### 1NC

### Off

The 1ac leaves unchallenged the referent object of security - not only is the impact extinction, but this makes warfare, threat construction and human insecurity inevitable, turning the aff. Be suspect of their specific scenarios - national security is a ploy used by security elites to leave citizens in a constant state of fear.

Lal 7 - Master of Arts in International Relations (Preerna, 2007, http://gwu.academia.edu/PrernaLal/Papers/646118/Critical\_Security\_Studies\_Deconstructing\_the\_National\_Security\_State)

Under the lens of critical theory, there are many problems with the current framework of national security. First, security is a paradox for the more we add to the national security agenda, the more we have to fear. As Barry Buzan (1991, 37) points out in People, States and Fear, the security paradox presents us with a cruel irony in that to be secure ultimately, would mean “being unable to escape.” Thus, to secure oneself, one would need to be trapped in a timeless state, for leaving this state would incur risks. The current neo-realist realization of national security is quite narrow and does not take into account threats to human welfare, health, social problems, and domestic sources of insecurity. However, in Security: A New Framework of Analysis, several CSS theorists put forward the case for widening the field of security studies and separating these into five different sectors under state control: military, politics, environment, society and economy (Buzan, De Wilde and Waever 1998, 21-23). But, since these wideners leave the referent object of security as the state, widening the field of security studies becomes even more troubling because it risks more state control over our lives, the militarization of social issues such as drugs and crime, which would further legitimize and justify state violence, leaving us all the more insecure. Accordingly, it becomes clear that a mere re-definition of “security” away from its current neo-realist framework does not solve the security dilemma if the referent object of security is left unchanged. This goes to prove that it is the state as the referent object that requires questioning in terms of its supposed provision of security rather than the problems with widening the field of security. Without a state-centric concept of security, there would be no national security agenda left to widen, as our security concerns would be human-centered, hence, the paradox of security would dissipate. A second part of the security paradox is that security and insecurity are not binary opposites. On a micro-level, if security is the state of being secure, than insecurity should be the state of not being secure. However, what we do feel secure about is neither part of the national security agenda nor a conscious thought or feeling. The state of being secure is thus, not conceptualized as an absence of insecurity. On a policymaking level, Robert Lipschutz (1995, 27), Associate Professor of Politics at University of California, Santa Cruz, notes in On Security that our desire to achieve security through the acquisition of arms and a national missile “defense” system, serves to insecure those whom we label and treat as threats. This encourages the proliferation of weapons of mass destruction and offensive posturing by those we wish to secure ourselves against, causing us to feel more insecure as the end result of our search for security. More recently, when George W. Bush included North Korea in his illogical “Axis of Evil” and named it as a threat to the United States, the peripheral state had no nuclear capability and would never have thought to use the threat of weapons of mass destruction to blackmail Western powers into giving aid. However, alarmed at the thought of being the next Afghanistan or Iraq, North Korea retaliated within a year by revealing its nuclear arsenal. The United States watched helplessly as one more previously benign nation became a real security problem. As a consequence, imagined enemies become real threats due to the ongoing threat construction by the state, and this poses the security dilemma of creating self-fulfilling prophecies in the current framework of security. Our notion of security is what the state says it is, rather than what we feel it is. Yet, this entrenched view of security is epistemologically flawed, which is our second dilemma; meaning that our knowledge of security as it is defined is based in certain realist assumptions that do not hold up under scrutiny. Our perception of what and from whom we need to be secured is not based on the actual threats that exist, but on the threats that we are told to perceive by the state. Thus, terrorists, drugs, illegal immigrants, “Third World” dictators, rogue states, blacks, non-Christians, and the Other, are considered as threats to the national security apparatus, and consequently, as threats to the individual American. This state construction of threats pervades our minds, causing a trickle-down effect that encourages a culture of fear, where the only limit to the coming danger is our imagination. Lipschutz (2000, 44-45) concludes in After Authority: War, Peace, and Global Politics in the 21st Century, “the national security state is brought down to the level of the household, and each one arms itself against the security dilemma posed by its neighbor across the hedge of fence.” Lipschutz seems to be saying that it is national security that eventually encourages the creation of a dichotomy between the self and the Other in our everyday lives. Indeed, it is the discourse of security by the rulers and elites, which creates and sustains our bipolar mindset of the world. A final dilemma presented by the current security framework is that security is ontologically unstable, unable to exist on its own, requiring the creation of certain conditions and categories, specifically, the creation of the Other. James Der Derian (1995, 25), Associate Professor of Political Science at U Mass (Amherst), notes in On Security that we are taught to consider security as “an a priori argument that proves the existence and necessity of only one form of security because there currently happens to be a widespread belief in it.” Yet, national security is a highly unstable concept and changes over time, with the construction of new threats and enemies. Due to its unstable nature, security can then, be considered as a constant fluid that is constructed and re-defined by the discourse of the state and security elites. Ole Waever, a senior researcher at the Center for Peace and Conflict Research, contends that the very act of uttering “security” places it on the security agenda, thereby giving the state and its elite, power over the issue. In On Security, he notes that “in naming a certain development a security problem, the state can claim a special right, one that in the final instance, always be defined by the state and its elites” (1995, 55). This process is termed as “securitization,” which simply means treating an event or issue as a problem of national security rather than first questioning whether it should even be treated as a security issue. Such an act serves the interests of the state and its elites, starting with security discourse by the state, which constructs and perpetuates state identity and existence.

The 'threats' are not 'out there' as the 1AC wants you to believe - they are right here. Our alternative is grass-roots citizen activism - we must make the people, not the state, the referent object of security.

Lal 7 - Master of Arts in International Relations (Preerna, 2007, http://gwu.academia.edu/PrernaLal/Papers/646118/Critical\_Security\_Studies\_Deconstructing\_the\_National\_Security\_State)

Throughout this paper, we have seen cases of how national security is an antonym for human security. With this essential realization, Booth (2005, 33) gives three reasons for why the state should not be the referent object of security: “states are unreliable as primary referents because while some are in the business of security some are not; even those which are producers of security represent the mans and not the ends; and states are too diverse in their character to serve as the basis for a comprehensive theory of security.” Additionally, the cases of South Africa and Afghanistan prove how the national security state is merely an elite tool, which causes human insecurity at home and abroad. The state treats security as a problem that comes from the outside, rather than as a problem that can arise from domestic issues. The end result of state-centric security is that humans are alienated from discussions about their own security and welfare. The most compelling reason is provided by Hayward Akler (2005, 191) in Critical Security Studies and World Politics, in which he states that “economic collapse, political oppression, scarcity, overpopulation, ethnic rivalry, the destruction of nature, terrorism, crime and disease provide more serious threats to the well-being of individuals and the interest of nations.” Thus, to millions of people, it is not the existence of the Other across the border that poses a security problem, but their own state that is a threat to security. The question that arises next is how to put critical theory into practice and deconstruct the national security state. Critical theory does not offer simple one-shot solutions to the problems created by the neo-realist state and elitist conception of security. To give simple answers would be a performative contradiction, especially after criticizing realism for being intellectually rigid for believing in objective truth. In other words, there are no alternatives; just alternative modes of understanding. However, using the poststructuralist Foucaultian analysis that discourse is power, we can move towards deconstructing the power of the state and elites to securitize using their own tool: discourse. The elites who control the meaning of security and define it in terms that are appropriate to their interests hold tremendous power in the national security state. As Foucault astutely observed, “the exercise of power is always deeply entwined with the production of knowledge and discourse” (Dalby 1998, 4). For too long, language has been used against us to create our reality, thereby obfuscating our lens of the world, depriving us from an objective search for truth and knowledge. The history of colonized people shows how the construction of language defined and justified their oppressed status. In a way, we are colonized through discursive practices and subjected to the reality that the state wants us to see. However, definitions belong to the definer, and it is high time that we questioned and defined our own reality. Thus, citizen action is critical to questioning and deconstructing the national security state and taking away its power to define our security. In On Security, Pearl Alice Marsh (1995, 126) advances the idea of a grassroots statecraft that is defined as “challenging foreign policy of government through contending discursive and speech acts.” This calls for pitting the values of civil society against the state establishment and challenging the American statecraft’s freedom to cast issues and events in a security or militarized framework. The United States has not always been a national security state and neither does it have to maintain that hegemonic and oppressive status in order to exist. It is critical to remember that fundamental changes in our institutions and structures of power do not occur from the top; they originate from the bottom. History is case in point. Citizen action was critical to ending the Red Scare and the Vietnam War, as the American people realized the ludicrousness of framing Vietnam as a security issue, which led to the fall of the Second New Deal, the deaths of thousands of American soldiers and a financial cost that we are still shouldering. In the end, what they need to be secured from and how, is a question best left up to individual Americans and subsequently, civil society. Thus, grassroots citizen action performatively makes individuals the referent subject of security as people would call for the demilitarization and desecuritization of issues that are contrary and irrelevant to human security. There is hope for the future and practical application of critical theory in international relations. As Robert Lipschutz (2000, 61) concludes in After Authority: War, Peace, and Global Politics in the 21st Century, “it was the existence of the Other across the border that gave national security its power and authority; it is the disappearance of the border that has vanquished that power.” Britain, France and Germany set aside their historical enmities and became part of a European community, which has formed a new collective identity and security across borders. Cold War rivals that almost annihilated the world are now friends in the “war against terror.” The apartheid regime in South Africa did collapse eventually. In the past two years, India and Pakistan have been moving towards a more peaceful future that also includes fighting the “war against terror” together. While nation-states that were previously hostile to each other have united to be hostile towards other states, it is not overly idealist to suggest that with each new friendship and alliance, there is one less foe and one less Other. The world is not stable and stagnant, existing in an anarchic, nasty and brutish framework in which states have to endlessly bargain for their self-interest, as realists would like us to believe. On the contrary, international relations and the boundaries constructed by the state are subject to change and ever-transitioning, which presents a compelling case for critical theory as a more realistic framework through which we can view international relations. Therefore, our ultimate search for security does not lie in securing the state from the threat of the enemy across the border, but in removing the state as the referent object of security and moving towards human emancipation.

### Off

Restrictions on production must mandate a decrease in the quantity produced

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.

On is exclusively targeted

Dictionary.com No Date

http://dictionary.reference.com/browse/on?s=t

“ON”:16. (used to indicate a source or a person or thing that serves as a source or agent): a duty on imported goods; She depends on her friends for encouragement.

Exon-Florio is not a restriction on production—it’s a regulation on foreign investment

Douglas William Nigh 98, associate professor of international business at the University of South Carolina, and Douglas P. Woodward, associate professor of economics at the University of South Carolina, Foreign Ownership and the Consequences of Direct Investment in the United States: Beyond Us and Them, 1998, p. 144

How did the U.S. government respond to the influx of FDI that dates from the 1970s? The answer is “favorably,” with only nominal institutional constraints on investment flows. At the federal level, the institution directly responsible for addressing issues relating to FDIUS is the Committee on Foreign Investment in the United States (CFIUS). Created by President Gerald Ford as an oversight body in 1975, CFIUS monitors and regulates FDIUS from the standpoint of protecting national security. It is an interagency body composed of officials from the Departments of State, Commerce, Defense, and Justice, the Office of the United States Trade Representative, the Office of Management and Budget, and the Council of Economic Advisers; it is usually chaired by a Treasury official.

Export restrictions are not production restrictions

Shih 9 Wen-chen Shih is an associate professor of law in the Department of International Trade at National Chengchi University, Taiwan. "ARTICLE: Energy Security, GATT/WTO, and Regional Agreements" Natural Resources Journal Spring, 2009 Natural Resources Journal 49 Nat. Resources J. 433 lexis

Such an argument has been questioned by others. Broome cautions that a material distinction remains between export restrictions and production restrictions. n91 He argues that oil in its natural state--oil still in the ground--cannot be characterized as a "product" within the meaning of Article XI, as it has not gone through a production process. n92 Only oil in commerce--oil that is extracted and produced for consumption can be regarded as falling under the GATT jurisdiction. n93 Therefore, only when OPEC countries restrict the quantity of oil in commerce made available for export to foreign consumers could they then violate Article XI:1. n94 He further points out that, while the jurisprudence tends to interpret Article XI:1 broadly, absurd and unintended consequences could arise if the panel or the Appellate Body does not pay attention to such differences; when a WTO Member took some measure to reduce domestic production in a particular industry, any WTO Member could complain that the country was violating Article XI:1 by influencing prices via supply restrictions. n95 In other words, "any measure that prevents an industry from operating at maximum capacity might constitute an export restriction." n96 Broome, thus, concludes that the production quotas maintained by OPEC countries should not constitute quantitative restrictions that contravene Article XI:1. n97

The plan changes how energy production is financed, rather than restricting how much energy is produced

This conflation ruins the topic:

Including regulations is a limits disaster

Doub 76

Energy Regulation: A Quagmire for Energy Policy

Annual Review of Energy

Vol. 1: 715-725 (Volume publication date November 1976)

DOI: 10.1146/annurev.eg.01.110176.003435LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW, Washington, DC 20036

http://0-www.annualreviews.org.library.lausys.georgetown.edu/doi/pdf/10.1146/annurev.eg.01.110176.003435

Mr. Doub is a principal in the law firm of Doub and Muntzing, which he formed in 1977. Previously he was a partner in the law firm of LeBoeuf, Lamb, Leiby and MacRae. He was a member of the U.S. Atomic Energy Commission in 1971 - 1974. He served as a member of the Executive Advisory Committee to the Federal Power Commission in 1968 - 1971 and was appointed by the President of the United States to the President's Air Quality Advisory Board in 1970. He is a member of the American Bar Association, Maryland State Bar Association, and Federal Bar Association. He is immediate past Chairman of the U.S. National Committee of the World Energy Conference and a member of the Atomic Industrial Forum. He currently serves as a member of the nuclear export policy committees of both the Atomic Industrial Forum and the American Nuclear Energy Council. Mr. Doub graduated from Washington and Jefferson College (B.A., 1953) and the University of Maryland School of Law in 1956. He is married, has two children, and resides in Potomac, Md. He was born September 3, 1931, in Cumberland, Md.

FERS began with the recognition that federal energy policy must result from concerted efforts in all areas dealing with energy, not the least of which was the manner in which energy is regulated by the federal government. Energy selfsufficiency is improbable, if not impossible, without sensible regulatory processes, and effective regulation is necessary for public confidence. Thus, the President directed that "a comprehensive study be undertaken, in full consultation with Congress, to determine the best way to organize all energy-related regulatory activities of the government." An interagency task force was formed to study this question. With 19 different federal departments and agencies contributing, the task force spent seven months deciphering the present organizational makeup of the federal energy regulatory system, studying the need for organizational improvement, and evaluating alternatives. More than 40 agencies were found to be involved with making regulatory decisions on energy. Although only a few deal exclusively with energy, most of the 40 could significantly affect the availability and/or cost of energy. For example, in the field of gas transmission, there are five federal agencies that must act on siting and land-use issues, seven on emission and effluent issues, five on public safety issues, and one on worker health and safety issues-all before an onshore gas pipeline can be built. The complexity of energy regulation is also illustrated by the case of Standard Oil Company (Indiana), which reportedly must file about 1000 reports a year with 35 different federal agencies. Unfortunately, this example is the rule rather than the exception.

Precision: Only direct prohibition is a restriction – key to predictability

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."

### Off

Immigration reform will pass now and capital is key

Chertoff 2/14/13

Michael, Chertoff was secretary of homeland security in the George W. Bush administration and is chairman and co-founder of the Chertoff Group, a global security advisory firm. “Obama’s immigration agenda,” http://www.washingtonpost.com/opinions/michael-chertoff-obamas-immigration-agenda/2013/02/14/b07f85aa-763b-11e2-aa12-e6cf1d31106b\_story.html

Twice in the past decade, the Senate has tried to pass immigration reform. In 2007, as secretary of homeland security, I worked with a bipartisan group of senators as they fashioned a comprehensive bill that ultimately died on the floor. Now there is a tailwind for reform. Substantial security investments since 2006 have led to a steady decline in illegal border crossings. Net inflow across the border is close to zero. Moreover, the immigration stalemate has inflicted a political cost. The three pillars of immigration reform remain largely what they were in 2007: enforcement, legal immigration and the status of illegal immigrants. What have we as a nation learned that will help ensure we fix this once and for all? Six years ago, as now, three interest groups were influential in the debate on immigration reform: those troubled that the United States had not achieved control of its borders and immigration flow; business groups unhappy with a cumbersome immigration system that does not satisfy labor markets and imposes complex regulations (including high-tech employers, which were frustrated that foreign graduates with advanced degrees were being forced to leave the United States, and employers in other economic sectors — such as agriculture — that cannot find enough American citizens to fill their labor requirements); and humanitarian groups seeking to prevent the exploitation of undocumented workers and to afford them legal status and a way to citizenship. In 2007, each of these groups pursued its own agenda in isolation. Enforcement grew, but reform failed. The lesson is that none of these groups can achieve its core interest unless each advocates an approach that will satisfy everyone’s “must-haves” through balanced reform. Proponents of border security rightly continue to insist that any reform be conditioned on objective and verifiable measures of enforcement success. Without these, the United States would repeat the failure of the 1986 Immigration Reform and Control Act, which embraced amnesty for undocumented workers but failed to follow through with tough enforcement for future illegal migration. The specter of ongoing cycles of amnesty and illegal migration fueled deep opposition to reform in 2007 and will do so again if not taken seriously. But security advocates must also recognize that, without expanded legal immigration to address the needs of the labor market, border security will be harder and more expensive to achieve. Moreover, an approach that defers all relief for undocumented workers until far in the future will unfairly perpetuate an underclass. Fortunately, security and business advocates should be able to get behind a system that employs modern technology to integrate efficient immigration and employment processes. A secure Social Security card linked to both the visa process and employment verification would cut employment of illegal entrants or those who overstay and would instill confidence that those admitted for seasonal or temporary work will abide by the terms of their visas. Security and business advocates should also support allowing those lawfully admitted to study for engineering and science degrees to convert to work visas and green cards upon graduation. For the approximately 11 million workers already in the United States illegally, there is also a path to fair treatment that is consistent with security and the rule of law and that does not simply initiate a new migration surge. First, illegal entrants or overstays who are working or studying, and otherwise law-abiding, should be able to apply for renewable visas soon after a balanced bill is enacted. They should undergo background checks, obtain secure identification and satisfy any tax obligations. This would alleviate the anxiety related to their undocumented status without compromising security or fidelity to the law. But advocates should recognize that the road to earning citizenship from temporary status will — and should — be longer and conditioned upon achieving objective success in border security and immigration control. Those who entered illegally should not be processed for citizenship before others who waited in compliance with the law. Moreover, honoring the rule of law mandates that those who want permanent status should pay a fine for their previous violation. The balanced reform outlined will require security advocates to accept that illegal migrants will get some near-term benefit; businesses to accept that there will be some regulation through an employment verification system; and immigration advocates to settle for some immediate relief while recognizing that earning citizenship will take time. But without these accommodations, we will continue with a broken system. Finally, presidential commitment is critical. In 2007, President George W. Bush was deeply involved but near the end of his eight-year term. Today, President Obama has more time and a greater ability to get things done. But, as he appeared to recognize in the State of the Union, this will require him to promote the core objectives of each major interest group, going beyond campaign-style events aimed at his base.

**Plan causes bipartisan Congressional backlash**

Orol 12 – MarketWatch (Ronald D., 08/06, “Cnooc-Nexen U.S. opposition becomes bipartisan,” http://articles.marketwatch.com/2012-08-06/economy/33061155\_1\_cfius-unocal-corp-national-security)

WASHINGTON (MarketWatch) — Congressional concern about Chinese energy giant’s Cnooc Ltd’s $15.1 billion deal to buy Nexen Inc. officially has become bipartisan as a key Republican added his voice to critics of the transaction. “I have serious national security concerns with the Chinese government, acting through one of its corporations, purchasing a company that will give it control over significant U.S. oil and gas resources,” U.S. Sen. James Inhofe, Republican from Oklahoma, told MarketWatch in an emailed statement. “This combined with China’s closed economy, its prohibition on direct, full investment in Chinese business operations by U.S. firms, and its blatant disregard to U.S. intellectual property rights make this transaction even more concerning.”

Reform key to biotech

**Dahms 3**, executive director of the California State University System Biotechnology Program (CSUPERB); chair of the Workforce Committee, Biotechnology Industry Organization; and a member of the ASBMB Education and Professional Development Committee, (A. Stephen, “ Foreign Scientists Seen Essential to U.S. Biotechnology,” in Pan-Organizational Summit on the U.S. Science and Engineering Workforce: Meeting Summary, National Academy of Sciences, <http://www.ncbi.nlm.nih.gov/bookshelf/picrender.fcgi?book=nap10727&blobtype=pdf>)

The scarcity of skilled technicians is seen by the biotechnology industry in the U.S. and Canada as one of its most serious challenges. The success of this industry is dependent on the quality of its workforce, and the skills and talents of highly trained people are recognized as one of the most vital and dynamic sources of competitive advantage. The U.S. biotechnology industry workforce has been growing 14 to 17 percent annually over the last six years and is now over 190,000 and conservatively estimated to reach 500,000 by 2012. Despite efforts by the industry to encourage U.S. institutions to increase the production of needed specialists, a continual shortfall in the needed expertise requires access to foreign workers. Foreign workers with unique skills that are scarce in the U.S. can get permission to stay in the U.S. for up to six years under the H1B classification, after which they can apply for permanent resident status. There are currently over 600,000 foreign workers in this category across all industries, and they are critical to the success and global competitiveness of this nation. Of these H-1B visa holders, 46 percent are from India and 10 percent are from China, followed in descending order by Canada, Philippines, Taiwan, Korea, Japan, U.K., Pakistan, and the Russian Federation. Our annual national surveys have demonstrated that between 6 and 10 percent of the biotechnology workforce have H-1B visas. The constant shortfall in specialized technical workers that has been experienced by the biotechnology industry over the past six years has been partially alleviated by access to talented individuals from other nations. However, the industry’s need is sufficient to justify a 25 percent increase in H-1Bs in 2004. Biotechnology industry H-1B visa holders are mainly in highly sought after areas such as analytical chemistry, instrumentation specialization, organic synthesis, product safety and surveillance, clinical research/biostatistics, bio/pharm quality, medicinal chemistry, product scale-up, bioinformatics and applied genomics, computer science, cheminformatics, pharmacokinetics, and pharmacodynamics. Forty percent of H-1B foreign workers are at the Ph.D. level, 35 percent M.S., 20 percent B.S., and 5 percent M.D. In comparison, the U.S. biotechnology industry technical workforce is estimated to be 19 percent Ph.D., 17 percent M.S., 50 percent B.S., and 14 percent combined voc-ed/ community college trained. These and other survey data by industry human resource groups clearly show that the H-1B worker skills match the most pressing employment needs of the biotechnology industry. The data demonstrate that maintaining a reasonably-sized H-1B cap is critical to the industry. Although the national annual H-1B visa cap was raised from 115,000 to 195,000 in the 106th Congress via S. 2045, the cap has already been exceeded. The increased cap remains in effect until 2003 and efforts are under way to ensure that it remains high. The Third Annual National Survey of H-1Bs in the biotechnology industry found that 80 percent are from U.S. universities, and 85 percent of those eventually get green cards. Companies now spend, on average, $10,200 in processing fees and legal expenses to obtain each green card, an estimated cost to the industry of more than $150 million over the past 5 years. In the wake of the 9/11 World Trade Center attacks, debate has been focused on more restrictions on foreign students, a development that would have a severe impact upon the competitiveness of the U.S. biotechnology industry. Clearly, the H-1B route provides a temporary solution to shortages in the national and domestic biotechnology labor pools, shortages mirroring the inadequate production of appropriately trained U.S. nationals by U.S. institutions of higher learning. The reality is that universities have inadequate resources for expanding the training pipeline, particularly in the specialized areas of the research phase of company product development. Efforts should be directed toward influencing greater congressional and federal agency attention to these important topics.

Solves bioterror

**Bailey, 1** [Ronald, award-winning science correspondent for Reason magazine and Reason.com, where he writes a weekly science and technology column. Bailey is the author of the book Liberation Biology: The Moral and Scientific Case for the Biotech Revolution (Prometheus, 2005), and his work was featured in The Best American Science and Nature Writing 2004. In 2006, Bailey was shortlisted by the editors of Nature Biotechnology as one of the personalities who have made the "most significant contributions" to biotechnology in the last 10 years. 11/7/1, “The Best Biodefense,” Reason, <http://reason.com/archives/2001/11/07/the-best-biodefense>]

But Cipro and other antibiotics are just a small part of the arsenal that could one day soon be deployed in defending America against biowarfare. Just consider what’s in the pipeline now that could be used to protect Americans against infectious diseases, including bioterrorism. A Pharmaceutical Manufacturers and Research Association survey found 137 new medicines for infectious diseases in drug company research and development pipelines, including 19 antibiotics and 42 vaccines. With regard to anthrax, instead of having to rush a sample to a lab where it takes hours or even days to culture, biotech companies have created test strips using antibody technologies that can confirm the presence of anthrax in 15 minutes or less, allowing decontamination and treatment to begin immediately. Similar test strips are being developed for the detection of smallpox as well. The biotech company EluSys Therapeutics is working on an exciting technique which would "implement instant immunity." EluSys joins two monoclonal antibodies chemically together so that they act like biological double-sided tape. One antibody sticks to toxins, viruses, or bacteria while the other binds to human red blood cells. The red blood cells carry the pathogen or toxin to the liver for destruction and return unharmed to the normal blood circulation. In one test, the EluSys treatment reduced the viral load in monkeys one million-fold in less than an hour. The technology could be applied to a number of bioterrorist threats, such as dengue fever, Ebola and Marburg viruses, and plague. Of course, the EluSys treatment would not just be useful for responding to bioterrorist attacks, but also could treat almost any infection or poisoning. Further down the development road are technologies that could rapidly analyze a pathogen’s DNA, and then guide the rapid synthesis of drugs like the ones being developed by EluSys that can bind, or disable, segments of DNA crucial to an infectious organism's survival. Again, this technology would be a great boon for treating infectious diseases and might be a permanent deterrent to future bioterrorist attacks. Seizing Bayer’s patent now wouldn’t just cost that company and its stockholders a little bit of money (Bayer sold $1 billion in Cipro last year), but would reverberate throughout the pharmaceutical research and development industry. If governments begin to seize patents on the pretext of addressing alleged public health emergencies, the investment in research that would bring about new and effective treatments could dry up. Investors and pharmaceutical executives couldn’t justify putting $30 billion annually into already risky and uncertain research if they couldn’t be sure of earning enough profits to pay back their costs. Consider what happened during the Clinton health care fiasco, which threatened to impose price controls on prescription drugs in the early 1990s: Growth in research spending dropped off dramatically from 10 percent annually to about 2 percent per year. A far more sensible and farsighted way to protect the American public from health threats, including bioterrorism, is to encourage further pharmaceutical research by respecting drug patents. In the final analysis, America’s best biodefense is a vital and profitable pharmaceutical and biotechnology industry.

Extinction

Steinbrenner, 97

John Steinbrenner, Senior Fellow – Brookings, Foreign Policy, 12-22-1997, Lexis  
Although human pathogens are often lumped with nuclear explosives and lethal chemicals as potential weapons of mass destruction, there is an obvious, fundamentally important difference: Pathogens are alive, weapons are not. Nuclear and chemical weapons do not reproduce themselves and do not independently engage in adaptive behavior; pathogens do both of these things. That deceptively simple observation has immense implications. The use of a manufactured weapon is a singular event. Most of the damage occurs immediately. The aftereffects, whatever they may be, decay rapidly over time and distance in a reasonably predictable manner. Even before a nuclear warhead is detonated, for instance, it is possible to estimate the extent of the subsequent damage and the likely level of radioactive fallout. Such predictability is an essential component for tactical military planning. The use of a pathogen, by contrast, is an extended process whose scope and timing cannot be precisely controlled. For most potential biological agents, the predominant drawback is that they would not act swiftly or decisively enough to be an effective weapon. But for a few pathogens - ones most likely to have a decisive effect and therefore the ones most likely to be contemplated for deliberately hostile use - the risk runs in the other direction. A lethal pathogen that could efficiently spread from one victim to another would be capable of initiating an intensifying cascade of disease that might ultimately threaten the entire world population. The 1918 influenza epidemic demonstrated the potential for a global contagion of this sort but not necessarily its outer limit.

### Off

The Supreme Court should rule that economic competition as a factor in the Exon-Florio review of international investment in wind power violates the 10th Amendment right of states to self-govern.

Courts solve the case

Maharrey 12 [Mike Maharrey. Communications Director for the Tenth Amendment Center. Ohio group: Tenth Amendment key to energy independence. Tenth Amendment Center. August 24, 2012. http://blog.tenthamendmentcenter.com/2012/08/ohio-group-tenth-amendment-key-to-energy-independence/]

“Energy policy and initiatives that originate from the federal government, including the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) have had a near disastrous effect on our country’s energy future. The seemingly endless unconstitutional federal mandates have severely restricted our country’s ability to produce and provide our own energy needs.”

Since the Constitution does not delegate the federal government authority to regulate energy development within a state, it should remain a role of state government under the Tenth Amendment. Flaugher says energy independence will depend on states asserting their sovereign authority and taking control of their own energy policies.

“With state sovereignty, the states will no longer need to comply with unconstitutional federal laws and mandates, or burdensome and overreaching restrictions of the EPA or NRC. The states will be able to explore and develop their own natural resources without unlawful federal interference. The states will once again control their own destiny,” he said.

### Solvency

You don’t solve your AFF the president cited NATIONAL SECURITY risks when Chinese investment was proposed the FIRST time.

Pace ‘12. Julie, Associated Press 9-28-12, Stephen Braun and Ted Bridis and Tim Fought in Portland, Ore., contributed to this report. “OBAMA BLOCKS CHINESE PURCHASE OF US WIND FARMS” [http://m.kitsapsun.com/news/2012/sep/28/obama-blocks-chinese-purchase-of-us-wind-farms/]

WASHINGTON (AP) — Citing national security risks, President Barack Obama on Friday blocked a Chinese company from owning four wind farm projects in northern Oregon near a Navy base where the U.S. military flies unmanned drones and electronic-warfare planes on training missions.

It was the first time in 22 years that a U.S. president has blocked such a foreign business deal.

Obama's decision was likely to be another irritant in the increasingly tense economic relationship between the U.S. and China. It also comes against an election-year backdrop of intense criticism from Republican presidential challenger Mitt Romney, who accuses Obama of not being tough enough with China.

In his decision, Obama ordered Ralls Corp., a company owned by Chinese nationals, to divest its interest in the wind farms it purchased earlier this year near the Naval Weapons Systems Training Facility in Boardman, Ore.

The case reached the president's desk after the Committee on Foreign Investments in the United States, known as CFIUS, determined there was no way to address the national security risks posed by the Chinese company's purchases. Only the president has final authority to prohibit a transaction.

The administration would not say what risks the wind farm purchases presented. The Treasury Department said CFIUS made its recommendation to Obama after receiving an analysis of the potential threats from the Office of the Director of National Intelligence.

Morrow County planner, Carla McLane, said the projects had won county approval and construction was under way until CFIUS issued an order in July that halted construction. She said she does not know what the security concerns were.

Each of the four projects consists of five turbines, each with a two-megawatt capacity, for a total of 10 megawatts per project, or a total of 40 for the four. As the crow flies, McLane said, the projects are about 10 miles from the bombing range — as it's known locally.

The military has acknowledged that it used the Oregon Naval facility to test unmanned drones and the EA-18G "Growler." The electronic warfare aircraft accompanies U.S. fighter bombers on missions and protectively jams enemy radar, destroying them with missiles along the way.

At the Oregon site, the planes fly as low as 200 feet and nearly 300 miles per hour.

The last time a president used the law to block a transaction was 1990, when President George H.W. Bush voided the sale of Mamco Manufacturing to a Chinese agency.

In 2006, President George W. Bush approved a CFIUS case involving the merger of Alcatel and Lucent Technologies.

The Treasury Department said in a statement that Obama's decision is specific to this transaction and does not set a precedent for other foreign direct investment in the U.S. by China or any other country.

China's trade advantage over the U.S. has emerged as a key issue in the final weeks of the presidential campaign. Romney accuses Obama of failing to stand up to Beijing, while the president criticizes the GOP nominee for investing part of his personal fortune in China and outsourcing jobs there while he ran the private equity firm Bain Capital.

Both campaigns are running ads on China in battleground states, especially Ohio, where workers in the manufacturing industry have been hard-hit by outsourcing.

Obama, in an interview Wednesday with The Plain Dealer of Cleveland, said the U.S. must push hard against Beijing but "not go out of our way to embarrass" China.

"We're not interested in triggering an all-out trade war that would damage both economies," Obama said.

The president has the power to void foreign transactions under the Defense Production Act. It authorizes the president to suspend or prohibit certain acquisitions of U.S. businesses if there is credible evidence that the foreign purchaser might take action that threatens to impair national security.

CFIUS is chaired by the treasury secretary. The secretaries of state, defense, commerce, energy and homeland security are also on the committee. The director of national intelligence is a non-voting member.

Earlier this month, Ralls sued the national security panel, alleging CFIUS exceeded its authority when it ordered the company to cease operations and withdraw from the wind-farm developments it bought. Ralls asked for a restraining order and a preliminary injunction to allow construction at the wind farms to continue. The firm said it would lose the chance for a $25 million investment tax if the farms were not operable by Dec. 31.

In a statement Friday, Tim Kia, a lawyer for Ralls, said the project posed no national security threat and said "the President's order is without justification, as scores of other wind turbines already operate in the area."

Ralls dropped its request for a preliminary injunction this week after CFIUS allowed the firm to resume some pre-construction work. With the lawsuit, continuing, the firm's lawyers were expected to react quickly to the administration decision, said a person familiar with the lawsuit who insisted on anonymity because of the sensitive legal repercussions.

Ralls' legal team includes Paul Clement and Viet Dinh, two top law veterans of President George W. Bush's administration. Both men were key players in Bush's aggressive national security operation.

Clement, who was solicitor-general and argued administration positions before the Supreme Court, has since opposed the Obama administration's health care plan and defended the Defense of Marriage Act before the top court.

Dinh, a former assistant attorney general who was the main architect of the Bush administration's anti-terror USA Patriot Act, has lately served as a director and legal adviser to Rupert Murdoch's News Corporation.

A second Chinese firm stymied by CFIUS urged U.S. authorizes this week to investigate their firm to quell fears of ties to China's military. Huawei Technologies Ltd. announced in early September that it would unwind its purchase of U.S.-based computer firm 3Leaf Systems after the deal was rejected by CFIUS.

Huawei, one of the world's largest producers of computer network switching gear, has repeatedly struggled to convince U.S. authorities that they can be trusted to oversee sensitive technology sometimes used in national security work. In 2008, CFIUS concerns led Huawei and private equity firm Bain Capital to abandon an $2.2 billion deal to buy a firm that produces anti-hacking software for the U.S. military.

Melanie Hart 2/11/13 Policy Analyst for Chinese Energy and Climate Policy at the Center for American Progress. “Increasing Opportunities for Chinese Direct Investment in U.S. Clean Energy” Center for American Progresshttp://www.americanprogress.org/issues/china/report/2013/02/11/52576/increasing-opportunities-for-chinese-direct-investment-in-u-s-clean-energy/

Chinese enterprises report that one of their biggest concerns with direct investments in the United States is the national security review. The Committee on Foreign Investment in the United States includes the secretaries of treasury, homeland security, commerce, defense, state, and energy; the U.S. attorney general; the secretary of labor; and the director of national intelligence. (The latter two are nonvoting members.) The committee is tasked with reviewing foreign business acquisitions in the United States to determine if those acquisitions create any national security risks. If the committee does find a security risk, they pass those findings on to the U.S. president, who can then block or reverse the business deal. This review process has created a problem for some foreign investors in the United States, as it is difficult to predict what the committee will consider to be a national security threat. The governing regulations give the committee wide leeway to make that determination, and that makes it hard for foreign enterprises to foresee which deals will trigger security concerns. Recent regulatory reforms have expanded the committee’s focus to specifically target U.S. energy sectors, particularly the electric grid and other critical infrastructure. The committee generally considers foreign government ownership to be a red flag, so a Chinese state-owned enterprise investment in U.S. utility infrastructure, for example, would likely trigger committee review. Recent high-profile national security review cases involving Chinese enterprises include the CNOOC deal in 2005, the Huawei deals in 2007 and 2011, and the Ralls Wind Corporation deal in 2012. In 2005 CNOOC issued an unsolicited $18.5 billion bid for Unocal, a California oil company; this high bid created a political firestorm in Washington. Many U.S. policymakers questioned whether the acquisition would threaten U.S. energy security by transferring critical oil assets to the Chinese government, and the U.S. House of Representatives passed a bill calling on then-President George W. Bush to review the transaction. It became clear to CNOOC that the deal would require an extensive committee review and that the likelihood of passing that review was almost zero, so the organization dropped the offer. Chinese telecommunications equipment provider Huawei ran into similar difficulties in 2007 when it tried to acquire—with help from private equity firm Bain Capital—a minority interest in electronics manufacturer 3Com for $2.2 billion. 3Com provided Internet security software to the U.S. military, and the committee blocked the transaction due to concerns that Huawei could give the Chinese military access to U.S. defense software. Huawei ran afoul of the committee again when the company acquired cloud computing technology and 15 employees from U.S. server firm 3Leaf LLC in 2010. The U.S. Department of Defense raised concerns that Huawei might transfer 3Leaf technology secrets to the Chinese military for cyberattacks against the United States. That triggered a review of the deal, and the committee eventually forced 3Leaf and Huawei to unwind the transaction. More recently, in September 2012 President Obama issued an order forcing China’s Ralls Wind Corporation to divest a wind farm that the company had purchased in Oregon. According to the U.S. Treasury Department, which chairs the committee, the purchase of the wind farm was deemed a national security risk because the site overlooked a U.S. Navy weapons-training facility. The Committee on Foreign Investment in the United States system is designed to target and block potentially problematic foreign investment projects while letting the vast majority go forward. And in general, that is how the process works. Many foreign companies directly invest in the U.S. economy without triggering any national security concerns whatsoever, including many Chinese companies. The ENN Energy case mentioned above is one example of a Chinese direct investment project that went forward without any committee blocks. And the projects that do trigger the review process can still win approval. Wanxiang Group, a Chinese auto parts company, recently underwent a review for its planned acquisition of A123 Systems, a U.S. company that specializes in lithium-ion battery technology. Wanxiang came out of the review process with official U.S. government approval for the acquisition. Although there are plenty of success cases, however, when most potential Chinese investors see big state-owned enterprises such as CNOOC and state champions such as Huawei get tangled up in the committee’s red tape, they assume that if those giants cannot get through to the U.S. market, then smaller Chinese companies definitely would not have a chance. But the reality is that the opposite is true. Smaller, privately owned companies that do not have strong connections to the Chinese government are much less likely to trigger security concerns than their state-owned counterparts. Foreign government control is one of the key issues the committee process tries to detect. The more independent the investor, the less likely foreign government control will be a problem. Of course, nonstate investors run into problems too, just as China’s Ralls Corporation did with the Oregon wind farm project. That is where foreign firms start to get a bit confused. From the Chinese perspective, it can be hard to anticipate which projects will trigger security concerns. The end result is that many potential Chinese direct investors view the U.S. market as extremely high risk, and that deters them from launching projects that would be a win-win for both nations. The United States needs to level the playing field for inward foreign direct investment in clean energy The U.S. government needs to provide a more stable and predictable policy framework for foreign direct investment so that we can leverage opportunities to expand our clean energy economy. First and foremost, the United States needs to clarify where foreign direct investment is welcome and where it is not. At present, we simply do not have a coherent national policy on inward foreign direct investment. The U.S. federal government appears to divide inward foreign direct investment into two buckets: deals that threaten national security and deals that do not. That line, however, is not always clear. One thing that has become increasingly clear since 2008: Any transaction involving the U.S. electric grid will most likely face a security review. Safeguarding our critical infrastructure is certainly important, particularly in the cyber era. U.S. intelligence officials are already finding malware in our domestic utility networks. Intelligence officials believe foreign governments are inserting the malware in hopes that they can use it to shut down critical U.S. utility networks in future conflicts with the United States. Given these national security concerns, it is justifiable to keep some parts of our critical infrastructure under U.S. ownership to guard against potential foreign government control. Clean energy development is also important, however, and electric grids are critical elements in the U.S. clean energy economy. We need to achieve two goals at once: keeping our critical infrastructure secure and bringing in much-needed private-sector capital, including foreign direct investment, to stimulate our clean energy markets. To achieve both goals at once, the United States will have to send very clear signals to Chinese and other foreign firms clarifying which clean energy sectors they are welcome to engage in and which clean energy sectors are going to be generally off limits.

### Advantage 1

EU asking for tariffs now

Nicola 9-25 (Stefan, Bloomberg Business News, “EU Solar Makers Demand China Tariffs with Second Complaint,” <http://www.businessweek.com/news/2012-09-25/eu-solar-companies-demand-china-tariffs-with-subsidy-complaint>)

European Union solar-panel makers, which persuaded regulators to probe Chinese companies for unfair pricing, stepped up demands for tariffs, accusing their rivals of receiving illegal subsidies.¶ EU ProSun, an industry group led by Germany’s Solarworld AG (SWV), filed an anti-subsidy complaint today at the European Commission in Brussels, Milan Nitzschke, the group’s president, said in an interview. EU ProSun says that Chinese exporters of solar panels benefit from trade-distorting government aid.¶ “China seeks a monopoly in the solar sector and subsidizes the local industry with billions,” Nitzschke said in an e- mailed statement. “That’s leading to overcapacities and ruinous price competition.”¶ On Sept. 6, the commission, the EU’s trade authority, started to investigate whether Chinese manufacturers sold solar panels and the cells and wafers used in them in the 27-nation bloc below cost, a practice known as dumping. EU ProSun initiated the case, the biggest of its kind in Europe covering 21 billion euros ($27 billion) of EU imports, with a complaint filed in July.¶ The two complaints highlight European concerns about the expansion of Chinese solar companies led by Suntech Power Holdings Co. ([STP](http://investing.businessweek.com/research/stocks/snapshot/snapshot.asp?ticker=STP:US)), which have grabbed market share from European rivals that were once dominant. They follow a U.S. decision earlier this year to impose anti-dumping duties as high as 250 percent on the Chinese industry.¶ The impact on manufacturers would be “far, far worse” than U.S. actions because Europe consumed a majority of the world’s panels last year, said Aaron Chew, an analyst at Maxim Group LLC in New York.

US Tariffs Non-unique – no risk of trade war

Chafin and Beattie 9-19 (2012, Financial Times, Joshua and Alan, “West Wrestles with China Trade Links,” <http://www.ft.com/cms/s/0/0edb13f2-027a-11e2-9e53-00144feabdc0.html#axzz27sqCDmRY>

From the US campaign trail to the corridors of Brussels, recession-wary western leaders are wrestling with same seemingly intractable problem: how to manage trade relations with China?¶ This week, US President Barack Obama went on the offensive in the swing state of Ohio – and the centre of America’s manufacturing rust belt – to announce the latest in a string of [World Trade Organisation cases against Beijing](http://www.ft.com/intl/cms/s/0/93378e08-00e2-11e2-99d3-00144feabdc0.html). This time it was for what the White House claims are illegal export subsidies for car parts. Across the Atlantic, [Karel De Gucht, the EU trade commissioner](http://www.ft.com/cms/s/0/7873f2d2-f4e9-11e1-b120-00144feabdc0.html), appeared to take the opposite approach as he eased the pressure on a brewing dispute with Beijing over alleged subsidies to its telecommunications equipment makers.¶ Mr De Gucht has told subordinates to delay a case that once looked imminent. On the eve of a summit with Wen Jiabao, China’s prime minister, EU officials sought to play down any suggestion of discord.¶ “Of course there are tensions between us,” one said, “but you have to put this in the context of the huge volume of trade between us.”¶ In fact, neither gesture was as clear-cut as it may at first appear. Both reflect the impromptu balancing acts in Washington and Brussels as trade officials seek ways to gain leverage over the world’s second-largest economy.¶ That complex reality may be most apparent in Washington where – in spite of the heated campaign rhetoric – Mr Obama’s administration has been circumspect about taking radical action to block imports from China.¶ In 2009 Mr Obama did give in to pressure from unions to impose special “Section 421” tariffs on imports of Chinese tyres, a measure he has been touting on the campaign trail as having saved more than 1,000 American jobs. The tariffs come up for renewal this month.¶ But, despite the fears of some multinational businesses that depend on imports, there have been no more such cases since. The administration has also repeatedly declined to name China as a currency manipulator – a move that has little more than symbolic impact anyway – and has warned Congress against violating WTO rules with legislation to punish Chinese currency undervaluation with tariffs.

Uniqueness – Tariff approach is nudging China towards talks now

Chafin and Beattie 9-19 (2012, Financial Times, Joshua and Alan, “West Wrestles with China Trade Links,” <http://www.ft.com/cms/s/0/0edb13f2-027a-11e2-9e53-00144feabdc0.html#axzz27sqCDmRY>

When it comes to imposing regular anti-dumping or anti-subsidy duties on imports, the US system allows much less political interference than do EU procedures. Decisions are taken by the International Trade Commission, an independent, quasi-judicial federal agency with a politically bipartisan leadership, and are based on a large body of statute and case law.

In Brussels, the commission insists it is still gathering evidence against the Chinese telecommunications companies and the delay comes even as Mr De Gucht has made a string of accusations against Beijing, from hoarding rare earth metals to violating public procurement procedures. Just weeks ago, Mr De Gucht opened arguably his biggest case to date: an investigation into [Chinese solar panel](http://www.ft.com/intl/cms/s/0/26f2f140-f7fc-11e1-bec8-00144feabdc0.html) manufacturers that covers some €21bn in annual exports and ranks as the bloc’s largest. Some EU officials are hopeful the moves will nudge the Chinese towards the bargaining table to discuss the broader issue of illegal subsidies, which Mr De Gucht believes are fuelling China’s export machine. Brussels would like to rein in Beijing’s use of export credits to juice manufacturers’ foreign sales. But Beijing has yet to offer anything definitive. Rather than strength, some observers see worrying evidence of the EU trade policy’s susceptibility to political pressure. Their suspicion was fed by an unusual move by [Angela Merkel, German chancellor, to intervene publicly](http://www.ft.com/intl/cms/s/0/c74f6a1c-f273-11e1-ac41-00144feabdc0.html) in the solar case on a visit to Beijing last month, in which she appeared to pre-empt Mr De Gucht by saying the matter should be resolved through dialogue – not tariffs.

Chinese-EU trade relations are stable in the status quo

Guerot 9-24 (2012, Ulrike, Columnist for World Politics Review, “The Continentalist: Germany Trips up EU on China Ties,” <http://www.worldpoliticsreview.com/articles/12361/the-continentalist-germany-trips-up-eu-on-china-ties>)

How to manage trade relations with China, with an eye toward achieving reciprocity, is the million-dollar question on both sides of the Atlantic. The question was on prominent display at the 15th European Union-China summit last Thursday, where the two economic giants once again agreed to avoid protectionism, at least on paper. Trade between China and the EU rose to $556 billion in 2011, but grievances on both sides continue to weigh heavily on the relationship. At the summit, Chinese Premier Wen Jiabao complained pointedly about the EU arms embargo against China as well as Brussels’ refusal to grant China market economy status that would result in preferential tariff rates. The EU’s biggest complaints center on what it considers to be unfair trade practices, in particular the disparities between the two sides when it comes to open markets: As the European Chamber of Commerce in Beijing recently complained, while Chinese corporations can successfully shop in the EU for businesses or even strategic public goods, such as the Piraeus port in Greece or the Düsseldorf airport in Germany, European corporations trying to operate in China find that most companies, let alone public assets, are either off limits or not for sale. Though unhappy about this imbalance, the Europeans are for now accepting it with clenched fists in their pockets: They need continued Chinese engagement (read: liquidity) to solve the European debt crisis, particularly when it comes to purchases of European bonds issued by the EFSF. In this, the summit offered some reassurance. "Europe is one of the main markets for China to invest its foreign exchange reserves," Wen said at the meeting, “and China will continue to participate in efforts to tackle Europe's debt crisis through appropriate channels.”

Non-unique and no impact – EU calling out Chinese market behaviors now AND trying to use talks instead of tariffs

Guerot 9-24 (2012, Ulrike, Columnist for World Politics Review, “The Continentalist: Germany Trips up EU on China Ties,” <http://www.worldpoliticsreview.com/articles/12361/the-continentalist-germany-trips-up-eu-on-china-ties>)

In many respects, the EU-China relationship today resembles EU-U.S. relations, which have often been characterized by a competition among European countries to be Washington’s “best” partner. The U.S. has always managed to simultaneously invest a variety of European countries with this status. By contrast, for China, [only one European country really seems to qualify](http://www.worldpoliticsreview.com/trend-lines/9447/global-insider-china-germany-relations): Germany, which alone makes up some 48 percent of all EU-China trade. Indeed, when it comes to EU-Chinese trade relations, there is some evidence that the Chinese consider German Chancellor Angela Merkel, rather than EU Trade Commissioner Karel De Gucht, their primary interlocutor. For her part, Merkel often seems to play an ambiguous game, holding hands with China even as she calls for a united, strong Europe, ready and able to cope with international challenges on an equal footing with other important strategic players. This German-Chinese “pas de deux” is a thorn in the side for the rest of Europe. A good example of this German “double game” came in the weeks before the EU-China summit: The EU Commission has been gathering evidence against Chinese telecommunications companies for unfair market behavior, with De Gucht making a string of accusations against Beijing, from hoarding rare earth metals to violating public procurement procedures. Moreover, just weeks ago, De Gucht opened arguably his biggest case to date, an investigation into Chinese solar panel manufacturers that covers some $27.3 billion in annual exports and ranks as the bloc’s largest such case. Some EU officials were hopeful the move would nudge the Chinese toward the bargaining table to discuss the broader issue of illegal subsidies, which De Gucht believes are fueling China’s export machine. But during a visit to China last week, during which large Chinese orders for German products were announced, Merkel urged the commission to drop the investigation and seek a negotiated settlement instead, delivering a blow to the EU’s already tattered unity and authority. It is hard to avoid the conclusion that Merkel’s decision was a quid pro quo, the kind of approach that can only reinforce the perception in Beijing that, rather than having to deal with the EU collectively, it can get its way by offering individual European politicians promises of economic and commercial rewards certain to mollify crisis-weary voters back home. That Merkel played along is an open invitation for Beijing to push its divide-and-rule tactics further.

### Advantage 2

Desertec won’t work

Meyer, 2010 (Cordula, staff writer @ Speigel, 5-27, European Dream of Desert Energy Takes Shape, Spiegel, p. www.spiegel.de/international/world/0,1518,695908-5,00.html) drc

Part 5: The Cable Challenge In addition to such storage tanks, the Desertec project would require cables to bring the electricity to European population centers. The cables would be high-voltage direct current (HVDC) transmission lines, which can transmit electricity over a distance of 1,000 kilometers with losses of less than 3 percent. The longest of these underwater HVDC lines went into operation in late 2008. It transmits power from the Netherlands to Norway, or the other way around, depending on where the electricity happens to be cheaper at any given time. The Norned cable already recouped more than 10 percent of the initial investment within its first three months of operation. Encased in plastic and protected by a metal shell, the cables consist of copper or aluminum wires with a thickness of 5 centimeters. They are unwound from special ships and buried on the sea floor by robots. Enormous Costs The costs are enormous. The 200-kilometer cable that will connect the Bard offshore wind farm in the North Sea to the German grid will cost about €300 million. Some 80 to 100 of these cables would be needed to bring all the electricity Desertec claims will be generated in the Sahara from Africa to Europe. "Laying that sort of thing through the Mediterranean **will not always be economically lucrative**," says Jochen Kreusel of the ABB Group, which supplied the Norned cable. "In this case, it is up to society to establish the right basic conditions" so that laying the cables makes economic sense. A dispute between France and Spain that has been raging for years over the construction of a high-performance cable in the Pyrenees shows just how difficult this can be. Besides, citizens' initiatives are constantly blocking or delaying new projects throughout Europe. "Simply expanding a line in Germany takes 15 years, including all the expropriation proceedings," says Fraunhofer scientist Jürgen Schmid. "**This could bring down the entire project**."

Europe will reject desertec, terrorism will disrupt, and political obstacles.

SOMAR, 2009 (Desertec: The Project, The Problems & The Pipe Dream, 8-27, p. www.energy-savingnews.com/2009/08/desertec-project-problems-pipe-dream/) drc

Although little more than a website and a memorandum of understanding at present, the Desertec project would involved over a dozen nations at a projected cost of $563 billion in order to tap into the plentiful supply of solar power radiating onto the world’s largest desert from the sun. The scheme is expected to provide 15% of Europe, Africa and the Middle East’s entire energy demands by 2050, as well as generating massive amounts of skilled employment in Africa. However, criticisms of the project are starting to surface left, right and centre. Chief amongst them all is the aspect of energy security - something which Europe is all too familiar with after the gas supply squabbles with Russia and their desperate efforts to end their dependency upon just one main supplier. To start relying on imported electricity on such a massive scales is an anathema to most European governments. Terrorism is a further concern - with the energy being piped into Europe through gigantic transmission grids, they could easily become a target of terrorist disruption. Falling solar photovoltaic prices mean that small, local solar projects would be far more cost effective, according to parties with vested interests. The political hurdles are the highest, though. As well as crossing disputed borders and unpredictable nations, closer trade and investment links between Europe and Africa, as well as between the African nations themselves, would have to be far more stable than they are now. Corruption and bureaucracy would also create major obstacles to overcome for the project to even begin to get under way.

Non-unique - government resources are already allocated towards

Mahdi, 2011 (Wael, staff writer @ Bloomberg, 7-4, Tunisia Plans to Spend $2 Billion to Sell Solar Power in Europe, Bloomberg, p. www.bloomberg.com/news/2011-07-04/tunisia-plans-to-spend-2-billion-to-sell-solar-power-in-europe.html) drc

Tunisia plans to invest $2 billion in solar projects to generate power for Europe, the minister of planning and international cooperation said. Tunisia is building 40 solar projects with foreign partners from Germany and other countries, and they will start providing electricity to Europe by 2016, Tunisia’s Abdelhamid Triki said in an interview in Jeddah, Saudi Arabia. The power will be transferred by a submarine cable to Europe through Italy, he said. Triki didn’t say how much electricity will be generated in the project. About 60 percent of the financing for the solar projects will come from the private sector, and the rest will come from the government and other sources, he added. Tunisia is also planning wind-power projects, Triki said.

African conflicts won’t cause terrorism.

Piombo 7 – Jessica, “Terrorism and U.S. Counter-Terrorism Programs in Africa: An Overview”, Center for Contemporary Conflict, Jan, http://www.gees.org/documentos/Documen-01928.pdf

A casual reading of major newspapers would leave one with the impression that terrorists are running rampant across Africa. Terrorists are said to hide out in the multiple lawless and stateless areas that litter the continent; they supposedly gain recruits from among the starving and displaced masses who have been victimized by powerful warlords and governments that are fighting over the continent’s spoils. Militant Islamic recruiters are thought to prey on vulnerable communities, building militant organizations and recruiting the next generation of suicide bombers from the ranks of the poor Africans. This is, to state it mildly, a vast oversimplification of both the nature of terrorist recruitment and the terrorist threat in Africa. First of all, organized terrorist groups do not rampantly proliferate across the continent. Prior to 2001, there were no designated “foreign terrorist organizations” in Sub-Saharan Africa. There have been a number of organizations that area governments label as “terrorists,” yet the United States has been hesitant to recognize the groups as such, for the understandable reason that in many cases, area governments are labeling opposition groups terrorists in order to gain support to combat their opponents. Second, these sentiments are an overstatement of the influence of militant Islam across the continent, and a misunderstanding of the nature of “terrorism.” Terrorism in Africa is not confined to the realm of the radical Islamists, though those are the groups that receive the most attention. Of the three Sub-Saharan groups that have found their way onto the “other designated organizations” lists maintained by the State Department, only one (Al Ittihad Al Islamiyya, AIAI, of Somalia), was Islamist.[1] The other two included the former military of Rwanda (the ex-FAR) and a Christian terrorist group in Uganda, the Lords Resistance Army (LRA). al-Qaeda, obviously on the list of designated FTOs, operates in Africa, but is not from Africa. Third, the common mantra that “failed states lead to terrorism” is, in fact, belied by geography: the designated terrorist organization that do exist and which have attacked Western targets tend to organize and operate in the countries with a modicum of law and order, such as South Africa and Kenya. Indigenous terrorist organizations (not designated by the United States) have originated and continue to operate in both unstable countries such as Somalia and Liberia, but the group are more prolific in states that have more advanced infrastructures, such as South Africa, Nigeria and Kenya. Without a reliable and secure commercial infrastructure, it becomes difficult to move commodities and illicit goods to fund terrorist activities. The largest al-Qaeda network in East Africa was uncovered in Kenya, one of the most politically stable countries in the region. In fact, to date this cell has been the only direct al-Qaeda group that has been turned up since the GWOT began in 2001. Terrorist groups tend to use the “failed” states like Somalia more as staging grounds and transit points, rather than places where the groups build long-term organizational and financial networks. Even in West Africa, while Hezbollah obtains diamonds from conflict zones and stateless areas, terrorists find it necessary to transport them via the Lebanese diaspora community that lives in the more politically stable countries.

African terrorists won’t attack the US.

Piombo 7 – Jessica, “Terrorism and U.S. Counter-Terrorism Programs in Africa: An Overview”, Center for Contemporary Conflict, Jan, http://www.gees.org/documentos/Documen-01928.pdf

Despite this permissive environment, the indigenous terrorist threat in much of Africa has not been considered a major threat in by the U.S. government, which focuses almost exclusively on the threat posed by transnational jihadi organizations originating outside Africa. Yet groups like al-Qaeda and Hezbollah operate alongside a pervasive network of local groups, some of which are affiliated with the transnational organizations, and many of which are not. In fact, the bulk of Islamist “terrorist” organizations in East Africa are those that originated in the area and operate with a regional agenda. Many of these groups existed before al-Qaeda attempted to organize them into a loose hierarchy, and so far these local groups have not become deeply entrenched in the al-Qaeda network. The most important obstacle to a closer alliance has been that local Islamist groups have a primary loyalty to their clans and ethnic tribes that has not always been compatible with al-Qaeda’s transnational agenda**.**[8] Transnational terrorist organizations like al-Qaeda and Hezbollah find it difficult to coordinate activities with local groups and have mostly given up attempting to organize them into larger associations and networks.[9] The transnational groups find the clan-based warfare and seeming anarchy of acephalous societies like Somalia difficult terrain in which to recruit and prosper.[10]

Counter-terrorism solving now.

Piombo 7 – Jessica, “Terrorism and U.S. Counter-Terrorism Programs in Africa: An Overview”, Center for Contemporary Conflict, Jan, http://www.gees.org/documentos/Documen-01928.pdf

Beyond explicit measures to provide assistance to Africa’s security architecture and to fight terrorist finance, there are a variety of “security cooperation” tools that in one form or another contribute to the War on Terror in Africa. These include the traditional forms of security assistance (international military education and training), humanitarian assistance, combined training and exercises (such as FLINTLOCK), direct operational activities (peacekeeping, humanitarian relief ops, counter-narcotics, etc), combined education, mil-to-mil contact, and other DoD activities such as demobilization, civil affairs and environmental security.[30] This article attempted to lay out the basic arguments for why the United States is increasingly concerned with terrorism in Africa, the true nature of the terrorist and Islamist threat, and to provide a basic outline of the major counterterrorism programs currently run by the U.S. government. A truly comprehensive approach to combating terrorism on the continent would involve a much broader range of programs, focusing on alleviating the conditions that leave Africans vulnerable to recruitment in the first place. The U.S. acknowledges this, and has stepped up its HIV/Aids programs and development assistance (through the Millennium Challenge Account). Whether or not the programs will have tangible results still remains to be seen. The interesting fact is that whatever way you cut it, the level of attention and support that African countries are receiving as a result of their role in the post 9-11 strategic environment is unprecedented in U.S. foreign policy.

### 2NC

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They regulate exports

Greidinger, 91 [Volume 6 | Issue 2 Article, American University International Law ReviewThe Exon-Florio Amendment: A Solution in Search of a Problem, <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1553&context=auilr>]

B. EXPORT RESTRICTIONS¶ The Export Administration Act 178 and the Arms Export Control¶ Act 177 require validated licenses to export certain categories of technological¶ information, equipment, arms and munitions abroad. Depending¶ on the sensitivity of the information involved, these restrictions may¶ apply to allies of the United States, as well as to proscribed destinations¶ such as the Soviet Union.1 78¶ An "export" may occur not only when there is a physical transfer of¶ technical data over national frontiers, but also at any time there is a¶ transfer of technical data, equipment, or materials to a foreign national¶ with the intent to export.1 79 Companies must have licenses in order to¶ transfer controlled technology to a foreign parent.180 During the acquisition¶ process, therefore, the statutes may require a company to sequester¶ its technical operations from the foreign parent.¶ These export restrictions, together with the sectoral controls outlined¶ below, are sufficient to inhibit the most damaging transfers of technol-¶ 172. 50 U.S.C. app. § 2170(d)(2) (1988).¶ 173. 15 U.S.C. § 18 (1988).¶ 174. 50 U.S.C. app. § 2170(d)(2) (1988).¶ 175. Id. §§ 2158-70. Some scholars (suggest that use of Exon-Florio in this manner¶ would cause OECD member states and other foreign countries to accuse the United¶ States of maintaining a double standard in antitrust law to prevent¶ foreign investment.).¶ 176. 50 U.S.C. app. §§ 2401-13 (1988).¶ 177. 22 U.S.C. § 2778 (1988). The government enforces this Act pursuant to the¶ International Traffic In Arms Regulations. 22 C.F.R. §§ 120.1-.25 (1989).¶ 178. Id.¶ 179. Id.¶ 180. 50 U.S.C. app. § 2404(e) (1988).¶ [VOL. 6:111¶ EXON-FLORIO AMENDMENT¶ ogy and materials.181 The mere existence of a legal prohibition, however,¶ may be insufficient to prevent acquisitions designed to facilitate¶ diversions of technologies critical to the military. Foreigners' efforts to¶ gain technological intelligence include the establishment of "front"¶ companies in non-communist countries that divert high technology¶ goods to proscribed destinations.1 82 Exon-Florio may provide a useful¶ tool to prevent the use of acquired companies by foreign governments¶ for intelligence purposes, and a means for the United States to gather¶ information about foreign intelligence operations.

evidence says that there are NO legal guidelines for reviews and there is no clear criteria for what constitutes a violation—proves the aff is hard to debate

IEFL Inside Energy with Federal Lands 4/12/2010 (Herman Wang, HEADLINE: Foreign energy investments spark security concerns)

Foreign firms appear to be increasingly interested in investing in US oil companies, electric utilities and other parts of the US energy infrastructure, as they are seeking to profit from America's appetite for oil, coal and other commodities, as well as the Obama administration's emphasis on renewable power. But with those deals will come scrutiny from a little-known federal panel that has the power to block the transactions for national security reasons, through a review process that industry insiders say is sometimes inconsistent, politically driven and opaque. The Committee on Foreign Investment in the United States is an inter-agency panel that gave the Energy Department a permanent seat in 2007 to help it investigate business transactions in which foreign governments or companies seek to acquire "major energy assets" in the US. But some experts say CFIUS does not offer enough up-front guidance to US companies that are being acquired by foreign interests, wasting time and money. "We face situations where we tell our clients we see no security risk," said Billy Vigdor, a Washington-based partner with law firm Vinson & Elkins. "And then we spend hours trying to figure out whether we should file [a disclosure] because the government might think it is, in fact, a security risk. The last thing you want is to have a contract in place, and you think you're going to close in 30 days, and then CFIUS calls and says you need a filing." Companies being acquired by a foreign-owned firm can voluntarily notify CFIUS of the transaction, but the committee also has the power to investigate all transactions it sees fit to review. Representatives from 16 federal departments and agencies, headed by the Treasury Department, comprise the committee. Those investigations can leave foreign companies feeling unfairly targeted, potentially discouraging needed foreign investment in US energy infrastructure, said Al Troner, president of Houston-based Asia Pacific Energy Consulting. Troner said CFIUS' rulings on what constitutes a security threat can be arbitrary and inconsistent. Even when the committee determines there is no security risk for a transaction, politics can sometimes trump the ruling, Troner said. Troner cited CFIUS' approval in 2006 of a deal by a Dubai-based company to manage several US ports, only to have the company back out after many lawmakers cried foul due to fears of terrorism. "We want investment, but we want 'safe' investments, even though we can't define what is safe," Troner said. "So a big problem in all this is uncertainty, which makes this a funny market to invest in. [Foreign firms] don't feel treated fairly as to what the criteria are for energy security. If you don't know what you're getting into, at a certain point, you ask if this is worth it." Steven Cuevas, who was DOE's director of investment security in 2007 when the department gained a seat on CFIUS, said the committee makes its decisions apolitically. CFIUS, originally established in 1975, received a legislative mandate in 2007 to tighten its oversight of foreign transactions, including defining critical infrastructure as an asset so vital that its incapacity or destruction would severely impact national security. A bill signed by then-President George W. Bush, sparked in large part because of the uproar over the Dubai Ports World deal, formalized CFIUS' review process, which until then had been loosely defined and applied. That same bill also gave DOE its seat on CFIUS. The committee reviews about 150 to 200 foreign business deals a year. "We left politics at the door," Cuevas said. "As with any national security program, you really need to look at the issues in national security and not worry about politics. It's not a situation where there's a bright-line rule. You have to look at each transaction by itself. The standard is, does this transaction, by itself, pose a risk to national security?" Richard Oehler, a Seattle-based partner with law firm Perkins Cole, said prior to the 2007 legislation, CFIUS primarily concerned itself with defense contracting and other issues related to defense and intelligence. The legislation, however, with its definition of critical infrastructure, put an increased focus on US energy assets. "They were not focused on energy, until the politicians redefined [CFIUS]," Oehler said. Cuevas, now a renewable-energy lobbyist with French-owned nuclear company Areva, was a Bush administration political appointee assigned the task of setting up DOE's new role on CFIUS. He said he could not disclose, for confidentiality reasons, how many transactions DOE reviewed during his time working on the committee. Cuevas left his DOE post in 2009 with inauguration of the Obama administration. "When we started the CFIUS program at DOE, we had no processes in place," he said. "There was no record keeping. I spent the last year and a half with the department trying to standardize those steps of review, who signs off on transaction, who tracks them. We were simply trying to keep up with the transactions. We set the foundation, and the folks that are there now are fleshing it out." Last month, DOE issued a draft policy outlining its role on CFIUS that is similar to the Bush administration's policy. The policy, signed by DOE Deputy Secretary Daniel Poneman, prescribes that the department's risk analyses must consider the "criticality and/or vulnerability of the US assets being acquired" and "the threat to those assets posed by the acquiring entity and the consequences to national security if the threat is realized." Each transaction must also be reviewed on whether it involves critical infrastructure and technology, as well as how the transaction would impact long-term projections of US energy consumption. In addition, if a foreign government-owned entity is involved in the transaction, DOE will assess "the adherence of the subject country to nonproliferation control regimes, including treaties and multilateral supply guidelines," the draft policy states. After the review, DOE can clear the transaction with no further action; refer it to CFIUS for a 45-day national security investigation; clear the case conditionally, pending the creation of a "mitigation" plan to resolve security concerns; or recommend to the president to block the deal. Energy Secretary Steven Chu is DOE's primary representative to CFIUS, but much of the department's responsibilities on the committee are delegated to Jonathan Elkind, DOE's principal deputy assistant secretary for policy and international affairs. Elkin was not available for comment. Cliff Vrielink, a Houston-based partner with Vinson & Elkins, said CFIUS can sometimes give US companies pause when seeking to be acquired by a foreign firm. "CFIUS presents a hurdle for a foreign buyer that a domestic buyer doesn't have," Vrielink said. "When someone as an asset they want to sell, and they have an auction where multiple companies have put in bids, the foreign buyer has the uncertain timing of a CFIUS filing, which can be a significant factor." Complicating matters for foreign companies is the fact that CFIUS reviews are not based on a clear set of guidelines and regulations outlining, for instance, how much of a US company a foreign firm can acquire without triggering an investigation. "We, as Americans, are fortunate in that in so many areas, we have bright-letter law, and I think that's one thing that's always been an attraction for foreign investment, that we have the sanctity of contracts and bright-letter law," Vrielink said. "But what a lot of foreign investors find a little frustrating is that that's not what they see [with CFIUS reviews]."

Conditions and restrictions are distinct—key to predictability

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

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

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

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

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

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

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

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

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

Regulation is how you go about doing the thing, restriction is whether or not you can do it

Schackleford, justice – Supreme Court of Florida, 3/12/’17

(J., “ATLANTIC COAST LINE RAILROAD COMPANY, A CORPORATION, *et al., Plaintiff in Error,* v. THE STATE OF FLORIDA, *Defendant in Error,”* 73 Fla. 609; 74 So. 595; 1917 Fla. LEXIS 487)

There would seem to be no occasion to discuss whether or not the Railroad Commissioners had the power and authority to make the order, requiring the three specified railroads running into the City of Tampa to erect a union passenger station in such city, which is set out in the declaration in the instant case and which we have copied above. [\*\*\*29] It is sufficient to say that under the reasoning and the authorities cited in State v. Atlantic Coast Line R. Co., 67 Fla. 441, 458, 63 South. Rep. 729, 65 South. Rep. 654, and State v. Jacksonville Terminal [\*631] Co., supra, it would seem that HN14the Commissioners had power and authority. The point which we are required to determine is whether or not the Commissioners were given the authority to impose the fine or penalty upon the three railroads for the recovery of which this action is brought. In order to decide this question we must examine Section 2908 of the General Statutes of 1906, which we have copied above, in the light of the authorities which we have cited and from some of which we have quoted. It will be observed that the declaration alleges that the penalty imposed upon the three railroads was for the violation of what is designated as "Order No. 282," which is set out and which required such railroads to erect and complete a union depot at Tampa within a certain specified time. If the Commissioners had the authority to make such order, it necessarily follows that they could enforce a compliance with the same by appropriate proceedings in the courts, but [\*\*\*30] it does not necessarily follow that they had the power and authority to penalize the roads for a failure to comply therewith. That is a different matter. HN15Section 2908 of the General Statutes of 1906, which originally formed Section 12 of Chapter 4700 of the Laws of Florida, (Acts of 1899, p. 86), expressly authorizes the imposition of a penalty by the Commissioners upon "any railroad, railroad company or other common carrier doing business in this State," for "a violation or disregard of any rate, schedule, rule or regulation, provided or prescribed by said commission," or for failure "to make any report required to be made under the provisions of this Chapter," or for the violation of "any provision of this Chapter." It will be observed that the word "Order" is not mentioned in such section. Are the other words used therein sufficiently comprehensive to embrace an order made by the Commissioners, such as the one now under consideration? [\*632] It could not successfully be contended, nor is such contention attempted, that this order is covered by or embraced within the words "rate," "schedule" or "any report,' therefore we may dismiss these terms from our consideration and [\*\*\*31] direct our attention to the words "rule or regulation." As is frankly stated in the brief filed by the defendant in error: "It is admitted that an order for the erection of a depot is not a 'rate' or 'schedule' and if it is not a 'rule' or 'regulation' then there is no power in the Commissioners to enforce it by the imposition of a penalty." It is earnestly insisted that the words "rule or regulation" are sufficiently comprehensive to embrace such an order and to authorize the penalty imposed, and in support of this contention the following authorities are cited: Black's Law Dictionary, defining regulation and order; Rapalje & Lawrence's Law Dictionary, defining rule; Abbott's Law Dictionary, defining rule; Bouvier's Law Dictionary, defining order and rule [\*\*602] of court; Webster's New International Dictionary, defining regulation; Curry v. Marvin, 2 Fla. 411, text 515; In re Leasing of State Lands, 18 Colo. 359, 32 Pac. Rep. 986; Betts v. Commissioners of the Land Office, 27 Okl. 64, 110 Pac. Rep. 766; Carter V. Louisiana Purchase Exposition Co., 124 Mo. App. 530, 102 S.W. Rep. 6, text 9; 34 Cyc. 1031. We have examined all of these authorities, as well as those cited by the [\*\*\*32] plaintiffs in error and a number of others, but shall not undertake an analysis and discussion of all of them. While it is undoubtedly true that the words, rule, regulation and order are frequently used as synonyms, as the dictionaries, both English and law, and the dictionaries of synonyms, such as Soule's show, it does not follow that these words always mean the same thing or are interchangeable at will. It is well known that the same word used in different contexts may mean a different thing by virtue of the coloring which the word [\*633] takes on both from what precedes it in the context and what follows after. Thus in discussing the proper constructions to be placed upon the words "restrictions and regulations" as used in the Constitution of this State, then in force, Chap. 4, Sec. 2, No. 1, of Thompson's Digest, page 50, this court in Curry v. Marvin, 2 Fla. 411, text 415, which case is cited to us and relied upon by both the parties litigant, makes the following statement: "The word restriction is defined by the best lexicographers to mean limitation, confinement within bounds, and would seem, as used in the constitution, to apply to the amount and to the time [\*\*\*33] within which an appeal might to be taken, or a writ of error sued out. The word regulation has a different signification -- it means method, and is defined by Webster in his Dictionary, folio 31, page 929, to be 'a rule or order prescribed by a superior for the management of some business, or for the government of a company or society.' This more properly perhaps applies to the mode and form of proceeding in taking and prosecuting appeals and writs of error. By the use of both of those terms, we think that something more was intended than merely regulating the mode and form of proceedings in such cases." Thus, in Carter v. Louisiana Purchase Exposition Co., 124 Mo. App. 530, text 538, 102 S.W. Rep. 6, text 9, it is said, "The definition of a rule or order, which are synonymous terms, include commands to lower courts or court officials to do ministerial acts." In support of this proposition is cited 24 Amer. & Eng. Ency. of Law 1016, which is evidently an erroneous citation, whether the first or second edition is meant. See the definition of regulate and rule, 24 amer. & Eng. Ency. of Law (2nd Ed.) pages 243 to 246 and 1010, and it will be seen that the two words are not always [\*\*\*34] synonymous, much necessarily depending upon the context and the sense in which the words are used. Also see the discussion [\*634] of the word regulation in 34 Cyc. 1031. We would call especial attention to Morris v. Board of Pilot Commissioners, 7 Del. chan. 136, 30 Atl. Rep. 667, text 669, wherein the following statement is made by the court: "These words 'rule' and the 'order,' when used in a statute, have a definite signification. They are different in their nature and extent. A rule, to be valid, must be general in its scope, and undiscriminating in its application; an order is specific and not limited in its application. The function of an order relates more particularly to the execution or enforcement of a rule previously made." Also see 7 Words & Phrases 6271 and 6272, and 4 Words & Phrases (2nd Ser.) 419, 420. As we held in City of Los Angeles v. Gager, 10 Cal. App. 378, 102 Pac. Rep. 17, "The meaning of the word 'rules' is of wide and varied significance, depending upon the context; in a legal sense it is synonymous with 'laws.'" If Section 2908 had contained the word order, or had authorized the Commissioners to impose a penalty for the violation of any order [\*\*\*35] made by them, there would be no room for construction. The Georgia statute, Acts of 1905, p. 120, generally known as the "Steed Bill," entitled "An act to further extend the powers of the Railroad Commission of this State, and to confer upon the commission the power to regulate the time and manner within which the several railroads in this State shall receive, receipt for, forward and deliver to its destination all freight of every character, which may be tendered or received by them for transportation; to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said commission in the execution of these powers, and for other purposes," expressly authorized the Railroad Commissioners "to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said Commision." [\*635] See Pennington v. Douglas, A. & G. Ry. Co., 3 Ga. App. 665, 60 S.E. Rep. 485, which we cited with approval in State v. Atlantic Coast Line R. Co., 56 fla. 617, text 651, 47 South. Rep. 969, 32 L.R.A. (N.S.) 639. Under the reasoning in the cited authorities, especially State v. Atlantic Coast Line R. Co., [\*\*\*36] supra, and Morris v. Board of Pilot Commissioners, we are constrained to hold that the fourth and eighth grounds of the demurrer are well founded and that HN16the Railroad Commissioners were not empowered or authorized to impose a penalty upon the three railroads for failure to comply with the order for the erection of a union depot.

### K

Criticism outweighs and turns case

1.) Magnitude - the national security defines itself in opposition to otherness, the desire to achieve security fuels resentment - makes WMD proliferation and conflict inevitable. Default neg on magnitude - even if they win specific proximate causes, you should dig-deeper and address the root-condition for those conflicts to arise, thats Lal.

2.) We solve the case - the alternative changes the referent object of security back to the people. Identity, even state-based identity, are not fluid. Their scenarios don't escalate absent U.S. involvement, which means we short-circuit their impact scenarios.

3.) Epistemology - be suspect of their specific scenarios. Realism is a false way of viewing the world that makes terminal violence inevitable, national security creates a culture of fear to brainwash the American public, as an intellectual you have an ethical obligation to resist these practices within this academic sphere, vote negative to rupture the security narrative, thats Lal

**The 1AC representations of the Middle East are rooted in binary systems of exclusion which culminate in violence against the Other who occupies the devalued position in this system.**

Hirchi, Mohammed '07, "Media Representations of the Middle East," WACC. World Assoc. for Christian Communication. Online.

This marking of difference is articulated within clear boundaries; it does not tolerate ambiguous, unstable or hybrid spaces of indeterminacy. According to Hall: ‘Stable culture requires things to stay in their appointed place. Symbolic boundaries keep the categories ‘pure’, giving cultures their unique meaning and identity. What unsettles culture is “matter out of place”– the breaking of our unwritten rules and codes’ (1997: 236). **This process of purification legitimizes exclusion, intolerance and racism. It also allocates marginal identities to individuals who do not conform to the values of the West as a geographical and a cultural space**. In this perspective, symbolic representations are necessary to maintain difference: ‘Symbolic boundaries are central to all culture. Marking “difference” leads us, symbolically, to close ranks, shore up culture and to stigmatize and expel anything which is defined as impure, strangely attractive precisely because it is forbidden, taboo, threatening to cultural order’ (Hall, 1997: 237). Throughout the centuries, symbolic boundaries have been very powerful in maintaining separation between nations and individuals. Since its first contacts with the Arab world, t**he West has developed a set of stereotypes depicting Arabs as uncivilized and violent.** One of the most prominent texts that capture this historical encounter is the 12th century French epic poem ‘The Song of Rolland.’ The Enlightenment, a period during which philosophers ranked societies along an evolutionary scale from ‘barbarism’ to ‘civilization’, enormously contributed to the vulgarization of this ideology. With the spread of colonization during the 19th century, a well organized scholarship devoted to the representation of ‘Otherness’ emerged as a defining moment in this cross-cultural history. In the United States, a similar ideology evolved throughout the 20th century. From 1945 onward, the United States became increasingly involved with the Arab world and Israel. As a staunch supporter of Israel, America found itself in a difficult position to negotiate its preeminence in a world of competitive interests. Media corporations took an active role in redefining American cultural and political agendas. Representation of the Middle East in mainstream American media Many media experts in the United States would argue that American media cover the Middle East within the worldview of a primarily Western audience. The coverage will thus remain negative and stereotypical unless a redefinition of cultural differences between the United States and the Middle East is negotiated. **Diplomatic historians approach U.S. foreign policy toward the Middle East from a rational perspective privileging American interests** in the region. Culture, in this context, plays a subordinate role. In this institutional framework, news media can be seen as a driving force behind political mobilization, both domestically and internationally. The media fosters stereotypical representations of Middle Eastern cultures and peoples and promote misunderstanding and intolerance in the mainstream American culture. Since 9/11 and the invasion of Iraq, these negative representations became even more anchored in the American cultural imaginary. Media apparatuses contribute enormously to the construction of these images and symbols rather than construct a conceptual model that sheds light on the complex relationship between the media, culture, and the political process. In the United States, despite the fact that Arabs have significantly contributed to the well being of this nation for at least the last two centuries, negative representations of this ethnic group abound in scope and intensity. The constructed images manipulated throughout time have delegated Arabs to second degree citizens, unable to embrace the secular ideals of the Western worldview. In this respect, **the representation of Middle Easterners in the American media is articulated within the framework of a binary oppositional dynamics where the Middle East is classified as an undesired space of barbarism and tyranny**. As cultural critic Stuart Hall puts it, ‘binary oppositions are crucial for all classification/establish a difference to facilitate the tasks of organizing systems of perceptions and classifications’ (1997: 226). This system of classification is elaborated to maintain oppositional relationships between the civilized and the uncivilized, etc. and **to create an atmosphere of fear and discomfort to enhance ‘difference’ for the purpose of controlling the Other**. In this context, misrepresentation becomes an effective instrument for advancing political agendas. Throughout the history of the West, negative portrayals have been used to develop means by which the imperial project can be achieved through visual representations. These representations serve as a popular medium to create a link between the Imperial eye and the domestic imagination. In France for example, the Colonial Exhibition at the end of the 19th century served to capture the relationship between the empire and its ‘domestic other’. Representation is a complex phenomenon, especially when dealing with cultural differences. It engages emotions, attitudes, reactions and tries to control the viewer’s fears and questions. It also promotes a set of cultural values that respond to the anxieties of the viewer. In this context, the Middle-Easterner in American popular media is defined according to these historical and cultural paradigms. Besides his barbarism and his violence, he is also depicted as belonging to the realm of emotions, violent savage and blood thirsty. Mainstream images of the Arab in the American media operate according to a dynamics of cultural distortions; the Arab is always portrayed as closer to nature than culture, genetically incapable of ‘civilized’ refinements. The concept of ‘Naturalization’ connotes the impossibility of Arabs to embrace culture. Therefore, they are imprisoned in a space of stability and of fixed ‘difference’ and meaning. They are beyond history and incapable of embracing cultural emancipation.

US security rhetoric and adventurism spark terrorist backlash

Farer 2008 (Tom, former President of the Inter-American Commission on Human Rights of the Organization of American States, is Dean of the Graduate School of International Studies at the University of Denver; "Un-Just War Against Terrorism and the Struggle to Appropriate Human Rights": Human Rights QUarterly, Volume 30, Number 2; MUSE)

Now people with those views have abounded in part of the Islamic world for decades or longer; indeed those views sound not remarkably different from the long-time position of the government of Saudi Arabia or at least the Wahabbist religious establishment with which it partners.164 That being so, one might reasonably ask **why did mega-terrorism emerge only in the early 1990s**, punctuated by the 1993 attempt to topple the World Trade Center, rather than decades earlier. Could there be any connection between its appearance and Israel's brutal response to the first large-scale resistance by Palestinians to its colonial rule over the occupied territories, the intifada of the youthful stone-throwers? Is it mere coincidence **that the first attacks occurred after the 1991 Gulf War during which Saudi Arabia served as a staging base for US forces and the US-led coalition heavily damaged key elements of the Iraqi state's civilian infrastructure**, particularly its electrical generating capacity, **which led quickly to a spike in infant mortality**?165Could there have been at that time a tipping point of rage and frustration within the middle classes particularly of Saudi Arabia (from which place came a great majority of the 9/11 suicide terrorists) and Egypt focused on the decades-old alliance between the United States and the corrupt and intractable regimes in those countries? **While the semi-satellite relationship between the US and those regimes was old**, perhaps **the sense of stagnation, of humiliation and subordination to an external power**, bottled up in these sclerotic societies **was** **accelerated and focused by the exogenous elements of the Gulf War**, the intifada **and the** increasingly conspicuous **presence of [**End Page 398] **American military power on Saudi soil** and just off shore in the Gulf **which ratcheted up the appearance of the US as the heir to the British and French colonial policy in the region** that included the employment of indigenous elements and the constant threat of intervention to keep Arab political actors pliant and thus to assure access to the area's natural resources on comfortable terms.

**The affirmative’s discussion of policy is based on a positivist mode of “knowing” China. China is not something that we stand back and observe- this constructs a mode of thought that can only relate to China as a threat.**

Pan, PhD degree in Political Science and International Relations from the Australian National University, 2K4 [Chengxin, The "China Threat" in American Self-Imagination: The Discursive Construction of Other as Power Politics, Alternatives: Global, Local, Political, Vol. 29, 2004]

China and its relationship with the United States has long been a fascinating subject of study in the mainstream U.S. international relations community. This is reflected, for example, in the current heated debates over whether China is primarily a strategic threat to or a market bonanza for the United States and whether containment or engagement is the best way to deal with it. (1) While U.S. **China scholars argue** fiercely over "**what China precisely is,**" their debates have been underpinned by some common ground, **especially in terms of a positivist epistemology**. Firstly**, they believe that China is** ultimately **a knowable object**, **whose reality can be**, and ought to be, empirically **revealed by scientific means**. For example, after expressing his dissatisfaction with often conflicting Western perceptions of China, David M. Lampton, former president of the National Committee on U.S.-China Relations, suggests that "**it is** time to step back and look at where China is today, where it might be going, and what consequences that direction will hold for the rest of the world." (2) Like many other China scholars, Lampton views his **object of study as essentially "something we can stand back from and observe with clinical detachment**." (3) Secondly, associated with the first assumption, it is commonly believed that China scholars merely serve as "disinterested observers" and that their studies of China are neutral, passive descriptions of reality. And thirdly, in pondering whether China poses a threat or offers an opportunity to the United States, they rarely raise the question of "what the United States is." That is, the meaning of the United States is believed to be certain and beyond doubt. I do not dismiss altogether the conventional ways of debating China. It is not the purpose of this article to venture my own "observation" of "where China is today," nor to join the "containment" versus "engagement" debate per se. Rather, I want to contribute to a novel dimension of the China debate by questioning the seemingly unproblematic assumptions shared by most China scholars in the mainstream IR community in the United States. To perform this task, I will focus attention on a particularly significant component of the China debate; namely, the "China threat" literature. More specifically, I want to argue that **U.S. conceptions of China as a threatening other are** always intrinsically **linked to how U.S. policymakers**/mainstream China specialists **see themselves (as representatives** **of the** indispensable, **security-conscious nation**, for example). As such, **they are not value-free,** objective **descriptions** **of an independent, preexisting Chinese reality out there, but are** better **understood as a** kind of **normative**, meaning-giving **practice that** often **legitimates power politics in** U.S.-China **relations and helps transform the "China threat" into social reality**. In other words, **it is self-fulfilling in practice, and is always part of the "China threat" problem it purports merely to describe.** In doing so, I seek to bring to the fore two interconnected themes of self/other constructions and of theory as practice inherent in the "China threat" literature--themes that have been overridden and rendered largely invisible by those common positivist assumptions. These themes are of course nothing new nor peculiar to the "China threat" literature. They have been identified elsewhere by critics of some conventional fields of study such as ethnography, anthropology, oriental studies, political science, and international relations. (4) Yet, so far, the China field in the West in general and the U.S. "China threat" literature in particular have shown remarkable resistance to systematic critical reflection on both their normative status as discursive practice and their enormous practical implications for international politics. (5) It is in this context that this article seeks to make a contribution.

Counter Interpretation - the sole question for the ballot is this: were the discourses and representations offered by the 1AC a.) True, and b.) Productive for progressive politics.

This is best.

1.) Activism - Only by shifting the referent object of security away from the state can meaningful change be found - our alternative is a pre-requisite for out-of-round activism. Our Lal evidence is explicit that simply redefining security while still operating under the apparatus of the nation state simply reproduces violence, means reading our K as a CP doens't solve.

2.) Predictable - There are only so many philosophical understandings of the world, there are an infinite number of alternative policy strategies, PICs, and Disads they would be unable to defend.

3.) Aff Focus- Plan focus is a sham. Only 5 seconds of the 1ac were a plantext, the other 8:55

seconds were specific representations about the world evaluated under a particular methodology - we engage the majority of the aff.

4.) Most Real World - Most people who do debate don't even go on to become policy makers - the way we determine knowledge is more important than asking what we should do, as intellectuals within the academic sphere of debate, you have an obligation to resist oppressive forms of knowledge-production, that's our Burke evidence.

Policy actions cannot resolve the ideology of security. Only broad sweeping fundamental rethinking can create change

Massumi 07 (Brian, Communication Department of the Université de Montréal , “Potential Politics and the Primacy of Preemption”)

**The** self-perpetuating nature of the **logic of preemption should be a subject of intense concern. It means that** situations like the one in **North Korea** today **will** tend in one way or another to **feed an operative war logic that is** constitutively **off-balance and thrives globally under far-from-equilibrium condition**s. Racing headlong into a warlike future on the threat-edge of chaos is a hard way to live the present. **It is imperative to find a new operative logic capable of disarming preemption**. **Returning to old logics, like** preventionor **deterrence, will not work**. **Voting a particular administration out of office is** important, but in the end **only a palliative**. The search for an alternative will have to come to grips with this radical assessment of the situation in which the world finds itself**,** penned by one of the inventors of the concept of asymmetrical warfare: Our understandings and definitions of 'war' are hopelessly out of date, and the same holds for 'peace'. The international law of war is basically irrelevant today, and I doubt it can become relevant again. ...National security objectives will not be crystal clear, formulated in timely fashion, or fully underwritten by national will.13 To quote another asymmetrical warrior: As people learn of the benefits of democracy, capitalism and the rule of law, they become fat and happy ...Until then, we all need to prepare for combat.14 **Given the preemptive "irrelevance" of international law and the exceptional escape hatches that have been bored into domestic legal structures** like that of the US, **the rule of law seems to have fallen on hard times**. Since the collective objectives pursued in such times as these will "not be fully underwritten by national will," democracy seems to be in a bit of tight spot as well. That only leaves capitalism. Are we "fat and happy" yet?

The alternative is to reject the plan as a means of investigating the underlying assumptions of the 1AC – any permutation severs out of the plan or is intrinsic <theory>

The permutation links - BondGraham and Parrish indicate US policy of partial-disarm is done for posterity purposes - the short term effects of the plan legitimize US coercion against states growing and power and increases international political capital necessary to use nuclear weapons to first-strike opposing states

Perm fails -

A. we have to critique the rational of security on every micro-level as part of a broader strategy against securitization. Affirming the plan co-opts our agency as critics and reinforces security internally

B. the alternative is a simultaneous dissent against the plan AND the backdrop of security - we have to attack both the localized forms of security as well as the content.

C. Permutation splinters collective efforts against security by affirming a policy to contain a foreign actor, guts solvency

As an intellectual, you must reject the specific policies which embody the security paradigm.

Burke 02 (Anthony, Senior Lecturer in International Relations at the University of New South Wales, Sydney, Alternatives 27)

It is perhaps easy to become despondent, but as countless struggles for freedom, justice, and social transformation have proved, a sense of seriousness can be tempered with the knowledge that many tools are already available - and where they are not, the effort to create a productive new critical sensibility is well advanced. There is also a crucial political opening within the liberal problematic itself, in the sense that it assumes that power is most effective when it is absorbed as truth, consented to and desired - which creates an important space for refusal. As Colin Gordon argues, Foucault thought that the very possibility of governing was conditional on it being credible to the governed as well as the governing. This throws weight onto the question of how security works as a technology of subjectivity. It is to take up Foucault's challenge, framed as a reversal of the liberal progressive movement of being we have seen in Hegel, not to discover who or what we are so much as to refuse who we are . **Just as security rules** subjectivity **as both a totalizing and individualizing blackmail** and promise, **it is at these levels** that **we can intervene**. We can **critique the** machinic **frameworks of possibility represented by** law, **policy**, economic regulation, and diplomacy, **while challenging the way these institutions** **deploy language** **to draw individual subjects into their** consensual **web**. This suggests, at least provisionally, a dual strategy. The first asserts the space for agency, both in challenging available possibilities for being and their larger socioeconomic implications. Roland Bleiker formulates an idea of agency that shifts away from the lone (male) hero overthrowing the social order in a decisive act of rebellion to one that understands both the thickness of social power and its "fissures," "fragmentation," and "thinness." **We must**, he says, "**observe how an individual may be able to escape the discursive order and influence its** shifting **boundaries** ... by doing so, **discursive terrains of dissent** all of a sudden **appear where forces of domination** previously **seemed invincible**." **Pushing** **beyond security requires tactics that can work at many levels** - **that empower individuals to** **recognize the larger** social, cultural, and economic **implications of the everyday forms of desire,** subjection, **and discipline** they encounter, **to challenge** and rewrite **them, and that** in turn **contribute to collective efforts to transform the larger structures of being, exchange, and power that sustain** (and have been sustained by) **these forms**. As Derrida suggests, this is to open up aporetic possibilities that transgress and call into question the boundaries of the self, society, and the international that security seeks to imagine and police. The second seeks new ethical principles based on a critique of the rigid and repressive forms of identity that security has heretofore offered. Thus writers such as Rosalyn Diprose, William Connolly, and Moria Gatens have sought to imagine a new ethical relationship that thinks difference not on the basis of the same but on the basis of a dialogue with the other that might allow space for the unknown and unfamiliar, for a "debate and engagement with the other's law and the other's ethics" - an encounter that involves a transformation of the self rather than the other. Thus while the sweep and **power** of security must be acknowledged, it must also be refused: at the simultaneous levels of individual identity, social order, and macroeconomic possibility, it would entail another kind of work on "ourselves" - a political refusal of the One, the imagination of an other that never returns to the same. **It would be to ask if there is a world after security, and what its** shimmering **possibilities might be**.

### EU

#### Non-unique – EU Solar manufacturers have already registered WTO complaints

BusinessGreen 9-26 (2012, Online News Agency, “EU-China Solar Row Escalates with New Subsidies Complaint,” <http://www.businessgreen.com/bg/news/2208242/euchina-solar-row-escalates-with-new-subsidies-complaint>)

A group of European solar panel manufacturers yesterday ramped up their legal battle with Chinese rivals by filing a complaint alleging they are being unfairly supported by illegal subsidies.¶ The anti-subsidy complaint comes just weeks after the 25 companies making up the EU ProSun group persuaded the European Commission to [begin an investigation into whether Chinese firms are exporting solar products at a loss](http://www.businessgreen.com/bg/news/2203466/solar-panel-spat-threatens-trade-war-between-china-and-europe), a practice known as dumping.¶ The sheer scale of the solar sector makes it the largest ever to be investigated: Chinese companies sold about €21bn in solar panels and components to the EU in 2011, which account for about 60 per cent of all Chinese solar exports and some seven per cent of its total exports to the EU.¶ The European group, led by German firm SolarWorld, said yesterday that subsidies provided by the Beijing government have stimulated overcapacity to more than 20 times total Chinese consumption and close to double total global demand, forcing 90 per cent of production to be exported.¶ Moreover, it says state intervention in the form of low interest rates or written-off loans is ensuring Chinese companies are staying afloat, while 20 major EU manufacturers have gone bust in 2012 alone, including market leader Q-Cells, [since purchased by South Korean conglomerate Hanwha](http://www.businessgreen.com/bg/news/2201723/south-korean-giant-agrees-deal-to-buy-qcells).¶ "Chinese subsidies shield manufacturers from insolvency, and are pumped into solar companies even if they are unprofitable," said Milan Nitzschke, president of EU ProSun. "Most Chinese solar companies would have gone bankrupt a long time ago if not for endless government subsidies."¶ The Commission now has 45 days to decide whether the new complaint should be investigated.¶ Provisional duties could then be imposed within nine months, while member states would have up to 13 months from the time the investigation started to bring in definitive duties for up to five years.¶ Earlier in the year, the US imposed tariffs of around 31 per cent on Chinese producers following its own investigation into suspected dumping, again triggered by a SolarWorld-led complaint.¶ Chinese companies have denied any wrongdoing, while Beijing has expressed its opposition to the investigations to both US and EU leaders, arguing that it is simply taking legitimate steps to help curb the country's greenhouse gas emissions and drive investment in clean technologies.

#### China and EU solar manufacturers have already agreed to cooperate

SolarServer 9-24 (2012, Online Solar Energy News Agency, “EU, China Agree to Cooperate on PV Market Competition Issues,” <http://www.solarserver.com/solar-magazine/solar-news/current/2012/kw39/eu-china-agree-to-cooperate-on-pv-market-competition-issues.html>)

Representatives of the European Union and the Chinese government have signed a memorandum of understanding (MoU) to increase cooperation between the European Commission's (EC) competition department and Chinese antitrust authorities.¶ The MoU follows calls for dialogue from both German Chancellor Angela Merkel and Chinese Premier Wen Jiabao, amid an EU investigation of potential dumping of solar photovoltaic (PV) products from China. The MoU creates a framework for cooperation between the EC and China's National Development and Reform Commission (NDRC) and State Administration of Industry and Commerce (SAIC).¶ ¶ "The Memorandum of Understanding is an important step and a sign of our commitment to further deepen our already excellent relations with the Chinese Anti Monopoly Enforcement Authorities," states Joaquín Almunia, EC VP in charge of competition policy.¶ "It will give new impetus to our cooperation with China in the enforcement of our respective competition laws."¶ ¶ "Positive signal" for cooperation on competition¶ The MoU will cover legislation, enforcement and technical cooperation regarding cartels, other restrictive agreements and the abuse of dominant market conditions.¶ Under the new framework, respective agencies may discuss competition legislation and share non-confidential information on competition investigations. The EU also notes that the agreement sends a "positive signal" for intensified cooperation on competition issues.¶ Signatories to the MoU are the Competition Directorate-General (DG) of the EC and China's NDRC and SAIC. The EC DG already holds a cooperation agreement with China's Ministry of Commerce dating to 2004.¶ ¶ Chinese, German leaders seeking compromise¶ The Chinese government has been outspoken in its opposition to potential EU tariffs. On September 19th, 2012 China's Xinhua press agency called for the use of an EU-Chinese summit for the resolution of trade issues, describing the allegations of dumping by SolarWorld AG (Bonn, Germany) "untenable".¶ At this summit in Brussels on September 20th, 2012 Chinese Premier Wen Jiabao called for Europe to avoid protectionism and exercise restraint in trade remedies. Germany Chancellor Angela Merkel has likewise urged a political resolution between the two powers, stating on September 17th, 2012 that the EC supported a dialogue.

#### Protectionism Inevitable – US already blocking Chinese industries

Xinhau News Service 9-30 (2012, “The Alarm Bell of US Protectionism Rings Loud,” <http://www.china.org.cn/business/2012-09/30/content_26681566.htm>)

A recent decision by U.S. President Barack Obama to block a Chinese-led corporation from owning American wind farms exposes the weakness of the U.S. claim that it is the most open market in the world. Obama on Friday issued a rare presidential order to bar the Ralls Corp., a company owned by Chinese nationals, from purchasing four wind farm projects, fearing that Ralls "might take action that threatens to impair national security." Obama's decision was based on a report by the Committee on Foreign Investment in the United States (CFIUS) that claimed that the purchased wind farm sites are all within or near restricted airspace at an naval training base. Ralls offered another side of the picture, saying that only one of the four sites was in restricted airspace and there were other foreign wind farms in the same area. It is not the first time that Chinese companies have fallen prey to American claims of causing national security risks. A 2005 plan by a Chinese oil giant to bid for the Unocal Corp. was aborted due to an administrative order by the Bush administration that also cited national security risks. Another recent case featured Huawei and ZTE, the Chinese telecom companies that were accused of stealing American trade secrets through backdoors in equipment sold by both companies.

#### No trade war – both sides know it’s not economical

Yiqi 8-24 (Yan, China Daily USA, “Win the battle, don't fight the war”,<http://usa.chinadaily.com.cn/weekly/2012-08/24/content_15702298.htm>)

Trade disputes unlikely to grow into large-scale conflicts, analysts say Despite the tit-for-tat skirmishes between China and its major trade partners the United States and the European Union, analysts say full-scale trade wars are unlikely as no one will benefit, especially considering the world's fragile economic situation. On Aug 20, China's Ministry of Commerce ruled that some policies the US had adopted to support its renewable energy industry contravene World Trade Organization anti-subsidy rules, and it called on the US to rectify those policies. On the same day, the China Alcoholic Drinks Association asked the ministry to launch an investigation into wine imports from the EU, accusing them of dumping. These actions are considered China's responses to the US' and the EU's probes into China's renewable energy goods, and had led some to believe that a large-scale trade war between China and its two largest trading partners is in the offing. However, experts believe everyone would lose in that situation. Feng Zhongping, director of the Institute of European Studies at China Institutes of Contemporary International Relations, says the intensifying trade disputes are largely related to the worsening global economy. "China is fighting back against the trade protectionism adopted by other countries. The EU and the US have been more aggressive in launching probes into Chinese goods in recent years, because of the current economic circumstances. Both regions have the economic crisis to deal with, and they are trying to protect their own markets and local companies, which is a natural reaction," he says. Feng says the trade frictions will continue to be intensified, but a trade war is not likely to happen because it will cost too much. "Negotiation and then compromise on both sides is the most desired solution, and I believe all parts will finally make satisfactory agreements that can maximize their interests," he says. Li Jian, a researcher with the International Trade and Economic Cooperative Research Institute, a think tank under the Ministry of Commerce, says all parties involved in the disputes today are rational enough to solve the friction in a peaceful way.

### Africa

#### African conflicts won’t escalate.

Xu 8 - Yi-chong, Griffith University, “China and the United States in Africa: Coming Conflict or Commercial Coexistence?”, Google Docs

The argument about looming conflicts between China as a rising power and the US as the predominant power is certainly not new. As China is growing and expanding its presence around the world, the argument is more often repeated. The evidence, however, does not bear out such fears. It is true that by 2006, both China and the US have openly claimed that Africa is of rising significance to their energy security and both saw an urgent need to develop a coherent strategic policy toward Africa. Their desire to secure access to strategic resources has taken them to every corner of the world, not just Africa. As a late developer, Africa is attractive to major powers with its less controlled oil reserves and reserves of other strategic resources. Sub-Sahara Africa, meanwhile, has only limited oil reserves (4.8 percent of the world’s total) but plenty of complicated problems. Africa is one piece of a large game; it may be another point of tension one day, but will not by itself be of sufficient strategic or economic importance to drive them to direct confrontations. With tight oil market, every drop indeed counts. Oil, however, is only one of the several basic sources of energy. While competition for oil in Africa may have significant impact on African development, it is difficult to see the major powers will fight over Africa. Moreover, since much of the competition between China and the US in Africa is over commercial interests, their willingness to invest in resources industries and to provide the necessary help to create stable environments for their businesses may produce positive impacts for the continent. Finally, since China still has a long way to go, it will need a peaceful environment for its rise. Competition will likely be limited and restrained. China and the US are seeking different things at different places in the continent and trying not to step on each other’s toes. All in all, the alarmists are unjustified; when described side by side, the limited likelihood for competition and conflicts becomes more apparent. The activities of China and the US in Africa do not yet support such a dire prediction.

### 1NR

### Impact

Bioweapons outweigh the case – 1NC

only Bioweapons can cause extinction – diseases are impossible to contain once released, are being engineered to kill as fast as possible, and new viruses are being developed with no known cure. Nuclear weapons are easier to control and won’t escalate to extinction

Extinction from Bioweapons outweighs everything

Ochs, 2 (Richard, BS in Natural Resource Management from Rutgers University, with honors, BIOLOGICAL WEAPONS MUST BE IMMEDIATELY ABOLISHED, <http://www.freefromterror.net/other_articles/abolish.html>)

Against this tendency can be posed a rational alternative policy. To preclude possibilities of human extinction, "patriotism" needs to be redefined to make humanity’s survival primary and absolute. **Even if we lose our cherished freedom, our sovereignty, our government** or our Constitution**, where there is life, there is hope.** What good is anything else if humanity is extinguished? This concept should be promoted to the center of national debate.. For example, for sake of argument, suppose the ancient Israelites developed defensive bioweapons of mass destruction when they were enslaved by Egypt. Then suppose these weapons were released by design or accident and wiped everybody out? **As bad as slavery is, extinction is worse. Our generation**, our century, our epoch **needs to take the long view**. We truly hold in our hands the precious gift of all future life. Empires may come and go, but who are the honored custodians of life on earth? Temporal politicians? Corporate competitors? Strategic brinksmen? Military gamers? Inflated egos dripping with testosterone? How can any sane person believe that national sovereignty is more important than survival of the species? Now that extinction is possible, our slogan should be "Where there is life, there is hope." No government, no economic system, no national pride, no religion, no political system can be placed above human survival. The egos of leaders must not blind us. The adrenaline and vengeance of a fight must not blind us. The game is over. If patriotism would extinguish humanity, then patriotism is the highest of all crimes.

Bioweapon attacks will most likely target food sources - collapses food security, the economy, and biodiversity

Enemark 2003 (Christian, PhD at the Strategic and Defence Studies Centre, holds a BA(Hons) and LLB(Hons) from the University of Sydney and previously worked as a policy adviser at the NSW Parliament and NSW Attorney General’s Department. "BIOLOGICAL WEAPONS: AN OVERVIEW OF THREATS AND RESPONSES", published by the Strategic and Defence Studies Centre)

Given the historical record, it is surprising that the vulnerability of agricultural targets to BW attack has not received more attention in the literature and from policymakers. For example, during the Cold War, the US did careful planning for destruction of the staple food crops of its enemies: wheat was to be destroyed in Russia and rice in China.22 The First World War saw the extensive use of BW against horses and cattle intended for military purposes.23 Today, vulnerability to an agricultural BW attack is a consequence of: - the intrinsically low security of agricultural targets; - the technical ease of introducing diseases; and - the large economic repercussions of even small outbreaks.24 In developing countries, **the lower fertility of infected animals,** combined with a reduced ability to pull farm equipment or carts, **can lead to human famine**.25 **In a developed country like the US,** although a plant or animal disease would probably not cause famine, **it would** still **result in the loss of international markets**. As the world’s largest exporter of livestock and livestock products, the US is economically vulnerable to biological warfare against agricultural targets.26 In addition to the costs of actual damage, the costs of containing an agricultural disease outbreak can be crippling. Taiwan spent $US4 billion in an unsuccessful effort to eradicate foot and mouth disease (FMD) after it was introduced to the island in 1997.**27** The use of BW for economic sabotage is also a potentially serious threat to biodiversity – for example, plant bioweapons can have a devastating effect on non-target species of wild and domesticated plants. Failure to prevent or control an agricultural disease outbreak could result in the erosion of genetic diversity within species, the extinction of endangered species, and the destruction of human livelihoods and traditional cultures.

Food crisis causes nuclear war

Ehrlich 1993 (Paul, professor of biology at Stanford University, Population And Development Review)

All governments have a responsibility to ensure that their people are fed and to avoid **political instability caused by** **hunger**. Such instability **could threaten world peace**, an **especially grim** prospect **as nuclear weapons technologies continue to spread. The importance of** agriculture and of **food** distribution systems in this regard **has been made very clear in the wake of the collapse of the Soviet Union**.

Environmental decline leads to extinction—all parts of the environment are key

Kline ’98 (Gary, Associate Professor of Political Science, Georgia Southwestern State University, Journal of Third World Studies, Vol 15, Issue 1, Spring)

Additionally, **natural ecosystems provide** certain less obvious **services** that are **crucial to life** as we know it.6 The atmosphere of our planet is the product largely of ecosystem operations. About twenty-one percent of our atmosphere is made up of oxygen, the result of plant photosynthesis which releases the gas. Approximately seventy-eight percent of the remaining air we breathe is nitrogen, which is regulated by the nitrogen cycle of plant production. **Ecosystems** then **influence** weather and **climate patterns by affecting the circulation of air in this atmosphere.** Plants, and especially forests, are instrumental in retaining and conserving our soil and water. Destruction of forest areas results in soil erosion (deleterious to agriculture and plant life in general), floods, and droughts. The rapid decertification of large tracts of land in places like north Africa are a direct consequence of loss of such ecosystems. Each year an area equivalent in size to Belgium falls victim to decertification. Plant and animal life, much of it not visible to the naked eye, helps create and maintain soil by breaking down rocks into finer and finer pieces and by adding organic material to it, enriching it for agriculture. Except for some of the most troublesome products of Humankind, like DDT and plastics, these same plants and animals work to dispose of wastes. Decomposed wastes are then recycled as nutrients into the food chain for the sustenance of new life. Natural ecosystems also produce mechanisms in plants for the resistance of pests and diseases and for the pollination of flowering plants, essential to their reproduction, including many of our food crops. It should be apparent that **biodiversity and life are synonymous**. The organisms in an ecosystem are part of a "trophic pyramid," as labelled by scientists. That is, a large mass of plants supports a smaller number of herbivores; these support a smaller number of primary carnivores and an even smaller number of second order carnivores. Due to their more rapid rates of reproduction, the lower order life forms are generally better able to adapt to changes in their environment than the higher forms. The latter are also disadvantaged by bioconcentration of harmful substances which make their way into the food chain. **Every organism has some niche and work to perform in the pyramid. Homo sapiens occupy a position at the top and are therefore vulnerable to instability at the base. Human activity which threatens the pyramid is akin to playing Russian roulette**. Of this, Humankind is now more aware. As Garrison Wilkes of the [circlei3University of Massachusetts](javascript:void(0);) put it, "We have been building our roof with stones from the foundation."7 This problem is now manifesting itself especially in an area of human endeavor which is essential to our existence: agriculture.

Economic collapse causes nuclear war

Mead 9 (Walter Russell, Henry A. Kissinger Senior Fellow in U.S. Foreign Policy – Council on Foreign Relations, “Only Makes You Stronger”, The New Republic, 2-4, http://www.tnr.com/politics/story.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8&p=2)

If current market turmoil seriously damaged the performance and prospects of India and China, the current crisis could join the Great Depression in the list of economic events that changed history, even if the recessions in the West are relatively short and mild. The United States should stand ready to assist Chinese and Indian financial authorities on an emergency basis--and work very hard to help both countries escape or at least weather any economic downturn. It may test the political will of the Obama administration, but the United States must avoid a protectionist response to the economic slowdown. U.S. moves to limit market access for Chinese and Indian producers could poison relations for years. **For billions** of people **in nuclear-armed countries** to emerge from this crisis believing either that the United States was indifferent to their well-being or that it had profited from their **distress could damage** U.S. **foreign policy** far more severely than any mistake made by George W. Bush. It's not just the great powers whose trajectories have been affected by the crash. Lesser powers like Saudi Arabia and Iran also face new constraints. The crisis has strengthened the U.S. position in the Middle East as falling oil prices reduce Iranian influence and increase the dependence of the oil sheikdoms on U.S. protection. Success in Iraq--however late, however undeserved, however limited--had already improved the Obama administration's prospects for addressing regional crises. Now, the collapse in oil prices has put the Iranian regime on the defensive. The annual inflation rate rose above 29 percent last September, up from about 17 percent in 2007, according to Iran's Bank Markazi. Economists forecast that Iran's real GDP growth will drop markedly in the coming months as stagnating oil revenues and the continued global economic downturn force the government to rein in its expansionary fiscal policy. All this has weakened Ahmadinejad at home and Iran abroad. Iranian officials must balance the relative merits of support for allies like Hamas, Hezbollah, and Syria against domestic needs, while international sanctions and other diplomatic sticks have been made more painful and Western carrots (like trade opportunities) have become more attractive. Meanwhile, Saudi Arabia and other oil states have become more dependent on the United States for protection against Iran, and they have fewer resources to fund religious extremism as they use diminished oil revenues to support basic domestic spending and development goals. None of this makes the Middle East an easy target for U.S. diplomacy, but thanks in part to the economic crisis, the incoming administration has the chance to try some new ideas and to enter negotiations with Iran (and Syria) from a position of enhanced strength. Every crisis is different, but there seem to be reasons why, over time, financial crises on balance reinforce rather than undermine the world position of the leading capitalist countries. Since capitalism first emerged in early modern Europe, the ability to exploit the advantages of rapid economic development has been a key factor in international competition. Countries that can encourage--or at least allow and sustain--the change, dislocation, upheaval, and pain that capitalism often involves, while providing their tumultuous market societies with appropriate regulatory and legal frameworks, grow swiftly. They produce cutting-edge technologies that translate into military and economic power. They are able to invest in education, making their workforces ever more productive. They typically develop liberal political institutions and cultural norms that value, or at least tolerate, dissent and that allow people of different political and religious viewpoints to collaborate on a vast social project of modernization--and to maintain political stability in the face of accelerating social and economic change. The vast productive capacity of leading capitalist powers gives them the ability to project influence around the world and, to some degree, to remake the world to suit their own interests and preferences. This is what the United Kingdom and the United States have done in past centuries, and what other capitalist powers like France, Germany, and Japan have done to a lesser extent. In these countries, the social forces that support the idea of a competitive market economy within an appropriately liberal legal and political framework are relatively strong. But, in many other countries where capitalism rubs people the wrong way, this is not the case. On either side of the Atlantic, for example, the Latin world is often drawn to anti-capitalist movements and rulers on both the right and the left. Russia, too, has never really taken to capitalism and liberal society--whether during the time of the czars, the commissars, or the post-cold war leaders who so signally failed to build a stable, open system of liberal democratic capitalism even as many former Warsaw Pact nations were making rapid transitions. Partly as a result of these internal cultural pressures, and partly because, in much of the world, capitalism has appeared as an unwelcome interloper, imposed by foreign forces and shaped to fit foreign rather than domestic interests and preferences, many countries are only half-heartedly capitalist. When crisis strikes, they are quick to decide that capitalism is a failure and look for alternatives. So far, such half-hearted experiments not only have failed to work; they have left the societies that have tried them in a progressively worse position, farther behind the front-runners as time goes by. Argentina has lost ground to Chile; Russian development has fallen farther behind that of the Baltic states and Central Europe. Frequently, the crisis has weakened the power of the merchants, industrialists, financiers, and professionals who want to develop a liberal capitalist society integrated into the world. Crisis can also strengthen the hand of religious extremists, populist radicals, or authoritarian traditionalists who are determined to resist liberal capitalist society for a variety of reasons. Meanwhile, the companies and banks based in these societies are often less established and more vulnerable to the consequences of a financial crisis than more established firms in wealthier societies. As a result, developing countries and countries where capitalism has relatively recent and shallow roots tend to suffer greater economic and political damage when crisis strikes--as, inevitably, it does. And, consequently, financial crises often reinforce rather than challenge the global distribution of power and wealth. This may be happening yet again. None of which means that we can just sit back and enjoy the recession. History may suggest that financial crises actually help capitalist great powers maintain their leads--but it has other, less reassuring messages as well. If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises. **Bad economic times** can **breed wars**. Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. **If the current crisis turns into a depression**, what rough **beasts might start slouching toward Moscow, Karachi, Beijing, or New Delhi** to be born? The United States may not, yet, decline, but, **if we can't get the** world **economy** back **on track, we may** still **have to fight**.

Bioweapons outweigh the risk of nuclear war - more accessible, harder to contain, and risk of use

Dudley and Woodford, 2002 (joseph P. Dudley is a consultant on military environmental and conservation policy issues with Versar, Inc., and a research associate at the Institute of Arctic Biology, University of Alaska Fairbanks, and at the Department of Earth Sciences, University of Alaska Museum. Michael H. Woodford is a fellow of the Royal College of Veterinary Surgeons, London, and chair of the Working Group on Wildlife Diseases at the Office International des Epizooties, World Organization for Animal Health, Algarve, Portugal: "Bioweapons, Biodiversity, and Ecocide: Potential Effects of Biological Weapons on Biological Diversity"; BioScience Vol. 52 No. 7, posted online January 5, 2009, http://caliber.ucpress.net/doi/full/10.1641/0006-3568%282002%29052%5B0583%3ABBAEPE%5D2.0.CO%3B2)

**Many analysts rank cultured and genetically engineered biological organisms as the most dangerous of all existing weapons technologies**, **with the potential for producing more extensive and devastating effects on human populations than even fusion nuclear weapons** (Henderson 1999). Biological weapons (bioweapons) are defined as biological organisms, and substances derived directly from living organisms, that can be used to cause death or injury to humans, animals, or plants. Diseases and biological toxins have been used as weapons of war throughout recorded history, from at least as early as Biblical times to the present day. Historically, **bioweapons were used primarily**, although not exclusively, **for direct attacks against human populations.** Biowarfare has historically involved the use of plant and fungal toxins (hellebore, ergot), animal carcasses, human cadavers, disease-contaminated clothing or blankets, and fecal matter (Christopher et al. 1997, Kortepeter et al. 2001). The potential spectrum of bioterrorism ranges from isolated acts against individuals by individuals (rogue scientist or Una bomber-type scenarios) to tactical and strategic military uses and state-sponsored international terrorism **intended to cause mass casualties within** or among **humans or animals or both** (Tucker 2000, Zilinskas 2000). Perhaps the oldest traditional application of bioweapon techniques has been the contamination or poisoning of drinking water sources using animal carcasses, human cadavers, feces, or poisonous plants and their derivatives. During the 14th century, Mongol armies catapulted the infected corpses of plague victims over the walls into the besieged city of Caffa, in what is now the Crimea, to try to force the surrender of the city's inhabitants. During the 18th century, the British colonial army used smallpox-contaminated blankets to spread disease among Native American tribes in northeastern North America and smallpox-infected civilian infiltrators to spread disease among insurgent American militias during the American Revolutionary War (Wheelis 1999).

### Turns Terrorism

#### **Immigration reform helps reduce the threat of domestic terrorism**

Price 08, David Price, North Carolina Representative, Chairman of Homeland Security Appropriations sub-committee, “Price Delivers Major Speech On Homeland Security,” 23 June 2008, <http://price.house.gov/index.php?option=com_content&task=view&id=2723&Itemid=100260>

"Today I will suggest five principal homeland security priorities on which I would advise the next administration to focus. The first is comprehensive immigration reform. This might, at first glance, seem an odd choice as a top priority for the Department of Homeland Security, which – after all – was formed in response to the terrorist threat. But the historic missions of the departmental components did not go away when the Department was formed, and subsuming them under the rubric of combating terrorism is apt to confuse as much as it clarifies. Homeland Security encompasses critical areas of national policy that would demand attention even if 9/11 had not occurred. Immigration, I believe, leads that list. "That is not to say that immigration policy is unrelated to terrorism; control of our borders and knowing who has entered our country – legally or illegally – are directly related to our defense against terrorist threats. Moreover, the intense focus on the broader illegal immigration problem – consisting primarily of an effort to intercept, detain, and deport individuals who illegally cross our borders in search of work and a better life – is distracting the Department's attention and diverting the Department's resources away from the truly dangerous threats and challenges we face. "I want to be clear on that point. The illegal presence of foreign nationals in the United States is a problem, and calls into question our commitment to the integrity of our immigration laws. But we need to put that problem into perspective on two counts: First, the integrity of our immigration laws is compromised primarily by the fact that those laws are grossly unrealistic in relation to our labor market demands. And second, there can be no credible argument that deporting illegal workers should take precedence over efforts to combat smuggling, prevent terrorism, and deport criminal aliens

### Uniqueness

Will pass but it will be a fight

**Hutchinson, 2/16** (sarah, “Next Up in Congress: Immigration Reform?”, , http://www.houghtonstar.com/2013/02/16/next-up-in-congress-immigration-reform/)

During the State of the Union Address on Tuesday, President Obama spoke on the topic of immigration reform, saying, “Send me a comprehensive immigration reform bill in the next few months, and I will sign it right away.” During his speech, Obama mentioned three things that he wishes in an immigration reform package. One, he desires to continue to increase border security; two, he would establish “a responsible pathway to citizenship” for illegal immigrants already here; and three, he would reform the process of legal immigration so that there would be fewer waiting periods and would attract those that would help create jobs and help to grow the economy. This was not merely talk. In recent weeks, comprehensive immigration reform has been steadily approaching legislative reality. A bipartisan group of senators, four Democrats and four Republicans, was formed only a few weeks ago with the task of developing a framework for reform that could possibly develop into a bill. This group has spearheaded the effort to come up with solutions to the many problems of immigration in this country – namely, illegal immigration, undocumented workers, insecure borders, and problems with the process of legal immigration, along with other issues. For once, this seems to be a movement that will receive much, if not total, support in Congress. Both Democrats and Republicans agree that immigration reform makes economic sense as immigrants are a key part of economic growth and development. Given the current economic uncertainty, immigration is a vital issue to address. The GOP also seeks to broaden its base, especially after the last presidential election where most of the Hispanic vote went to President Obama. Offering solutions to the immigration problem and presenting themselves as open to discussion will help develop support for the GOP platforms. The public has also demonstrated consistent support for immigration reform. According to a Gallup poll, more than seven in ten Americans support a path to citizenship for undocumented immigrants and more than eight in ten Americans support legislation that would require that all employers verify that their employees are living in the United States legally. Efforts to reach across the aisle and compromise about immigration also seem to be gaining ground, particularly from Senator Marco Rubio (R.-FL) who is quickly becoming a GOP superstar. Rubio, the son of Cuban immigrants, has been consistently leading the effort on behalf of the GOP to get discussion going. However, a hurdle that must cleared for legislation regarding immigration is a pivotal controversy within the Republican Party itself. There are a significant number of GOP members who do not wish a pathway to citizenship for illegal immigrants, saying that it amounts to amnesty. There are others within the party that disagree. Rubio dodged this issue in his speech in the GOP response to the State of the Union Address on Tuesday evening, but in recent weeks he has shown his support for a process of citizenship for undocumented immigrants. The United States may well be on its way to immigration reform within the coming weeks. As talks and discussions among Congress become more serious and legislation begins to develop, the United States may even be implementing new immigration reform by the next State of the Union Address in 2014.

Immigration will pass – but controversies still need to be resolved—

Weissenstein 2/23 (Michael, ABC News, “McCain, Obama to meet on Immigration Tuesday,” http://abcnews.go.com/International/wireStory/mccain-guardedly-optimistic-immigration-reform-18570284)

U.S. Sen. John McCain said Friday that he and other lawmakers working on an immigration overhaul will meet with President Barack Obama on Tuesday to discuss the effort to revamp the system.¶ McCain, a member of a bipartisan group of eight senators working on a bill, said there is still significant disagreement with the president, but he is optimistic about producing legislation that includes a path to legalization for illegal immigrants.¶ The White House could not immediately confirm the Tuesday meeting.¶ "The president of the United States has supported our efforts. In fact we will be meeting with the president on Tuesday," McCain said during a visit to Mexico.¶ He did not say how many senators would attend the meeting.¶ McCain told reporters after meeting with Mexican President Enrique Pena Nieto that many details must be worked out between Obama and senators trying to produce legislation.¶ Asked about the prospects for reaching a deal, he said: "I am guardedly optimistic that we could by the end of the next month. There's still a number of agreements that need to be made before I can assure you that we will have a resolution."¶ While they differ on some key details, both Obama and the Senate are contemplating legislation that would provide a pathway to citizenship for most of the 11 million illegal immigrants already in the U.S., tighten border security, crack down on businesses that employ illegal workers and strengthen the legal immigration system.¶ McCain ticked off those aspects and added that he also envisions the legislation including a process for foreign agricultural and low-skilled laborers to work in the United States, a provision for highly educated workers to remain in the U.S., better identification cards for migrants and a special path for migrants brought to the U.S. as children.¶ "On some of those we have specific agreement, in other areas we agree in principle, but we have not resolved the details," he said. "We are making progress, but we are still not at a point where we can say we will succeed."¶

Will pass – tech sector and republicans—

Fabian 2/19 (Jordan, ABC News, “Tech Sector Leads the Lobbying Charge for Immigration Reform,” http://abcnews.go.com/ABC\_Univision/Politics/tech-sector-leads-lobbying-charge-immigration-reform/story?id=18536796)

Since the last significant immigration reform effort in 2007, no industry has been more involved in lobbying on immigration than the tech sector.¶ Microsoft, the Redmond, Wash.-based software titan, has led the way on this issue, and it's joined by a host of other tech titans like Oracle, Intel and Facebook. Together, this group is making a concerted effort for changes that would allow them to tap into a pool of highly-skilled immigrant workers to staff positions in the United States.¶ For that reason alone, the influence of the tech industry is poised to be a major factor in securing passage of a comprehensive immigration reform bill, according to some advocates.¶ "I would say they are riding the wave," said Marshall Fitz, director of immigration policy at the liberal Center for American Progress. He added that the work of the tech industry combined with conservative and Republican support for immigration reform, "may be the special formula that gets us across the finish line."¶ Over the past half-decade, immigration has become one of the most frequently lobbied issues by tech companies on Capitol Hill. Industry activity [ramped up](http://www.opensecrets.org/lobby/issuesum.php?id=IMM&year=2012#ramped) around the last effort at comprehensive immigration reform in 2007. Since that bill failed to pass Congress, tech companies and others have continued to court lawmakers and federal agencies on unresolved issues, such as expanding the number of visas for highly-skilled immigrants.¶ It's clear that the lingering problems with the nation's immigration laws, such as hard visa caps, have hurt the high-tech sector. A study released by the Kauffman Foundation last October [showed](http://www.kauffman.org/newsroom/immigrant-entrepreneurship-has-stalled-for-the-first-time-in-decades-kauffman-foundation-study-shows.aspx#showed) that the proportion of tech start-ups founded by immigrants has shrunk by one percentage point to 24.3 percent since 2005 and is on the verge of further decline.¶

Will pass – bipartisan house committee

Berman 2/22 (Russell, The Hill, “Bipartisan House Immigration Group reports “Incredible Progress,” http://thehill.com/homenews/house/284409-house-immigration-group-reports-incredible-progress)

A bipartisan House group is making “really good progress” on immigration reform legislation despite missing a target date for an agreement, a top Republican participant said.¶ “I am now more sure than ever that we’re going to have a bipartisan bill,” a longtime advocate of comprehensive reform, Rep. Mario Diaz-Balart (R-Fla.), said in an interview. “We’re making incredible progress.”¶ Diaz-Balart is a member of a House group that includes more than a half dozen liberal and conservative lawmakers who have been working for years behind closed doors on an immigration overhaul. As talks accelerated in recent months, people involved in the effort said the group had hoped to announce an agreement around President Obama’s State of the Union address.¶ That date came and went, and now aides say that while the talks are ongoing, participants are not setting a deadline or target date for releasing legislation.¶ “There is no timetable. There is no target. There is no expiration date,” a House Democratic aide said.¶ Diaz-Balart said that the group hoped to unveil a bill soon but, as would be expected with any sensitive effort of this magnitude, lawmakers do not want to go public prematurely. Members are also wary of setting target dates out of the fear that if they are missed, it will send a signal that talks have stalled.¶ Diaz Balart would not discuss details of the group’s deliberations but said there are “still a couple of sticking points.”¶ A light legislative schedule in Washington has slowed face-to-face meetings of the group in recent weeks, but the hope is that the pace will quicken when the House is in session more frequently in March.

The white house leak didn’t jeopardize the bill—

Fabian 2/20 (Jordan, ABC News, “President Obama: Immigration Leak won’t Block Reform,” http://abcnews.go.com/ABC\_Univision/Politics/president-obama-immigration-leak-block-reform/story?id=18547909)

President Barack Obama on Wednesday confidently promised that Congress will pass a comprehensive immigration reform bill, saying that a leaked copy of a White House proposal won't jeopardize the effort to overhaul the nation's immigration laws. A draft White House immigration plan [leaked to the press](http://abcnews.go.com/ABC_Univision/Politics/leaked-white-house-immigration-bill-puts-pressure-senate/story?id=18524947) over the weekend, which frustrated some Republicans working on a bill, since Obama pledged to withhold his plan while lawmakers crafted their own. The White House claimed this week that the leak was unintentional and the president phoned GOP senators to reiterate that he supports the negotiations in Congress. "It certainly did not jeopardize the entire process. The negotiations are still moving forward," Obama said during an interview with Univision San Antonio affiliate KWEX. "Information floats out of Washington all the time; that shouldn't prevent anybody from moving forward." The president said that the fact the White House is drawing up its own plan should come as no surprise."I've said repeatedly that I want Congress to go ahead and negotiate and get a bill done. But what I've also said is we're preparing a bill so that if Congress doesn't do its job, we're going to go ahead and put a bill on the floor of the United States Senate," he said.

The white house plan is only a back-up if Congress can’t make a plan—Meaning fights are the only scenario for poison pills—

Rafferty 2/18 (Andrew, Staff Writer at NBC News, “White House says Leaked Immigration Plan a Back-up if Congress Doesn’t Act,” http://nbcpolitics.nbcnews.com/\_news/2013/02/18/17007676-white-house-says-leaked-immigration-plan-a-backup-if-congress-doesnt-act?lite)

President Barack Obama’s draft immigration proposal is nothing more than a backup plan in case Congress fails to produce comprehensive legislation of their own, a White House official said Monday.¶ “The administration will be ready to move forward in the event the bipartisan process gets bogged down and is not able to produce a bill,” the administration official said. “But our focus remains on supporting the congressional process.”¶ The president set off a firestorm Saturday night when[USA Today reported it had obtained a draft of the White House immigration plan](http://www.usatoday.com/story/news/nation/2013/02/16/obama-immigration-bill/1925017/). Republicans in Congress quickly panned the administration for leaking the proposal with no bipartisan input.¶ But the White House official said the administration was not “floating anything” and was “surprised” to find out the press had obtained the details. Instead, the official said, the White House was simply preparing for the possibility that the current political climate could cause gridlock that would delay or prevent the president from following through on one of his campaign promises.¶ “We’ll be prepared in the event that the bipartisan talks going on on the Hill -- which by the way we’re aggressively supporting -- if those do not work out, then we’ll have an option we’re ready to put out there,” White House chief of staff Denis McDonough said Sunday on NBC’s “Meet The Press.”

### PC Key

PC key to force a vote

Ronald Brownstein, National Jouranl, 1/31/13, On Immigration, What Obama Can Learn From Bush's Failed Efforts, www.nationaljournal.com/columns/political-connections/on-immigration-what-obama-can-learn-from-bush-s-failed-efforts-20130131

The prospects for major immigration reform are now the brightest in years, but for key players in Washington, a shadow still looms: the ghost of 2006. That was the last time the stars were aligned for a breakthrough. Immigration reform that included a path to citizenship for those in the United States illegally had the support of President Bush, a broad labor-business-faith coalition, and a bipartisan Senate majority. Yet that armada ultimately splintered against the stony refusal of House Republican leaders to consider a bill opposed by a majority of their majority. Any of that sound familiar? Already many of the same dynamics are developing, with President Obama stamping immigration reform as a top priority, a bipartisan Senate coalition reassembling, a broad outside alliance of support groups coalescing—and most House Republicans rejecting anything that hints at “amnesty” for illegal immigrants. Yet the contrasts between now and 2006, particularly in the political climate, are also significant. Understanding both the similarities and the differences will be critical for reform advocates if they are to avoid replicating the disappointment they suffered under Bush. Presidential interest was then, as it is now, critical in elevating immigration reform. Since his days as Texas governor, Bush had courted Hispanics, and—even during the 2000 GOP presidential primary campaign—he strikingly defended illegal immigrants as “moms and dads” trying to make a better life for their children. Together with his political “architect,” Karl Rove, Bush saw comprehensive reform that coupled a path to citizenship with tougher enforcement as an opportunity to consolidate the beachhead that allowed him to capture more than 40 percent of Hispanic voters in his 2004 reelection. But Bush largely looked away when Republicans who controlled the House channeled that impulse in a very different direction. In December 2005, they passed an enforcement-only bill drafted by Judiciary Committee Chairman Jim Sensenbrenner of Wisconsin, that, for the first time, designated all undocumented immigrants as felons. (Previously, illegal presence in the U.S. had been a civil, not criminal, violation.) Initially, debate in the GOP-controlled Senate drifted. Majority Leader Bill Frist, considering a 2008 presidential bid, pushed his own enforcement-only bill. But amid the backdrop of huge public rallies against Sensenbrenner’s proposal, Sen. Arlen Specter unexpectedly joined with three other Republicans and all eight Judiciary Committee Democrats in late March to approve a comprehensive plan, including a path to citizenship, that followed a blueprint negotiated by Sens. Edward Kennedy and John McCain. When broader Senate agreement teetered over the terms of legalization, Republican Sens. Chuck Hagel and Mel Martinez devised a compromise that divided illegal immigrants into three categories, requiring those here less than two years to leave but allowing those with deeper roots to eventually earn citizenship by paying fines and learning English. After Bush finally delivered a national address on immigration, a bill embodying that plan cleared the Senate with 62 votes, including support from 23 Republicans. House Republicans immediately signaled their disinterest by refusing to appoint a conference committee and instead scheduled hearings in border communities to highlight security lapses. “Border security reigned supreme,” recalls Ron Bonjean, the communications director for then-Speaker Dennis Hastert. “I remember being in a meeting with … the leadership where pollsters came in and said border security was the key to our reelection.” Even in 2006, something like the Senate plan likely could have attracted 218 votes in the House—but not a majority of Republicans. Faced with a collision between his two political imperatives—courting Hispanics and mobilizing conservatives—Bush blinked, allowing House leaders to replace the Senate bill with enforcement-only legislation, which he signed that fall. These choices began the GOP’s slide among Hispanics that continues unabated: Hispanic support for Republican House candidates plummeted from 44 percent in 2004 to just 29 percent in 2006, presaging Mitt Romney’s disastrous 27 percent showing among those voters in 2012. That slippage is one of the two most important differences in the political environment around immigration between 2006 and today. Back then, as Bonjean notes, hardly any House Republicans argued that the GOP needed to pass a plan attractive to minorities. But many GOP leaders now see that as self-preservation. “The political imperative has shifted the tectonic plates,” says Frank Sharry, a key player in the 2006 debate who remains central as executive director of America’s Voice, which backs full citizenship for immigrants. “Immigration was viewed as a wedge issue for Republicans in 2006. Now it’s viewed as a wedge issue for Democrats.” The “Gang of Eight” proposal released this week makes it likely that, as in 2006, the Senate will eventually pass a bipartisan immigration bill. Once again, there are probably 218 House votes for such a plan, but not a majority of the majority Republicans. That raises another key difference from 2006: Hastert faced little pressure to consider the Senate bill, because Bush bit his tongue when the speaker buried it. If House Republicans shelve another bipartisan Senate plan in 2013, they should expect much more public heat, because Obama won’t be as deferential.

And momentum

Bill Keller, NYTimes, 2/3/13, Selling Amnesty, www.nytimes.com/2013/02/04/opinion/keller-selling-amnesty.html?pagewanted=print

The good news is that the anti-immigration side has no lobbying equivalent of the National Rifle Association, no group with its hands so firmly on the throats of Congress that it can override public opinion. But the bill will face a reservoir of popular fear, resentment and misunderstanding. President Obama and the indefatigable Senator Charles Schumer will work the Democratic constituencies and rally public support, but the hard sell is up to a few key Republicans who understand that this is their party’s best hope of redemption with the surging Latino electorate. So far the most effective antidote to right-wing opposition has been Senator Rubio. In the days after the Gang of Eight unveiled its proposal the Floridian made the rounds of the shouting heads on the conservative media circuit, arguing the case. By the time Rubio was done, Rush Limbaugh was unconvinced but muted, and Sean Hannity, who announced after the November election that he had “evolved” on the issue, was calling it “the most thoughtful proposal that I’ve heard.” Karl Rove, another Fox talker, who tried unsuccessfully to sell immigration reform when he was President George W. Bush’s right arm, called the Senate principles “a huge step forward.” Fox pundits, perhaps mindful that their owner, Rupert Murdoch, recently came out for a path to citizenship, have avoided using the A-word to describe the latest proposals. Rubio could bolster the case for legalizing undocumented immigrants by making more of the economics. My conservative colleague David Brooks has spelled out the rosiest economic case for increased immigration, including legalization of the undocumented. I would add a point made by Gordon Hanson, who studies immigration economics at the University of California, San Diego. Hanson points out that giving the 11 million undocumented immigrants provisional legal status would greatly improve the odds that their children would become educated, productive, taxpaying members of society rather than drains on the economy. Supporters of reform are moving with unusual speed, hoping to build up momentum that will carry over to the House. They aim to get a bill through the Senate this summer, leaving much of 2013 for the House to act before representatives are completely immersed in midterm electoral politics.

Obama capital key to lobbying pressure—it’s empirically successful

David Nakamura, WaPo, 2/4/13, Obama to meet with labor, business leaders on immigration, www.washingtonpost.com/blogs/post-politics/wp/2013/02/04/obama-to-meet-with-labor-business-leaders-on-immigration/?wprss=rss\_politics

President Obama will meet separately Tuesday with labor and business leaders on immigration reform, as the White House seeks to enlist the often at-odds interest groups in a common push toward a comprehensive legislative package. Obama has invited 16 labor and progressive leaders, including the heads of the AFL-CIO and NAACP, to the White House at 11 a.m., and a dozen big business chief executives, including the heads of Coca Cola, Goldman Sachs and Yahoo, at 3:20 p.m. The president “will continue his dialogue with outside leaders on a number of issues – including immigration reform and how it fits into his broader economic agenda, and his efforts to achieve balanced deficit reduction,” the White House announced. The lobbying strategy is similar to the script Obama followed in the recent negotiations over the fiscal cliff, when he also met with labor and business groups. The White House believes that increasing pressure on Congress from different interest groups with large networks outside Washington will help Obama in his pursuit of an ambitious second-term agenda, including stricter gun-control laws and immigration reform.

Hirsch agrees

Michael Hirsh, National Journal, 2/7/13, There’s No Such Thing as Political Capital, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”

Depends on picking the right issues --- links prove the plan is wrong

Hirsh 2/7 Michael Hirsh - chief correspondent for National Journal, previously senior editor and national economics correspondent for Newsweek, “There’s No Such Thing as Political Capital” February 7, 2013 http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

And then there are the presidents who get the politics, and the issues, wrong. It was the last president before Obama who was just starting a second term, George W. Bush, who really revived the claim of political capital, which he was very fond of wielding. Then Bush promptly demonstrated that he didn’t fully understand the concept either.¶ At his first news conference after his 2004 victory, a confident-sounding Bush declared, “I earned capital in the campaign, political capital, and now I intend to spend it. That’s my style.” The 43rd president threw all of his political capital at an overriding passion: the partial privatization of Social Security. He mounted a full-bore public-relations campaign that included town-hall meetings across the country.¶ Bush failed utterly, of course. But the problem was not that he didn’t have enough political capital. Yes, he may have overestimated his standing. Bush’s margin over John Kerry was thin—helped along by a bumbling Kerry campaign that was almost the mirror image of Romney’s gaffe-filled failure this time—but that was not the real mistake. The problem was that whatever credibility or stature Bush thought he had earned as a newly reelected president did nothing to make Social Security privatization a better idea in most people’s eyes. Voters didn’t trust the plan, and four years later, at the end of Bush’s term, the stock-market collapse bore out the public’s skepticism. Privatization just didn’t have any momentum behind it, no matter who was pushing it or how much capital Bush spent to sell it.¶ The mistake that Bush made with Social Security, says John Sides, an associate professor of political science at George Washington University and a well-followed political blogger, “was that just because he won an election, he thought he had a green light. But there was no sense of any kind of public urgency on Social Security reform. It’s like he went into the garage where various Republican policy ideas were hanging up and picked one. I don’t think Obama’s going to make that mistake.… Bush decided he wanted to push a rock up a hill. He didn’t understand how steep the hill was. I think Obama has more momentum on his side because of the Republican Party’s concerns about the Latino vote and the shooting at Newtown.” Obama may also get his way on the debt ceiling, not because of his reelection, Sides says, “but because Republicans are beginning to doubt whether taking a hard line on fiscal policy is a good idea,” as the party suffers in the polls.

Demographic interests won’t overcome the bill’s controversies.

Werner 2-13-13. ERICA WERNER, TIME “Senators Take Up Immigration in First Hearing” [http://swampland.time.com/2013/02/13/senators-take-up-immigration-in-first-hearing/] [MG]

But with conservative lawmakers heavily represented on the panel, the hearing seemed likely to put into harsh perspective the difficulties of getting comprehensive legislation through Congress despite the commitment from Obama and many Republican leaders. A number of these leaders have come to view immigration legislation as a political imperative after November’s election, when Latino voters flocked to Obama and helped ensure his re-election. But that view has not been embraced by all rank-and-file Republicans.

“The biggest obstacle we face to reform is this nation’s failure to establish lawfulness in the system,” a top committee Republican, Sen. Jeff Sessions, R-Ala., said after Obama’s State of the Union speech Tuesday. “The president’s plan meets the desire of businesses for low-wage foreign workers while doing nothing to protect struggling American workers.”

In addition to border security and a pathway to citizenship for illegal immigrants already in the country, any comprehensive immigration legislation would probably address the issues of employer verification and temporary workers, and make changes to the legal immigration system. A major difference between Obama’s proposals and the blueprint embraced by the bipartisan Senate negotiators is that the senators are making a pathway to citizenship conditional on border security being accomplished first — something Republicans demand — while Obama’s plan contains no such linkage.

Dickinson concludes neg

Dickinson 9 (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 an d finds "modest support for the sometimes doubted stylized fact of presidential power as persuasion" (1998,153-54). Similarly, David Brady and Craig Volden look at vote switching by members of Congress in successive Congresses on nearly identical legislation and also conclude that presidents *do influence* the votes of at least some legislators (1998, 125-36). In his study of presidential lobbying on key votes on important domestic legislation during the 83rd (1953-54) through 108th (2003-04) Congresses, MatthewBeckman shows that in addition to these pivotal voters, presidents also lobby leaders in both congressional parties in order to control what legislative alternatives make it onto the congressional agenda (more on this later). These lobbying efforts are correlated with a greater likelihood that a president's legislative preferences will come to a vote (Beckmann 2008, n.d.). In one of the most concerted efforts to model how bargaining takes place at the individual level, Terry Sullivan examines presidential archives containing administrative headcounts to identify instances in which members of Congress switched positions during legislative debate, from initially opposing the president to supporting him in the final roll call (Sullivan 1988,1990,1991). Sullivan shows that in a bargaining game with incomplete information regarding the preferences of the president and members of Congress, there are a number of possible bargaining outcomes for a given distribution of legislative and presidential policy preferences. These outcomes depend in part on legislators' success in bartering their potential support for the president's policy for additional concessions from the president. In threatening to withhold support, however, members of Congress run the risk that the president will call their bluff and turn elsewhere for the necessary votes. By capitalizing on members' uncertainty regarding whether their support is necessary to form a winning coalition, Sullivan theorizes that presidents can reduce members of Congress's penchant for strategic bluffing and increase the likelihood of a legislative outcome closer to the president's preference. "Hence, the skill to bargain successfully becomes a foundation for presidential power even within the context of electorally determined opportunities," Sullivan concludes (1991, 1188). Most of these studies infer presidential influence, rather than measuring it directly (Bond, Fleisher, and Krutz 1996,128-29; see also Edwards 1991). Interestingly, however, although the vote "buying" approach is certainly consistent with Neustadt's bargaining model, none of his case studies in PP show presidents employing this tactic. The reason may be that Neustadt concentrates his analysis on the strategic level: "Strategically the question is not how he masters Congress in a peculiar instance, but what he does to boost his mastery in any instance" (Neustadt 1990, 4). For Neustadt, whether a president's lobbying efforts bear fruit in any particular circumstance depends in large part on the broader pattern created by a president's prior actions when dealing with members of Congress (and "Washingtonians" more generally). These previous interactions determine a president's professional reputation--the "residual impressions of [a president's] tenacity and skill" that accumulate in Washingtonians' minds, helping to "heighten or diminish" a president's bargaining advantages. "Reputation, of itself, does not persuade, but it can make persuasions easier, or harder, or impossible" (Neustadt 1990, 54).

### Hispanic

### CFIUS

link to politics

Thomas McGarity, Endowed Chair in Administrative Law, University of Texas School of Law, May 2012, ARTICLE: ADMINISTRATIVE LAW AS BLOOD SPORT: POLICY EROSION IN A HIGHLY PARTISAN AGE, 61 Duke L.J. 1671

The interchange-fee rulemaking experience illustrates how stakeholders in high-stakes rulemakings have begun going beyond the conventional responses to rulemaking initiatives by adopting a new toolbox of strategies better suited to the deeply divided political economy. If the players on one side of the policy debate perceive that they are unlikely to prevail in the administrative arena, they will move the implementation game to another arena - the White House, a congressional hearing, a political fundraising dinner, a think-tank white paper, talk-radio programs, attack advertising, telephone solicitation and "push polls," or Internet blogs. Many of these new venues were amply used in the battle that accompanied the interchange-fee rulemaking. In addition, although lawyers for the stakeholders employ the careful language of administrative law in arenas in which that language is expected, spokespersons and allies also employ the heated rhetoric of modern political discourse in arenas in which that language is more likely to succeed. This Part probes these, among other, contours of blood-sport rulemaking.

Best studies prove

Thomas McGarity, Endowed Chair in Administrative Law, University of Texas School of Law, May 2012, ARTICLE: ADMINISTRATIVE LAW AS BLOOD SPORT: POLICY EROSION IN A HIGHLY PARTISAN AGE, 61 Duke L.J. 1671

In this Article, I raise the possibility that the nation has entered a period in which the population is so deeply divided about the proper role of government, regulated industries are so willing to spend millions of dollars to vindicate their interests, and political discourse is so unrestrained that an even more expansive model of implementation may be warranted, at least in the context of high-stakes rulemaking initiatives. n23 First, the implementation game has spread to arenas that are far less structured and far more political than the agency hearing rooms and appellate courtrooms of the past. Second, the roster of players has expanded beyond agency and OIRA staffs, advocates for the regulated industry and beneficiary groups, and congressional aides to include individuals and organizations with broad policy agendas, such as the U.S. Chamber of Commerce, think tanks, grassroots organizations, media pundits, and Internet bloggers. Third, because many parties play the implementation game in multiple arenas, the game has become far more strategic and the range of allowable tactics has widened rather dramatically. Finally, in this deeply divided political economy, the players in the implementation game no longer make a pretense of separation between the domains of politics and administrative law, and they are far less restrained in the rhetoric they employ to influence agency policymaking. n24

In this new milieu, "winning" can mean more than compelling unreasonable delays in agency action, invoking APA procedures to impede the policymaking process, or persuading the agency to accept a particular position on the relevant law and facts. Winning can consist of extracting promises from nominees during the confirmation process, preventing the confirmation of disfavored nominees, or preventing the confirmation of any agency leaders until the administration has agreed to change the agency's decisionmaking structure. Winning can also mean incapacitating the agency by reducing its annual appropriation, repealing the agency's organic act, or whittling away its regulatory authority through rifle-shot riders attached to must-pass legislation. n25 The players are less reluctant to attack agencies and the statutes those agencies administer head on. The players launch their attacks much earlier in the evolution of regulatory programs, and they feel free to go beyond attacks on the agencies as institutions to launch ad hominem attacks on agency decisionmakers. In short, I raise the possibility that, for some high-stakes rulemaking initiatives in some areas of regulation, implementation is not so much "politics by other means" as it is "politics as usual." And because politics is so very different from the deliberative, lawyer-dominated domain of traditional administrative law, the word "law" may no longer be an accurate descriptor. Former U.S. [\*1681] Securities and Exchange Commission (SEC) Chairman Arthur Levitt referred in 2010 to federal regulation as a "kind of a blood sport" in which the regulated industries attempt "to make the particular agency" promulgating an unwelcome regulation "look stupid or inept or venal." n27 If the implementation of regulatory statutes has become a blood sport in important contexts, and if the goal of administrative law extends beyond ensuring procedural regularity to a concern about the effective implementation of legislation, then it would behoove administrative-law scholars to pay attention to the larger setting in which informal rulemaking now takes place and to begin thinking about the implications of these developments for the field.

### Link

The plan costs capital—

Budnick ‘11, Andew Budnick, et al., the Princeton Task Force on Chinese Investment in the United States, “Economic Patriotism: How to Deal with Chinese Investment,” Woodrow Wilson School of International Affairs, Princeton University, December [http://www.princeton.edu/~smeunier/Princeton\_Task\_Force\_Report\_Final\_2011]

For one, Chinese companies are predominately state-controlled. In many countries, a company’s investment in the U.S. would be a purely commercial decision. When the state owns a controlling interest in a variety of FDI-seeking companies, however, it is easy to suspect that these companies are acting to fulfill strategic, rather than profit-maximizing, goals. Some American politicians, such as former Republican Senate candidate Christine O’Donnell, have suggested that Chinese firms, on orders from the Chapter : Introduction Communist regime, are bent on buying up America and pushing U.S. firms out of their own market in a bid for strategic dominance.

When viewed alongside China’s status as a military rival of the United States, the issue turns into a hot political topic. Unlike Japan, which has been an ally since 1945, the People’s Republic of China (PRC) has always grated against the ideals of the U.S. with its communist ideology. In light of the possibility of future conflict, American policymakers are increasingly concerned about the motivation behind Chinese FDI and about what leverage these investments could provide a rival government.

GOP will backlash to partnerships with companies close to the Chinese government—Means they can’t solidify relations

We have the only example—

Hill 10-8-12. Selena Hill, Global Grind Staff. “GOP Bashes Chinese Company That Partnered With Mitt Romney (DETAILS)” [http://globalgrind.com/news/gop-bashes-chinese-company-huawei-partnered-mitt-romney-details]

Members of the Republican Party are warning U.S. companies not to do business with the Chinese tech company "Huawei," which is the largest manufacturer of telecommunication devices and responsible for building "4G" technology.

Ironically, the Republican frontrunner Mitt Romney - who promises to get "tough on China," -actually partnered with the digital Chinese giant when he reigned as CEO of Bain Capital.

The House intelligence committee will release a report condemning Huawei from entering the U.S. market, claiming that its close relationship with the Chinese government will put U.S. national security at risk, reports The Huffington Post.

More evidence—Fears over national security

Wallack 12. Todd, boston globe staff “Republicans assail battery maker’s deal with China” [http://www.boston.com/business/articles/2012/08/10/a123\_systems\_deal\_with\_chinas\_wanxiang\_draws\_fire\_from\_republicans/]

A Chinese company’s preliminary agreement to invest in A123 Systems Inc. has ignited concerns that China could take control of the struggling Waltham battery maker’s advanced technology and spurred new criticisms by Republicans that the Obama administration squandered billions in stimulus money with investments in risky firms.

A123, which has warned investors that it is running out of cash, won a $249.1 million federal matching grant in 2009 to expand its facilities as part of the administration’s efforts to revive the economy and boost the nation’s clean energy sector. Under a tentative deal announced Wednesday, Chinese conglomerate Wanxiang Group agreed to invest up to $450 million in A123 and could eventually gain control of 80 percent of the company’s stock.

Republicans quickly raised concerns about the potential loss to China of sensitive technology developed with the support of US taxpayers, with one congressman saying the A123 deal could involve “serious national security issues.” They also compared A123 to the California solar panel maker Solyndra, which went bankrupt after receiving a $535 million federally-guaranteed loan.

Plan is massively unpopular - carries with it all the baggage associated with China, and there is support for the CFIUS process

Elgar 9

[Edward Elgar. Investing in the ¶ United States ¶ Is the US Ready for FDI from China?. Studies in International Investment. Edited by ¶ Karl P. Sauvant¶ Executive Director, Vale Columbia Center on Sustainable International ¶ Investment (a joint center of Columbia Law School and the Earth ¶ Institute) at Columbia University, USA. 2009]

The political environment for investment from China likely will remain dynamic for ¶ the foreseeable future, dependent upon tangential factors that may rise or fall quickly as ¶ well as the particular facts of a transaction and transaction timing. Those factors may ¶ include the overall health of the US economy, broader US–China trade balance issues, ¶ attention by the press and human rights groups on Tibet, debate in the US on sovereign ¶ investment, prominent press articles regarding potential Chinese espionage, and US sensitivities to energy prices and consumption. Election cycles also may contribute to the ¶ politicization of certain investments.¶ Yet, there also is arguably a stronger overall sense today among leadership and rankand-i le members of Congress that, for transactions that undergo a CFIUS review, the ¶ CFIUS process should be permitted to play out before even broaching the possibility of ¶ any Congressional intervention. In this regard, FINSA’s increased accountability and ¶ reporting mechanisms and the additional formal role of the intelligence community in the ¶ CFIUS process may enhance the faith of US politicians in the CFIUS process and tamp ¶ down instincts to intervene.

#### We’re key to Latin America stability

Gittelson 09

(Citation: 23 Notre Dame J.L. Ethics & Pub. Pol'y 115 2009 THE CENTRISTS AGAINST THE IDEOLOGUES: WHAT ARE THE FALSEHOODS THAT DIVIDE AMERICANS ON THE ISSUE OF COMPREHENSIVE IMMIGRATION REFORM Robert Gittelson has been a garment manufacturer in the Los Angeles area for over twenty-five years. His wife, Patricia Gittelson, is an immigration attorney with offices in Van Nuys and Oxnard, California. Robert also works closely with Patricia on the administrative side of her immigration practice. Throughout his career, Mr. Gittelson has developed practical, first-hand experience in dealing with the immigration issues that are challenging our country today)

In the alternative, should we fail to pass CIR, and instead opt to deport or force attrition on these millions of economic refugees through an enforcement-only approach to our current undocumented immigrant difficulties, what would be the net result? Forgetting for now the devastating effect on our own economy, and the worldwide reproach and loss of moral authority that we would frankly deserve should we act so callously and thoughtlessly, there is another important political imperative to our passing CIR that affects our national security, and the security and political stability of our neighbors in our hemisphere. That is the very real threat of communism and/or socialism. First of all, the primary reason why millions of undocumented economic refugees migrated to the United States is because the economies of their home countries were unable to support them. They escaped extreme poverty and oppression, and risked literally everything they had, including their lives and their freedom, to come to this country to try to work hard and support themselves and their families. Deporting our illegal immigrant population back to primarily Latin America would boost the communist and socialist movements in that part of our hemisphere, and if the anti-immigrationists only understood that fact, they might rethink their "line in the sand" position on what they insist on calling 'amnesty. Communism thrives where hope is lost. The economies of Latin American nations are struggling to barely reach a level of meager subsistence for the population that has remained at home; Mexico, for example, has already lost 14% of their able-bodied workers to U.S. migration.3" Without the billions of dollars in remissions from these nations' expatriates working in the United States that go back to help support their remaining family members, the economies of many of these countries, most of whom are in fact our allies, would certainly collapse, or at least deteriorate to dangerously unstable levels. The addition of millions of unemployed and frustrated deported people who would go to the end of the theoretical unemployment lines of these already devastated economies would surely cause massive unrest and anti-American sentiment. The issue of Comprehensive Immigration Reform is not simply a domestic issue. In our modern global economy, everything that we do, as the leaders of that global economy, affects the entire world, and most especially our region of the world. If we were to naively initiate actions that would lead to the destabilization of the Mexican and many Central and South American governments, while at the same time causing serious harm to our own economy (but I digress ... ), it would most assuredly lead to disastrous economic and political consequences. By the way, I'm not simply theorizing here. In point of fact, over the past few years, eight countries in Latin America have elected leftist leaders. Just last year, Guatemala swore in their first leftist president in more than fifty years, Alvaro Colom.3" He joins a growing list. Additional countries besides Guatemala, Venezuela,32 and Nicaragua33 that have sworn in extreme left wing leaders in Latin America recently include Brazil,34 Argentina,3 5 Bolivia,36 Ecuador,37 and Uruguay.3s This phenomenon is not simply a coincidence; it is a trend. The political infrastructure of Mexico is under extreme pressure from the left.39 Do we really want a leftist movement on our southern border? If our political enemies such as the communists Chavez in Venezuela and Ortega in Nicaragua are calling the shots in Latin America, what kind of cooperation can we expect in our battle to secure our southern border?

#### That solves nuclear war

Grygiel 09Jakub, George H.W. Bush Assoc Prof, IR, Paul H. Nitze School of Advanced Int’l Studies, Johns Hopkins U, “Vacuum Wars: The Coming Competition Over Failed States,” American Interest, Jul/Aug 2009, [http://www.the-american-interest.com/article.cfm?piece=622]](http://www.the-american-interest.com/article.cfm?piece=622%5djap)

The prevailing view of failed states is, to repeat, not wrong, just incomplete—for it ignores the competitive nature of great power interactions. The traditional understanding of power vacuums is still very relevant. Sudan, Central Asia, Indonesia, parts of Latin America and many other areas are characterized by weak and often collapsing states that are increasingly arenas for great power competition. The interest of these great powers is not to rebuild the state or to engage in “nation-building” for humanitarian purposes but **to establish a foothold in the region, to obtain favorable economic deals, especially in the energy sector, and to weaken the presence of other great powers.**  Let’s look at just three possible future scenarios. In the first, imagine that parts of Indonesia become increasingly difficult to govern and are wracked by riots. Chinese minorities are attacked, while pirates prowl sealanes in ever greater numbers. Bejing, pressured by domestic opinion to help the Chinese diaspora, as well as by fears that its seaborne commerce will be interrupted, intervenes in the region. China’s action is then perceived as a threat by Japan, which projects its own power into the region. The United States, India and others then intervene to protect their interests, as well. In the second scenario, imagine that Uzbekistan collapses after years of chronic mismanagement and continued Islamist agitation. Uzbekistan’s natural resources and its strategic value as a route to the Caspian or Middle East are suddenly up for grabs, and Russia and China begin to compete for control over it, possibly followed by other states like Iran and Turkey. In a third scenario, imagine that the repressive government of Sudan loses the ability to maintain control over the state, and that chaos spreads from Darfur outward to Chad and other neighbors. Powers distant and nearby decide to extend their control over the threatened oil fields. China, though still at least a decade away from having serious power projection capabilities, already has men on the ground in Sudan protecting some of the fields and uses them to control the country’s natural resources. These scenarios are not at all outlandish, as recent events have shown. Kosovo, which formally declared independence on February 17, 2008, continues to strain relationships between the United States and Europe, on the one hand, and Serbia and Russia, on the other. The resulting tension may degenerate into violence as Serbian nationalists and perhaps even the Serbian army intervene in Kosovo. It is conceivable then that Russia would support Belgrade, leading to a serious confrontation with the European Union and the United States. A similar conflict, pitting Russia against NATO or the United States alone, or some other alliance of European states, could develop in several post-Soviet regions, from Georgia to the Baltics. Last summer’s war in Georgia, for instance, showed incipient signs of a great power confrontation between Russia and the United States over the fate of a weak state, further destabilized by a rash local leadership and aggressive meddling by Moscow. The future of Ukraine may follow a parallel pattern: Russian citizens (or, to be precise, ethnic Russians who are given passports by Moscow) may claim to be harassed by Ukrainian authorities, who are weak and divided. A refugee problem could then arise, giving Moscow a ready justification to intervene militarily. The question would then be whether NATO, or the United States, or some alliance of Poland and other states would feel the need and have the ability to prevent Ukraine from falling under Russian control. Another example could arise in Iraq. If the United States fails to stabilize the situation and withdraws, or even merely scales down its military presence too quickly, one outcome could be the collapse of the central government in Baghdad. The resulting vacuum would be filled by militias and other groups, who would engage in violent conflict for oil, political control and sectarian revenge. This tragic situation would be compounded if Iran and Saudi Arabia, the two regional powers with the most direct interests in the outcome, entered the fray more directly than they have so far. In sum, there are many more plausible scenarios in which a failed state could become a playground of both regional and great power rivalry, which is why we urgently need to dust off the traditional view of failed states and consider its main features as well as its array of consequences. The traditional view starts from a widely shared assumption that, as nature abhors vacuums, so does the international system. As Richard Nixon once said to Mao Zedong, “In international relations there are no good choices. One thing is sure—we can leave no vacuums, because they can be filled.”6 The power vacuums created by failed states attract the interests of great powers because they are an easy way to expand their spheres of influence while weakening their opponents or forestalling their intervention. A state that decides not to fill a power vacuum is effectively inviting other states to do so, thereby potentially decreasing its own relative power. This simple, inescapable logic is based on the view that international relations are essentially a zero-sum game: My gain is your loss. A failed state creates a dramatic opportunity to gain something, whether natural resources, territory or a strategically pivotal location. The power that controls it first necessarily increases its own standing relative to other states. As Walter Lippmann wrote in 1915, the anarchy of the world is due to the backwardness of weak states; . . . the modern nations have lived in armed peace and collapsed into hideous warfare because in Asia, Africa, the Balkans, Central and South America there are rich territories in which weakness invites exploitation, in which inefficiency and corruption invite imperial expansion, in which the prizes are so great that the competition for them is to the knife.7 The threat posed by failed states, therefore, need not emanate mainly from within. After all, by definition a failed state is no longer an actor capable of conducting a foreign policy. It is a politically inert geographic area whose fate is dependent on the actions of others. The main menace to international security stems from competition between these “others.” As Arnold Wolfers put it in 1951, because of the competitive nature of international relations, “expansion would be sure to take place wherever a power vacuum existed.”8 The challenge is that the incentive to extend control over a vacuum or a failed state is similar for many states. In fact, even if one state has a stronger desire to control a power vacuum because of its geographic proximity, natural resources or strategic location, this very interest spurs other states to seek command over the same territory simply because doing so weakens that state. The ability to deprive a state of something that will give it a substantial advantage is itself a source of power. Hence a failed state suddenly becomes a strategic prize, because it either adds to one’s own power or subtracts from another’s. The prevailing and traditional views of failed states reflect two separate realities. Therefore, we should not restrict ourselves to one view or the other when studying our options. The difference is not just academic; it has very practical consequences. First and foremost, if we take the traditional view, failed states may pose an even greater danger to international security than policymakers and academics currently predict. Humanitarian disasters are certainly tragedies that deserve serious attention; yet they do not pose the worst threats to U.S. security or world stability. That honor still belongs to the possibility of a great power confrontation. While the past decade or so has allowed us to ignore great power rivalries as the main feature of international relations, there is no guarantee that this happy circumstance will continue long into the future. Second, there is no one-size-fits-all policy option for a given failed state. Humanitarian disasters carry a set of policy prescriptions that are liable to be counterproductive in an arena of great power conflict. It is almost a truism that failed states require multilateral cooperation, given their global impact. But the traditional view of failed states leads us not to seek multilateral settings but to act preemptively and often unilaterally. Indeed, it is often safer to seek to extend one’s control over failed states quickly in order to limit the possibility of intervention by other great powers.

#### Key to tech leadership

Bush and McLarty 09 (Jeb, Former Governor – Florida and Thomas F. III, President – McLarty Associates, et al., “U.S. Immigration Policy”, CFR Independent Task Force Report, 63, July, http://www.cfr.org/publication/20030/ us\_immigration\_policy.html)

Immigrants are especially important in science, technology, and engineering, which are so critical to U.S. economic competitiveness. Foreign students and immigrants make up more than half the scientific researchers in the United States; in 2006, they received 40 percent of science and engineering PhDs and 65 percent of computer science doctorates. Among postdoctoral students doing research at the highest levels, 60 percent are foreign born. This is not a recent development; even in the 1980s, some 40 percent of engineering and computer science students in the United States came from abroad. On one significant measure of innovation, the number of patents issued each year, the United States far surpasses any country in the world; immigrants produce nearly 25 percent of those patents, or roughly twice their share of the U.S. population.30 Other studies have shown that an increase in the number of foreign graduate students in the United States results in significant increases in the number of patent applications.31 Overall, the share of all patents awarded to U.S. scientists of Chinese and Indian origin grew from just 4 percent in the late 1970s to 14 percent in the early part of this decade; at Intel, the world’s largest semiconductor maker, 40 percent of the patents are for work done by Chinese or Indian immigrants. Just as important, this increased innovation by recent immigrants actually coincided with an increase in the number of patents awarded to native-born scientists as well, indicating that American-born and immigrant scientists are feeding off each other to enhance the country’s overall innovative capacity.32 One in four engineering and technology companies established in the United States between 1995 and 2005 had an immigrant founder.33 The four countries that create the greatest number of new companies per capita—the United States, Canada, Australia, and Israel—all have large immigrant populations.34 It is not an overstatement to say that the United States would not enjoy anything close to its current technological and entrepreneurial leadership if it had maintained a closed immigration policy. Amy Chua, the Yale historian and legal scholar, argues in her recent book, *Day of Empire: How Hyperpowers Rise to Global Dominance—and Why They Fall*, that the successful great powers in history have been those able to attract and make use of the most talented people the world has to offer. “At any given historical moment,” she writes, “the most valuable human capital the world has to offer—whether in the form of intelligence, physical strength, skill, knowledge, creativity, networks, commercial innovation, or technological invention—is never to be found in any one locale or with any one ethnic or religious group. To pull away from its rivals on a global scale, a society must pull into itself and motivate the world’s best and brightest, regardless of ethnicity, religion or background.” America, she argues, has been more successful than any other country in the world in recent history in attracting and mobilizing such talents. The Task Force believes that maintaining robust levels of immigration, allowing for fluctuations based on the state of the economy, is firmly in America’s national interests. In particular, continuing to attract highly skilled immigrants is critical to the competitiveness of the U.S. economy, and to America’s ability to remain the world’s leader in innovation. The United States must open its doors more widely to such people.

**Solves extinction**

**Kurzweil 08**—BS in Computer Science and Literature in 1970 from MIT, header of tons of entrepreneurial projects (Ray, 13 April 2008, Making the World A Billion Times Better, <http://www.washingtonpost.com/wp-dyn/content/article/2008/04/11/AR2008041103326.html>) ellipses in original

This exponential progress in the power of information technology goes back more than a century to the data-processing equipment used in the 1890 census, the first U.S. census to be automated. It has been a smooth -- and highly predictable -- phenomenon despite all the vagaries of history through that period, including two world wars, the Cold War and the Great Depression. I say highly predictable because, thanks to its exponential power, only technology possesses the scale to address the major challenges -- such as energy and the environment, disease and poverty -- confronting society. That, at least, is the major conclusion of a panel, organized by the National Science Foundation and the National Academy of Engineering, on which I recently participated. Take energy. Today, 70 percent of it comes from fossil fuels, a 19th-century technology. But if we could capture just one ten-thousandth of the sunlight that falls on Earth, we could meet 100 percent of the world's energy needs using this renewable and environmentally friendly source. We can't do that now because solar panels rely on old technology, making them expensive, inefficient, heavy and hard to install. But a new generation of panels based on nanotechnology (which manipulates matter at the level of molecules) is starting to overcome these obstacles. The tipping point at which energy from solar panels will actually be less expensive than fossil fuels is only a few years away. The power we are generating from solar is doubling every two years; at that rate, it will be able to meet all our energy needs within 20 years. Nanotechnology itself is an information technology and therefore subject to what I call the "law of accelerating returns," a continual doubling of capability about every year. Venture capital groups and high-tech companies are investing billions of dollars in these new renewable energy technologies. I'm confident that the day is close at hand when we will be able to obtain energy from sunlight using nano-engineered solar panels and store it for use on cloudy days in nano-engineered fuel cells for less than it costs to use environmentally damaging fossil fuels. It's important to understand that exponentials seem slow at first. In the mid-1990s, halfway through the Human Genome Project to identify all the genes in human DNA, researchers had succeeded in collecting only 1 percent of the human genome. But the amount of genetic data was doubling every year, and that is actually right on schedule for an exponential progression. The project was slated to take 15 years, and if you double 1 percent seven more times you surpass 100 percent. In fact, the project was finished two years early. This helps explain why people underestimate what is technologically feasible over long periods of time -- they think linearly while the actual course of progress is exponential. We see the same progression with other biological technologies as well. Until just recently, medicine -- like energy -- was not an information technology. This is now changing as scientists begin to understand how biology works as a set of information processes. The approximately 23,000 genes in our cells are basically software programs, and we are making exponential gains in modeling and simulating the information processes that cracking the genome code has unlocked. We also have new tools, likewise just a few years old, that allow us to actually reprogram our biology in the same way that we reprogram our computers. For example, when the fat insulin receptor gene was turned off in mice, they were able to eat ravenously yet remain slim and obtain the health benefits of being slim. They didn't get heart disease or diabetes and lived 20 percent longer. There are now more than a thousand drugs in the pipeline to turn off the genes that promote obesity, heart disease, cancer and other diseases. We can also turn enzymes off and on, and add genes to the body. I'm an adviser to a company that removes lung cells, adds a new gene, reproduces the gene-enhanced cell a million-fold and then injects it back into the body where it returns to the lungs. This has cured a fatal disease, pulmonary hypertension, in animals and is now undergoing human trials. The important point is this: Now that we can model, simulate and reprogram biology just like we can a computer, it will be subject to the law of accelerating returns, a doubling of capability in less than a year. These technologies will be more than a thousand times more capable in a decade, more than a million times more capable in two decades. We are now adding three months every year to human life expectancy, but given the exponential growth of our ability to reprogram biology, this will soon go into high gear. According to my models, 15 years from now we'll be adding more than a year each year to our remaining life expectancy. This is not a guarantee of living forever, but it does mean that the sands of time will start pouring in rather than only pouring out. What's more, this exponential progression of information technology will affect our prosperity as well. The World Bank has reported, for example, that poverty in Asia has been cut in half over the past decade due to information technologies and that at current rates it will be cut by another 90 percent over the next decade. That phenomenon will spread around the globe.