up from 1.5 percent in the previous quarter. And a survey by the University of Michigan released Friday found consumer confidence increased to its highest level in five years this month. That suggests spending may keep growing**.** Americans spent more on cars, adding nearly 0.2 percentage point to growth. Housing added to growth for the sixth straight quarter. "Those are the sectors that reflect growing consumer confidence and greater lending," said Joseph Carson, U.S. economist for AllianceBernstein, an asset management firm.

#### Squo solves jobs too – labor report

**Washington Post 10/5**/12 (“Jobs report shows an economy on the move” <http://www.washingtonpost.com/opinions/jobs-report-shows-an-economy-on-the-move/2012/10/05/db086556-0f18-11e2-a310-2363842b7057_story.html>)

IF VOTERS ARE assessing President Obama based on their job prospects — well, he asked for it. In a Jan. 15, 2009, meeting with The Post’s editors and reporters, Mr. Obama told us how he should be judged four years later: “Have we created jobs that get the economy back on track, businesses investing again, people feel some confidence, that we’re on the move? That is my number-one priority.” Friday’s employment report gave Mr. Obama a reason to crow. Having hit a high of 10 percent in October 2009, the jobless rate fell in September to 7.8 percent, the level it was when Mr. Obama took office amid a historic wave of job losses. More important, it fell even as the labor force grew; previous rate declines partly reflected worker discouragement. The percentage of adults with a job rose from 58.3 percent to 58.7 percent, wages by 0.3 percent. This is not small progress, considering the depths of the recession with which Mr. Obama was confronted upon taking office and considering that no president can fix, or ruin, the U.S. economy by himself — let alone the global economy upon which the United States depends. Unemployment probably would have been worse but for some of Mr. Obama’s policies, such as the financial-sector rescue, a government-funded auto industry restructuring and, yes, many elements of the $814 billion stimulus package he pushed through Congress over much Republican opposition. That’s a fact, even if only the auto bailout is popular enough for Mr. Obama to tout in the campaign. Yet some of what went right began even before Mr. Obama took office: President George W. Bush got the $700 billion financial bailout fund through Congress in 2008, then used it to keep General Motors and Chrysler alive through Inauguration Day. The Federal Reserve’s monetary policies, too, have propped up the economy; Chairman Ben S. Bernanke recently claimed that the Fed’s actions alone saved 2 million jobs. Mr. Obama’s more targeted strategies, notably the subsidized loans for green energy and various mortgage-relief efforts, have not always panned out. Meanwhile, the fracking revolution in oil and gas created thousands of jobs, which Mr. Obama had little or nothing to do with. All told, the economy has restored 3.2 million of the 8 million jobs it shed between December 2007, when the recession began, and June 2009, when it ended. Mr. Bernanke used the words “grave concern” to describe the jobs outlook just two weeks ago, and Friday’s report does not necessarily refute him. Neither investment nor business confidence — Mr. Obama’s other two benchmarks — have fully rebounded. The former remains about $100 billion below its pre-recession quarterly peak of $1.7 trillion and has been decelerating for the last year; the latter, as measured by the Purchasing Managers Index, a widely used measure of business confidence, is higher than it was in January 2009 but has been trending downward for the past six months. Businesses’ risk aversion is partly due to Washington gridlock and the impending fiscal cliff it has produced. Mr. Obama deserves his portion of blame, as do the Republicans who would oust him. But election-year angst aside, the United States experienced an epochal financial crisis in 2008, and recovery from a post-financial-crisis recession takes time, perhaps more than one presidential term. Banks are still healing, industry is still restructuring and households are still deleveraging. Is the U.S. economy “on the move,” as Mr. Obama wanted? Yes, but slowly, slowly — and there’s no guarantee it won’t stall again, no matter who wins in November.

#### Oil production doesn’t solve jobs

Levi 12 – Senior Fellow (at CFR) for Energy and the Environment and Director of the Program on Energy Security and Climate Change (Michael, July/August, “Think Again: The American Energy Boom” <http://www.foreignpolicy.com/articles/2012/06/18/think_again_the_american_energy_boom?page=full>) Jacome

"The U.S. Energy Boom Will Create Millions of New Jobs."

**Overstated**. The U.S. oil and gas boom has come at an auspicious time. With record numbers of Americans out of work, hydrocarbon production is helping create much-needed jobs in communities from Pennsylvania to North Dakota. Shale gas production alone accounted for an estimated 600,000 U.S. jobs as of 2010, according to the consultancy IHS CERA.

It's much harder, though, to extrapolate into the future. In a deeply depressed economy, new development can put people to work without reducing employment elsewhere. That's why boom states have benefited massively in recent years. The same is not true, though, in a more normal economy. Unemployment rates are typically determined by fundamental factors such as the ease of hiring and firing and the match between skills that employers need and that workers have. The oil and gas boom won't change these much.

That's why we should be skeptical about rosy projections of millions of new jobs. Wood MacKenzie, for example, claims that the energy boom could deliver as many as 1.1 million jobs by 2020, while Citigroup forecasts a whopping 3.6 million. Unless the U.S. economy remains deep in the doldrums for another decade, these will mostly come **at the expense of jobs elsewhere.**

### 1nc South China Sea

**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.

#### Aggression won’t escalate

-red lines solve

-all actors are rational and wouldn’t fight

-if it’s true it would escalate now that’s a reason war wouldn’t happen

-their ev is premised on hawkish rhetoric from , experts unanimously conclude neg

-intervening actors prevent escalation through dialogue

**Sieg 9/23** – writer for Reuters

(Linda, “Japan, China military conflict seen unlikely despite strain”, <http://www.reuters.com/article/2012/09/23/us-china-japan-confrontation-idUSBRE88M0F220120923>, dml)

(Reuters) - Hawkish Chinese commentators have urged Beijing to prepare for military conflict with Japan as tensions mount over disputed islands in the East China Sea, but most experts say chances the Asian rivals will decide to go to war are slim.

A bigger risk is the possibility that an unintended maritime clash results in deaths and boosts pressure for retaliation, but even then Tokyo and Beijing are expected to seek to manage the row before it becomes a full-blown military confrontation.

"That's the real risk - a maritime incident leading to a loss of life. If a Japanese or Chinese were killed, there would be a huge outpouring of nationalist sentiment," said Linda Jakobson, director of the East Asia Program at the Lowy Institute for International Policy in Sydney.

"But I still cannot seriously imagine it would lead to an attack on the other country. I do think rational minds would prevail," she said, adding economic retaliation was more likely.

A feud over the lonely islets in the East China Sea flared this month after Japan's government bought three of the islands from a private owner, triggering violent protests in China and threatening business between Asia's two biggest economies.

Adding to the tensions, China sent more than 10 government patrol vessels to waters near the islands, known as the Diaoyu in China and the Senkaku in Japan, while Japan beefed up its Coast Guard patrols. Chinese media said 1,000 fishing boats have set sail for the area, although none has been sighted close by.

Despite the diplomatic standoff and rising nationalist sentiment in China especially, experts agree neither Beijing nor Tokyo would intentionally escalate to a military confrontation what is already the worst crisis in bilateral ties in decades.

U.S. PRESSURE

"The chances of a military conflict are very, very slim because neither side wants to go down that path," said former People's Liberation Army officer, Xu Guangyu, now a senior consultant at a government-run think tank in Beijing.

Pressure from the United States, which repeated last week that the disputed isles were covered by a 1960 treaty obliging Washington to come to Japan's aid if it were attacked, is also working to restrain both sides, security experts said.

"I very seriously do not think any of the involved parties - Japan, China and including the United States because of its defense treaty (with Japan) - want to see a military conflict over this dispute," said the Lowy Institute's Jakobson.

"They don't want to risk it, they don't seek it and they do not intend to let it happen."

Still, the possibility of a clash at sea remains.

While the presence of the Chinese surveillance ships - none of which is a naval vessel - and Japan Coast Guard ships in the area might appear to set the stage for trouble, military experts said each side would try to steer clear of the other.

"The bad news is that China sent ships to the area. The good news is that they are official ships controlled by the government," said Narushige Michishita at the National Graduate Institute for Policy Studies in Tokyo.

"This is good news because they are not likely to engage in aggressive action because that would really exacerbate the situation and turn it into a major crisis," said Michishita.

The Chinese ships, he said, had another mission besides asserting China's claims to the islands and nearby waters.

"My guess is that some (Chinese) official patrol boats are there to watch out for fishing boats ... to stop them from making problems," Michishita said.

FISHING BOATS WILD CARD

Military specialists say the Chinese patrol vessels are well disciplined as are the Japan Coast Guard ships, while the two sides have grown accustomed to communicating.

"Both sides are ready, but both sides are very well under control," said a former senior Japanese military official.

What worries observers most is the risk that a boat carrying Chinese fishermen slips through or activists try to land, sparking clashes with Japan's Coast Guard that result in deaths - news of which would spread like wildfire on the Internet.

In 1996, a Hong Kong activist drowned in the nearby waters.

Diplomatic and economic relations chilled sharply in 2010 after Japan arrested a Chinese trawler captain whose boat collided with a Japan Coast Guard vessel. This time, tensions are already high and China is contending with a tricky once-in-a-decade leadership change while Japan's ruling party faces a probable drubbing in an election expected in months.

"Two rational governments of major countries would not intentionally decide to enter into a major war with each other over a few uninhabited rocks," said Denny Roy, an Asia security expert at the East-West Center in Hawaii.

"But unfortunately, you can arrive at war in ways other than that - through unintended escalation, in which both countries start out at a much lower level, but each of them think that they must respond to perceived provocation by the other side, both very strongly pushed into it by domestic pressure. That seems to be where we are now and it is difficult to see how countries can get out of that negative spiral."

Others, however, were more confident that an unplanned clash could be kept from escalating into military conflict.

"That's not really a major possibility, because there are still broad channels of communication between the two sides, and they would help prevent that happening. Both sides could still talk to each other," said former senior PLA officer Xu.

"Even before anything happened, you would also have the U.N Secretary General and others stepping in to ensure that the situation does not get out of control."

#### Can’t overcome a litany of alt causes

**Wu 11/6** – director of the National Institute for China Sea Studies

(Shicun, “Who are the real troublemakers in the South China Sea?”, <http://www.globaltimes.cn/content/742715.shtml>, dml)

Recently, some foreign media claim that China has become increasingly "aggressive" in the South China Sea. They even falsely declare that China has taken "provocative actions" to escalate the tensions in the sea and blame China for the "instability" in this area.

These reports are obviously inconsistent with the facts. When it comes to disputes in the South China Sea, China is not the troublemaker. On the contrary, some directly concerned parties have frequently taken provocative actions and ignited incidents, while some non-parties keep instigating other countries in the dispute, trying to push the multilateralization and internationalization of this issue.

That is the true cause of the escalation of the situation. The international media should not confuse truth and falsehood, be biased in favor of the conflict instigator, or deliberately ignore the great efforts and contributions made by China for a stable South China Sea.

Who’s the instigator of rising tensions in the South China Sea?

Since 2009, tensions over South China Sea issues have mounted. It is related to the impact of traditional and non-traditional security factors and also the outcome of the interaction between inside and outside powers in the region. In particular, the US global strategic focus shift to Asia triggered the reconstruction of the post-Cold War geopolitical landscape in Southeast Asia.

Taking advantage of this occasion, some directly concerned countries deliberately consolidate their claims, trying to push the multilateralization and internationalization of the South China Sea dispute with the help of outside powers. Moreover, some countries outside the region follow the US global strategy shift to Asia to increase their interference in South China Sea affairs, which further escalated the geopolitical competitionin this area and finally pushed the South China Sea into becoming an international hot spot.

Some claimant states frequently take provocative actions in the South China Sea, which caused the tensions in this region. On February 17, 2009, the Philippine Congress passed the Baselines Bill, which includes Huangyan Island and some islands and reefs of Nansha Islands as Philippine "territory.”

In April and July 2009, Vietnam government officially appointed their chief executives of the Xisha Islands and Nansha Islands, and strengthened their de facto occupation on these islands through sending immigrants, organizing public tourism activities, and other measures.

In March and May 2011, the Philippines and Vietnam took unilateral actions to explore the resources in disputed areas of the South China Sea. This year, on April 10, the Philippines sent warships to harass Chinese fishing boats which were operating normally in the Huangyan Island lagoon. Moreover, the Philippines intentionally ignited the conflict through illegal actions like detaining the fishermen and conducting onboard inspection, creating a standoff.

On June 21, the National Assembly of Vietnam adopted the Vietnamese Law of the Sea which places China's Xisha and Nansha islands under Vietnamese "sovereignty" and "jurisdiction.” The abovementioned and follow-up actions taken by the concerned parties in the dispute have not only infringed on China's territorial sovereignty and China's maritime rights and interests in the South China Sea, but also violated the principal consensus demonstrated in the Declaration on the Conduct of Parties in the South China Sea (DOC) signed by China and ASEAN countries in 2002 and relevant commitments made by those countries. This is the main cause of the escalating tensions on this issue.

#### Won’t escalate

**Scobel 2001** (Dr. Andrew, Compilation of a conference on Asian Security held by The U.S. Army War College, the Triangle Institute for Security Studies, and the Duke University Program in Asian Security, March 2-3, “The Rise of China: Security Implications,”http://www.pubpol.duke.edu/centers/tiss/pubs/documents/TheRiseofChina.pdf#search=%22%22u nlikely%20to%20escalate%22%20war%22)

The South China Sea presents a very different kind of flashpoint --one quite **unlikely to be the location of a major conflict**. Most of the disputed islands there are uninhabited and remote, and rival claimants to the area all have very limited power projection capabilities. China, Vietnam, the Philippines, Malaysia, and Brunei are among the states that claim some or all of the reefs, islets, and atolls that dot the area. China has the largest and most insistent claim. Beijing is very concerned with the sea lanes of communication and the natural resources of the region. China is increasingly dependent on Middle East oil that is shipped via the Strait of Malacca and through the South China Sea. Moreover, China is keen on tapping the fisheries and any energy reserves discovered in the area. Other nonmilitary security threats to the area are piracy--some estimates put about half of the world's pirates operating in the region. Environmental issues could exacerbate regional tensions and possibly lead to limited hostilities, but these are **unlikely to escalate or directly involve the United States in a war.**

### Biofuels

#### Brazil makes biofuels inev – even if there are production shortfalls

Reuters 9/14 9/14/12 <http://articles.chicagotribune.com/2012-09-14/news/sns-rt-us-ethanolbre88d195-20120914_1_ethanol-biofuel-tariff>, RBatra

After years at each other's throats, Brazil and the United States are working together to promote the use of ethanol in a collaboration that could revolutionize global markets and the makeup of the biofuel itself. The breakthrough came in January when Washington allowed a three-decade-old subsidy for U.S. ethanol producers to expire and ended a steep tariff on foreign biofuels. The tariff, in particular, had poisoned diplomatic relations between the world's top two ethanol-producing countries for years. Since then, industry executives and government officials from both countries have seen tangible progress in efforts to boost the production and consumption of ethanol around the world, they told Reuters. The two nations have been lobbying foreign governments to create new markets in Africa and Latin America, planning joint "road shows" to attract new investments in biofuel companies, and pushing for a uniform global standard for ethanol, which could make it easier to trade the biofuel across borders. Results may still be years away, but officials say the collaboration might breathe some new life into an industry facing an uncertain future because of chronic production shortfalls and doubts about the environmental benefits of many biofuels. "I think there's a clear sense now that we should be collaborating instead of fighting each other," said Terry Branstad, governor of Iowa, the top U.S. ethanol-producing state. After a July meeting with senior officials in Brazil, "I was very encouraged by what I heard," he said in an interview. "The more we cooperate, the more we can grow the worldwide demand for what we produce."

#### Low prices transitions from biofuels to natural gas – solves food prices

**Lane, 7/20** (Jim Lane, Biofuels Digest, 20 July 2012, “Coskata switches focus from biomass to natural gas; to raise $100M in natgas-oriented private placement,” <http://www.biofuelsdigest.com/bdigest/2012/07/20/coskata-switches-from-biomass-to-natural-gas-to-raise-100m-in-natgas-oriented-private-placement/)//CC>

Coskata, looking at CAPEX opportunities, political uncertainty, and the investor climate — switches to an “all natural gas” feedstock strategy. Initiates a $100M private placement, puts Alabama project on hold. In today’s Digest, we look at the rationale, the impact and the way forward. “In North America there’s a golden opportunity,” Coskata CEO Bill Roe says, in bringing the Digest up to speed with changes at Coskata. “The sea of natural gas is almost a problem, leading to historic price dislocation, and a level of availability that has not been seen for a long time. With our technology, it will give us a lower ethanol cost on a per gallon basis, and a remarkably lower capital cost because the kit that one needs to aggregate and gasify biomass, and then condition the syngas, is appreciably more than reforming natural gas.” Accordingly, the company now plans to utilize natural gas as its exclusive feedstock for its first several commercial-scale projects. Now – keep in mind, Coskata was already utilizing natural gas for around one-third of its feedstock needs in its previously planned first commercial project in Alabama. What is notable here is the switch to an all-gas strategy.

#### Cellulosic ethanol solves food prices

Aaron Levitt March 2012 InvestorPlace contributor “Cellulosic Ethanol: The Fuel of the Future?”

<http://investorplace.com/2012/03/cellulosic-ethanol-the-fuel-of-the-future-cdxs-amrs/>

However, some pricing relief might be on the horizon. Escalating petroleum prices have once again led to renewed interest in biofuels. While traditional corn and sugarcane ethanol have provoked an intense backlash from both policymakers and the public, second-generation biofuels made from plant wastes or non-food crops, known as cellulosic ethanol, are beginning to gain acceptance. While it will be some time before we fill our tanks with wood chips, recent activity in the sector is certainly indicative of bullish news. For investors with a long-term timeline and some risk capital to play with, the cellulosic ethanol sector could be an interesting speculation. Yard Waste & Scraps For Fuel Nothing in the alternative and renewable sector creates such a debate as corn ethanol. However, as the impassioned battle continues to rage about whether carbon emissions from ethanol production are actually lower than those from oil — or whether the 33% of the U.S. corn crop used in ethanol production actually drives up food prices — second-generation biofuel companies are hard at work. At its core, advanced biofuels are those that do not rely on the corn kernel starch to make sugar-based or alcohol fuels. Cellulosic ethanol producers hope to create energy from plant material such as switch grass, forest waste and wood chips. The tricky part stems from converting cellulose from feedstocks of faster-growing trees like bamboo, into usable sugars. Once these sugars are produced, they can be converted to standard ethanol using conventional processes. There certainly is plenty of incentive to do so. First, feedstock costs are next to nil. By using wheat straw, sugar-cane bagasse (the cellulose-rich waste from cane processing), yard trimmings or even trash itself, these companies hope to overcome one of the major hurdles of corn-based ethanol: competition for food. One of the major criticisms of corn-based ethanol is that federal mandates for blending have been driving up food costs. Famed value investor Jeremy Grantham has calculated that ethanol demand [increases the global price of a bushel of corn by 20%](http://finance.fortune.cnn.com/2012/01/31/ethanol-corn-food-fuel/). This seems to echo similar [findings by Texas A&M researchers](http://www.brenhambanner.com/news/ethanol-production-pushes-food-prices-up/article_3106f086-6df1-11e1-b6c2-001871e3ce6c.html). A university study also traced an increase in corn and grain prices to ethanol production. By using waste, cellulosic producers hope to avoid this issue altogether. The second strike against corn-based ethanol is shipping costs. Several second-generation biofuel companies hope to produce hydrocarbon-like fuels. These molecules are chemically similar to those that already power planes, trains and automobiles. These “drop-in” fuels won’t absorb water like ethanol, nor are they corrosive, meaning they can be put directly into fuel tanks and pumped through pipelines, just like regular traditional oil-based fuels. The 2007 Energy Security and Independence Act mandated that oil companies use 36 billion gallons of biofuels annually by 2022. Of that, 16 billion gallons are to be made from lighter environmentally footprinted advanced feedstocks such as cellulosic ethanol or algae. Globally, biofuel requirements call for at least 72 billion gallons by 2021. According to the EPA, no commercial volumes of cellulosic ethanol are currently being produced. However, several startups and advances are currently under way that could turn the tide. Ethanol giant POET recently broke ground on a new $250 million facility designed to use leftover corn stalks and cobs. Using enzymes, POET plans to produce about 25 million gallons of cellulosic ethanol per year and could be the first commercial plant in the country. Likewise, DuPont (NYSE:DD) will break ground on a similar facility later this year. There also have been a handful of strategic partnerships between major oil firms and various cellulosic firms.

**Food wars don’t escalate or spillover**

**Paarlberg, 08 -** professor of political science at Wellesley College and a visiting professor of government at Harvard University (Robert, “The Real Food Crisis,” Chronicle of Higher Education, 6/27, lexis)

Ironically, it was only when the so-called food crisis of the 1970s came to an end, during the slow-growth decade of the 1980s, that food circumstances in poor countries significantly worsened. In Latin America, even though world **food prices** were falling sharply, the number of hungry people increased from 46 million to more than 60 million. The reason was a regional "debt crisis" triggered by higher U.S. interest rates after 1979. The number of hungry people also increased sharply in Africa during the 1980s. The reason was faltering farm production, exacerbated in some regions by severe drought and civil conflict. The price for imported food was down, but hunger was up. Most real food crises are local rather than global.

**Multiple alternate causes to food prices**

**Teslik, 08** – Assistant Editor at Council on Foreign Relations (Lee Hudson, “Food Prices”, 6/30/2008, http://www.cfr.org/publication/16662/food\_prices.html)

Before considering factors like supply and demand within food markets, it is important to understand the umbrella factors influencing costs of production and, even more broadly, the currencies with which and economies within which food is traded. Energy Prices. Rising energy prices have direct causal implications for the food market. Fuel is used in several aspects of the agricultural production process, including fertilization, processing, and transportation. The percentage of total agricultural input expenditures directed toward energy costs has risen significantly in recent years. A briefing from the U.S. Department of Agriculture notes that the U.S. agricultural industry’s total expenditures on fuel and oil are forecast to rise 12.6 percent in 2008, following a rise of 11.5 percent in 2007.

These costs are typically passed along to customers and are reflected in global spot prices (i.e. the current price a commodity trades for at market). The input costs of electricity have also risen, furthering the burden. Though it isn’t itself an energy product, fertilizer is an energy-intensive expense, particularly when substantial transport costs are borne by local farmers—so that expense, too, is reflected in the final price of foodstuffs. (Beyond direct causation, energy prices are also correlated to food prices, in the sense that many of the same factors pushing up energy prices—population trends, for instance, or market speculation—also affect food prices.) Currencies/Inflation. When food is traded internationally—particularly on commodities exchanges or futures markets—it is often denominated in U.S. dollars. In recent years, the valuation of the dollar has fallen with respect to many other major world currencies. This means that even if food prices stayed steady with respect to a basket of currencies, their price in dollars would have risen. Of course, food prices have not stayed steady—they have risen across the board—but if you examine international food prices in dollar terms, it is worth noting that the decline of the dollar accentuates any apparent price increase. Demand Demand for most kinds of food has risen in the past decade. This trend can be attributed to several factors: Population trends. The world’s population has grown a little more than 12 percent in the past decade. Virtually nobody argues that this trend alone accounts for rising food prices—agricultural production has, in many cases, become more efficient, offsetting the needs of a larger population—and some analysts say population growth hasn’t had any impact whatsoever on food prices. The shortcomings of a Malthusian food-price argument are most obvious in the very recent past. Richard Posner, a professor of law and economics at the University of Chicago, argues this point on his blog. He notes that in 2007 the food price index used by the FAO rose 40 percent, as compared to 9 percent in 2006—clearly a much faster rate than global population growth for that year, which measured a little over 1 percent. Nonetheless, experts say population trends, distinct from sheer growth rates, have had a major impact on food prices. For instance, the past decade has seen the rapid growth of a global middle class. This, Posner says, has led to changing tastes, and increasing demand for food that is less efficient to produce. Specifically, he cites an increased demand for meats. Livestock require farmland for grazing (land that could be used to grow other food), and also compete directly with humans for food resources like maize. The production of one serving of meat, economists say, is vastly less efficient than the production of one serving of corn or rice. Biofuels. Experts say government policies that provide incentives for farmers to use crops to produce energy, rather than food, have exacerbated food shortages. Specifically, many economists fault U.S. policies diverting maize crops to the production of ethanol and other biofuels. The effects of ramped-up U.S. ethanol production—which President Bush called for as part of an initiative to make the United States “energy independent”—was highlighted in a 2007 Foreign Affairs article by C. Ford Runge and Benjamin Senauer. Runge and Senauer write that the push to increase ethanol production has spawned ethanol subsidies in many countries, not just the United States. Brazil, they note, produced 45.2 percent of the world’s ethanol in 2005 (from sugar cane), and the United States 44.5 percent (from corn). Europe also produces biodiesel, mostly from oilseeds. In all cases, the result is the diversion of food products from global food markets, accentuating demand, pinching supply, and pushing up prices. Joachim von Braun, the director general of IFPRI, writes in an April 2008 briefing (PDF) that 30 percent of all maize produced in the United States (by far the largest maize producer in the world) will be diverted to biofuel production in 2008. This raises prices not only for people buying maize directly, but also for those buying maize products (cornflakes) or meat from livestock that feed on maize (cattle). Speculation. Many analysts point to speculative trading practices as a factor influencing rising food prices. In May 2008 testimony (PDF) before the U.S. Senate’s Committee on Homeland Security, Michael W. Masters, the managing partner of the hedge fund Masters Capital Management, explained the dynamic. Masters says institutional investors like hedge funds and pension funds started pouring money into commodities futures markets in the early 2000s, pushing up futures contracts and, in turn, spot prices. Spot traders often use futures markets as a benchmark for what price they are willing to pay, so even if futures contracts are inflated by an external factor like a flood of interest from pension funds, this still tends to result in a bump for spot prices. Still, much debate remains about the extent to which speculation in futures markets in fact pushes up food prices. “In general we [economists] think futures markets are a good reflection of what’s likely to happen in the real future,” says IFPRI’s Orden. Orden acknowledges that more capital has flowed into agricultural commodities markets in recent years, but says that he “tends to think these markets are pretty efficient and that you shouldn’t look for a scapegoat in speculators.” Supply Even as demand for agricultural products has risen, several factors have pinched global supply. These include: Development/urbanization. During the past half decade, global economic growth has featured expansion throughout emerging markets, even as developed economies in the United States, Europe, and Japan have cooled. The economies of China, India, Russia, numerous countries in Southeast Asia, Latin America, and Eastern Europe, and a handful of achievers in the Middle East and Africa have experienced strong economic growth rates. This is particularly true in Asian cities, where industrial and service sector development has clustered. The result has often been a boost for per capita earnings but a drag on domestic agriculture, as discussed in this backgrounder on African agriculture. Farmland has in many cases been repurposed for urban or industrial development projects. Governments have not, typically, been as eager to invest in modernizing farm equipment or irrigation techniques as they have been to sink money into urban development. All this has put an increased burden on developing-world farmers, precisely as they dwindle in number and supply capacity. Production capacity in other parts of the world has increased by leaps and bounds as efficiency has increased, and, as previously noted, total global production exceeds global demand. But urbanization opens markets up to other factors—transportation costs and risks, for instance, which are particularly high in less accessible parts of the developing world—and prevent the smooth functioning of trade, even where there are willing buyers and sellers. Weather. Some of the factors leading to recent price increases have been weather-related factors that tightened supply in specific markets.

## 2nc oil

### overview

#### Dollar hegemony status is key to overall US economic and military leadership

William Clark, 2003; economic consultant and journalist, January (revised March 2003), “The Real Reasons for the Upcoming War with Iraq”, <http://www.ratical.org/ratville/CAH/RRiraqWar.html>

This unique geo-political agreement with Saudi Arabia in 1974 has worked to our favor for the past 30 years, as this arrangement has eliminated our currency risk for oil, raised the entire asset value of all dollar denominated assets/properties, and allowed the Federal Reserve to create a truly massive debt and credit expansion (or `credit bubble' in the view of some economists). These structural imbalances in the U.S. economy are sustainable as long as: 1. Nations continue to demand and purchase oil for their energy/survival needs 2. the world's monopoly currency for global oil transactions remains the US dollar 3. the three internationally traded crude oil markers remain denominated in US dollars These underlying factors, along with the `safe harbor' reputation of U.S. investments afforded by the dollar's reserve currency status propelled the U.S. to economic and military hegemony in the post-World War II period. However, the introduction of the euro is a significant new factor, and appears to be the primary threat to U.S. economic hegemony. Moreover, in December 2002 ten additional countries were approved for full membership into the E.U. Barring any surprise movements, in 2004 this will result in an aggregate E.U. GDP of $9.6 trillion and 450 million people, directly competing with the U.S. economy ($10.5 trillion GDP, 280 million people).

#### And dollar reserve status change would cause instant economic collapse

Robert Looney, November 2003. Professor of National Security Affairs at the Naval Postgraduate School. “From Petrodollars to Petroeuros: Are the Dollar's Days as an International Reserve Currency Drawing to an End?” Strategic Insights, 2.11, <http://www.ccc.nps.navy.mil/si/nov03/middleEast.asp>.

Otherwise, the effect of an OPEC switch to the euro would be that oil-consuming nations would have to flush dollars out of their (central bank) reserve funds and replace these with euros. The dollar would crash anywhere from 20-40% in value and the consequences would be those one could expect from any currency collapse and massive inflation (think Argentina currency crisis, for example). You'd have foreign funds stream out of the U.S. stock markets and dollar denominated assets, there'd surely be a run on the banks much like the 1930s, the current account deficit would become unserviceable, the budget deficit would go into default, and so on. Your basic 3rd world economic crisis scenario. "The United States economy is intimately tied to the dollar's role as reserve currency. This doesn't mean that the U.S. couldn't function otherwise, but that the transition would have to be gradual to avoid such dislocations (and the ultimate result of this would probably be the U.S. and the E.U. switching roles in the global economy)."

#### US is dependent on Canadian growth

John M. Curtis et al 2003; This report was prepared by the Trade and Economic Analysis Division (EET) of the Department of Foreign Affairs and International Trade under the overall supervision of John M. Curtis, Senior Economic Advisor and Coordinator. The report was written by Aaron Sydor, Senior Policy Research Coordinator. Statistical assistance was provided by Suzanne Desjardins and Björn Johansson. “NAFTA @ 10 A Preliminary Report” http://www.international.gc.ca/economist-economiste/analysis-analyse/research-recherche/10\_pre.aspx?view=d

The susceptibility of Canada-U.S. trade to increased security and delays at the border is one of the most challenging aspects to Canadian trade policy over the medium term. The U.S. economy is also **heavily dependent** on trade and investment linkages with Canada; this dependence has increased over the past decade as production in each country has become increasingly interdependent. Canada is the most important destination for exports from 39 U.S. states and the number one supplier of energy, including oil, to that country2.

#### Canada is key to the US economy – manufacturing,

John M. Curtis et al 2003; This report was prepared by the Trade and Economic Analysis Division (EET) of the Department of Foreign Affairs and International Trade under the overall supervision of John M. Curtis, Senior Economic Advisor and Coordinator. The report was written by Aaron Sydor, Senior Policy Research Coordinator. Statistical assistance was provided by Suzanne Desjardins and Björn Johansson. “NAFTA @ 10 A Preliminary Report” http://www.international.gc.ca/economist-economiste/analysis-analyse/research-recherche/10\_pre.aspx?view=d

Since the implementation of the Canada-U.S. Free Trade Agreement in 1989 and the North American Free Trade Agreement in 1994, there has been a dramatic increase in two-way inter-dependence between the two economies. As can be seen from the adjacent chart, U.S. exports bound for Canada increased from $US 93.4 billion in 1989 to $US 184.9 billion in 2002 - an increase of almost 100 percent. Similarly, U.S. imports from Canada increased from $US 99.0 billion to $US 232.4 billion between 1989 and 2002. Most Canada-U.S. trade is merchandise trade. Merchandise trade accounted for 87.0 percent of total U.S. exports to Canada in 2002 and 91.7 percent of total imports from Canada in that year. Merchandise trade growth between the two countries also outpaced growth in services trade, albeit by a small margin. Canada-U.S. trade is much more dependent on merchandise trade than the U.S's trade with other countries, as is shown by Canada's low share of U.S. services trade - 8.3 percent for exports in 2002, compared to 23.6 percent of merchandise trade. A similar trend is observed for imports where Canada accounts for only 8.0 percent of U.S. services imports v. 18.3 percent for merchandise. Canada is also, by far, the largest single market for U.S. goods - taking about the same value of U.S. ex-ports as the entire fifteen-member European Union, despite the fact that Canada is one-tenth its economic size. In 2002, Canada was the most important destination for merchandise exports from thirty-nine out of the fifty U.S. states. Canada is the most important destination of exports for most of the states along the border as well as the north-east and central U.S., but ranges as far south as Missouri and Nevada. Twenty-nine states sent more than one-quarter of their exports to Canada in 2002. Share and Rank of U.S. Exports to Canada by State, 2002 Only 9.6 percent of U.S. GDP is accounted for by exports - exports to Canada account for 1.9 percent of U.S. GDP with 1.5 percent of U.S. GDP is attributable to merchandise exports to Canada. There is a significant variation by state, however. Only five states rely on Canada for more than 2.5 percent of their GDP, four of which are clustered just below the Great Lakes. The level of dependence on the Canadian market declines as one moves away from this region. Canada is the most important destination for U.S. exports in eight out of eleven major commodity groupings; only in Agriculture and Minerals, where Canada is a major exporter, and Apparel & Textiles ranking lower - but still among the top three. Share of Exports to Canada in GDP by State, 2000 Canada is also an important source for U.S. imports used in the production process or directly consumed. Just under one-fifth of total U.S. imports come from Canada. Over 60 percent of U.S. Wood & Paper imports came from Canada in 2002, despite the softwood lumber dispute between the two countries. Canada is the most important source of U.S. imports in seven out of the eleven major commodity groupings and ranks among the top five sources in the remaining four commodity groups. Canada's Share of U.S. Exports by Commodity, 2002 These trade numbers also reflect the **high degree of integration** between Canadian and U.S. industry. Over 40 percent of U.S. trade with Canada is intra-firm - trade occurring between parts of the same firm operat-ing on both sides of the border. The automotive industry is a prime example of this type of trade. Every vehicle assembled in North America now contains nearly US$ 1,250 of Canadian-made parts7. Canada's Share of U.S. Imports by Commodity, 2002 Canada is also the U.S.'s most important source of energy imports. Canada is undoubtedly the dominant source of Electricity and Natural Gas imports, accounting for 100 percent of U.S. electricity imports, and 93.5 percent of natural gas imports. But, even for oil - combining crude and non-crude oil, the U.S. imports more from Canada than from any other country. Canada's Share of U.S. Energy Imports, 2002 Furthermore, Canadians are an important source of tourism revenue for the U.S. They spent US$ 6.2 billion on travel in the U.S. in 2002, or 8.5 percent of total foreign travel spending in the U.S. that year. Canada-U.S. economic linkages extend beyond trade. As already mentioned, many firms operate on both sides of the border with activities that are often tightly integrated. Canada is one of the most important destinations for U.S. investment abroad. 10.1 percent of U.S. direct investment assets abroad were located in Canada in 2001. There are just under 2,000 U.S. affiliates operating in Canada that generate US$ 2.9 trillion in sales annually8. Distribution of U.S. Direct Investment Abroad Distribution of Direct Investment in the U.S. Canadians are also among the largest investors in the U.S., accounting for 8.2 percent of all foreign direct investment in that country in 2001. Canadian companies own US$ 434 billion in assets in the U.S., generat-ing US$ 168 billion in sales and employing 643 thousand people9andreturned US$4.4 billion in income to Canadians.

#### Russian Arctic bellicosity causes accidental nuclear escalation

Huebert 1998(Prof. Rob Huebert, Department of Political Science/Strategic Studies Program, University of Calgary 1998 http://www.carc.org/calgary/a4.htm)

Likewise, there is evidence that the Russians intend to continue developing more advanced nuclear ballistic missile submarines. The keel of the fourth-generation strategic missile submarine, the Yuri Dolgoruky (Borei class), was laid on November 2, 1996. (3) This new class of submarines is to replace the Russian Typhoon and Delta classes and is expected to be operational by 2002-2003. It is estimated that cost of each of these submarines will exceed $1 billion (US). This clearly illustrates the seriousness of the Russian's perceived military threat. Given the fact that Murmansk is one of three remaining SSBN ports, the construction of these vessels guarantees that the Arctic will remain an area of continued military activity for Russia, and therefore the United States, well into the 21st century. The potential for an accidental nuclear war remains as a threat to the Arctic regions. On January 25, 1995 Boris Yeltsin activated his "nuclear briefcase" when Russian radar detected a rocket launch from somewhere off the Norwegian coast. The rocket was first thought to be headed towards Moscow, but eventually veered away from Russian territory. The rocket was in fact an American scientific probe sent to examine the northern lights. The Norwegians had informed the Russians of the launch, but mis-communications had resulted in the failure of the message to reach the proper Russian officials. (4) This incident, while hopefully rare, indicates that the potential for nuclear misunderstanding remains as real as ever.

### A2 u

#### Oil is expected to stay above $100 per barrel – benefits oil exporters economies

IMF 11/11/12 (The International Monetary Fund, “Divergent Economic Performance Continues Across the Middle East”, Nov 11 12, <http://www.imf.org/external/pubs/ft/survey/so/2012/CAR110912A.htm>) AC

Oil exporters’ economies are buoyant The region’s oil-exporting countries are expected to post solid growth in 2012, largely on account of Libya’s better-than-expected post-conflict recovery. In the countries of the Gulf Cooperation Council, growth remains robust, supported by expansionary fiscal policies and accommodative monetary conditions, but is expected to slow from 7½ percent in 2011 to 3¾ percent in 2013 as oil production reaches a plateau. The price of oil is expected to remain above $100 per barrel in 2012–13. As a result, the oil exporters’ combined current account surplus is anticipated to remain near its historic high of about $400 billion in 2012 (see Chart 1). This has helped governments to respond to growing social demands by increasing expenditure on wages and salaries, which rose dramatically in most oil exporters in recent years.

#### Oil prices are high now and critical to the economy – specifically driving modernization and stability now

Jones 11/10/12 (Harvey – Investment Journalist for The National, “How to reap the spoils of oil”, The National, Nov 10 2012, Lexis) AC

They find oil in all sorts of places these days, not just the Middle East. Saudi Arabia may still be the world's swing producer, while the UAE, Iran and Kuwait are also flush with the black stuff. But there's plenty of oil beyond the Middle East The United States is the world's second-biggest oil producer, followed by Russia. China, Canada, Mexico and Brazil also feature in the top 10. With the oil price sticking stubbornly above US$105 a barrel, even in the teeth of a global downturn, oil looks likely to remain a great long-term investment. So where in the world do you go? You could start with Russia, whose economy floats on a vast pool of oil and gas, says Liesbeth Rubinstein, who manages Invesco Perpetual Emerging Markets. "This brings huge financial benefits to the country, as a steady flow of substantial export revenues boosts government finances and supports the corporate sector." Wages are growing and investment is pouring into infrastructure. Russia finally joined the World Trade Organisation in August, which should reduce trade barriers and help to modernise its economy, Ms Rubinstein says. "This rich mixture of government spending and private capital can fuel a virtuous circle of higher economic growth and greater affluence," she says. That makes it a tempting target for investors. The Russian middle class is expected to grow from 20 million to 66 million in the next eight years and they will have more money to spend on retail and consumer goods, financial services and health care. Invest in Russia and you're investing in a lot more than the oil price. The Russian stock market is also cheap by historical standards. Specialist mutual funds, such as JP Morgan Russian Securities, Neptune Greater Russia and Baring Russia, may be worth a look.

### A2 dutch

#### Dutch disease has no impact on growth – actually boosts non-hydrocarbon export capacity

Nicolas Magud and Sebastián Sosa 3-15-2011; Magud, Senior Economist at the International Monetary Fund, and Sosa, Economist at the International Monetary Fund When and why worry about real exchange-rate appreciation? The missing link between Dutch disease and growth http://www.voxeu.org/index.php?q=node/6212

While a natural resource boom (or any other shock entailing an increase in foreign exchange inflows) is in principle a positive development due to wealth effects, there have long been concerns among economists about the potential negative impact of Dutch disease on long-term growth (see for example Rajan and Subramanian 2005 and Ismail 2010). These concerns are usually based on the idea that the declining (usually manufacturing) tradable sectors may possess some special characteristics that would stimulate growth and welfare in the long term (such as increasing returns to scale, learning by doing, spillover effects, or other positive externalities). Motivated by the experiences of China and other east Asian countries, a new literature based on the export-led growth strategy states that maintaining an undervalued or “competitive” real exchange rate may foster economic growth – where the operative channel is the size of the (manufacturing) tradable sector. In this view, while real exchange-rate overvaluations hurt growth, undervaluations foster it. This contrasts with another position, which argues that any real exchange-rate misalignment from its long-run (fundamentals’ based) equilibrium will lower growth – regardless of whether it is over- or under-valuation (Berg and Miao 2010). However, to show that Dutch disease reduces growth needs a strong assumption that the manufacturing tradable sector is somehow “special”. Mostly, learning by doing or other types of externalities in this sector have been assumed to obtain theoretical models linking Dutch disease with lower growth. Absent these assumptions, Dutch disease only depicts an equilibrium real exchange-rate appreciation reflecting stronger fundamentals and de-industrialisation, but would not necessarily be bad for overall growth.

### A2 no link

#### New global supply would drop prices below petrostate break-even points

Steve A. Yetiv and Lowell Feld September 2007; Yetiv, Professor of political science at Old Dominion University; Feld, senior international oil markets analyst at the U.S. Energy Information Administration “America’s Oil Market Power The Unused Weapon Against Iran” World Policy Journal 2007 24: 53, Sage Journals

Today, there is strong reason to believe that an increase in world spare oil produc- tion capacity would cause oil prices to de- cline once again (if not to the same dramatic degree). Imagine that the United States cut its oil consumption from currently projected levels of 24 MMBD by 2020 by 3 MMBD over the next decade.1Eventually, the American cut in consumption would in- crease world spare capac- ity from its current level of around 2 MMBD (al-most all of which is in Saudi Arabia and Kuwait) to more than 5 MMBD. This would return world spare oil production capacity to levels not seen since late 1998 and early 1999, when oil prices plummeted to $10 per barrel. True, it is unlikely that we will see $10 per barrel again, but with a major reduction in the trajectory of U.S. oil demand and a con- comitant increase in world spare capacity, we would likely see **a sharp decrease from the** $80–100 per barrel prices **we are currently experiencing**.2

#### US production increase would bring down prices and hurt exporters

Derek Brower July 2012; editor of Petroleum Economist, Saudi Arabia steps into the breach HIGHLIGHT: The kingdom's efforts to balance the market are working. It may herald a new era of oil abundance, writes Derek Brower, Lexis

That's the official line, and other Opec members say they are relaxed about rising output in Canada and the US. The Middle East isn't about to lose its pre-eminence as an oil-exporting powerhouse. But outside the region things are moving fast. "North America could become self sufficient in oil as well (as gas) by 2025," ConocoPhillips' Ryan Lance told the Opec seminar in Vienna in June. For exporters, the loss of the world's biggest consumer would be difficult to shrug off, especially as unconventional oil and gas loom on the radar in other consuming areas, too, from Asia to Europe. Said Lance: "For too long, we've faced inaccurate perceptions in consuming nations of resource scarcity." Those days are coming to an end.

### Dollar heg

#### High oil prices key to dollar status – ensures leverage against a currency switch

Oliver Blanchard, 1-31-2008. The Class of 1941 Professor of Economics, is a former MIT economics department head. “Economist sees US better withstanding high oil prices - Peak oil,” Cherry Creek News, <http://www.thecherrycreeknews.com/content/view/2359/2/>.

Q: Are there any macroeconomic benefits to higher oil prices? A: Higher oil prices have many complex implications for the world economy. Let me just take one, which may seem paradoxical: The increase in the price of oil helps finance the U.S. current account deficit. The reason is that **oil producers know that oil revenues will not last forever, so they save a good part of those revenues**. Not having great investment opportunities at home, they are eager to lend outside their country, and, in particular, to lend to the U.S. Such willing creditors allow the U.S. to continue to borrow abroad and to run a large current account deficit. Were it not for oil-producing countries, the demand for U.S. assets would be smaller, and the dollar would be even weaker than it is today. Q: What if oil-producing countries suddenly took their money out? A: The dollar would plunge. But so would the value of their dollar investment, so they are very unlikely to use this tool/threat.

### A2 help Russia

#### Slow diversification is inevitable, but fast diversification forced by low oil prices would destroy comparative advantage – that’s key to the economy

Clifford G. Gaddy 6-16-2011; Senior Fellow at the Brookings Institution, Washington, DC, economist specializing in Russia, “Will the Russian economy rid itself of its dependence on oil?” http://en.rian.ru/valdai\_op/20110616/164645377.html

To ask whether the Russian economy will rid itself of its “dependence on oil” is to ask whether ideology will trump economics. Many people in Russia—including President Medvedev—seem to believe Russia should de-emphasize the role of oil, gas, and other commodities because they are “primitive.” Relying on them, they argue, is “degrading.” From the economic point of view, this makes no sense. **Oil is Russia’s comparative advantage**. It is the most competitive part of the economy. Oil and gas are something everyone wants, and Russia has more of them than anyone else. It is true that the Russian economy is backward, and that oil plays a role in that backwardness. But oil is not the root cause. The causes of Russia’s backwardness lie in its inherited production structure. The physical structure of the real economy (that is, the industries, plants, their location, work forces, equipment, products, and the production chains in which they participate) is predominantly the same as in the Soviet era. The problem is that it is precisely the oil wealth (the so-called oil rent) that is used to support and perpetuate the inefficient structure. For the sake of social and political stability, a large share of Russia’s oil and gas rents is distributed to the production enterprises that employ the inherited physical and human capital. The production and supply chains in that part of the economy are in effect “rent distribution chains.” A serious attempt to convert Russia’s economy into something resembling a modern Western economy would require **dismantling** this rent distribution system. This would be both **highly destabilizing**, and costly in terms of current welfare. Current efforts for “diversification” do not challenge the rent distribution system. On the contrary, the kinds of investment envisioned in those efforts will preserve and reinforce the rent distribution chains, and hence make Russia more dependent on oil rents. Even under optimal conditions for investment, any dream of creating a “non-oil” Russia that could perform as well as today’s commodity-based economy is unrealistic. The proportion of GDP that would have to be invested in non-oil sectors is **impossibly high.** Granted, some new firms, and even entire sectors, may grow on the outside of the oil and gas sectors and the rent distribution chains they support. But the development of the new sectors will be difficult, slow, and costly. Even if successful, the net value they generate will be too small relative to oil and gas to change the overall profile of the economy. Thus, while it is fashionable to talk of “diversification” of the Russian economy away from oil and gas, this is the least likely outcome for the country’s economic future. If Russia continues on the current course of pseudo-reform (which merely reinforces the old structures), oil and gas rents will remain important because they will be critical to support the inherently inefficient parts of the economy. On the other hand, if Russia were to somehow launch a genuine reform aimed at dismantling the old structures, the only realistic way to sustain success would be to **focus on developing the commodity sectors**. Russia could obtain higher growth if the oil and gas sectors were truly modern. Those sectors need to be opened to new entrants, with a level playing field for all participants. Most important, oil, gas, and other commodity companies need to be freed from the requirement to participate in the various informal schemes to share their rents with enterprises in the backward sectors inherited from the Soviet system. Certainly, there are issues with oil. It is a highly volatile source of wealth. But there are ways to hedge those risks. A bigger problem is that oil will eventually lose its special status as an energy source and therefore much of its value. But that time is far off. It will not happen suddenly. In the meantime, sensible policies can deal with the problems. Otherwise, the approach should be to generate the maximum value possible from the oil and protect that value through prudent fiscal policies. Russia should not, can not, and will not significantly reduce the role of oil and gas in its economy in the foreseeable future. It will only harm itself by ill-advised and futile efforts to try.

## 2nc case

### Econ U

#### Growth is increasing – seriously all factors

Gautam Godhwani 8-15-2012; CEO, SimplyHired.com “Signs Of Resilience In Our Economy” http://www.huffingtonpost.com/gautam-godhwani/us-economy-jobs\_b\_1778664.html

This month's Labor Department job report was also more positive than expected, showing that over the past month, the U.S. economy created jobs at the fastest pace since February of this year. Employers added a total of 163,000 jobs in July. And after disappointing reports in May and June, this change of direction demonstrates strength and resilience in our economy. We've seen this again and again in our history, and it has brought us out of past recessions and slow economic times. Consider what we've endured in the last five years: the collapse of the housing market, the financial crisis that followed, debt ceiling talks, the European debt crisis, and dramatic shifts in oil prices. All of this created the worst recession since the Great Depression, and brought consumer confidence to historic lows. With consumer spending making up 70 percent of the U.S. economy, we saw a spiral down across the economy. Businesses slowed hiring and unemployment rates rose dramatically, with millions of Americans out of work. The nation was in a panic. Four years later, we see growth in **nearly every industry**. Our August U.S. Employment Outlook revealed growth in job openings in 14 out of 18 industries over the last month, including the automotive, education, financial services, real estate, and technology sectors. It also showed that over the past year, we've even seen job openings increase in some of the nation's hardest hit industries, including construction and manufacturing. In addition, strong performing industries from recent past years, such as healthcare, continue to flourish with a consistent increase in job openings. Further, small businesses, which have historically been a key engine of our economy, have resumed hiring after a lull during the recessionary period. As employers continue to look at filling open positions and ramp their hiring efforts, our country's prospect of economic growth and recovery is bright -- albeit slow going. The U.S. economy is built upon businesses large and small, providing goods and services across a wide range of sectors. There are undeniable signs that we've seen the worst of the recent economic downturn, **and that better times are ahead**. If anything, our recovery from the Great Recession shows that our economy is as resilient as ever.

#### Bank capital, housing rebound

**NYT, 10/16**/12 (Economic Health? It’s Relative, http://www.nytimes.com/2012/10/17/business/us-economy-is-doing-well-compared-with-other-nations.html)

Whether you are better off today than in 2009 may not be the most useful question to ask about an economy emerging from its most severe downturn in 80 years. A more illuminating question is how we have done relative to other countries that were caught in the global financial cataclysm. By that standard, economic growth in the United States has done surprisingly well. The president’s early assessment of our economic troubles was wildly optimistic. By the administration’s early forecast the economy would be growing by 4.6 percent this year. Instead, it is probably going to expand just over 2 percent this year and next. Economic production per person has not recovered to its level before the recession. Unemployment is still painfully high, at 7.8 percent. The share of the population with a job remains near its lowest in 30 years. But glance across the Atlantic. The economy of the European Union will shrink by 0.2 percent this year, according to the International Monetary Fund. It is smaller than it was five years ago, while the American economy is 2.9 percent bigger. Even Europe’s most competitive countries are slipping. The Dutch economy is shrinking. Germany and Austria are expected to grow at half the rate of the United States this year and next. Some will argue that Europe makes for an easy comparison. The European Central Bank held the economy back for many months by refusing to slash interest rates aggressively or pump money into the economy. Germany’s insistence that indebted Mediterranean countries cut government spending deepened recessions in those nations. And some other developed countries are growing faster than the United States: Canada, which didn’t have a banking crisis to begin with; Australia, a big exporter of raw materials that benefited greatly from China’s growth; the oil exporter Norway. Yet the United States has recovered more quickly than other countries that don’t use the euro — including Japan, New Zealand, Denmark and Britain. The performance is all the more remarkable considering that the financial crisis that sent much of the world into recession was set off by American homeowners defaulting on their mortgages, taking down a big chunk of the nation’s banking sector. The one crucial area in which the United States has performed worse than its peers is in jobs. Joblessness is at record highs in countries like Spain and Greece. But many European countries have done a much better job of protecting employment than the United States. In Austria, Germany and Belgium, the governments paid companies to put workers on short-time work rather than lay them off. Sweden also has a longstanding wage subsidy. Alongside stronger unions and stiffer employment regulations that make it tougher to fire workers, these countries managed to prevent soaring unemployment. Total employment in Britain, Germany, the Netherlands, Austria, France and even Italy has recovered more since the financial crisis than it has in the United States. Though the United States has grown faster than France since 2007, the unemployment rate has risen higher here. Yet the president’s critics are not suggesting the government should have subsidized wages or financed more public works. Rather, they have championed the type of budget-cutting policies that have played such a large role in thwarting economic growth in Europe. Federal Reserve officials today concede they were too slow to respond to the crisis. The Fed was nonetheless far more aggressive than the European Central Bank, quicker to drop interest rates to zero and pump money into the economy, buying government debt and other bonds. Fiscal stimulus — an initial $800 billion package in 2009 followed by about $600 billion in payroll tax cuts and other efforts — was bigger and more sustained than in other advanced countries. Banks in the United States were forced to raise billions in new capital, which allowed them to cope with the turbulent financial markets better than their European peers. Every step was an uphill battle. The Republicans who took control of the House of Representatives in 2010 argued that fiscal stimulus was wasted and counterproductive, and pressed for German-style austerity. During the Republican primaries, the Texas governor, Rick Perry, accused the Federal Reserve chairman, Ben S. Bernanke, of treason for debasing the currency by printing money to buy debt. Today, most economists say they believe that these policies provided vital support to the economy. In its most recent World Economic Outlook, published this month, the I.M.F. acknowledged that the fiscal stimulus was probably much more effective at bolstering growth than it had previously allowed. So where does this leave President Obama’s record? The Harvard economists Carmen M. Reinhart and Kenneth S. Rogoff, whose 2009 book “This Time Is Different” is the most comprehensive study of financial crises and their aftermath, contend that the comparison by Mr. Hubbard, Mr. Bordo and others is flawed. It mixes relatively mild recessions with deep financial crises that blew up the banking system. Recovering from the latter, they say, is painfully slow and difficult. By Ms. Reinhart’s and Mr. Rogoff’s accounting, the Obama administration’s record on economic growth is pretty good: “If one really wants to focus just on United States systemic financial crises, then the recent recovery looks positively brisk,” they conclude. Among countries that suffered as deep a financial crisis as we did since 2008 — from Greece and Iceland to Germany and Britain — “the United States’ output performance is, in fact, among the best.” Even the American jobs market looks brighter when compared with other big financial crises in history. Charles Dumas, chairman of the economic consulting firm Lombard Street Research in London, sees an American economy poised to rebound in the next presidential term. Household debt has fallen from its peak, and rock-bottom interest rates mean homeowners are spending only 14 percent of their disposable income on debt payments, the lowest level since 1992. The budget deficit is already down to 8.7 percent of economic output, from 13.3 percent in 2009. Even China is less of a problem, as high inflation has mostly eliminated its currency undervaluation.

#### Unemployment trends won’t cause crash

Thomas **Mann,** Brookings Institution.DNA, **11-6-12**, p. Lexis  
But is the strategy with a focus on the economy working for the Reds (as the Republicans are called)? "The Republicans have focused on economy. You are not better off than you were four years ago. But the [economic news](http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&expNewLead=0&fpSetup=0&brand=ldc&dedupeOption=2&_m=d4f51d27890c54ca2117bcefd386a040&docnum=10&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzt-zSkAb&_md5=b40db59a68d6ffaee70fef5ea16a918e&focBudTerms=united+states+or+america%21+w%2F25+double%21+dip+recession%21+and+date+aft+nov+1%2C+2012&focBudSel=all) in the last 4 years was mediocre, not devastating. There is no dramatic new increase in unemployment. No double dip recession. There are some modest income increases. The worst part of the economy - the housing market - finally seems to be coming out of slump. Americans are feeling more upbeat about the economy," sums up Prof Mann.

#### The worst is already over

The **Globe and Mail, 11-4-12,** p. http://www.theglobeandmail.com/report-on-business/weak-global-demand-hurting-canadian-trade-flow/article4908582/

There are glimmers of good news elsewhere that could improve the trade performance of Canada and the U.S. in the months ahead. While it’s true global recovery has slowed markedly, the worst may be over.

The U.S. economy seems **to have avoided a double-dip recession;** gross domestic product grew 2 per cent in the second quarter and the housing sector is once again contributing to growth.

There’s plenty of weakness in Europe, but Britain, at least, appears to have lifted itself out a double-dip in the third quarter.

Most importantly, growth in export-colossus China seems to be coming back to life. In a recent forecast, Bank of Nova Scotia said it expects growth next year to rebound to 8 per cent from 7.7 per cent this year.

Predictive factors agree

#### One, Bizcon

**Pink News Service, 11-5-12**, p. http://www.pinknews.co.uk/2012/11/05/comment-a-mitt-romney-presidential-win-would-be-a-disaster-for-lgbt-americans/

The most pressing issue for Americans in this election, like elsewhere in the world, is the economy, and to my mind Obama’s achievement on this front hasn’t been trumpeted loudly enough. Although the stimulus package that Obama orchestrated and the quantitative easing the Federal Reserve put in place are finally having an effect on the economy, America’s unemployment level remains too high by national standards. Obama’s critics argue he hasn’t done enough for the US economy. This is rubbish. When one compares the US’s response to the 2008 financial crisis and the subsequent recession to that of Britain or Europe more widely, Obama has done an amazing job.

America has avoided a double dip recession (unlike Britain) and is growing at a rate that makes European nations green with envy. Yes, America’s ongoing incurrence of debt is too high and unsustainable, but the kind of stimulus Obama has put in place isn’t meant to be sustainable; it’s meant to carry the economy through until the time that private sector spending takes its place. That is happening as business confidence slowly recovers. At that point the federal government can reduce spending and pay down its debt.

#### Two, fed response

**Inside Futures, 11-6-12**, p. http://www.insidefutures.com/article/826542/FOREX%20ANALYSIS:%20Euro%20Remains%20Capped%20Ahead%20Of%20ECB-%201.2650%20In%20Sight.html

As the world’s largest economy gets on a more sustainable path, we should seethe FOMC preserve its wait-and-see approach throughout the near to medium-term, and a growing number of central bank officials may start to discuss a tentative exit strategy as growth and inflation continues to pick up. In turn, we should see Fed Chairman Ben Bernanke talk down speculation for expanding the balance sheet further, and the central bank head may strike a more neutral tone for future policy as the U.S. faces a limited risk for a double-dip recession.

### A2 Plan Solves Jobs

#### Oil production increases don’t solve employment – and they only cause job shifting, not growth

Casey Junkins 6-13-2012; West Virginia Observer “Drilling Not Helping Jobless Numbers” http://www.theintelligencer.net/page/content.detail/id/570900/Drilling-Not-Helping-Jobless-Numbers.html?nav=515

WHEELING - As West Virginia's unemployment rate jumps to 6.9 percent, some Mountain State residents believe a hiring boom in the oil and natural gas drilling industry is just around the corner. However, information from WorkForce West Virginia shows the Marcellus and Utica shale drilling industry has not created much direct employment over the past two years. "We've not seen much change in employment in the oil and gas industry over the past year. Employment in oil and gas in 2010 was 2,244, dropping slightly to 2,179 in 2011," said WorkForce spokeswoman Courtney Sisk. The presence of the drilling industry does lead to increased employment in certain areas, as restaurant and hotel owners report being very busy these days because of drillers working in the area. There are also companies that supply materials to the drilling industry that may hire more employees to meet these needs, while retailers may also see an upswing in some business because of mineral owners receiving spending money from lease and royalty checks. However, the WorkForce statistics show that the number of West Virginia residents working directly for gas and oil drillers has not increased over the past two years, despite a continued upswing in drilling and fracking. Gas industry jobs paying nearly $30 per hour are on the way to Marshall County soon, as Dominion Resources will look to hire 40-45 full-time, permanent workers for the natural gas processing plant set to open in December. There will be positions for electricians, plant operators and loaders. In all employment sectors combined, the number of jobless West Virginians residents rose by 1,900 in May to 55,600. There are 1,400 fewer people working in the mining and logging industries, while there are 400 fewer people employed in the manufacturing sector. West Virginia's unemployment rate was 6.7 percent in April. On the positive side, there are 400 more people working in the financial industry with another 100 more working in government. West Virginia's unemployment rate is still more than one point better than the 8.2 percent national average. In addition to serving as a Republican member of West Virginia's House of Delegates from Ohio County, Erikka Storch is also the chief financial officer for Wheeling-based Ohio Valley Steel. She said her company is not seeing much business growth right now, which hinders her ability to hire workers. "The level of construction is down," she said. "I can only keep so many people at levels like this." Storch said the company now has 26 employees, noting the optimal number should be in the range of 35 with a few more out in the field as ironworkers. "There are some out-of-area companies opening up sub-offices around here," she said. "These offices are hiring some employees, but they are mostly just taking local workers from one job to another job. These are employment shifts, rather than unemployed people getting jobs." "I am not seeing the private sector spending money like it usually does," Storch added.

#### The plan just creates an oil jobs bubble – exacerbates unemployment

Russell Gold 2-12-2012; Columnist for the Wall Street Journal, February 8, 2012, “Oil and Gas Boom Lifts U.S. Economy” http://online.wsj.com/article/SB10001424052970204652904577195303471199234.html

Though the energy boom looks like a road to prosperity, it may be a bumpy one. Drilling is disrupting communities in ways that are still unfolding, creating concerns about the costs to local governments for things like road damage. It is also raising fears about potential water contamination, air pollution and even earthquakes from the effects of drilling thousands of new deep wells.¶ Skeptics warn that individual shale communities could experience an employment boom, **followed by a painful bust**. Rosy economic models "tell us nothing about what will happen when drilling ends," warns a May 2011 paper published by Cornell University's City and Regional Planning Department and funded in part by a foundation opposed to shale drilling.

#### No jobs – bad models

**Jones ’12** Forrest, writing about Pau Krugmanl, Nobel economist,: More Oil Drilling Won't Help Economy by Creating Jobs

Drilling for more oil in the United States won't lower prices at the pump and won't create jobs, says Nobel economist Paul Krugman. Demand for oil is growing worldwide, and drilling in U.S. territories won't produce enough oil in a global market to lower prices at the pump, Krugman writes in his New York Times column. "Oil prices are up because of rising demand from China and other emerging economies, and more recently because of war scares in the Middle East; these forces easily outweigh any downward pressure on prices from rising U.S. production," Krugman writes. Meanwhile, the oil industry wouldn't create more jobs. Take North Dakota, where an energy boom is playing out. Proponents of more drilling argue low unemployment in North Dakota should serve as model for overall U.S. energy policy. "Yes, the oil boom there has pushed unemployment down to 3.2 percent, but that’s only possible because the whole state has fewer residents than metropolitan Albany — so few residents that adding a few thousand jobs in the state’s extractive sector is a really big deal," Krugman says.

#### The AFF grossly overestimates their jobs link

**Isidore ‘12** – Chris, CNN Money writer, “Drilling into Big Oil's big job claims”

But that job count comes from the broadest possible estimate of oil jobs.It includes everyone from the roughneck in North Dakota drilling a new oil well, to a trucker driving equipment to that oil job site, to jobs created by the spending of those oil workers, such as a clerk at a Wal-Mart (WMT, Fortune 500) or a stripper serving the workers drawn to one of those North Dakota oil boomtowns. While job estimates, using a so-called multiplier effect of spending, are common in economic impact calculations, the "direct hiring" by the oil industry is far more modest.

### A2 china

#### No war – China’s super peaceful

**Wu 11/6** – director of the National Institute for China Sea Studies

(Shicun, “Who are the real troublemakers in the South China Sea?”, <http://www.globaltimes.cn/content/742715.shtml>, dml)

China is playing a constructive role in safeguarding peace and stability in the South China Sea. Peace and stability in the South China Sea are closely related to the vital interests of China, who benefits from the safe and unimpeded navigation as well as the regional trade links and economic prosperity. China cherishes and is committed to safeguarding this hard-won situation. However, recently some foreign political figures, policy analysts and scholars condemn China's practices as "the big bullying the small, the strong domineering over the weak.”

They even speculate that China is taking the delaying or dodging tactics so as to dominate the resolution of the disputes when a favorable time comes. Such accusations are totally groundless. China insists on solving international disputes through peaceful negotiations.

China is ready to negotiate with the countries concerned to handle the South China Sea disputes in a proper manner in accordance with the universally recognized international laws including the principles and legal regime established under UNCLOS. Early in the 1980s, China proposed "shelving the disputes and seeking for joint development,” which showed its sincerity and willingness to a proper settlement of the SCS disputes.

## 1nr biofuels

### Biofuels

#### And, prices make synthetic gas competitive

**Brown, 7/26** lawyer working in academia, research examines the economic feasibility of biorenewable pathways and quantifies the impacts of law and policy on this feasibility, teach graduate-level courses on the law and policy, economics, and global issues surrounding the biorenewables sector (Tristan R. Brown, Seeking Alpha, 26 July 2012, “Coskata Leaves Biofuels For Synfuels - Rentech Investors Should Take Note,” http://seekingalpha.com/article/754521-coskata-leaves-biofuels-for-synfuels-rentech-investors-should-take-note)//CC

Gasification companies (such as Coskata) convert blends of hydrogen, carbon monoxide, and carbon dioxide (commonly called syngas) into transportation fuels, either hydrocarbon-based fuels such as gasoline or gasoline substitutes such as ethanol. Unlike most biofuel companies, however, they are not restricted to gasified biomass as a source of syngas. Steam reforming of natural gas, for example, yields the same blends of hydrogen and carbon oxides. The drastic fall in natural gas prices since 2008 has made the commodity a very cheap source of syngas. Petroleum prices have remained high over the same period, however, providing a substantial profit margin for transportation fuels derived from natural gas (so-called synthetic fuels, or synfuels).

#### Natural gas prices crowd out biomass in the status quo

**Shaffer, ’12** (David Shaffer, Minneapolis Star Tribune, 30 January 2012, “Minnesota Biomass projects burned by low natural gas prices,” <http://www.governorsbiofuelscoalition.org/?p=1361)//CC>

Rock-bottom natural gas prices are undercutting Minnesota’s taxpayer-supported efforts to expand home-grown energy sources like wood chips and cornstalks. Minnesota has spent more than $11 million in taxpayer and utility funds to advance technologies that burn biomass for heat and electric generation or convert it to a synthetic gas. Now, it’s getting difficult for the technology to compete. “The era of low-priced natural gas has blunted opportunities for biomass and other renewables,” said Doug Tiffany, an agricultural economist at the University of Minnesota. Natural gas prices have dropped by half since their peak in 2008 as exploration using hydraulic fracturing opened new gas fields in shale formations beneath Texas, Pennsylvania and elsewhere. What’s been a bonanza for those states has been just the opposite for Chippewa Valley Ethanol in Benson, Minn., 125 miles west of the Twin Cities. The cooperative spent more than $20 million in 2008 on a system that gasifies wood chips and corncobs. The technology worked, and for a time furnished about 20 percent of the adjacent ethanol plant’s process heat. But as the price of natural gas dropped, the plant resumed using it. The gasifier has been idle more than a year. “The opportunity to displace natural gas has basically gone away, at least in the near term, with the shale-gas revolution,” said William Lee, CEO of Frontline BioEnergy, the Ames, Iowa-based company whose biomass-gasification technology was used in Benson. He said the company is adapting its technology to gasify refuse, which may offer better economics.

**There is no threat and at worst it will only mean cooperation**

**Burger et al. 10** – Kees Burger Development Economics, Corresponding author, Wageningen University, Hollandseweg, Jeroen Warner AND Eefje Derix Disaster Studies, Wageningen Universit “Governance of the world food system and crisis prevention” http://www.stuurgroepta.nl/rapporten/Foodshock-web.pdf

Both European water and agricultural policies are based on the belief that there will always be cheap food aplenty on the world market. A recent British report 23 reflects this optimism. Although production is now more prone to world market price shocks, their effects on farm incomes are softened by extensive income supports (van Eickhout et al. 2007). Earlier, in a 2003 report, a European group of agricultural economists wrote: Food security is no longer a prime objective of European food and agricultural policy. There is no credible threat to the availability of the basic ingredients of human nutrition from domestic and foreign sources. If there is a food security threat it is the possible disruption of supplies by natural disasters or catastrophic terrorist action. The main response necessary for such possibilities is the appropriate contingency planning and co-ordination between the Commission and Member States (Anania et al. 2003). Europe, it appears, feels rather sure of itself, and does not worry about a potential food crisis. We are also not aware of any special measures on standby. Nevertheless a fledgling European internal security has been called into being that can be deployed should (food) crises strike. The Maastricht Treaty (1992) created a quasi-decision-making platform to respond to transboundary threats. Since 9/11 the definition of what constitutes a threat has been broadened and the protection capacity reinforced. In the Solidarity Declaration of 2003 member states promised to stand by each other in the event of a terrorist attack, natural disaster or human-made calamity (the European Security Strategy of 2003). Experimental forms of cooperation are tried that leave member-state sovereignty intact, such as pooling of resources. The EU co-operates in the area of health and food safety but its mechanisms remain decentrslised by dint of the principle of subsidiarity. The silo mentality between the European directorates is also unhelpful, leading to Babylonian confusion. Thus, in the context of forest fires and floods the Environment DG refers to ‘civil protection’. The European Security and Defence Policy( ESDP) of 2006, which is hoped to build a bridge between internal and external security policy, on the other hand refers to ‘crisis management’, while the ‘security’ concept mainly pertains to pandemics (Rhinard et al. 2008: 512, Boin et al. 2008: 406).

**Innovation solves**

**Chang 11 –** Graduated Cornell Law School (Gordon G., Feb 21**, “**Global Food Wars” http://blogs.forbes.com/gordonchang/2011/02/21/global-food-wars/)

In any event, food-price increases have apparently been factors in the unrest now sweeping North Africa and the Middle East. The poor spend up to half their disposable income on edibles, making rapid food inflation a cause of concern for dictators, strongmen, and assorted autocrats everywhere. So even if humankind does not go to war over bad harvests, Paskal may be right when she contends that climate change may end up altering the global map. This is not the first time in human history that food shortages looked like they would be the motor of violent geopolitical change. Yet amazing agronomic advances, especially Norman Borlaug’s Green Revolution in the middle of the 20th century, have consistently proved the pessimists wrong. In these days when capitalism is being blamed for most everything, it’s important to remember the power of human innovation in free societies—and the efficiency of free markets.

#### No terminal impact to soil erosion

**Taylor 1993** (Jerry Taylor, Director of Natural Resource Studies at the CATO Institute, “The Growing Abundance of Natural Resources” in “Market Liberalism: A Paradigm for the 21st Century”, 1993, http://cato.org/pubs/chapters/marlib21.html)

Although conservationists argue that accelerating soil erosion will make those productivity gains short-lived and illusory, the facts speak otherwise. Most of the world's worst soil erosion problems are the result, not of modern high-yield farming, but of attempts to use low-yield, traditional agricultural techniques on fragile soils.30 Studies by the U.S Department of Agriculture, the University of Minnesota's Soil Sciences Department, and economist Pierre Crosson of Resources for the Future all conclude that, at current erosion rates, heavily farmed soils in the United States might lose 3 to 10 percent of their inherent fertility over the next 100 years. Such small losses are sure to be more than offset by continued improvements in agricultural productivity even if no new conservation techniques are adopted. As Crosson noted: The success of the new [high-yield] technologies strongly suggests that erosion damage to soils in the main crop- producing regions of the country was not and is not as severe as is sometimes claimed. Soil scientists have acknowledged that even severely eroded soil can be restored to high productivity with investments of human skill and other resources, even though they may seem to forget this when they make pronouncements about the erosion threat. Continuation of present rates of erosion throughout most of the next century would pose no serious threat to the productivity of the nation's soils.31

**could justifiably be held responsible**.”

## 1nr politics

### 2nc overview

#### Cliff turns the case---creates investor uncertainty that prevents commercialization

Malone 9/26 Scott is a Reuters writer. “Analysis: Corporate America sweats as U.S. nears fiscal cliff,” 2012, http://www.reuters.com/article/2012/09/27/us-usa-economy-fiscalcliff-idUSBRE88P1PX20120927

Top U.S. executives have less confidence in the business outlook now than at any time in the past three years - and a key reason is fear of gridlock in Washington over the fiscal deficit and tax policy. The uncertainty, coupled with slowing demand in Asia and Europe, is forcing corporate leaders to postpone decisions on major investments and hiring, and hurting sales of everything from textbooks to telephone lines. "If we don't deal with the fiscal cliff and don't deal with predictability on taxes for both citizens and business, with the rest of the world in a struggling state, this is really bad for us," John Chambers, CEO of network equipment maker Cisco Systems Inc (CSCO.O), told Reuters on Tuesday. Some 34 percent of U.S. CEOs plan to cut jobs in the United States over the next six months, up from 20 percent a quarter ago, according to a Business Roundtable survey released on Wednesday. Only 30 percent plan to raise capital spending, compared with 43 percent previously. The group's index of CEO confidence fell to its lowest point since the third quarter of 2009, when the United States had just emerged from its worst recession in 80 years. The main culprit is the fiscal cliff -- Washington's self-imposed year-end deadline to agree on a plan to shrink the federal budget or trigger $600 billion in spending cuts and higher taxes that were put in place last summer. The sharpest pain would be felt by the defense and healthcare sectors, which face direct funding cuts. But any resulting slowdown could send shockwaves across the economy.

#### Turns China and global coop

Bennett 01 Richard Bennett is a strategist at Armed Forces Intelligence, the international research organization, The Express, As America's Relations with Russia and China Take a Nosedive...; is the World on the Brink of a New Cold War? April 12, 2001 Lexis

With the evident cooling of relations between America and both Russia and China the hopes for greater understanding and co-operation in the new post-cold war world have been buried. A mere 10 years after the collapse of much of the communist world, confrontation and distrust have returned to haunt an international community already riven with economic collapse, conflict, famine and the growing threat of severe climatic changes. The new US administration already finds itself confronted with a tit-for-tat spy expulsion feud with Vladimir Putin's newly resurgent Russia, the US Navy's EP-3 "spy plane" stand-off with an increasingly aggressive China, the growing threat of war in the Middle East and the re-establishment of anti-Western alliances. There are in addition a number of other potential crisis areas, including world environmental issues where President Bush has already moved strongly out of step with much of the international community by refusing to ratify agreements on cutting the emissions of greenhouse gases. He also faces a domestic economic slow-down that threatens the stability of US industry and Wall Street. The old cold war certainties have been replaced by an uncertain and confused international situation. Regions once neatly divided into "them and us" are now beset with ever-changing alliances and re-alignments. Both China and now, increasingly, Russia see their long-term interests being served more by a confrontationalist attitude towards the US than by begging for crumbs from the tables of the rich and privileged. Both China and Russia wish to establish themselves as countries whose views are listened to and whose influence is enhanced rather than simply ignored - or, worse still, actively undermined. They want their position as regional, if not world, superpowers to be respected. The US, on the other hand, can see little value in allowing its status as the world's single global superpower reduced in any meaningful way simply to satisfy the largely internal needs of two nations that are quite unable to challenge the US economically or militarily. Russia has failed to see the large-scale Western investment and international acceptance expected by Yeltsin and the economic reformers following the overthrow of the communist system. The economic benefits promised by the West during the political turmoil of the early Nineties have simply failed to materialise for the vast majority of Russian citizens. Instead, Russia has been stripped of its superpower status and most of its influence; while the US has tended to ignore the feelings of this - temporarily at least - militarily impotent nation, particularly over some of its traditional areas of interest such as Serbia and Iraq. The missile attack on the Chinese embassy in Belgrade during the bombing of Serbia in 1999 - made in the sure knowledge of China's inability to retaliate - angered that nation's government far more than the West was prepared to accept or even, such is the intolerance of the powerful, recognise as having any justification. China's eventual response was the hard line now being taken over the spy plane forced to land on Hainan island. Though China has finally agreed to release the crew, the countries' mutual suspicion has helped turn an unfortunate incident into a potential international crisis. The demands for an apology over a surveillance flight made in international airspace, the determination to hold the crew of 24 captive for as long as possible and the virtual dismantling of this super-secret aircraft on the tarmac of Lingshui airbase in full view of US intelligence satellites has left little doubt in the minds of US analysts that China has every intention of using this unexpected intelligence and diplomatic windfall to extract as much political advantage out of the crisis as possible. The international humiliation of the US, and President Bush in particular, is a bonus that President Jiang Zemin will not easily forgo. There are problems in other areas of the world. Cracks are developing in the united front shown by the international community since the Iraqi invasion of Kuwait and the resulting Gulf War in 1991. These are caused in part by US support for Israel, particularly in the light of an increasingly more aggressive military response to the continuing violence of the Palestinian Intifida and in part by the reaffirmation of the determination to both maintain sanctions and military pressure on Iraq in a final attempt to rid the area of Saddam Hussein. The new US administration will need to tread carefully and think long and hard over its response to these events. Diplomatic policy may well have to be re-assessed and defence strengthened. The international "warming" that followed the end of the cold war has been put in reverse, certainly in the short term, and the world is now witnessing the dawn of a new age of uncertainty.

### AT: Econ

#### The economy’s growing steadily now, but fiscal cliff would trigger global collapse

Schoen 11/7 John, NBC News. “Obama victory clouded by looming fiscal battle with Congress,” 2012, http://www.nbcnews.com/business/economywatch/obama-victory-clouded-looming-fiscal-battle-congress-1C6892841

The slow, steady improvement in the economy that helped Obama defeat Republican nominee Mitt Romney Tuesday is in peril if he can’t quickly forge agreement with a still-divided Congress on a new budget that delays steep tax increases and deep spending cuts.¶ The so-called “fiscal cliff” – set to take effect Jan.1 – is a doomsday budget package Congress enacted in 2011 to try to force compromise on a series of bitterly divisive policy choices. The budget package is a witch's brew of harsh measures designed to inflict political pain as widely as possible, the better to prompt all sides to reach the compromise that would prevent it from taking effect.¶ The law slashes Obama’s popular payroll tax cut, cancels extended jobless benefits, imposes deep cuts in Medicare reimbursements to doctors, exposes millions of Americans to the dreaded Alternative Minimum Tax, eliminates tax deductions for state and local sales taxes and child care tax credits (among others), takes a meat ax to defense spending and slashes “discretionary” spending – on everything from education to homeland security – by as much as 10 percent.¶ Economists and politicians, including Federal Reserve Chairman Ben Bernanke, have warned it would almost certainly wipe out any progress the White House has made in reviving the economy and creating jobs.¶ Concern about the fiscal cliff was among the factors driving down stock prices sharply in a post-election slump. The Dow Jones industrial average was down nearly 300 points in its biggest one-day slump in nearly a year, pushing the benchmark index below the 13,000 level before it recovered slightly.¶ Recent reports have shown the economy picking up strength. Growth in U.S. gross domestic product, though still sluggish, picked up to a 2.0 percent annual pace in the third quarter from a 1.3 percent rate in the second. After a pause this spring, the pace of hiring picked up this summer, with employers now adding some 175,000 new jobs a month to payrolls. Consumers are spending more on big-ticket items, like cars and appliances.¶ A prolonged budget impasse would reverse those gains. The hit to consumer spending from higher taxes, along with the loss of government spending, would knock 3 to 4 percent from GDP, according to the Congressional Budget Office.¶ Related: Stocks plunge on worries about fiscal cliff, Europe¶ "If we go back into recession, we will likely pull the global economy with us," said Ameriprise Financial economist Russell Price. "The longer a (budget) deal takes, the longer the economy suffers. It’s just that simple."

### AT: Punting Solves

#### Punting collapses the economy---market perception---specifically triggers debt downgrade

Barno 11/7— retired Lieutenant General of the United States Army. Master’s in National Security and Strategic Studies from Georgetown University—Dr. Nora Bensahel is Deputy Director of Studies and a Senior Fellow at the Center for a New American Security—AND Joel Smith and Jacob Stokes; Research Assistants at the Center for a New American Security (Brace Yourself, www.foreignpolicy.com/articles/2012/11/07/brace\_yourself?page=full)

However, the effects of a delay would differ from those of a grand bargain in one significant regard: the potential market reaction. Financial markets may react poorly if the deficit reduction measures enacted in the Budget Control Act of 2011 are delayed without having reached a bigger deal, because it would signal that Washington lacks the political will to solve its fiscal problems. Both Fitch Ratings and Moody's Investor Services have warned of a credit downgrade if Congress and the president do not reach an agreement that prevents the country from going off the fiscal cliff, increases the U.S. debt ceiling, and creates a plan for reducing the budget deficit and stabilizing the federal debt. As former Senators Sam Nunn and Pete Domenici wrote in October, "Absent more constructive action, simply postponing when we go over the cliff could hurt business confidence, worry investors and lead to another disruptive debate over raising the debt ceiling."

**That collapses the global economy**

**Goldwein 11** (Marc, senior policy analyst for the fiscal policy program at the New America Foundation and former Associate Director of the National Commission on Fiscal Responsibility and Reform, The Atlantic, 8/11, Drawing a AAA-Road Map for Post-Downgrade America, <http://www.theatlantic.com/business/archive/2011/08/drawing-a-aaa-road-map-for-post-downgrade-america/243463/>)

Rather than going up, interest rates have actually fallen a bit since the rating downgrade. This is not inconsistent with what has happened to other AAA-downgraded countries, where interest rate effects have generally been quite small. ... Okay, Panic a Little If rating downgrades don't augur immediate crises, they tend to indicate trouble on the horizon. Of the 10 other countries that have been downgraded from AAA, eight experienced further downgrades and five have still never recovered their AAA rating. Deeper downgrades have been associated with interest rate spikes, and the fact that both S&P and Moody's have us on a negative outlook suggests that more downgrades could be in our future. What are the consequences of **further downgrades?** The most direct one could be higher interest rates, as investors insist on a risk premium. Even a 0.1 percent increase in interest rates would mean an additional $130 billion in government spending on interest over the next 10 years that we would have to offset in hiring taxes or fewer investments to meet the same debt goal. A 0.7% increase in interest rates would be enough to erase all of the gains from the recent debt deal. In addition, higher interest rates could reverberate throughout the market, impacting everything from mortgages to small business loans - and ultimately leading to something economists call "crowd out," where fewer dollars go into growth-driving investments. The biggest concern, though, should be that these **rating downgrades could advance the day of a fiscal crisis.** Atsome point, if we don't make some changes, **investors will lose confidence** in our nation's ability to make good on its debt. When that occurs, it is possible we could experience a global economic crisis akin to the financial crisis of 2009, **except with no one available to bail out the U.S.** government. It's Not About the Money The United States has a higher burden of gross debt than any other AAA-rated country in the world. We're also the only country besides Finland to expect our debt share to grow through 2016. Our entitlement programs are growing uncontrollably as a result of an aging population and rapid health care cost growth - structural problems that make it difficult to deal with our debt.

### 2nc – will pass

#### Presidential push for a fiscal bargain solves status quo divisions

Vicki Needham (writer for The Hill) November 7, 2012 “Business groups urge quick extension of tax policies in lame duck” http://thehill.com/blogs/on-the-money/economy/266701-business-groups-urge-quick-extension-of-tax-policies-in-lame-duck

A grand bargain will require complex negotiations that will take more time than the six or so weeks left before year's end. "What we need is action," Engler said. Engler, Casey and Jay Timmons, president of the National Association of Manufacturers, told reporters that Obama must lay out a blueprint for Congress that will tackle the long list of these issues hampering a more robust economic recovery. "This is going to take executive leadership," Engler said. Timmons said it is time for unity to help the country improve its global competitiveness. "Our goal is to grow the economy," he said. The president talked to congressional leaders on Wednesday about the legislative agenda less than a day after winning reelection. But congressional leaders immediately staked out the same positions that have created so much division on Capitol Hill. Speaker John Boehner (R-Ohio) said he would not yield to raising any taxes this year, while Senate Majority Leader Harry Reid (D-Nev.) argued for letting tax rates expire for wealthier earners. Still, both men hinted that they need to find a way to work togther toward a bipartisan compromise.

#### Obama has all the leverage now – Republicans are starting to cave

Jason Pye (writer for United Liberty) November 8, 2012 “Boehner willing to raise taxes in lame duck session” http://www.unitedliberty.org/articles/11841-boehner-willing-to-raise-taxes-in-lame-duck-session

It didn’t take long for the predicted sellout by Republican leadership after the election. With Boehner has already showing weakness, Obama and Senate Democrats are going to wind up with a clear advantage out of whatever deal is made and whatever revenue cuts are agree upon will, much like past budget deals, most likely never come to fruition.

#### This PC ensures sufficient numbers of Republican jump ship to resolve negotiations

Seth Fraser (writer for PolicyMic) November 8, 2012 “Should We Get Ready For 4 More Years of Ridiculous Obama vs GOP Obstructionism?” http://www.policymic.com/mobile/articles/18841/should-we-get-ready-for-4-more-years-of-ridiculous-obama-vs-gop-obstructionism

Whichever road taken, the GOP has about one and a half years to make votes on bills that suggest to their constituents that they have actually gotten something done. The incentive system hasn’t changed. In 2014, candidates will again have to report back to their districts and ask for your vote. What they have to show depends on Obama’s political agenda over the coming months and the Republicans' willingness to accept defeat and work with him. President Obama indeed owns a great deal of political capital.He has that much more momentum than Bush II, who famously said after his 2004 presidential win, “I have political capital. I intend to spend it.” The strategic political reason behind this momentum is due, in large part, to the way the GOP framed the election as a battle between big government and small government. In the end, voters wanted a president and a party in power that was pragmatic and could get things done. But now that Obama has won, it is difficult to argue that Obama’s victory wasn’t also a referendum on liberal or left-leaning ideals that government can play a meaningful part in people’s lives. Elizabeth Warren went as far as to say that the reason she was elected was because she stood up for the “core of liberalism.” The president also has economic winds at his back as the job and housing markets have shown signs of continuing recovery. The fact that there is evidence that the president’s policies are actually improving things should create a greater political willingness for Republicans to join the winning team, if only to take some of the credit. If things continue to improve and the Republicans still choose to obstruct and sit on the sidelines, the Democrats will be able to tout success once again in the face of Republican intransigence. These factors, as well as the increased media and public attention in the afterglow of the election, may provide an impetus for a new jobs bill and perhaps reaching a deal on raising new revenue, two things that will be addressed at the end of this year and early next year. Moreover, the Democrats will certainly continue to pound the strong narrative that the election was a mandate on raising new revenue, as Joe Biden recently pointed out.

#### GOP is giving ground now

Bill French (Writer for Democracy Arsenal) November 7, 2012 “Lame Duck Opening Moves: GOP Leadership Agrees DoD is on the Table?” http://www.democracyarsenal.org/2012/11/lame-duck-opening-moves-gop-leadership-agrees-dod-is-on-the-table-.html

Of those reductions, those affecting the Pentagon have received disproportionate attention. What role the Pentagon budget should play in avoiding the fiscal cliff has been hotly debated, with many – but by no means all – conservatives calling for a deal to exempt the DoD from cuts. Some, most notably Buck Mckeon (R-CA), have even called to reverse the cuts already in place, even though those "cuts" are from projected budgetary increases and the Pentagon budget is still on course to rise slightly over the next decade. But Boehner may have just signaled a significant softening of the GOP position. In his speech, he dedicated only one sentence to Pentagon spending to oppose “slashing” the DoD budget. Crucially, this is not objecting to reductions in Pentagon spending as such – a rhetorical fact which is likely indicative of GOP intentions when uttered in such a calibrated address. This interpretation would seem to be corroborated by House Majority Leader Eric Cantor's (R-VA) statements today when he similarly indicated merely opposing “massive defense cuts.” In looking forward to near-term the work required to avoid the fiscal cliff, it seems that the GOP leadership now tacitly agrees that Pentagon spending should remain on the table.

### AT: Link Turn

#### Their link turns don’t apply during the lame duck

Richard Miniter, investigative journalist, NYTimes best selling author, 2012, Leading from Behind: The Reluctant President and the Advisors Who Decide for Him, google books p. 85-6

After the historic defeat, Axelrod went on to teach a course called Campaign Strategy at Northwestern University in the Chicago suburbs. The day after the election, many White House staffers described their mood as "depressed." The loss of the U.S. House of Representatives and only a skinny remaining majority in the U.S. Senate meant that passing new programs would be very difficult. Would the next two years be an endless and enervating siege? Obama seemed strangely upbeat, '[he day after the midterm elections, the president convened a meeting with his senior Staff, While they saw clouds, he saw the sun through them. Democrats still ran both houses of Congress until January 3.2011. when the new session convened. To the surprise of some starters present, he enumerated an ambitious list of measures that he would like to see made law in the next sixty days; "a tax deal, extending unemployment benefits, ratification of New START treaty reducing nuclear arms, repeal of the Pentagon's Don't Ask/ Don't Tell policy preventing gays and lesbians from openly serving in the military, passage of the DREAM Act (which would grant citizenship to undocumented young adults who met certain requirements), and a children's nutrition bill advocated by Michelle Obama."" The list was unrealistic. It would have been a demanding agenda for Congress to accomplish over two years. let alone two months. Besides, using a "lame duck" Congress to pass major legislation had enormous political risks. It would be seen as an end-run around voters who had just elected a new majority with a new agenda. When President Carter had used a "lame duck' Congress to pass major bills (including the costly "Superfund" program) following the November 1980 elections in which he lost his reelection bid and Republicans won control of the Senate for the first time since I95-\*. the public was outraged. The outrage would be much bigger this time: Since 1980. the Internet, talk radio, and the Fox News Channel had emerged as powerful forums for channeling outrage. liven if Congress could actually adopt these controversial measures in a few short months, the political price of such a strategy would he high. Still, Obama continued to back Axelrod's analysis, which held that "independent voters wanted a leader who would make all the squabbling schoolchildren in Washington do their assignments."12 Who would do the "assigning"? The voters or the White House? Neither Obama nor Axel-rod seemed to wonder. If the federal government would finally pass a liberal wish list. Axelrod and Obama contended, voters would be happy. It was an unusual view. Independent voters in swing districts had actually voted down candidates who had supported the president's policies in the 2010 elections. Even in safely Democratic districts, independent voters had reduced their support of liberal lawmakers compared with 2008, exit polls showed. Few staffers were persuaded ch.it the president was right, although none dared to contradict him during that meeting. Passing Obama’s priorities during the Thanksgiving and Christmas holiday season had yet another obstacle. A massive White House staff reorganization was in progress. Rahm Emmanuel had stepped down as chief of staff in October 2010 and many other staffers were returning to Chicago or to academia. Without staff, it would be harder to rally the already reluctant Congress to act. Still, Obama was keen to proceed as planned. He was finally going to lead, but the timing and strategy were ill-considered. "Obama didn't care about the criticism that he was too insular," a White House aide said. "He didn't give a shit.\* Obama's proposals were dutifully sent to Capitol 1 lill. but most were essentially dead on arrival. Congress was exhausted and didn't want to take any more political risks.

#### No turns---liberals hate the plan and conservatives won’t give Obama credit for it

Walsh 11, Bryan, TIME Senior editor, November 9, “Why Obama’s Offshore Drilling Plan Isn’t Making Anyone Happy,” http://science.time.com/2011/11/09/why-obamas-offshore-drilling-plan-isnt-making-anyone-happy/#ixzz26snhDbbI

Nonetheless, Obama has set a target of reducing U.S. oil imports by a third by 2025, and greater domestic oil production is going to have to be a part of that—including oil from the Arctic. Unfortunately for the President, no one’s likely to cheer him. Conservatives and the oil industry won’t be happy until just about every square foot of the country is available for drilling—though it is worth noting that oil production offshore has actually increased under Obama—and environmentalists aren’t going to rally to support any sort of expanded drilling. With energy, as with so many other issues for Obama, it’s lonely at the center.

#### Relaxing drilling restrictions empirically causes backlash---no risk of offense

Broder 10 John is a writer for the New York Times. “Obama to Open Offshore Areas to Oil Drilling for First Time,” March 31, http://www.nytimes.com/2010/03/31/science/earth/31energy.html?\_r=0

But while Mr. Obama has staked out middle ground on other environmental matters — supporting nuclear power, for example — the sheer breadth of the offshore drilling decision will take some of his supporters aback. And it is no sure thing that it will win support for a climate bill from undecided senators close to the oil industry, like Lisa Murkowski, Republican of Alaska, or Mary L. Landrieu, Democrat of Louisiana.¶ The Senate is expected to take up a climate bill in the next few weeks — the last chance to enact such legislation before midterm election concerns take over. Mr. Obama and his allies in the Senate have already made significant concessions on coal and nuclear power to try to win votes from Republicans and moderate Democrats. The new plan now grants one of the biggest items on the oil industry’s wish list — access to vast areas of the Outer Continental Shelf for drilling.¶ But even as Mr. Obama curries favors with pro-drilling interests, he risks a backlash from some coastal governors, senators and environmental advocates, who say that the relatively small amounts of oil to be gained in the offshore areas are not worth the environmental risks.

### 2NC Obama PC Key - Generic

#### PC key

Janie Lorber and Kate Ackley (writers for Roll Call) November 8, 2012 “Lobbyists Eager for Short-Term Fiscal Deal” http://www.rollcall.com/issues/58\_35/Lobbyists-Eager-for-Short-Term-Fiscal-Deal-218891-1.html?pos=olobh

“The stakes over the fiscal cliff discussion just got significantly higher,” said David French, chief lobbyist at the National Retail Federation. “If Washington was looking to guidance from the voters on the path ahead, voters weren’t exactly clear.” As the nation approaches its debt ceiling yet again, lawmakers have less than 20 legislative days to decide what to do about the simultaneous expiration of the Bush-era tax cuts and the Social Security payroll tax holiday, as well as the first round of sequestration cuts. Every interest group has a stake. Business advocates argue that the tax provisions set to expire on Dec. 31 will stifle the still sputtering economy. Defense lobbyists fear that the longer the Pentagon budget remains up in the air, the harder it will be for contractors to recover. And unions and other liberal groups worry that emboldened Senate Democrats may agree to cuts in Medicare as part of a last-minute compromise. Add to that pleas from lobbyists representing municipalities ravaged by Hurricane Sandy that are desperate for federal funds to speed disaster relief efforts. “Folks in the business community believe it’s time to unite our country because America’s competitiveness is at stake,” Jay Timmons, the president of the National Association of Manufacturers, said on a conference call Wednesday. “I don’t think there’s anything more urgent than dealing with our fiscal crisis.” For the past year, defense giants and, to a lesser degree, technology firms, have begged lawmakers to avoid billions of dollars in cuts associated with sequestration. Michael Herson, a Republican lobbyist with American Defense International, said he is optimistic that lawmakers will delay sequestration until the next Congress and said most defense lobbyists will adopt a wait-and-see approach for the lame-duck session. The U.S. Chamber of Commerce, which fielded its largest voter mobilization effort ever and spent millions in support of Republicans this cycle, also urged the parties to come together on comprehensive tax and entitlement reforms. But with many of the same faces returning to Washington, D.C., next year, lobbyists wondered whether the illusive “grand bargain” is little more than a pipe dream. “[It] hinges on how Obama plays it. If he and his team really bear down and work with GOPers — an element sadly lacking the last four years — they can make a lot of progress,” said Jack Howard, a Republican lobbyist at Wexler & Walker Public Policy Associates. “If, however, he takes a hands-off approach, then I don’t really see much of a path forward. He has to be the arm-twister, the head-knocker to move things forward.”

#### GOP will cave, but arm twisting is key

Macke 11/7 Jeff is a writer for Yahoo Finance, citing David Lutz, managing director of ETF trading at Stifel Nicolaus. “Obama Re-Elected! Now About That Fiscal Cliff…” 2012, http://finance.yahoo.com/blogs/breakout/obama-elected-now-fiscal-cliff-135809296.html

Lutz isn't expecting what he calls a "grand deal" but he does think the real horse trading and bargaining is going to begin now that the election is settled. He thinks the Republicans are likely to give ground, bringing higher taxes into play, but both sides will give a little bit to push the deadline back, if not come to a real resolution prior to the December 31st unofficial deadline.

#### Obama’s political capital will give him leverage in the ‘fiscal cliff’ negotiations now – brokers a deal

Andrew Sprung (he is the CEO of Sprung PR and hold a PhD from the University of Rochestor) September 21, 2012 “Ezra Klein's unconvincing theory that Obama misunderstands (or misrepresents) "change," http://xpostfactoid.blogspot.com/2012/09/ezra-kleins-unconvincing-theory-that.html)

Cue the political science eye-roll. The American people were not "determined" that healthcare reform per se had to occur. You can't read the results of the 2008 wave election as a "mandate" for a specific policy. In the aftermath, the electoral tide went back out with a vengeance. But it's also true that in two years of campaigning Obama's words did inspire people, that the American people were hungry for change after Bush, that Obama made a broad and conceptually coherent case for moving the center of American politics back to the left with a renewed commitment to shared prosperity and investment in the common good, and that healthcare reform was at the center of that case. True too that the results of that election gave him enough of a majority to persist, even when relentless Republican misinformation and bad-faith negotiation and delay eroded public support. Obama also used the bully pulpit at crucial points, if not to rally public opinion, at least to re-commit wavering Democrats -- and also to convince the public, as he enduringly has, that he was more of a good faith negotiator, more willing to compromise, than the Republicans. Those pressure points were the September 2009 speech he gave to a joint session of Congress, and the remarkable eight-hour symposium he staged with the leadership of both parties in late February 2010 to showcase the extent to which the ACA incorporated past Republican proposals and met goals allegedly shared by both parties, as well as his own bend-over-backwards willingness to incorporate any Republican ideas that could reasonably be cast as advancing those goals. In a series of posts about Ronald Reagan, Brendhan Nyhan has demonstrated that presidential rhetoric generally does not sway public opinion. Savvy politicians channel public opinion; transformative ones seize an opportunity when their basic narrative of where the country needs to go aligns with a shift in public opinion, usually in response to recent setbacks or turmoil. Obama, like Reagan, effected major change in his first two years because he caught such a wave -- he amassed the political capital, and he spent it, and we got what he paid for. The force from outside -- a wave election -- empowered Obama to work change from inside in a system that reached a new peak of dysfunctionality. Klein's also objects to Obama's pitch for how to effect change going forward. In 2011, he notes, Obama highlighted the substantial change won from the messy inside game of legislating, touting the long list of legislative accomplishments of the 111th Congress. In election season, he has reverted to a keynote of his 2008 campaign: change comes from you, the electorate; it happens when ”the American people … put pressure on Congress to move these things forward.” Klein regards this as election season hooey: But while this theory of change might play better, it’s the precise theory of change that the last few years have shattered. Whatever you want to say about the inside game, it worked. Legislation passed.

### AT: Minnesota Olive Branch Turn

#### Not an olive branch – supercharges the link

**Sheppard, ’10** (Kate Sheppard, Mother Jones, 7 May 2010, “How $4 Gas Drove Us All Crazy,” http://www.motherjones.com/environment/2010/05/4-dollar-gas-oil-spill)//CC

The drilling question is also seeping into climate bill politics, as opponents threaten to filibuster any measure that expands offshore drilling. Obama's offshore proposal was offered as an olive branch to apprehensive legislators in return for a comprehensive bill; now, it puts his entire energy agenda in jeopardy. The bill's authors have indicated that they are likely to maintain drilling provisions and downplayed the tension over the issue. But drilling opponents have a renewed fervor.

#### Read some better ev – OCS olive branch empirically fails

**Sheppard, ‘10** (Kate Sheppard, 29 April 2010, “Environmental Disaster, Political Disaster,” http://www.thedailybeast.com/articles/2010/04/29/obamas-oil-spill-problem.html)//CC

Bill McKibben: The Opportunity of the Oil Spill This, of course, casts a pall over President Obama's proposal to expand drilling in the outer continental shelf, which he pledged would be undertaken "in ways that protect communities and protect coastlines." It was intended as an olive branch to Republicans and moderate Democrats, a sweetener for votes on a climate bill that promised to overhaul the American energy system. But while Obama has guaranteed that new areas would be opened for drilling, there's still no promise that the Senate will follow through and pass a comprehensive climate bill, as political bickering this week indefinitely delayed the introduction of draft legislation. Right now, the administration has only ensured more of the failed energy policies of the past.

#### You are so, so wrong – you just read a link for yourself

**Sheppard, ’10** (Kate Sheppard, Mother Jones, 31 March 2010, “Offshore Outrage,” http://www.motherjones.com/blue-marble/2010/03/obama-offshore-drilling-outrage)//CC

Throwing open vast swaths of the outer continental shelf to offshore drilling is the latest effort by the Obama administration to grease the way forward on comprehensive energy and climate reform. But the administration's conciliatory approach—which has largely entailed the administration giving and its congressional opponents taking—is looking increasingly like a gamble that's going to backfire. Meanwhile, as the president extends olive branches to his critics, he's alienating allies in the environmental community, who say his policies are reminding them more and more of those of his predecessor, George W. Bush. Some enviros are even likening Obama to Alaska's oil-loving ex-governor, Sarah Palin. "Is this President Obama's clean energy plan or Palin's drill baby drill campaign?" quipped Greenpeace Executive Director Phil Radford in a statement on Wednesday. Under the administration's plan, hundreds of thousands of acres of virgin territory along the eastern seaboard, the Gulf Coast, and within the Arctic Ocean will soon be available. Obama has framed offshore drilling as a sweetener to draw more support for his other energy plans, such as expanding the use of renewable energy resources and putting a cap on carbon pollution. But on Wednesday Obama announced a major drilling expansion with no promise in return that opponents of his energy plans would relent in their efforts to block them.

### AT: Revenue

#### Democratic unity is key to avoiding a delay on a fiscal cliff deal---more important than leverage over Republicans---Obama has to convince liberal democrats to agree to spending cuts in exchange for revenue

Matt Yglesias 10-24, writer for Slate, “Obama's Waning Leverage With the Democratic Party Left,” 10/24/12, http://www.slate.com/blogs/moneybox/2012/10/24/obama\_s\_fiscal\_cliff\_leverage\_growing\_with\_republicans\_shrinking\_with\_liberal.html

The Democratic Party contains much larger ideological fissures than the Republican Party, and one of those fissures is that the Obama administration favors cuts in Social Security and Medicare spending that liberal Democrats don't like. Part of Obama's strategy for maintaining Democratic Party unity as he pursues his fiscal policy agenda has been to take advantage of the fact that these same liberal Democrats generally believe that taxes—especially on the wealthy—are too low.

So part of the hypothetical "grand bargain" is that Obama gives Congressional Republicans spending cuts that they want in exchange for giving him revenue increases that he wants. But another part of the hypothetical grand bargain is that liberals give Obama spending cuts that he wants as part of a package deal that includes tax hikes that liberals want.

And even as Obama muses about fiscal cliff dynamics giving him leverage over the GOP to get a grand bargain his objective leverage over liberals is waning. As I wrote in my piece making the case for leaping off the fiscal cliff, once the New Year begins the idea of a taxes-for-cuts bargain becomes irrelevant. With the Bush tax cuts fully expired, taxes will be higher than Obama wants as well as (much) higher than Republicans want. The relevant tax bargain will then be between Obama and the GOP over how much to cut taxes. Whatever the outcome of that agreement, it leaves you with nothing to take to liberals in exchange for spending cuts.

### AT: Virginia

#### Status quo congressional meetings are hollow – presidential leadership is key to get a deal done

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.

#### PC key

Janie Lorber and Kate Ackley (writers for Roll Call) November 8, 2012 “Lobbyists Eager for Short-Term Fiscal Deal” http://www.rollcall.com/issues/58\_35/Lobbyists-Eager-for-Short-Term-Fiscal-Deal-218891-1.html?pos=olobh

“The stakes over the fiscal cliff discussion just got significantly higher,” said David French, chief lobbyist at the National Retail Federation. “If Washington was looking to guidance from the voters on the path ahead, voters weren’t exactly clear.” As the nation approaches its debt ceiling yet again, lawmakers have less than 20 legislative days to decide what to do about the simultaneous expiration of the Bush-era tax cuts and the Social Security payroll tax holiday, as well as the first round of sequestration cuts. Every interest group has a stake. Business advocates argue that the tax provisions set to expire on Dec. 31 will stifle the still sputtering economy. Defense lobbyists fear that the longer the Pentagon budget remains up in the air, the harder it will be for contractors to recover. And unions and other liberal groups worry that emboldened Senate Democrats may agree to cuts in Medicare as part of a last-minute compromise. Add to that pleas from lobbyists representing municipalities ravaged by Hurricane Sandy that are desperate for federal funds to speed disaster relief efforts. “Folks in the business community believe it’s time to unite our country because America’s competitiveness is at stake,” Jay Timmons, the president of the National Association of Manufacturers, said on a conference call Wednesday. “I don’t think there’s anything more urgent than dealing with our fiscal crisis.” For the past year, defense giants and, to a lesser degree, technology firms, have begged lawmakers to avoid billions of dollars in cuts associated with sequestration. Michael Herson, a Republican lobbyist with American Defense International, said he is optimistic that lawmakers will delay sequestration until the next Congress and said most defense lobbyists will adopt a wait-and-see approach for the lame-duck session. The U.S. Chamber of Commerce, which fielded its largest voter mobilization effort ever and spent millions in support of Republicans this cycle, also urged the parties to come together on comprehensive tax and entitlement reforms. But with many of the same faces returning to Washington, D.C., next year, lobbyists wondered whether the illusive “grand bargain” is little more than a pipe dream. “[It] hinges on how Obama plays it. If he and his team really bear down and work with GOPers — an element sadly lacking the last four years — they can make a lot of progress,” said Jack Howard, a Republican lobbyist at Wexler & Walker Public Policy Associates. “If, however, he takes a hands-off approach, then I don’t really see much of a path forward. He has to be the arm-twister, the head-knocker to move things forward.”

#### Any new effort to loosen restrictions will be a fight – for every group that supports the plan, powerful groups will fight it

**Dloughy, 11/7**/12 – reporter in the Hearst Newspapers Washington Bureau (Jennifer, “Obama and the environment - a new path?” San Francisco Chronicle,

<http://www.sfgate.com/science/article/Obama-and-the-environment-a-new-path-4018611.php>

President Obama enters a second term in the White House free to toughen regulations on domestic drilling despite industry objections - and to approve natural gas exports and the controversial Keystone XL pipeline without fear of alienating environmentalists he needed at the ballot box.

But the newly unfettered president will be navigating many of the same political obstacles he faced during the first term, when his administration balanced new pollution regulations by delaying mercury rules for power plants and giving the oil industry big concessions as part of other environmental mandates.

Obama also will be facing a sharply divided Congress, with Republicans eager to use their House control

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to undercut new environmental requirements and Democrats in charge of the Senate pushing back against efforts to weaken them.

"The president faces checks and balances from Congress," noted Benjamin Salisbury, an analyst with FBR Capital Markets. "He also faces checks and balances from litigation, from industry and negotiations and environmental groups."