## 1st Off

#### Text: The 50 states, Washington D.C., and relevant territories should remove any moratorium on natural gas production and should not establish any future restrictions on natural gas productions.

#### State lead on natural gas production solves

Phil Bryant, Governor of Missippi, Press Release, “Mississippi Aims to Develop Natural gas Resources as Part of Diversified Energy Strategy”, March 21, 2012

JACKSON – Gov. Phil Bryant is pushing for Mississippi to adopt a statewide energy policy and advocates natural gas development as a key component of a diverse energy economy. At a news conference today, Bryant honed in on the role natural gas will play in the state’s energy strategy. Mississippi is rich in natural gas resources and infrastructure, and Bryant believes the state can turn that position into more jobs and increased energy investment. “More natural gas flows through Mississippi than any other state, making it a hub for natural gas development” Gov. Bryant said. “We need to capitalize on our position and dominate the natural gas stage at the national level.” Bryant was joined today by T. Boone Pickens and representatives from industries that support natural gas expansion in Mississippi. Pickens agrees with Bryant’s call for Mississippi to pursue energy leadership. “While we wait for Washington and Congress to act, leadership is emerging at the state level, and, this week, Mississippi, under the leadership of Governor Phil Bryant, is helping move America further down the road towards meaningful progress on the energy front,” Pickens said. Bryant today also added his signature to a Memorandum of Understanding with 11 other governors seeking to encourage auto manufacturers to increase production of vehicles fueled by natural gas. Bryant has said that Mississippi is on the cutting edge of energy technology, and he hopes that the state can lead industry innovation. He believes the Legislature should create incentives for the increased use of natural gas vehicles which would spur development of natural gas fueling stations in Mississippi and is hopeful that increased access to an inexpensive fuel source will benefit all Mississippians.

## 2nd Off

#### Compromise now – capitol watchers agree and post campaign flexibility

SFGate, “Fiscal Cliff impasse on tax rates is a big hurdle”, 11/8/2012. <http://www.sfgate.com/news/politics/article/Fiscal-cliff-Impasse-on-tax-rates-is-big-hurdle-4020913.php#ixzz2BgX4N7mY>

A lot is at stake. A new [Congressional Budget Office](http://www.sfgate.com/?controllerName=search&action=search&channel=news%2Fpolitics&search=1&inlineLink=1&query=%22Congressional+Budget+Office%22) report on Thursday predicted that the economy would fall into recession if there is a protracted impasse in Washington and the government falls off the fiscal cliff for the entire year. Though most Capitol-watchers think that long deadlock is unlikely, the analysts say such a scenario would cause a spike in the jobless rate to 9.1 percent by next fall.¶ The analysis says that the cliff — a combination of automatic tax increases and spending cuts — would cut the deficit by $503 billion through next September, but that the fiscal austerity also would cause the economy to shrink by 0.5 percent next year and cost millions of jobs.¶ The new study estimates that the nation's gross domestic product would grow by 2.2 percent next year if all Bush-era tax rates were extended and would expand by almost 3 percent if Obama's 2 percentage point payroll tax cut and current jobless benefits for the long-term unemployed were extended as well.¶ All sides say they want a deal — and that now that the election is over everyone can show more flexibility than in the heat of the campaign.

#### Obama has started to push negotiation – political capital is key to compromise on fiscal cliff

Julie Hirschfeld Davis and Mike Dorning, Business Week, “Obama Success on Fiscal Cliff May Hinge on Congress Ties” 11/7/2012.http://www.businessweek.com/news/2012-11-07/obama-success-on-fiscal-cliff-may-hinge-on-better-congress-ties

President Barack Obama, his re- election victory sealed, is reaching out to congressional leaders to revive bipartisan deficit-reduction negotiations whose failure was a defining disappointment of his first term.¶ His chances of success, say Republicans and Democrats, depend on Obama’s willingness in his second term to build a rapport he has lacked with lawmakers from both parties and take a stronger role than he has to date in steering negotiations on sweeping changes to entitlements, taxes and spending.¶ “He’s simply going to have to take a more active and forceful role,” said Democratic strategist Jim Manley, a former aide to Senate Majority Leader Harry Reid of Nevada. “He never got involved in the nitty-gritty of the legislative process. In light of the hyper-partisanship that still surrounds Capitol Hill, he’s going to have to change, and he’s going to have to take more of a lead in breaking the logjam.”¶ There are already indications that Obama is ready to do so. The president, who said in his Nov. 6 victory speech that he was “looking forward to reaching out and working with leaders of both parties to meet the challenges we can only solve together,” spoke yesterday by telephone with the top congressional Democratic and Republican leaders of the House and Senate.¶ Voters’ Message¶ Voters had sent a “message,” Obama told them, according to a White House statement, that both parties “need to put aside their partisan interests and work with common purpose.”¶ Vice President Joe Biden, a 36-year veteran of the Senate whose post makes him its top member, said he had been making “a lot of phone calls” of his own and voiced optimism that Republicans would cooperate on a compromise on the so-called fiscal cliff to avert tax increases and spending cuts set to go into effect later this year.¶ “I think people know we’ve got to get down to work, and I think they’re ready to move,” Biden told reporters traveling with him.

#### Natural gas production controversial – safety issues, GHG concerns, and record deficits

Allen Schaeffer, Executive Director, Diesel Technology Forum, “Let Nat Gas Compete on merits not favors”, January 19, 2012.

That hissing sound isn’t a gas leak but the pressure building in the debate surrounding natural gas production as the controversy over the safety of fracking has created an uproar in numerous communities and prompted legislation in several states. In Congress, there’s a controversial effort to create massive federal tax credits – up to $64,000 for each truck - to artificially promote natural gas use in commercial trucks in the U.S. The NAT GAS act also provides federal tax credits up to $100,000 for the installation of natural gas vehicle refueling stations. And for good measure, the NAT GAS act hands out $7,500 tax credits if you buy a natural gas passenger car. Ka-ching $$! If these were such rational and worthwhile concepts, wouldn’t American (or foreign) businesses be investing in these endeavors? The NAT GAS Act would provide several billion dollars in tax credits only to those who purchase natural gas trucks – not hybrids, electrics, or clean diesel trucks - just natural gas trucks. They say this would just be a short term subsidy – only five years. However, it’s extremely important to remember that once enacted, it took over 30 years to finally get rid of the federal ethanol subsidy. Once in the books, many subsidies are virtually impossible to remove. It’s little wonder that federal budget watchdogs and American taxpayers are not particularly supportive of the NAT GAS act, especially when federal, state and local governments are facing record deficits and cutting countless important programs. Not to mention the as yet unclear GHG implications of massive extraction of gas and the leaks of one of the most potent warming gases - methane.

To think that we can or should pour billions of dollars into subsidizing one fuel source -- especially in this economy-- would be a mistake.

#### Sequestration collapses Asia-Pacific pivot, power projection, ability to solve escalation, and air, sea, and land capabilities

Horowitz 12

[Michael Horowitz, NDT Champion, associate professor of political science at the University of Pennsylvania, 8/9/12, How Defense Austerity Will Test U.S. Strategy in Asia, thediplomat.com/flashpoints-blog/2012/08/09/how-defense-austerity-will-test-u-s-strategy-in-asia/]

Decisions about defense spending are integrally linked to the United States’ overall strategy in the Asia-Pacific. Given ongoing uncertainty surrounding North Korea, China’s continuing development of anti-access/area-denial (A2/AD) capabilities, and disputes over the East and South China seas, maintaining a robust presence in the region will be a high priority for any future administration. However, sequestration or other major defense cuts could undermine perceptions of U.S. resolve in the Asia-Pacific and make core U.S. allies such as Japan and South Korea doubt Washington’s willingness to invest appropriately in relevant capabilities. Concretely, such cuts could make it more difficult for the United States to maintain its current presence. The United States’ predominant military strategy for ensuring continued superiority in the Asia-Pacific is AirSea battle (ASB)—an operational concept designed to help the U.S. Air Force and Navy jointly respond to A2/AD challenges, enhance deterrence, and ensure freedom of action around the world over the next generation. Implementing ASB will require significant investments in advanced technologies, including long-range precision-strike capabilities and submarine modernization. Furthermore, ASB primarily involves investments in the air force and navy, raising questions about how best to rebuild the readiness of the army and marines. There is a trade-off between providing relatively equal budget shares to the services—potentially reducing inter-service rivalries—and rebalancing toward the Asia-Pacific. Even within the air force and navy, there are disagreements about which programs represent the highest priority for the U.S. military. One concern is the potential for large decreases in the procurement of F-35s—the multirole replacement fighter for the air force and navy. Unless the military can find substitutes, further cuts beyond those already planned could potentially make it more difficult for the U.S. military to control the skies in a future confrontation in the Asia-Pacific. Decreases in F-35 procurement could also make U.S. allies less likely to purchase the F-35, thereby reducing interoperability with allied Asian militaries and further raising F-35 unit costs. Budget cuts may also lead to the scaling back of plans to purchase the full slate of Virginia-class attack submarines that the navy has requested. Given China’s continuing investments in submarines and anti-ship missiles, the modernization of the U.S. fleet is critical to maintaining U.S. naval capabilities in the Asia-Pacific, particularly for antisubmarine warfare and strike operations. Major cuts could affect the size of the navy, in terms of ships afloat, and compromise the United States’ ability to project power in crisis situations. At even greater risk of funding cuts is research and development. R&D into next-generation robotics, a new long-range bomber, and C4ISR (command, control, communications, computers, intelligence, surveillance, and reconnaissance) is essential to guaranteeing U.S. military power over the long term. R&D for basic programs is also likely to be on the chopping block during periods of defense austerity. One example is the X-47B drone designed to launch from and recover to aircraft carriers. Decreases in funding for such cutting-edge programs could undermine the United States’ long-term capacity to control the commons in the Asia-Pacific. The unparalleled access the United States enjoys to air, sea, and space could decline if other nations develop new technologies capable of placing legacy platforms such as large carriers or manned fighters at risk. Rising powers in the region are not standing still. The United States will only maintain its conventional superiority if it continues investing in R&D that will pay off with new weapon systems down the road.

#### Lack of asia pivot collapses heg and causes miscalc/WWIII

Macgregor Oct. 26th

[Douglas A. Mcgregor, contributor and is executive vice president of Burke-Macgregor Group, LLC. He is also a retired Army colonel, decorated combat veteran and the author of four books on military affairs.

Read more: <http://nation.time.com/2012/10/26/affording-the-pacific-pivot/#ixzz2AqlmAi5s>, , October 26th, 2012, Affording the “Pacific Pivot”, <http://nation.time.com/2012/10/26/affording-the-pacific-pivot/>, uwyo//amp]

In the turbulent decade leading up to the outbreak of World War I, Winston Churchill, Britain’s First Lord of the Admiralty, urged Britain’s national leadership to concentrate British naval power in the Atlantic and the North Sea where Germany’s rapidly expanding high seas fleet seemed determined to challenge British naval supremacy. Churchill reasoned, “It would be very foolish to lose England in safeguarding Egypt. If we win the big battle in the decisive theater, we can put everything else straight afterwards. If we lose it, there will not be any afterwards.” On the precipice of sequestration and with the survival of Social Security, Medicare and Medicaid at stake, Churchill’s strategic rationale is instructive, particularly for leaders in Washington, D.C., who advocate a U.S. military buildup in the Pacific. When Churchill made the case for concentrating the British fleet in the Atlantic, he was practicing economy of force, a time honored principle in British military affairs. In 1902, in the midst of a financial crisis brought on, in part, by the Boer War, London had already turned to Japan for military assistance in blocking Russian expansion in the Far East. By 1911, the Russian threat had disappeared beneath the waters of the Tsushima Strait, but the Anglo-Japanese Treaty still allowed the withdrawal of British naval and ground forces from Asia, facilitating the concentration of British military power in the Atlantic. The result was a debilitating blockade Germany could not overcome throughout the First World War.Like the British at the beginning of the 20th Century, Washington suffers from a case of “Imperial Overstretch.” Washington needs a new national security strategy, one designed to halt the dissipation of American military resources around the world and to concentrate it wherever it is needed. For the moment, the point of concentration is Asia, where China’s assertiveness opens the door to the kind of instability and potential for strategic miscalculation that is eerily similar to the crises and conflicts that preceded the outbreak of World War I in Europe.

## 3rd Off

#### Production focus to problems fails—the only solutions it engenders are more production, this only contributes to environmental problems

Princen et al, 2002

[Thomas, Ph.D., Political Economy and Government, 1988, Harvard University and Associate professor at the Univ. of Michigan school of natural resources and environment, Michael Maniates, Professor of Political and Environmental Science at Allegheny College, and Ken Conca, Program Director the School of Global Environmental Politics at American University, Confronting Consumption, “Confronting Consumption.” Pg. 1-20. Published by The MIT press] /Wyo-MB

Combining the elements of socially embedded consumers and linked chains of resource-use decisions leads to a third theme of our provisional framework: that ‘‘consuming’’ occurs all along the chain, not just at the downstream node of consumer demand. Nodes of raw-material extraction and manufacturing, for example, represent not just production and value added, but also consumption and value subtracted. Producers are consumers; production is consumption. An important implication of this idea is that what is being consumed at each node is not obvious. At the node of primary resource extraction it might be the tree or the fish, or it might be the ecosystem integrity of the forest or the fishery. At the node of final purchase it might be an apple, or a person’s attention, or a community’s social fabric. Another implication of this view is that responsibility shifts from the individuated consumers-as-final-demanders to actors at all nodes of the chain. Producers may add value as they satisfy downstream demand, but they also risk value depletion; they consume value by producing. In using up resources both natural and social, they impose costs on the environment and on people— be they purchasers, workers, caregivers, neighbors, or citizens. This consumption angle on resource use offers a corrective to the production-centered perspective that dominates contemporary discussions of economic affairs, including environmental protection. In that perspective, raw materials feed manufacturing and distribution to produce what people want. It follows that, because goods are good and would not be produced if people did not want them, more goods— and more production— must be better. A productive economy is, as a result, one that produces more goods for a given input (thus increasing the economy’s ‘‘productivity’’), yields more choices for consumers, and increases output. When production creates problems such as pollution, the productive answer is to produce correctives such as scrubbers, filters, and detoxifiers. So goes the logic of production, productiveness, productivity, and products— construing all things economic as producing, as adding value, as, indeed, progress. The consumption angle turns this around to self-consciously construe economic activity as consuming, as depleting value, as risking ecological overshoot, as stressing social capacity.

#### Second, the Impact—consumption focus is the only way to solve for overconsumption and misconsumption that threaten human survival

Princen, 2002

[Thomas, Ph.D., Political Economy and Government, 1988, Harvard University and Associate professor at the Univ. of Michigan school of natural resources and environment, Confronting Consumption, “Consumption and its externalities: where economy meets ecology.” Pg. 23-42. Published by The MIT press] /Wyo-MB

A strictly ecological interpretation takes consumption as perfectly ‘‘natural.’’ To survive, all organisms must consume— that is, degrade resources. This interpretation of a given consumption act is background consumption. It refers to the normal, biological functioning of all organisms, humans included. Every act of background consumption by an individual alters the environment, the total environmental impact being a function of aggregate consumption of the population. Individuals consume to meet a variety of needs, physical and psychological, both of which contribute to the ability of the individual to survive and reproduce. From this limited, asocial, nonethical interpretation of consumption, all consumption patterns and consequences are natural, including population explosions and crashes and irreversibilities caused by the expansion of one species at the expense of other species. If, however, the interpretation is modified to include human concern for population crashes, species extinctions, permanent diminution of ecosystem functioning, diminished reproductive and developmental potential of individuals, and other irreversible effects, then ‘‘problematic consumption’’ becomes relevant. Two interpretive layers are overconsumption and misconsumption. Overconsumption is the level or quality of consumption that undermines a species’ own life-support system and for which individuals and collectivities have choices in their consuming patterns. Overconsumption is an aggregate-level concept. With instances of overconsumption, individual behavior may be perfectly sensible, conforming either to the evolutionary dictates of fitness or to the economically productive dictates of rational decision making. Collective, social behavior may appear sensible, too, as when increased consumption is needed in an advanced industrial economy to stimulate productive capacity and compete in international markets. But eventually the collective outcome from overconsuming is catastrophe for the population or the species. From a thermodynamic and ecological perspective, this is the problem of excessive throughput. 21 The population or species has commanded more of the regenerative capacity of natural resources and more of the assimilative capacity of waste sinks than the relevant ecosystems can support. And it is an ethical problem because it inheres only in populations or species that can reflect on their collective existence. What is more, for humans it becomes a political problem when the trends are toward collapse, power differences influence impacts, and those impacts generate conflict. The second interpretive layer within problematic consumption is misconsumption, which concerns individual behavior. The problem here is that the individual consumes in a way that undermines his or her own well-being even if there are no aggregate effects on the population or species. Put differently, the long-term effect of an individual’s consumption pattern is either suboptimal or a net loss to that individual. It may or may not, however, undermine collective survival. Such consumption can occur along several dimensions.

#### Third is the alt, rejection of the 1ac’s production focus in favor of a consumption based approach to energy resources.

#### Challenging consumption solves consumer sovereignty and solves for the health of the planet

Princen et al, 2002

[Thomas, Ph.D., Political Economy and Government, 1988, Harvard University and Associate professor at the Univ. of Michigan school of natural resources and environment, Michael Maniates, Professor of Political and Environmental Science at Allegheny College, and Ken Conca, Program Director the School of Global Environmental Politics at American University, Confronting Consumption, “Confronting Consumption.” Pg. 1-20. Published by The MIT press] /Wyo-MB

Consumption and consumerism have long been consigned to the edges of polite talk among North Americans concerned about environmental degradation and the prospects for sustainability. How much, and what, do we consume? Why? Are we made happier in the process? How much is enough? How much is too much for the social fabric or health of the planet? Small wonder that these questions are addressed only obliquely, if at all. They are hard to answer, and when answers emerge they can be problematic, for they have an awkward tendency to challenge deeply held assumptions about progress and the ‘‘good life’’; they call into question the very idea of consumer sovereignty, a cornerstone of mainstream economic thinking. They also challenge prevailing distributions of power and influence and smack of hypocrisy, coming as they so often do from those who consume the most. To confront such questions is to bite off, in one chunk, a large and vexing body of social, political, and cultural thought and controversy. It is no exercise— intellectual or practical— for the timid.

## 4th Off

#### A. ROBERTS COMMITTED TO CONSENSUS, MEANS COURT WILL OFFER NARROW RULINGS

TIME 06

(by Mark Thompson, TIME Magazine, “The Roberts Court, Take Two,” October 2, 2006, <http://www.time.com/time/magazine/article/0,9171,1541296,00.html//wyo-mm>)

Counsel, sharpen your legal arguments. The Supreme Court returns for its new term this week, and it's expected to be a corker. This will be the court's first full term with Samuel Alito in Sandra Day O'Connor's old seat. And on the docket are a raft of high-profile cases on hot-button issues that should give the best indication yet of the decision-making dynamics and working style of the John Roberts era. Here's a look at what to expect. 1 UNANIMITY IS JOHN ROBERTS' GOALDuring Chief Justice Roberts' honeymoon term, about half the court's decisions were unanimous--nearly double the typical tally in recent years. This term, big cases on divisive social issues mean Roberts is likely to struggle to build such consensus. Still, he'll try in order to boost the court's "stature and legitimacy," he said in July. When the court can choose either a narrow but unanimous ruling or a sweeping, landmark decision by a 5-4 vote, he said, "I think it's better to decide on the former ground, and let it go at that."

#### B. OVERRULE GUTS STARE DECISIS

SIEGAL, California Law Review, 2001

[Neil S., State Sovereign Immunity and Stare Decisis: Solving the Prisoners' Dilemma Within the Court.]

I\*I167)The significance of Justice Scalia's approach is pointed out by Daniel Meltzer, who has observed that `overruling simply to correct a perceived mistake would drain stare decisis of any force whatsoever." <1 1> nlO This consequence ~ matters greatly because stare decisis serves such fundamental rule-of-law values as, replicability, stability, and consistency. <=12> nil Maintaining those values in the practice of constitutional adjudication is particularly important because the Constitution's authority to limit state action derives in large measure from its status- as law. <=13> n12 As Robert Post has written while identifying "doctrinal" constitutional interpretation as appealing to "the authority of the Constitution as law" <14> n13:j

#### C. TURNS THE CASE—STARE DECISIS IS KEY TO COURT LEGITIMACY AND INFLUENCE

James F. **Spriggs and** Thomas G. **Hansford**, Professors of Political Science, University of California and University of South Carolina, “PAPERS OF GENERAL INTEREST: The U.S. Supreme Court's Incorporation and Interpretation of Precedent,” Law and Society Review, v. 36, 20**02**, p. 143.

The Justices can control the extent to which the Supreme Court is perceived as authoritative (see Caldeira 1986). In particular, the practice of stare decisis may exist to foster the legitimacy of the Court. Courts often justify their decisions by referring to precedent and thus linking current decisions to past rules of law (Gates & Phelps 1996; Johnson 1986; Walsh 1997). Indeed, the legal community (as well as the general public) expects courts to provide legally relevant justifications for their decisions. Thus an opinion in one sense represents an elaborate attempt by a court to provide persuasive reasons for why a particular outcome is "correct." Landes and Posner (1976:273) make this point when stating, "No matter how willful a judge is, he is likely to follow precedent to some extent, for if he did not the practice of decision according to precedent (stare decisis, the lawyers call it) would be undermined and the precedential significance of his own decisions thereby reduced." In other words, the use of and adherence to precedent can produce external legitimacy and thereby enhance the Court's ability to write opinions that have influence (see Knight & Epstein 1996).

#### D. ALSO SPURS REMEDIAL ACTIVISM

William P. **Marshall**, Kenan Professor of Law, University of North Carolina, “CONSERVATIVES AND THE SEVEN SINS OF JUDICIAL ACTIVISM,” University of Colorado Law Review, v. 73, Fall, 20**02**, p. 1242.

There is at least one area where the conservatives have been thoroughly consistent about rejecting a form of judicial activism: the judiciary's use of its remedial powers to impose affirmative obligations on government. In fact, the conservatives have been quite active in bringing this "remedial activism" to an end. They have used the Equal Protection Clause to end court oversight of school desegregation, the Eleventh Amendment to bar judicially imposed reform of mental hospitals, and the standing doctrine to prevent judicial supervision of police enforcement methods. Of course, not many cases arise in which politically conservative plaintiffs seek remedies that require courts to monitor government institutions or to bring governmental facilities into judicial receivership, so it may be that the conservatives have not been fully tested on this point. Thus far, however, under the criterion of remedial activism, the conservatives have been a model of judicial restraint.

## Case

### Bridge Adv

#### Natural gas production causes catastrophic warming – methane leakage and renewables tradeoff

Joe Romm, Fellow at American Progress and is the editor of Climate Progress, which New York Times columnist Tom Friedman called "the indispensable blog" “Natural Gas Is A Bridge To Nowhere Absent A Carbon Price AND Strong Standards To Reduce Methane Leakage”, Think Progress, April 9, 2012.

A new journal article finds that methane leakage greatly undercuts or eliminates entirely the climate benefit of a switch to natural gas. The authors of “Greater Focus Needed on Methane Leakage from Natural Gas Infrastructure“ conclude that “it appears that current leakage rates are higher than previously thought” and “Reductions in CH4 Leakage Are Needed to Maximize the Climate Benefits of Natural Gas.” Natural gas is mostly methane – a very potent greenhouse gas, though with a much shorter lifetime in the atmosphere than CO2, which is emitted by burning fossil fuels like natural gas. Recent studies suggest a very high global warming potential (GWP) for CH4 vs CO2, particularly over a 20-year time frame. The new Proceedings of the National Academy of Sciences study introduces the idea of “technology warming potentials” (TWPs) to reveal “reveal time-dependent tradeoffs inherent in a choice between alternative technologies.” In this new approach the potent warming effect of methane emissions undercuts the value of fuel switching in the next few decades, exactly the timeframe we need to reverse the warming trend if we are to have any chance at triggering amplifying feedbacks and preventing multiple catastrophes. For instance, the new study finds that a big switch from coal to gas would only reduce TWP by about 25% over the first three decades — far different than the typical statement that you get a 50% drop in CO2 emissions from the switch. Note that the conclusion above is based on “EPA’s latest estimate of the amount of CH4 released because of leaks and venting in the natural gas network between production wells and the local distribution network” of 2.4%. Many experts believe the leakage rate is higher than 2.4%, particularly for the fastest growing new source of gas — hydraulic fracturing. Also, recent air sampling by NOAA over Colorado found 4% methane leakage, more than double industry claims. The study notes: We emphasize that our calculations assume an average leakage rate for the entire U.S. natural gas supply (as well for coal mining). Much work needs to be done to determine actual emis- sions with certainty and to accurately characterize the site-to-site variability in emissions. However, given limited current evidence, it is likely that leakage at individual natural gas well sites is high enough, when combined with leakage from downstream operations, to make the total leakage exceed the 3.2% threshold beyond which gas becomes worse for the climate than coal for at least some period of time. In short until we have far more actual data showing low leakage rates — or regulations to ensure low leakage rates — it is hard to claim that switching from coal to gas plants has a substantial warming benefit in the near-term (that is especially true for reasons I’ll touch on below). It’s even harder to claim that simply shoving massive amounts of natural gas into the energy supply system is a good idea at all, given that some of it would inevitably replace new renewables — and if even a small fraction of new gas plants replace renewables, that eliminates any warming benefit that switching from coal to gas might have.

#### **Warming causes extinction**

**Tickell, Climate researcher 2008**

(Oliver, Climate Researcher, The Gaurdian, “On a planet 4C hotter, all we can prepare for is extinction”, 8-11, http://www.guardian.co.uk/ commentisfree/2008/aug/11/ climatechange)

We need to get prepared for four degrees of global warming, Bob Watson told the Guardian last week. At first sight this looks like wise counsel from the climate science adviser to Defra. But the idea that we could adapt to a 4C rise is absurd and dangerous. Global warming on this scale would be a catastrophe that would mean, in the immortal words that Chief Seattle probably never spoke, "the end of living and the beginning of survival" for humankind. Or perhaps the beginning of our extinction. The collapse of the polar ice caps would become inevitable, bringing long-term sea level rises of 70-80 metres. All the world's coastal plains would be lost, complete with ports, cities, transport and industrial infrastructure, and much of the world's most productive farmland. The world's geography would be transformed much as it was at the end of the last ice age, when sea levels rose by about 120 metres to create the Channel, the North Sea and Cardigan Bay out of dry land. Weather would become extreme and unpredictable, with more frequent and severe droughts, floods and hurricanes. The Earth's carrying capacity would be hugely reduced. Billions would undoubtedly die. Watson's call was supported by the government's former chief scientific adviser, Sir David King, who warned that "if we get to a four-degree rise it is quite possible that we would begin to see a runaway increase". This is a remarkable understatement. The climate system is already experiencing significant feedbacks, notably the summer melting of the Arctic sea ice. The more the ice melts, the more sunshine is absorbed by the sea, and the more the Arctic warms. And as the Arctic warms, the release of billions of tonnes of methane – a greenhouse gas 70 times stronger than carbon dioxide over 20 years – captured under melting permafrost is already under way. To see how far this process could go, look 55.5m years to the Palaeocene-Eocene Thermal Maximum, when a global temperature increase of 6C coincided with the release of about 5,000 gigatonnes of carbon into the atmosphere, both as CO2 and as methane from bogs and seabed sediments. Lush subtropical forests grew in polar regions, and sea levels rose to 100m higher than today. It appears that an initial warming pulse triggered other warming processes. Many scientists warn that this historical event may be analogous to the present: the warming caused by human emissions could propel us towards a similar hothouse Earth.

#### Production low now- natural gas competition

Reuters Oct. 22

[Reuters, October 22, 2012, UPDATE 4-US natural gas boom claims first nuclear plant, <http://uk.reuters.com/article/2012/10/22/dominionresources-idUKL3E8LM6J420121022>, uwyo//amp]

Natural gas' share of total U.S. generation has increased to 30 percent this year from about 20 percent in 2006, while the percentage from nuclear has held steady at about 20 percent. Power prices in the PJM grid, the nation's biggest network, for the first nine months of 2012 were down almost 30 percent from the same period last year to levels not seen since 2002. Generators have already announced the retirement or fuel conversion of more than 35,000 MW of coal-fired power plants, which is more than 10 percent of the nation's total coal-fired fleet. For Virginia-based Dominion, the decision to decommission the plant next year was "based purely on economics," Thomas Farrell, Dominion chairman, president and chief executive said on Monday.’

#### Coal production low now- difficult/expensive to extract and Obama opposes

Roberts Nov. 1

[David Roberts, staff writer, November 01, 2012, Big Coal in big trouble as coal production costs rise, <http://grist.org/climate-energy/big-coal-in-big-trouble-as-coal-production-costs-rise/>, uwyo//amp]

What is driving the decline of the U.S. coal industry? Most of the blame has gone either to Obama’s “war on coal” (EPA regulations) or to cheap natural gas. But there’s a third factor at work, which has gotten much less press: Coal is getting more expensive to produce. Why? First, the easiest-to-reach coal has been mined, which means coal companies have to dig deeper and go after thinner seams and smaller deposits. That costs more, in both energy and money. And second, transportation costs, mainly the cost of the diesel fuel that runs the trains that carry the coal, are rising. It has gotten the point where, in some areas, profit margins have flipped: coal is now selling for less than it costs to produce. In other areas, that flip appears to be perilously close. Never mind EPA or natural gas or Obama or anything else: If it isn’t profitable to mine coal, it won’t be mined, not for long.

### Democracy

#### Democracy doesn’t solve war –

#### -Aggressive leaders

Shah 2008

– editor of globalissues.org (Anup, 11/30. “Democracy.” <http://www.globalissues.org/article/761/democracy>

Democracy (“rule by the people” when translated from its Greek meaning) is seen as one of the ultimate ideals that modern civilizations strive to create, or preserve. Democracy as a system of governance is supposed to allow extensive representation and inclusiveness of as many people and views as possible to feed into the functioning of a fair and just society. Democratic principles run in line with the ideals of universal freedoms such as the right to free speech. Importantly, democracy supposedly serves to check unaccountable power and manipulation by the few at the expense of the many, because fundamentally democracy is seen as a form of governance by the people, for the people. This is often implemented through elected representatives, which therefore requires free, transparent, and fair elections, in order to achieve legitimacy. The ideals of democracy are so appealing to citizens around the world, that many have sacrificed their livelihoods, even their lives, to fight for it. Indeed, our era of “civilization” is characterized as much by war and conflict as it is by peace and democracy. The twentieth century alone has often been called “the century of war.” In a way, the amount of propaganda and repression some non-democratic states set up against their own people is a testament to the people’s desire for more open and democratic forms of government. That is, the more people are perceived to want it, the more extreme a non-democratic state apparatus has to be to hold on to power. However, even in established democracies, there are pressures that threaten various democratic foundations. A democratic system’s openness also allows it to attract those with vested interests to use the democratic process as a means to attain power and influence, even if they do not hold democratic principles dear. This may also signal a weakness in the way some democracies are set up. In principle, there may be various ways to address this, but in reality once power is attained by those who are not genuinely support democracy, rarely is it easily given up.

#### Democracies Don’t Solve War

Ferguson 2006

[Niall, Laurence A. Tisch Professor of History at Harvard University and a Senior Fellow at the Hoover Institution at Stanford. The next war of the world, Foreign Affairs. V 85. No 5.]

It **has become fashionable among political scientiststo posit a causal link between democracy and peace, extrapolating from the observation that democracies tend not to go to war with one another. The corollary**, of course, is **that dictatorships generally are more bellicose. By that logic, the rise of democracy during the twentieth century should have made the world more peaceful**. Democratization may well have reduced the incidence of war between states. **But waves of democratization in the 1920s, 1960s, and 1980s seem to have multiplied the number of civil wars. Some of those** (such as the conflicts in Afghanistan, Burundi, China, Korea, Mexico, Mozambique, Nigeria, Russia, Rwanda, and Vietnam) **were among the deadliest conflicts of the century**. Horrendous numbers of fatalities were also caused by genocidal or “politicidal” campaigns waged against civilian populations, such as those carried out by the Young Turks against the Armenians and the Greeks during World War I, the Soviet government from the 1920s until the 1950s, the Nazis between 1993 and 1945 – to say nothing of those perpetrated by the communist tyrannies of Mao in China and Pol Pot in Cambodia. Indeed, such civil strife has been the most common form of conflict during the past 50 years. Of the 24 armed conflicts recorded as “ongoing” by the University of Maryland’s Ted Robert Gurr and George Mason University’s Monty Marshal in early 2005, nearly all were civil wars.

#### Obama will make the court liberal now

Bloomberg News Nov. 10th

[Bloomberg News, November 10th, 2012, Obama victory creates chance to mold high court, <http://www.heraldnet.com/article/20121110/NEWS02/711109958>, uwyo//amp]

WASHINGTON -- Barack Obama, already the first president to appoint two female justices, may have a chance to name a third during his second term in office and deepen his imprint on the Supreme Court. With four justices 74 or older, actuarial tables alone suggest Obama will have another vacancy or two to fill before he leaves the White House in January, 2017. The oldest of the court's nine members, 79-year-old Ruth Bader Ginsburg, has indicated she might retire in the next few years. Names of possible successors are already circulating in Democratic circles. California Attorney General Kamala Harris, Sen. Amy Klobuchar of Minnesota, Assistant U.S. Attorney General Virginia Seitz and Illinois Attorney General Lisa Madigan are high on the lists. Obama would almost certainly choose a woman to succeed Ginsburg, ensuring the court continues to have three female justices, said Amy Howe, a lawyer at Goldstein & Russell. "If Ginsburg retired, I think it'd be hard to replace her with a white guy," said Howe, whose Washington firm runs Scotusblog, a website that tracks the court and is sponsored by Bloomberg Law. "I can't imagine he'd want to let the court go back down to two women." A new justice would join a court now split almost evenly on questions of abortion, race, religion, gun rights and campaign finance. Obama's first two appointees, Sonia Sotomayor and Elena Kagan, have joined Ginsburg in voting to uphold the president's health-care law and calling for reconsideration of the 2010 ruling allowing unlimited corporate election spending. Another Obama appointment would solidify that wing of the court, even if the balance doesn't tip. Because a new justice would potentially serve for decades, Obama's appointees would be in position to shape American law long after the onetime constitutional law professor has left the White House. Harris is 48, Klobuchar 52, Seitz 56, and Madigan 46. "You could see effectively a Ginsburg clone at least 30 years younger to really anchor the liberal wing of the court," said Carrie Severino, chief counsel for the Judicial Crisis Network, a Washington-based group that opposed the Sotomayor and Kagan nominations.

#### Obama will end the conservative majority in the supreme court now

Bravin Nov. 8th

[Jess Bravin, Novemebr 8th, 2012, Win Offers President Time to Shape Court, <http://online.wsj.com/article/SB10001424127887324073504578105252699224578.html?mod=googlenews_wsj>, uwyo//amp]

With the incoming leadership of the executive and legislative branches nearly a carbon copy of the current versions, Tuesday's election could have the biggest effect on the sole unelected branch of government: the federal judiciary. Enlarge Image Getty Images Judge Paul Watford The election pointed to the nation's demographic future: white men had no purchase in the presidential election and for the first time they will be a minority in the House Democratic caucus. Neil King reports on The News Hub. Photo: AP Images. Beyond the urgent post-election to-dos there is another checklist that will have a significant impact on American prosperity over the next decade. David Wessel reports on The News Hub. Photo:Agence France-Presse/Getty Images President Barack Obama will need help from the Republican-controlled House to enact legislation, but he needs only the Senate, where Democrats strengthened their majority, to approve judicial nominations. Should vacancies arise on the narrowly divided Supreme Court, Mr. Obama, who appointed two justices during his first term, could leave a lasting imprint on constitutional law. No current justice has indicated a desire to surrender his or her lifetime post. But with four justices older than 70 and eligible to retire at full salary, a single departure could buttress the court's liberal wing—or end the tenuous conservative majority that Republicans have labored to build since the Nixon administration. One name increasingly mentioned in liberal circles is Judge Paul Watford, 45 years old, who was confirmed earlier this year to the Ninth U.S. Circuit Court of Appeals in San Francisco. Judge Watford is a former federal prosecutor and corporate lawyer who clerked both for Judge Alex Kozinski of the Ninth Circuit, a Reagan appointee, and Justice Ruth Bader Ginsburg, who at 79 is the eldest member of the Supreme Court.

#### Obama will replace the Supreme Court justices with liberal justices now

Beamon Nov. 9th

[Todd Beamon, Nov. 9th, 2012, Conservatives Battle Obama Over Supreme Court Appointees, <http://www.newsmax.com/Newsfront/obama-supreme-court-appointees/2012/11/09/id/463477>, uwyo//amp]

And the president, a graduate of the Harvard Law School who taught constitutional law, did that in his first term, with the appointments of Justices Sonia Sotomayor and Elena Kagan. They join four justices who are in their 70s. Two – Ruth Bader Ginsburg, the eldest, at 79, and Stephen Breyer, 74 – are liberals. The remaining two – Antonin Scalia and Anthony Kennedy, both 76 – are conservatives. Among possible Obama appointees, according to The Journal, is Judge Paul Watford, 45, who was confirmed earlier this year to the Ninth U.S. Circuit Court of Appeals in San Francisco. A former federal prosecutor and corporate lawyer, Watford clerked both for Justice Ginsburg and Ninth Circuit Judge Alex Kozinski, appointed by Ronald Reagan, The Journal reports. Ian Millhiser of the left-leaning Center for American Progress told The Journal that if Obama wanted "someone young with U.S. Court of Appeals experience who has the traditional indicia of being a brilliant legal mind, the name that stands out is Paul Watford." If appointed, Watford would become the third African American to sit on the Supreme Court, after Thurgood Marshall and Justice Clarence Thomas. One other name mentioned by The Journal, also from the Ninth Circuit, is Judge Mary Murguia. Obama elevated her from the federal district court in Arizona. The daughter of Mexican immigrants, Murguia attended the University of Kansas and served as a federal prosecutor in Arizona under then-U.S. Attorney Janet Napolitano, now Homeland Security Secretary. If confirmed, she would be the second Hispanic woman on the high court, after Justice Sotomayor. The biggest change to the Supreme Court, however, would come if either Scalia or Kennedy retired. “It's replacing Scalia or Kennedy, then we're really talking Armageddon," Levey told The Journal. But since the GOP lost both the White House and the Senate on Tuesday, Obama should have “a lot of deference” should he decide to replace – say – Justice Ginsburg with another liberal or like-minded nominee, Levey said.

### Solvency

#### [1.] No solvency – reducing regulations won’t have any impact on desirability to produce more natural gas

#### [a.] Wont cost more or duplicate – EPA authority at worst means approving ongoing state oversight

Abrahm Lustgarten, “FRAC Act – Congress Introduces Twin Bills to Control Drilling and Protect Drinking Water”, Pro Publica, June 9, 2009

It is unclear exactly how federal oversight would lead to mounting costs. EPA officials in Washington say the section of the Safe Drinking Water Act that governs the oil and gas industry allows for flexibility and already defers oversight of drilling to the states. According to the industry and a recent industry-affiliated study, most state programs already have regulations in place. In such cases, restoring the EPA's authority could mean that the EPA approves ongoing state oversight and that little else would change.

#### [b.] Federal regulations don’t matter – almost all drilling occurs on Forest, private, or state lands

Lena Groeger, “40 Acres and a Rule: Draft Federal Fracking Regs Cover Only a Sliver of Land”, ProPublica, May 8, 2012.

Last week’s media coverage of the Obama administration’s newly-proposed fracking rules focused so heavily on how drilling companies would have to disclose the chemicals they use that it largely overlooked the toughest provisions: Drillers would be required to test the physical integrity of their wells, and more water would be protected from drilling. Since many wells fail because the cement and casings crack, the new tests could prevent dangerous leakages. One major limitation: Although widely understood as “national” guidelines, the draft rules would in fact only apply to a sliver of the nation’s natural gas supply. That’s because they would apply to mineral rights managed by the Bureau of Land Management, which means areas beneath most BLM and tribal land, but scarcely any U.S. Forest Service, private or state-owned lands – where most drilling occurs. Industry has criticized the proposed rules as too restrictive.

#### [c.] No enforcement – BLM understaffed

Lena Groeger, “40 Acres and a Rule: Draft Federal Fracking Regs Cover Only a Sliver of Land”, ProPublica, May 8, 2012.

Environmental activists wonder how likely the rules are to be enforced. In New Mexico, for example, the BLM oversees more than 30,000 active wells ­– with only 69 inspectors. “However strong the rules are, enforcement is only as good as staff on the ground,” said attorney Erik Schlenker-Goodrich of the Western Environmental Law Center.

#### [2.] Removing regulations kills build public trust essential to future production

Michael Levi, David M. Rubenstein Senior Fellow for Energy and the Environment “Safe Fracking Looks Cheap”, Council on Foreign Relations, May 29, 2012

The public battle over fracking tends to emphasize extremes: some say that shale gas can’t be developed safely; others say that new regulation would kill the industry. But a third set of observers (myself included) has claimed that smart new rules would boost costs only marginally, while building public acceptance for drilling. A new study from the International Energy Agency (IEA) adds serious support to this middle way. The study, “Golden Rules for a Golden Age of Gas”, is worth reading in its entirety – it’s a great assessment of the environmental challenges involved in developing unconventional gas and of ways to address them. What jumps out at me, though, is how the authors have gone beyond the usual hand-waving claims about how steps to ensure safe drilling shouldn’t be too expensive. Instead, they’d actually done some concrete cost estimates. The verdict? Adopting “Golden Rules” for shale gas development would add a mere seven percent to the cost of each well. And though the IEA report doesn’t discuss this the impact on the price of gas, at least in the United States, would be even less, because some of the cost of delivered gas has nothing to do with well expenses: distribution costs, for example, would be unaffected by new drilling rules; severance taxes and impact fees wouldn’t change; and corporate taxes would presumably fall a bit, since many compliance costs could be written off. If you think that delivered gas will ultimately cost five dollars for a thousand cubic feet, the IEA is saying that its golden rules would add less than thirty-five cents. Contrast that with the much bigger impact of a backlash against drilling, and you have a pretty compelling case. So what do the IEA “Golden Rules” entail? Some extra spending on “cement design, selection and verification”, together with a bit of extra drilling time to make sure that things are done right. Green completions would be required to avoid flaring and venting. Green fracturing fluids and rock solid treatment of produced water would protect groundwater resources. The IEA even includes costs for soundproofing rigs and implementing some trucking restrictions in order to reduce noise pollution. The authors indicate that this suite of measures is an upper bound on the costs of a smart environmental approach. They observe that large-scale development creates additional ways to improve environmental performance while actually reducing costs. Economies of scale, for example, can make better water infrastructure make simple economic sense, reducing truck trips and improving safe disposal. “Systematic learning” about shale areas can reduce the number of dry wells and unnecessary fracture stages, improving economics while reducing environmental footprints. All told, the authors estimate that these and other steps could cut costs by five percent. In case you’re keeping track, that’s a net impact of two percent on production costs for large-scale development. The IEA estimates, of course, are extremely crude. It wouldn’t be surprising to see compliance costs twice what they estimate – or half. Either way, the bottom line remains: smart regulation of shale gas looks like it would be relatively cheap. It’s the excessively hands off approach that could turn out to be a lot more costly.