# Round 2 v Trinity MR

## 1NC

### 1NC

#### 1. Interpretation: The role of the ballot is to determine if the enactment of a topical plan is better than the status quo or a competitive option. The 1ac must read and defend the implementation of such a topical plan.

#### 2. Violation:

#### A) “Resolved” implies a policy or legislative decision – means they must be resolved about a future federal government policy

Parcher 1

Jeff Parcher, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution.

#### B) USFG is the national government in DC

Encarta Online Encyclopedia, 2k

(http://encarta.msn.com)

“The federal government **of the U**nited **S**tates **is centered in** Washington **DC”**

#### C) Should means there is a practical reason for action

WordNet in ‘97

Princeton University, 1.6

**Should** v 1 : be expected to: “Parties should be fun” 2 : **expresses an** emotional**, practical,** or other **reason for doing something:** “You had better put on warm clothes”; “You should call your mother-in-law”; *“The State ought to repair bridges*”[syn**:** had better, ought]

#### 3. Vote Negative:

#### A) Decisionmaking - a limited topic of discussion that provides for equitable ground is key to decision-making and advocacy skills

Steinberg & Freeley 8

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Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007. Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Specifically, decisionmaking skills based on specific energy policy proposals are key to motivate legislative fence-sitters – the aff’s strategy is doomed to the status quo

Brown 11

[heath, PhD Political Science, Roanoke, Salem, VA, “narrative strategies used by interest groups during the 2008 presidental transition”, 2011 Pat-Net Conference]

Milbrath argues that interest groups must strategically present information so as to ¶ overcome the “perceptual screen” that shields policy makers from absorbing endless amounts ¶ of information. He suggests that groups use facts (scientific information about policy ¶ outcomes), arguments (normative explanations of justness or rightness of action), and power¶ (typically subtle offers of political support or threats of political retribution) to communicate ¶ their interests and make their case for policy action (or inaction). In a more recent approach, ¶ Esterling (2007, p. 79) makes the case that groups can use [using] “instrumental” – “research or ¶ evidence-based causal” arguments -- or “normative” – “intrinsic desirability” arguments. By ¶ emphasizing one of these approaches, a group is tacitly communicating the way it wants to ¶ persuade the target of the information. By emphasizing power or normative arguments, the ¶ group implies that the policy maker should make decisions based primarily on their political ¶ judgment and political future. Conversely, by emphasizing facts-based or instrumental ¶ arguments, the group implies that the policy maker should base decisions primarily on rational ¶ or scientific considerations. In practice, it is difficult to disentangle these two types of ¶ arguments and many groups will likely combine various ways to present information (Wright ¶ 1996; Rochefort and Cobb 1994). The dichotomy though does help clarify the persuasive or ¶ argumentative tone of the information and advice given by groups to policy makers. 6 ¶ While public perceptions of interest groups might suggest crass self-interest, ¶ manipulation, and deception, groups have an incentive to be forthright in the information they ¶ provide and arguments they make. A group that provides shoddy statistics or misleading ¶ arguments will be discounted in future interactions with the policy maker (Kersh 2009; ¶ Easterling 2007). John E. Chubb (1983, p. 145) writes in regard to energy interest groups: ¶ “information and advice that are solely self-serving threaten the bond of trust that facilitates ¶ the informal play of influence.” In fact, rather than targeting political opponents or fence ¶ sitters, much research suggests that groups prefer or are invited to lobby friends and allies over ¶ adversaries (Baumgartner et al. 2009; Hojnacki and Kimball 1998, 1999; Hall and Deardorff ¶ 2006; Bauer et al. 1963; Holyoke 2004; McCool 1990). If this is the case, the cost of ¶ misrepresenting or overstating information may be particularly high for those engaged in what ¶ Hall and Deardorff (2006) and others have called “legislative subsidy” (Hall and Deardorff 2006; ¶ Esterling 2007a). From this subsidy perspective, if a policy maker is sub-contracting information ¶ collection and analysis to an allied interest group, it behooves that group to be conscientious, ¶ thorough, and consistent in the information and advice it gives. And in many cases, as Wright ¶ (1996) contends, it is relatively easy for policy makers to check the authenticity of the ¶ information provided to them, sometimes simply through the contradictory information ¶ provided by other groups, thereby curtailing the inclination to blatantly misrepresent the truth. ¶ Furthermore, experimental research shows that factual or instrumental information is ¶ preferred by legislative staff (LaPira 2008) and neutral expert lobbyists have more legislative ¶ access than non-experts (Esterling 2007b). Facts may be useful on their own terms in ¶ formulating legislative decisions but scientific or statistically based arguments also serve as a 7 ¶ cue for policy makers to determine the credibility or reliability of the advice they are given ¶ (Sabatier 1978). ¶ Rather than convince those already in agreement, the approach taken by proactive ¶ theorists suggests that groups seek to convince legislative fence sitters or opponents to adopt ¶ the group’s position, advocate the group’s interests, or simply vote in the group’s way through ¶ the offer of, or refusal to give, political support (Smith 1984; Austen-Smith and Wright 1994; ¶ Wright 1996). Wright (1990) for one finds that groups which distribute campaign contributions ¶ to a wide group of legislators are then able to access a wider group, rather than just political ¶ allies (Wright 1990). Similarly, Heberling (2005) shows that one group, the AFL-CIO, seeks out ¶ legislators with unknown political preferences rather than targeting political allies (Heberling ¶ 2005). The field of interest group research has not yet resolved whether groups typically lobby ¶ friends, adversaries, or some combination of the two (Leech and Baumgartner 1998). This is ¶ likely due to the wide variation of group types and also policy domains in which groups operate. ¶ These inter-organizational and inter-policy differences affect the strategies employed and ¶ therefore the content of information presented during lobbying.

#### Switch-side is key to making those decisionmaking skills effective – EPA debates prove

Mitchell 10

(Gordon R., Associate Professor, Director of Graduate Studies, and Director of the William Pitt Debating Union at the University of Pittsburgh; Spring, “Switch-Side Debating Meets Demand-Driven Rhetoric of Science,” Rhetoric & Public Affairs, Vol. 13, No. 1 – Kurr)

The preceding analysis of U.S. intelligence community debating initiatives highlighted how analysts are challenged to navigate discursively the heteroglossia of vast amounts of different kinds of data flowing through intelligence streams. Public policy planners are tested in like manner when they attempt to stitch together institutional arguments from various and sundry inputs ranging from expert testimony, to historical precedent, to public comment. Just as intelligence managers find that algorithmic, formal methods of analysis often don't work when it comes to the task of interpreting and synthesizing copious amounts of disparate data, public-policy planners encounter similar challenges. In fact, the argumentative turn in public-policy planning elaborates an approach to public-policy analysis that foregrounds deliberative interchange and critical thinking as alternatives to "decisionism," the formulaic application of "objective" decision algorithms to the public policy process. Stating the matter plainly, Majone suggests, "whether in written or oral form, argument is central in all stages of the policy process." Accordingly, he notes, "we miss a great deal if we try to understand policy-making solely in terms of power, influence, and bargaining, to the exclusion of debate and argument."51 One can see similar rationales driving Goodwin and Davis's EPA debating project, where debaters are invited to conduct on-site public debates covering resolutions crafted to reflect key points of stasis in the EPA decision-making process. For example, in the 2008 Water Wars debates held at EPA headquarters in Washington, D.C., resolutions were crafted to focus attention on the topic of water pollution, with one resolution focusing on downstream states' authority to control upstream states' discharges and sources of pollutants, and a second resolution exploring the policy merits of bottled water and toilet paper taxes as revenue sources to fund water infrastructure projects. In the first debate on interstate river pollution, the team of Seth Gannon and Seungwon Chung from Wake Forest University argued in favor of downstream state control, with the Michigan State University team of Carly Wunderlich and Garrett Abelkop providing opposition. In the second debate on taxation policy, Kevin Kallmyer and Matthew Struth from University of Mary Washington defended taxes on bottled water and toilet paper, while their opponents from Howard University, Dominique Scott and Jarred McKee, argued against this proposal. Reflecting on the project, Goodwin noted how the intercollegiate [End Page 106] debaters' ability to act as "honest brokers" in the policy arguments contributed positively to internal EPA deliberation on both issues.52 Davis observed that since the invited debaters "didn't have a dog in the fight," they were able to give voice to previously buried arguments that some EPA subject matter experts felt reticent to elucidate because of their institutional affiliations.53 Such findings are consistent with the views of policy analysts advocating the argumentative turn in policy planning. As Majone claims, "Dialectical confrontation between generalists and experts often succeeds in bringing out unstated assumptions, conflicting interpretations of the facts, and the risks posed by new projects."54 Frank Fischer goes even further in this context, explicitly appropriating rhetorical scholar Charles Willard's concept of argumentative "epistemics" to flesh out his vision for policy studies: Uncovering the epistemic dynamics of public controversies would allow for a more enlightened understanding of what is at stake in a particular dispute, making possible a sophisticated evaluation of the various viewpoints and merits of different policy options. In so doing, the differing, often tacitly held contextual perspectives and values could be juxtaposed; the viewpoints and demands of experts, special interest groups, and the wider public could be directly compared; and the dynamics among the participants could be scrutizined. This would by no means sideline or even exclude scientific assessment; it would only situate it within the framework of a more comprehensive evaluation.55 As Davis notes, institutional constraints present within the EPA communicative milieu can complicate efforts to provide a full airing of all relevant arguments pertaining to a given regulatory issue. Thus, intercollegiate debaters can play key roles in retrieving and amplifying positions that might otherwise remain sedimented in the policy process. The dynamics entailed in this symbiotic relationship are underscored by deliberative planner John Forester, who observes, "If planners and public administrators are to make democratic political debate and argument possible, they will need strategically located allies to avoid being fully thwarted by the characteristic self-protecting behaviors of the planning organizations and bureaucracies within which they work."56 Here, an institution's need for "strategically located allies" to support deliberative practice constitutes the demand for rhetorically informed expertise, setting up what can be considered a demand-driven rhetoric of science. As an instance of rhetoric of science scholarship, this type of "switch-side public [End Page 107] debate"57 differs both from insular contest tournament debating, where the main focus is on the pedagogical benefit for student participants, and first-generation rhetoric of science scholarship, where critics concentrated on unmasking the rhetoricity of scientific artifacts circulating in what many perceived to be purely technical spheres of knowledge production.58 As a form of demand-driven rhetoric of science, switch-side debating connects directly with the communication field's performative tradition of argumentative engagement in public controversy—a different route of theoretical grounding than rhetorical criticism's tendency to locate its foundations in the English field's tradition of literary criticism and textual analysis.59 Given this genealogy, it is not surprising to learn how Davis's response to the EPA's institutional need for rhetorical expertise took the form of a public debate proposal, shaped by Davis's dual background as a practitioner and historian of intercollegiate debate. Davis competed as an undergraduate policy debater for Howard University in the 1970s, and then went on to enjoy substantial success as coach of the Howard team in the new millennium. In an essay reviewing the broad sweep of debating history, Davis notes, "Academic debate began at least 2,400 years ago when the scholar Protagoras of Abdera (481–411 BC), known as the father of debate, conducted debates among his students in Athens."60 As John Poulakos points out, "older" Sophists such as Protagoras taught Greek students the value of dissoi logoi, or pulling apart complex questions by debating two sides of an issue.61 The few surviving fragments of Protagoras's work suggest that his notion of dissoi logoi stood for the principle that "two accounts [logoi] are present about every 'thing,' opposed to each other," and further, that humans could "measure" the relative soundness of knowledge claims by engaging in give-and-take where parties would make the "weaker argument stronger" to activate the generative aspect of rhetorical practice, a key element of the Sophistical tradition.62 Following in Protagoras's wake, Isocrates would complement this centrifugal push with the pull of synerchésthé, a centripetal exercise of "coming together" deliberatively to listen, respond, and form common social bonds.63 Isocrates incorporated Protagorean dissoi logoi into synerchésthé, a broader concept that he used flexibly to express interlocking senses of (1) inquiry, as in groups convening to search for answers to common questions through discussion;64 (2) deliberation, with interlocutors gathering in a political setting to deliberate about proposed courses of action;65 and (3) alliance formation, a form of collective action typical at festivals,66 or in the exchange of pledges that deepen social ties.67 [End Page 108] Returning once again to the Kettering-informed sharp distinction between debate and deliberation, one sees in Isocratic synerchésthé, as well as in the EPA debating initiative, a fusion of debate with deliberative functions. Echoing a theme raised in this essay's earlier discussion of intelligence tradecraft, such a fusion troubles categorical attempts to classify debate and deliberation as fundamentally opposed activities. The significance of such a finding is amplified by the frequency of attempts in the deliberative democracy literature to insist on the theoretical bifurcation of debate and deliberation as an article of theoretical faith. Tandem analysis of the EPA and intelligence community debating initiatives also brings to light dimensions of contrast at the third level of Isocratic synerchésthé, alliance formation. The intelligence community's Analytic Outreach initiative invites largely one-way communication flowing from outside experts into the black box of classified intelligence analysis. On the contrary, the EPA debating program gestures toward a more expansive project of deliberative alliance building. In this vein, Howard University's participation in the 2008 EPA Water Wars debates can be seen as the harbinger of a trend by historically black colleges and universities (HBCUS) to catalyze their debate programs in a strategy that evinces Davis's dual-focus vision. On the one hand, Davis aims to recuperate Wiley College's tradition of competitive excellence in intercollegiate debate, depicted so powerfully in the feature film The Great Debaters, by starting a wave of new debate programs housed in HBCUS across the nation.68 On the other hand, Davis sees potential for these new programs to complement their competitive debate programming with participation in the EPA's public debating initiative. This dual-focus vision recalls Douglas Ehninger's and Wayne Brockriede's vision of "total" debate programs that blend switch-side intercollegiate tournament debating with forms of public debate designed to contribute to wider communities beyond the tournament setting.69 Whereas the political telos animating Davis's dual-focus vision certainly embraces background assumptions that Greene and Hicks would find disconcerting—notions of liberal political agency, the idea of debate using "words as weapons"70—there is little doubt that the project of pursuing environmental protection by tapping the creative energy of HBCU-leveraged dissoi logoi differs significantly from the intelligence community's effort to improve its tradecraft through online digital debate programming. Such difference is especially evident in light of the EPA's commitment to extend debates to public realms, with the attendant possible benefits unpacked by Jane Munksgaard and Damien Pfister: [End Page 109] Having a public debater argue against their convictions, or confess their indecision on a subject and subsequent embrace of argument as a way to seek clarity, could shake up the prevailing view of debate as a war of words. Public uptake of the possibility of switch-sides debate may help lessen the polarization of issues inherent in prevailing debate formats because students are no longer seen as wedded to their arguments. This could transform public debate from a tussle between advocates, with each public debater trying to convince the audience in a Manichean struggle about the truth of their side, to a more inviting exchange focused on the content of the other's argumentation and the process of deliberative exchange.71 Reflection on the EPA debating initiative reveals a striking convergence among (1) the expressed need for dissoi logoi by government agency officials wrestling with the challenges of inverted rhetorical situations, (2) theoretical claims by scholars regarding the centrality of argumentation in the public policy process, and (3) the practical wherewithal of intercollegiate debaters to tailor public switch-side debating performances in specific ways requested by agency collaborators. These points of convergence both underscore previously articulated theoretical assertions regarding the relationship of debate to deliberation, as well as deepen understanding of the political role of deliberation in institutional decision making. But they also suggest how decisions by rhetorical scholars about whether to contribute switch-side debating acumen to meet demand-driven rhetoric of science initiatives ought to involve careful reflection. Such an approach mirrors the way policy planning in the "argumentative turn" is designed to respond to the weaknesses of formal, decisionistic paradigms of policy planning with situated, contingent judgments informed by reflective deliberation.

#### B) Dialogue - Unbridled affirmation makes research impossible and destroys dialogue in debate, making deliberation impossible

Hanghoj 8

http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf¶ Thorkild Hanghøj, Copenhagen, 2008 ¶ Since this PhD project began in 2004, the present author has been affiliated with DREAM (Danish¶ Research Centre on Education and Advanced Media Materials), which is located at the Institute of¶ Literature, Media and Cultural Studies at the University of Southern Denmark. Research visits have¶ taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the¶ Institute of Education at the University of Bristol and the institute formerly known as Learning Lab¶ Denmark at the School of Education, University of Aarhus, where I currently work as an assistant¶ professor.

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

### 1NC

#### The aff can at best only reproduce its own objects of criticism –by ignoring the unconscious all together can we escape repression and avoid the implications of both the aff and our case turns at the same time. The alt is simply to vote negative in favor of ignorance.

**Grace 2000** (Victoria, Professor of Sociology at the University of Canterbury. “Baudrillard’s Challenge: A Feminist Reading.” Publication: London ; New York Routledge, 2000. Page(s) 72-73)

Baudrillard’s point is that in such a society the collective movement of exchanges cannot be understood to be articulated through the Law of the Father, or in terms of the individual psychical reality principle. The very postulation of a modern, private, individualised unconscious fails to become meaningful where no bar splits life from death, subject from object, subject/object from sign. With this western, and modern, exclusion of death in the assertion of the presence of life, of the subject, of consciousness, the unconscious becomes a kind of accumulation of death not exchanged. Furthermore, Baudrillard adds the observation that **desire ‘invests’ the very separation of life and death**. Death becomes the object of a ‘perverse desire’ of a ‘subject’ subjected to the imperatives of a conscious ego.

We can now make more sense of Baudrillard’s rendition of the unconscious as ‘the psychic metaphor of capital’; as capital is the surplus not symbolically exchanged but rendered positive in its cumulative productive logic, so the unconscious is the psychic ‘site’ for the piling up of that which is not reversed, which enables the production of the present but finite subject haunted by its own death. As the strategy of the real flips into the hyperreal, as capital floats free from its anchoring points of reference in use value and some kind of standard of exchange value, as the dialectic implodes and value is coded into the sign in its continually shifting differential relations, Baudrillard ironically notes that Foucault had a point in not wanting to talk of ‘repression’: an anachronistic simulation model, no doubt.

Baudrillard concludes that Foucault’s ‘microphysics of power’ is **best ‘forgotten’**, dropped because it **leads nowhere and is a mere reflection on, or echo of, an ending or a disappearing**. Baudrillard then goes on to speculate on the finality of sexuality – what if it too were disappearing?

While psychoanalysis seemingly inaugurates the millenium [*sic*] of sex and desire, it is perhaps what orchestrates it in full view before it disappears altogether. In a certain way psychoanalysis puts an end to the unconscious and desire, just as Marxism put an end to the class struggle, because it hypostatizes them and buries them in their theoretical project. (FF: 14)

A strategy of the real produces the struggle for liberation; the emancipatory struggles of the repressed, the oppressed, the dominated, exploited, subjugated are inevitably concomitant. But with the end of the dialectic of oppositional forces in the hyperreality of sign value, all ‘values’ are liberated. Those categories excluded from the order of identity through a phallic social ‘politics’ (including, of course, women) are now ‘liberated terms’ no longer subjugated as the necessary ‘other’, assuming their positive identities, which now circulate in their manifold differences. They are ‘liberated’ not in the sense of made free, or emancipated from a position of subjugation within a dialectic of exploitation and oppression, but ‘liberated’ from the structural logic of that very dialectic. Gender/sexual difference becomes a simulation model; a difference no longer to be understood in terms of the grand oppositions but simulated to appear so. As Baudrillard argues in *Symbolic Exchange* *and Death*, power is only absolute if it is able to diffract into various equivalents (SE&D: 69). Even in its totalising singularity, the matrix of sign value is still a binary of 1/0. But it is no longer a model of oppositional struggle; it rather sets up a combinatory of neutral distinctions. The appearance or simulation of an oppositional struggle **strengthens the monopoly**. To make his point, Baudrillard comments on the example of the existence of the *two* towers of the World Trade Centre in New York. Why two? ‘The fact that they are two identical towers “signifies” the end of all competition, the end of every original reference’ (SE&D: 69). Simulation processes dominate, in Baudrillard’s analysis; the simulation of a dominant term.

### Case

#### RHIZOMATIC CRITIQUE PERFORATES ALL DIFFERENCE DESTROYING THE SUBJECT POSITIONS NECESSARY TO DEMOCRATIC POLITICS, TRADES-OFF WITH EFFECTIVE PLACE-BASED POLITICS, AND TURNS THE CASE.

Kogl 2k8

[Alexandra, ProfPoliSci@UNI, PhD UMaryland, strange places, p. 8-9]

Chapter four, "Rhizomes and the Politics of Fixity and Flow," moves on from setting the conceptual and empirical stage to consider recent arguments against a place-based politics and for a rhizomatic politics. The Deleuzian notion of a rhizomatic politics refers to a boundary-crossing politics of alliance and hybridization that undermines dogmatic closures and exclusions. Such a politics is important but the notion of the rhizome can itself support a dogmatic critique of all place-based efforts, even democratic ones, as inherently conservative, even fascistic. When some of the most interesting democratic activities today are movements led by low income people, people of color, and women working to transform the common conditions of citizens' lives in the places where they live, it is a mistake to dismiss a place-based politics out of hand—especially on the basis of ultimately abstract arguments. I suggest that the rhizome is most useful and interesting as a model for a kind of alliance that entails both flows across boundaries and rootedness, whether in particular identities that might merit defense against economic and other pressures, or in literal places that form the basis of ordinary citizens' livelihoods. The rhizome as a model of total flow is limited in its usefulness in that it does not help us to understand how persons form alliances across durable differences. Worse, it may even imply that all durable differences are "dogmatic" and should be perforated by rhizomatic structures. The chapter uses the case of a New Mexico livestock cooperative, Ganados del Valle, as the basis of its two-pronged argument. First, in the absence of equality among parties and true engagement across differences, a rhizomatic alliance can reproduce existing power structures and inequalities. Second, a place-based politics to secure a livelihood and support a distinctive local culture need not be conservative, much less fascistic; it can be linked across boundaries to others engaged in similar efforts in other places; and it can constitute an important means to deepen the efficacy of ordinary people in shaping the common conditions of everyday life.

## 2NC

### 2NC Overview

#### Topical version of the aff is to increase financial incentives for, or remove restrictions on energy production – effective decisionmaking allows these to be effective

Hager 92

Hager, professor of political science – Bryn Mawr College, ‘92

(Carol J., “Democratizing Technology: Citizen & State in West German Energy Politics, 1974-1990” Polity, Vol. 25, No. 1, p. 45-70)

¶ What is the role of the citizen in the modern technological state? As political decisions increasingly involve complex technological choices, does a citizen's ability to participate in decision making diminish? These questions, long a part of theoretical discourse, gained new salience with the rise of grassroots environmental protest in advanced industrial states. In West Germany, where a strong environmental movement arose in the 1970s, protest has centered as much on questions of democracy as it has on public policy. Grassroots groups challenged not only the construction of large technological projects, especially power plants, but also the legitimacy of the bureaucratic institutions which produced those projects.¶ Policy studies generally ignore the legitimation aspects of public policy making.2 A discussion of both dimensions, however, is crucial for understanding the significance of grassroots protest for West German political development in the technological age and for assessing the likely direction of citizen politics in united Germany.¶ In the field of energy politics, West German citizen initiative groups tried to politicize and ultimately to democratize policy making.3 The technicality of the issue was not a barrier to their participation. On the contrary, grassroots groups proved to be able participants in technical energy debate, often proposing innovative solutions to technological problems. Ultimately, however, they wanted not to become an elite of "counterexperts," but to create a political discourse between policy makers and citizens through which the goals of energy policy could be recast and its legitimacy restored. Only a deliberative, expressly democratic form of policy making, they argued, could enjoy the support of the populace. To this end, protest groups developed new, grassroots democratic forms of decision making within their own organizations, which they then tried to transfer to the political system at large. The legacy of grassroots energy protest in West Germany is twofold.¶ First, it produced major substantive changes in public policy. Informed citizen pressure was largely responsible for the introduction of new plant and pollution control technologies. Second, grassroots protest undermined the legitimacy of bureaucratic experts. Yet, an acceptable forum for a broadened political discussion of energy issues has not been found; the energy debate has taken place largely outside the established political institutions. Thus, the legitimation issue remains unresolved. It is likely to reemerge as Germany deals with the problems of the former German Democratic Republic. Nevertheless, an evolving ideology of citizen participationa vision of "technological democracy"-is an important outcome of grassroots action.

### AT Reasonability

#### Reasonability is impossible – it’s arbitrary and undermines research and preparation

Resnick ‘01

Resnick, assistant professor of political science – Yeshiva University, ‘1¶ (Evan, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2)

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

### 2NC Dialogue/Limits

#### C) Echo Chamber DA - This rejection of structured clash makes debate into an echo chamber. This impoverishes their project even if it is right

Talisse 5

Professor of Philosophy @Vandy¶ Robert, Philosophy & Social Criticism, Deliberativist responses to activist challenges, 31(4) p. 429-431

The argument thus far might appear to turn exclusively upon different conceptions of what reasonableness entails. **The deliberativist view** I have sketched hold that reasonableness **involved some degree of** what we may call **epistemic modesty. On this** view, **the reasonable citizen seeks to have her beliefs reflect the best available reasons,** and so she enters into public discourse **as a way of testing her views against the objections** and questions of those who disagree; hence she implicitly hold that **her present view is open to reasonable critique** and that others who hold opposing views may be able to offer justifications for their views that are at least as strong as her reasons for her own. Thus any mode of **politics that presumes that discourse is extraneous to questions of justice and justification is unreasonable**. The activist sees no reason to accept this. Reasonableness **for the activist** consists in the ability to act on reasons that upon due reflection seem adequate to underwrite action; **discussion with those who disagree need not be involved**. **According to the activist,** there are certain cases in which he does in fact know the truth about what justice requires and in which **there is no room for reasoned objection.** Under such conditions, **the deliberativist’s demand for discussion can only obstruct justice; it is therefore irrational**. It may seem that we have reached an impasse. However, there is a further line of criticism that the activist must face. To the activist’s view that at least in certain situations he may reasonably decline to engage with persons he disagrees with (107), the deliberative democrat can raise the phenomenon that Cass Sunstein has called ‘group polarization’ (Sunstein, 2003; 2001A; ch. 3; 2001b: ch. 1). To explain: consider that political **activists cannot eschew deliberation altogether; they often engage in rallies,** demonstrations, teach-ins, workshops, and other activities in which they are called to make public the case for their views. Activists also must engage in deliberation among themselves when deciding strategy. Political movement must be organized, hence those involved must decide upon targets, methods, and tact’s; they must also decide upon the content of their pamphlets and the precise messages they most wish to convey to the press. **Often the audience in both of these deliberative contexts will be a self-selected and sympathetic group of like-minded activists**. **Group polarization** is a well-documented phenomenon that **has ‘been found all over the world** and is many diverse tasks’; it means that ‘members of a deliberating group predictably move towards a more extreme point in the direction indicated by’ predeliberation tendencies’ (Sunstein, 2003: 81-2). Importantly, **in group that ‘engage in repeated discussions’** over time, **the polarization is even more pronounced** (2003: 86). Hence discussion in a small but devoted activist enclave that meets regularly to strategize and protest ‘should produce a situation in which individuals hold positions more extreme than those of an individual member before the series of deliberations began’ (ibid.).17 The fact of group polarization is relevant to our discussion because the activist has proposed that **he may reasonably decline to engage in discussion with those with whom he disagrees** in cases in which the requirement of justice are so clear that he can be confidents that has the truth .Group polarization suggest that even deliberatively confronting those with whom we disagree is essential even we have the truth. **For even if we have the truth, if we do not engage opposing views,** but instead deliberate only with those with whom we agree, our view will shift progressively to a more extreme point, and thus we lose the truth ,In order to avoid polarization, deliberation must take place within heterogeneous ‘argument pools’ (Sunstein, 2003: 93). This of course does not mean that there should be no groups devoted to the achievement of some common political goal; it rather suggest that a engagement with those with whom one disagrees is essential to the proper pursuitof justice. Insofar as the activist denies this, he is unreasonable.

### 2NC Switch Side Good

#### C) Predictable ground – it’s necessary for meaningful switch-side debate – key to progressive politics

English et al 7

(Eric English, Stephen Lano, Gordon Mitchell, University of Pittsburgh communications professor, Catherine Morrison, John Reif, and Carly Woods, Schenley Park Debate Authors Working Group, “Debate as a Weapon of Mass Destruction,” June 2007, Communication and Critical/Cultural Studies, [www.pitt.edu/~gordonm/JPubs/EnglishDAWG.pdf](http://www.pitt.edu/~gordonm/JPubs/EnglishDAWG.pdf%5D), - Kurr)

The problem for Greene and Hicks is that this notion of citizenship becomes tied to a normative conception of American democracy that justifies imperialism. They write, ‘‘The production and management of this field of governance allows liberalism to trade in cultural technologies in the global cosmopolitan marketplace at the same time as it creates a field of intervention to transform and change the world one subject (regime) at a time.’’11 Here, Greene and Hicks argue that this new conception of liberal governance, which epitomizes the ethical citizen as an individual trained in the switch-side technique, serves as a normative tool for judging other polities and justifying forcible regime change. One need look only to the Bush administration’s framing of war as an instrument of democracy promotion to grasp how the switch-side technique can be appropriated as a justification for violence. It is our position, however, that rather than acting as a cultural technology expanding American exceptionalism, switch-side debating originates from a civic attitude that serves as a bulwark against fundamentalism of all stripes. Several prominent voices reshaping the national dialogue on homeland security have come from the academic debate community and draw on its animating spirit of critical inquiry. For example, Georgetown University law professor Neal Katyal served as lead plaintiff’s counsel in Hamdan, which challenged post-9/11 enemy combat definitions.12 The foundation for Katyal’s winning argument in Hamdan was laid some four years before, when he collaborated with former intercollegiate debate champion Laurence Tribe on an influential Yale Law Journal addressing a similar topic.13 Tribe won the National Debate Tournament in 1961 while competing as an undergraduate debater for Harvard University. Thirty years later, Katyal represented Dartmouth College at the same tournament and finished third. The imprint of this debate training is evident in Tribe and Katyal’s contemporary public interventions, which are characterized by meticulous research, sound argumentation, and a staunch commitment to democratic principles. Katyal’s reflection on his early days of debating at Loyola High School in Chicago’s North Shore provides a vivid illustration. ‘‘I came in as a shy freshman with dreams of going to medical school. Then Loyola’s debate team opened my eyes to a different world: one of argumentation and policy.’’ As Katyal recounts, ‘‘the most important preparation for my career came from my experiences as a member of Loyola’s debate team.’’14 The success of former debaters like Katyal, Tribe, and others in challenging the dominant dialogue on homeland security points to the efficacy of academic debate as a training ground for future advocates of progressive change. Moreover, a robust understanding of the switch-side technique and the classical liberalism which underpins it would help prevent misappropriation of the technique to bolster suspect homeland security policies. For buried within an inner-city debater’s files is a secret threat to absolutism: the refusal to be classified as ‘‘with us or against us,’’ the embracing of intellectual experimentation in an age of orthodoxy, and reflexivity in the face of fundamentalism. But by now, the irony of our story should be apparent\*the more effectively academic debating practice can be focused toward these ends, the greater the proclivity of McCarthy’s ideological heirs to brand the activity as a ‘‘weapon of mass destruction.’’

## 1NR

### K

#### Desire does not exist. Vote negative on presumption.

Baudrillard 1990

(Jean, Fatal Strategies. Translated by Philip Beitchman and W.G.J Niesluchowski, Edited by Jim Fleming. Semiotext(e) page(s) 113-114)

**Desire does not exist**; the only desire is to be the destiny of the other, to become for him the event that exceeds all subjectivity, that checks, in its fatal advent, all possible subjectivity, that absolves the subject of its ends, its presence, and of all responsibility to itself and to the world, in a passion that is – finally, definitively – objective.

#### Embracing desire as a productive force fails to achieve the revolutionary potential needed to subvert the inevitability of the current apparatus and its associated implications – ultimately, the aff is a assertion of that same hegemonic rule of causal coordinates the 1ac critiques. Any permutation is merely a mystical residue of the things they hate - Net Benefit calculus in the 1ar will only further prove our point so good luck with that.

**Grace 2000** (Victoria, Professor of Sociology at the University of Canterbury. “Baudrillard’s Challenge: A Feminist Reading.” Publication: London ; New York Routledge, 2000. Page(s) 158)

I indicated at the concluding paragraph of the previous section that it would be useful to return to the question of the paradigm of ‘chance’ to discuss briefly Baudrillard’s critical commentary on Deleuze’s ‘ideal game’ in *Logique du Sens*. It is now possible to see how Baudrillard’s notion of seduction is the point of departure for a critique of the assumptions of both ‘chance’ and ‘desire’. In Deleuze’s ‘ideal game’, these two concepts converge to produce a basis for his **‘nomadic economy of desire’.** In Baudrillard’s view, the attempt to liberate and multiply ‘chance’ as a revolutionary variable **achieves nothing more than reasserting the mirror image of causality**: it assumes that the world is either caused or aleatory. **The hegemonic rule of causality or determinacy** (non-contingency) is, of course, **not subverted** by the assertion of its opposite. Baudrillard condemns the idea that an increased indeterminacy would ‘give rise to the simultaneous play of every series, and, therefore, to the radical expression of becoming and desire’ (SEDN: 144–5). He contests the notion that ‘more’ chance leads to a more intense game, or that greater contingency necessarily provides the basis for a more enlightened view of the world. He notes that many cultures do not have a word or concept that corresponds to ‘chance’, as nothing for them is computed, not even in terms of probabilities. In fact, the more Baudrillard writes about this, the more the idea of an aleatory universe seems repugnant to him: ‘insane’, ‘demented’ (SEDN: 146). The unconditional ‘liberation’ of chance in Deleuze’s framing of a nomadic economy of desire is, in Baudrillard’s analysis, ‘part of the political and mystical economy of residues at work everywhere today, with its structural inversion of weak into strong terms’ (SEDN: 146).

#### The 1AC’s productive release of energy only returns in the end to revitalize the system criticized, for it is the system itself which has produced such concepts – hence, making it impossible to distinguish the capitalist schizzes from the revolutionary. – they fail their prima facie burden - Vote neg on presumption.

**Baudrillard 2002** (Jean, Selected Writings, Section: “Symbolic Exchange and Death.” Page 123)

A dialectic of revolution counterposed the value law of the commodity and equivalence. To the indeterminism of the code and the structural law of value, only the fastidious (*minutieuse)* **reversion of death can respond**. Death should never be interpreted as an actual occurrence **in a subject or a body**, but rather as a form***,* possibly a form of social relation**, where the **determination of the subject and value disappears**. The obligation of reversibility puts an end simultaneously to determinacy and indeterminacy. It puts an end to energies bound in regulated oppositions, and consequently joins the theories of fluxes and intensities, libidinal or schizo. But the release of energy is the actual **form of the present system**, the **strategic floating of value**. The system can be connected and disconnected: all energies released will eventually return to it, because it is the system that has produced the very concept of energy and intensity. **Capital** is an energetic and intense system. Thus it becomes impossible to distinguish (Lyotard) the libidinal economy from the system's economy (that of value). It becomes impossible to distinguish (Deleuze) the capitalist schizzes from the revolutionary schizzes. Because the system is the master: like God, it can bind and unbind energies; but what it cannot do (and also what it cannot escape), is to be reversible. The process of value is irreversible. Only reversibility then, and not release or drift, is fatal to the system. And this is exactly what is meant by the term symbolic "exchange."

In truth, there is nothing left to ground ourselves on. All that is left is theoretical violence. Speculation to the death, whose only method is the radicalization of all hypotheses. Even the code and the symbolic are terms of simulation — it must be possible somehow to retire them, one by one, from discourse.

#### And, there’s no risk of aff offense - The affirmative cannot do anything. All attempts to deterritorialize knowledge are reterritorialized in advance. Proves voting aff for micro political action fails

Mann in 95. Paul. Professor @ Pomona. “Stupid Undergrounds.” Postmodern Culture. May 1995

Intellectual economics guarantees that even the most powerful and challenging work cannot protect itself from the order of fashion. Becoming-fashion, becoming-commodity, becoming-ruin. Such instant, indeed retroactive ruins, are the virtual landscape of the stupid underground. The exits and lines of flight pursued by Deleuze and Guattari are being shut down and rerouted by the very people who would take them most seriously. By now, any given work from the stupid underground's critical apparatus is liable to be tricked out with smooth spaces, war-machines, n - 1s, planes of consistency, plateaus and deterritorializations, strewn about like tattoos on the stupid body without organs. The nomad is already succumbing to the rousseauism and orientalism that were always invested in his figure; whatever Deleuze and Guattari intended for him, he is reduced to being a romantic outlaw, to a position opposite the State, in the sort of dialectical operation Deleuze most despised. And the rhizome is becoming just another stupid subterranean figure. It is perhaps true that Deleuze and Guattari did not adequately protect their thought from this dialectical reconfiguration (one is reminded of Breton's indictment against Rimbaud for not having prevented, in advance, Claudel's recuperation of him as a proper Catholic), but no vigilance would have sufficed in any case. The work of Deleuze and Guattari is evidence that, in real time, virtual models and maps close off the very exits they indicate. The problem is in part that rhizomes, lines of flight, smooth spaces, BwOs, etc., are at one and the same time theoretical-political devices of the highest critical order and merely fantasmatic, delirious, narcissistic models for writing, and thus perhaps an instance of the all-too-proper blurring of the distinction between criticism and fantasy. In Deleuze-speak, the stupid underground would be mapped not as a margin surrounding a fixed point, not as a fixed site determined strictly by its relation or opposition to some more or less hegemonic formation, but as an intensive, n-dimensional intersection of rhizomatic plateaus. Nomadology and rhizomatics conceive such a "space" (if one only had the proverbial nickel for every time that word is used as a critical metaphor, without the slightest reflection on what might be involved in rendering the conceptual in spatial terms) as a liquid, colloidal suspension, often retrievable by one or another techno-metaphorical zoning (e.g., "cyberspace"). What is at stake, however, is not only the topological verisimilitude of the model but the fantastic possibility of nonlinear passage, of multiple simultaneous accesses and exits, of infinite fractal lines occupying finite social space. In the strictest sense, stupid philosophy. Nomad thought is prosthetic, the experience of virtual exhilaration in modalities already mapped and dominated by nomad, rhizomatic capital (the political philosophy of the stupid underground: capital is more radical than any of its critiques, but one can always pretend otherwise). It is this very fantasy, this very narcissistic wish to see oneself projected past the frontier into new spaces, that abandons one to this economy, that seals these spaces within an order of critical fantasy that has long since been overdeveloped, entirely reterritorialized in advance. To pursue nomadology or rhizomatics as such is already to have lost the game. Nothing is more crucial to philosophy than escaping the dialectic and no project is more hopeless; the stupid-critical underground is the curved space in which this opposition turns back on itself. It is not yet time to abandon work that so deeply challenges our intellectual habits as does that of Deleuze and Guattari, and yet, before it has even been comprehended, in the very process of its comprehension, its fate seems secure. One pursues it and knows that the pursuit will prove futile; that every application of these new topologies will only serve to render them more pointless. The stupid optimism of every work that takes up these figures is, by itself, the means of that futility and that immanent obsolescence. One must pursue it still.

# Round 4 v UCO BY

## 1NC

### T

#### Interpretation – Restrictions on production must mandate a decrease in the quantity produced. Aff only reduces a regulation on production.

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.

#### Voting issue -

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

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.

#### 2. Precision – A distinction between regulation and restrictions is key – critical 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."

### PIC

#### Text- The United States federal government should extend eligibility for wind power Tribal Energy Resource Agreements to tribal energy resource development organizations composed of Native American tribes and waive tribal environmental review requirements for wind power production under the Indian Tribal Energy Development and Self-Determination Act of 2005.

#### Counterplan competes- it doesn’t capitalize the term “federal government”

#### Capitalizing the term “federal government” creates tacit acceptance of state power

Lock 02

[Neil, “State Your Terms!”]

In English, capital letters are not normally used for nouns, except for proper names and for the first word of a sentence. However, it is conventional to use capital letters for the names of establishment institutions and personages. Examples of such words are government, king, parliament, president, state, church, pope. To dignify these words with capital letters – Government, President, State, Church, for example – gives to the reader an almost subliminal message of power, respect and even reverence. But, as historians and lovers of freedom know, many of these organisations and individuals have shown, by their actions, that they are not worthy of any such respect or reverence.

#### And capitalization empowers state bureaucracy

Parkinson 03

[Rob Parkinson has 35 years of experience in management communications — gained as a consultant, an instructor, a manager, an editor and a writer in both government and the private sector. He has specialized in briefings for senior executives for 15 years, including six years as the editor for the Deputy Minister of Natural Resources, Government of Canada. In that capacity, he designed departmental standards for executive documents that brought about dramatic improvements in the quality of briefing material prepared for the Minister and the Deputy Minister. M.B.A from the University of Ottowa. “Writing for Results”]

We often overuse capitals — sometimes out of fear of offending important people, sometimes to show that a certain word is important to us. However, overuse of capitals, particularly when addressing outside readers, can convey the image of a bureaucracy that is overawed by its own concepts and processes.

#### STRONG STATE BUREAUCRACY MAKES GENOCIDE AND WAR INEVITABLE

Martin 90

[Brian Martin, associate professor in [Science, Technology and Society](http://www.uow.edu.au/arts/ssmac/sts/index.html) at the University of Wollongong, UPROOTING THE WAR SYSTEM,, <http://www.uow.edu.au/arts/sts/bmartin/pubs/90uw/uw07.html>)]

Is the state system really so bad? War is the most obvious indictment of the system, and this alone should be enough to justify questioning the state. As wars have become more destructive, there is no sign that any steps to re-examine or transform the state system are being taken by state elites. This should not be surprising. War is not simply a by-product of the state system, to be moderated and regulated when it becomes too dangerous to populations. Rather, war is part and parcel of the state system, so the destructiveness of war makes little difference. State elites (and many others) see the world as a state-structured world, and all action is premised on this perspective. War is the external manifestation of state violence. Political repression is its internal form. Political freedoms are not only at a premium under military dictatorships and state socialism, but are also precarious in the representative democracies, especially in relation to 'national security.' One of the most telling indictments of the state system is found in Leo Kuper's book *Genocide*. Kuper documents the most horrific exterminations in this century, including the killing of the Jews by the Nazis, the massacre of the Bangladeshis by the Pakistan army in 1971 and the extermination in Cambodia beginning in 1975. What is damning of the state system is the reluctance of governments (and of that assemblage of state actors, the United Nations) to intervene against even the most well documented genocidal killing. The reason for this reluctance is the concern for the autonomy of the state. In short, maintaining the 'integrity' of the state system is more important for state elites than intervening against genocide. There are many other social problems caused, sustained or aggravated by the state, including suppression of dissent, state support for corporate elites, and the activities of spy agencies and secret police. These problems stem essentially from the system of unequal power and privilege which the state both is part of and sustains. The state is not the only way to embody and sustain unequal power and privilege: it is a particular way involving bureaucracies for administration and military forces for defending against external and internal enemies.

**Immigration**

**Will Pass- conditions and momentum**

**CQ Weekly 2-11**

“The Political Imperative of Immigration Reform,” via CQ Electronic Library

Barely a week after Election Day, President Barack Obama started ramping up his public comments about immigration. “I’m very confident that we can get immigration reform done,” he said Nov. 14, mindful that he owed his re-election in part to a lopsided 3-to-1 advantage among Latino voters. “We need to seize the moment.”¶ Senate Majority Leader Harry Reid of Nevada had set the stage a few days earlier, saying immigration legislation is “very, very high on my list” of priorities for the 113th Congress.¶ Longtime observers of the issue might be forgiven for taking this fresh enthusiasm with a grain of salt. After all, Obama hadn’t fulfilled an earlier promise to guide an immigration overhaul within the first year of his first term. Then, in late 2010, when Democrats controlled both chambers of Congress, a bill to grant citizenship to the children of illegal immigrants collapsed in the Senate.¶ Many assumed the issue would go into hibernation until the political landscape smoothed out, but last fall’s election results gave new immediacy to the effort for both parties. **Immigration**, one of Washington’s most intractable policy disputes, now **looks to be on the front burner** for the immediate future.¶ Republicans have hinted since the election that they are ready to shift their focus away from enforcement and border security. A bipartisan group of eight senators on Jan. 28 released the outlines of a comprehensive immigrationoverhaul that calls for giving undocumented immigrants a path to citizenship, the holy grail for immigrant advocates. A similar House group is working on a framework that has yet to be unveiled. Obama, who outlined his own principles on the issue Jan. 29, is expected to dwell on the topic in his State of the Union speech Tuesday.¶ While **the possibility certainly exi**sts that this **latest effort could fall apart, the stars seem to be aligned for getting some kind of immigration overhaul through Congress this year**. What that legislation will look like, of course, remains to be seen.¶ Although the election results are the main catalyst driving the initiative, **a number** **of** other **factors** that **have quietly come into play might ease the path for a bill. These include a drop in net inflows of immigrants, stronger border enforcement, a relatively strong economic rebound in Mexico and blowback from punitive state immigration laws**. Combined, these events have helped to lower the temperature around the issue and paved the way — at least for now — for level-headed talks on Capitol Hill.¶ “All of these things have coincided and do create a moment where there really is an opportunity to step back and recognize that we have an immigration law that is not suited to the country’s needs,” says Doris Meissner, a commissioner of the Immigration and Naturalization Service under President Bill Clinton who now works as a senior fellow at the Migration Policy Institute.¶ These days, Illinois Democratic Rep. Luis V. Gutierrez, one of the most outspoken immigration advocates in Congress, can barely contain his excitement. “**The momentum gives me a great sense of optimism,”** Gutierrez said recently. “**People in both parties are fighting to be at the negotiating table, and I think we will get legislation passed and signed by the president this year**.”

**Obama popularity Key**

**LA Times 2-4**

“Obama Takes Second Term Agenda to the Campaign Trail,” <http://www.latimes.com/news/nationworld/nation/la-na-obama-20130204,0,3889723.story>

Fresh off his first inauguration, **Obama spent his political capital diving into healthcare** reform**, a bruising effort that took more than a year. His efforts to negotiate a far-reaching budget deal** with the House speaker **yielded nothing**. **But when he took to the road, he was able to win an extension of the payroll tax break and lower interest rates on** federal student **loans**.¶ "**They're making up for a major error of the first term, that he didn't use the bully pulpit as effectively to set the national debate," said** Allan **Lichtman, a presidential historian at American** University. "He let a lot of the healthcare debate take place in Congress, so you had Congress setting the terms."¶ "In the second term, **if he's going to get anything done, he has to get the public behind him,"** Lichtman continued. "Congress operates on fear and greed**. The only way you get Congress to work with him is if they believe he has a big public movement behind him**."¶ The president's approval ratings have risen in the four months since his reelection, but it's too soon to see whether he's boosted support for his signature issues. Obama has seized on issues that already have solid public support.¶ Whether a president has the power to generate a tide of public sentiment remains a matter of debate among political scientists and historians. Historians periodically examine whether President Reagan brought about a revolution in American politics or was the beneficiary of one already underway.¶ George C. Edwards III, a presidential scholar and political scientist at Texas A&M University, studied hundreds of polls on presidents and concluded that even the most accomplished orators usually failed to win public support for their top initiatives.¶ Despite Reagan's opposition to spending on social programs, for instance, public support for them rose during his tenure. Still, Rea**gan persuaded Democrats to pass his bills to cut taxes in 1981 and 1986, which some see as clear evidence that his skillful public diplomacy had an effect on his negotiations with Congress.**¶ "Ronald Reagan was the great communicator because he was very powerful in selling ideas that people thought were crazy," Lichtman said. "**Who would have thought an across-the-board tax cut would be adopted when it was? It was the persuasiveness of Ronald Reagan, talking about getting the government off your back**."¶ With Obama, though, his opponents do not seem worried about the effect of his words, however eloquently delivered.

#### Removing the environmental review is unpopular

Anderson 05

[Scot W., Davis Graham & Stubbs LLP. “THE INDIAN TRIBAL ENERGY DEVELOPMENT AND ¶ SELF-DETERMINATION ACT OF 2005: ¶ OPPORTUNITIES FOR COOPERATIVE VENTURES” Rocky Mountain Mineral Law Institute ¶ Special Institute: Natural Resource Development in Indian Country. <http://www.dgslaw.com/images/materials/670412.pdf>]

Environmental Review by TERA Tribes¶ Some environmental groups have expressed concern that the TERA process will truncate ¶ review under the National Environmental Policy Act (NEPA).¶ 33¶ The National Resources ¶ Defense Council, for example, testified that Title V of the Energy Policy Act ¶ could remove the application of federal laws, such as NEPA and ¶ the National Historic Preservation Act, from energy development ¶ decisions on tribal lands. The bill affects land both on and off ¶ reservation. It provides that once the Secretary of the Interior ¶ approves a tribal energy resource agreement providing a process ¶ for making energy development decisions, individual energy ¶ projects would proceed without federal approval. Since no federal ¶ action would occur, the existing guarantees of environmental ¶ review and public participation under NEPA would be lost. ¶ Concerned tribal community members and communities adjacent ¶ to the project would lose the mechanism that they have now to ¶ make their voices heard.¶ 34 NEPA, of course, applies to major federal actions, and a decision made solely by a tribe has no ¶ “federal handle,”¶ 35¶ and therefore is not subject to NEPA.¶ 36¶ The relationship between tribal ¶ approvals under a TERA and NEPA was a consistent theme in Congressional debates during the ¶ development of Title V.¶ 37¶ Consequently, Congress added a tribal environmental review process ¶ to the TERA.¶ 38

**Reform key to remittances**

**Oppenheimer 1/19**

Oppenheimer, writer for the Miami Herald, 1/19/2013¶ (Andres, “Andres Oppenheimer: Obama may help Latin America - without trying,” <http://www.miamiherald.com/2013/01/19/3189668/obama-may-help-latin-america-without.html#storylink=cpy>)

Let’s start with the obvious: Obama doesn’t have a history of special interest in Latin America.¶ When I interviewed him for the first time in 2007, he had never set foot in the region. And during his first term, unlike most of his predecessors, he didn’t come up with any grand plan for Latin America — granted, he had to focus on resurrecting the U.S. economy — and instead stated that his top foreign policy priority is Asia’s Pacific rim.¶ Still, he may end up being great for Latin America, for reasons that have very little to do with Latin America.¶ First, there are better-than-even chances that — emboldened by his 71-27 victory margin among Latino voters in the 2012 elections — Obama will be able to pass an immigration reform plan that could legalize many of the estimated 11 million undocumented residents in the United States.¶ That would be a godsend to the economies of Mexico, Central America, the Caribbean, Colombia and Ecuador. **Most experts agree that once undocumented workers get legal status**, **they get better jobs and can send more money to their relatives back home**.

**Remittances key to global microcredit diffusion**

**Giuliano 6**

**Giuliano**, Asst Professor Economics – UCLA, fellow – NBER and IZA, **‘6**¶ (Paola, “Remittances, Financial Development, and Growth,” Institute for the Study of Labor, IZA Discussion Paper No. 2160)¶ [footnote 3 included]

The relationship between remittances, financial development and growth is a-priori ambiguous. On one hand, well-functioning financial markets, by lowering costs of conducting transactions, may help direct remittances to projects that yield the highest return and therefore enhance growth rates. On the other hand, **remittances might become a substitute for inefficient or nonexistent credit markets by helping local entrepreneurs bypass lack of collateral or high lending costs and start productive activities**.3 ¶ [footnote 3 begins]¶ **Entrepreneurs in developing countries confront** much **less efficient credit markets, and available evidence indicates that access to credit is among their biggest concerns** (Paulson and Towsend, 2000). Several recent papers also suggest that **credit constraints play an especially critical role in determining growth prospects** in economies characterized by a high level of income inequality (Banerjee and Newman, 1993; Aghion and Bolton, 1997; Aghion, Caroli and Garcia Penalosa, 1999)¶ [footnote 3 ends]¶ The **empirical analysis finds strong evidence that** the second channel works: **remittances boost** growth in countries with **less developed financial systems by providing an alternative way to finance investment and helping overcome liquidity constraint.** In contrast, while more developed financial systems seems to attract more remittances (the volumes of remittance inflows increase with lower transaction costs and fewer restrictions on payments), they do not seem to magnify their growth impact.¶ Although this mechanism has not been studied in a macro context, **there is** some **evidence at the micro-level.** Dustmann and Kirchamp (2001) find that the savings of returning migrants may be an important source of startup capital for microenterprises. Similarly, in a study of 30 communities in West-Central Mexico, **Massey and Parrado** (1998) **conclude** that **earnings from work in the United States provided an important source of startup capital in 21% of** the **new business formations. Woodruff and Zenteno** (2001) also **find that remittances are responsible for** almost 20**% of the capital invested in microenterprises throughout** urban **Mexico.**

**Key to climate adaptation**

**Carraro 10**

Carraro, OECD Environment Directorate, ‘10¶ (Maëlis, “Assessing the role of microfinance in fostering adaptation to climate change”, OECD Environmental Working Paper No. 15)

**Core elements of microfinance**, a priori, **make it attractive for facilitating adaptation** by the poor ¶ **Microfinance provides access to basic financial services** to the poor. Through small loans with compulsory, frequent repayments to groups or individuals, **microfinance helps the poor build up** their **assets**, establish or develop a business, **and protect against risks.** Microfinance institutions (MFIs) are now spread all over the world (including in developed countries), and count over 100 million of the world’s poor among their clients. Almost 90% of the clients of MFIs are women. The scope of microfinance services, meanwhile, not only includes the provision of credit for income generation, but also savings, insurance, money transfer, and educational and health loans. Many MFI’s also provide “credit plus” complementary services such as skills education and training, health and nutrition workshops, and advice on agricultural practices. ¶ These **elements of microfinance make it an attractive vehicle for** facilitating **adaptation. MFI’s** already **have pre-existing networks of access to the poor** – especially women – **who are** also **particularly vulnerable to climate change. Meanwhile, the nature of microfinance lending**, consisting of high volume, limited value loans, **is** also **consistent with** the fundamental nature of a majority of **adaptation actions that will** ultimately **consist of** thousands of **decentralised actions by individuals, households and communities, as they** continuously seek to **internalise climate risks** in their activities. ¶ Despite its theoretical potential, very little is actually known about how microfinance interacts with adaptation in practice ¶ Through the provision of credit and other financial services **microfinance helps the poor develop alternate livelihood opportunities, build assets and spread risks. These actions would** also – in most cases -**automatically reduce vulnerability to climate risk even if there is no explicit consideration of such risks.** From this perspective climate change might simply be one more reason to scale up microfinance. However, what is perhaps more critical from an adaptation perspective are more specific issues like how **microfinance could be tapped for more targeted climate risk reduction and adaptation, for building adaptive capacity** for climate change, and for reducing incentives for *mal*-adaptation. Very little is currently known about these latter, more specific, linkages which can only be examined through detailed analysis of actual microfinance portfolios in regions that are also particularly vulnerable to the impacts of climate change. The **analysis of Bangladesh and Nepal** in this report **has been undertaken within this context.** Not only are the two countries particularly vulnerable to the impacts of climate change, but they also have a vibrant microfinance industry to make such an examination possible. ¶ Empirical analysis of existing portfolios in Bangladesh and Nepal reveals that close overlaps already exist between ongoing microfinanced activities and key climate change vulnerabilities ¶ Analyses of existing microfinance portfolios of the 22 leading MFIs each in Bangladesh and Nepal reveal that **many existing projects are already directed at sectors and activities that would** also **be vulnerable to climate change. This overlap is** particularly **strong** for Bangladesh **where agriculture, disaster relief and preparedness, and water and sanitation** – which are all particularly affected by climate change – **constitute** almost 70% of the **existing microfinance portfolio**. For Nepal, meanwhile, the degree of overlap between the orientation of existing microfinance programs and climate change vulnerabilities is more limited. The dominant climate change risk in Nepal is in water resources and hydropower, whereas the related category of microfinance programs, water and sanitation, is a relatively small part of the overall portfolio. Collectively, the programs related to water, agriculture, health, and disasters (which are all vulnerable to climate change) constitute slightly less than 47% of the existing portfolio. However, even if programmatic priorities are closely intertwined with sectors and activities that might be vulnerable to climate change, not all microfinance activities within these areas might be relevant for adaptation. A more in-depth analysis of specific loan programs and projects is therefore required for this purpose.¶ Microfinance is already promoting some adaptation to reduce vulnerability to current climate risks in these countries and, in some isolated cases, also to climate change ¶ A more detailed analysis of the credit programs and projects reveals that **a number of existing microfinance lending programs and projects already offer adaptation “win-wins”.** In fact, 43% of the portfolio that was examined in Bangladesh and 37% in Nepal could be classified as win-wins1, i.e. synergistic with adaptation. **These include**, for example, **lending programs that support disaster relief and preparedness, crop diversification, improving access to irrigation, and provision of better sanitation facilities** that reduce the risks of water borne diseases. They also include at least a few programs that go beyond coping or adapting to current climate risks. For example, lending programs to support construction of weather resistant housing or the adoption of drought and salt tolerant seeds in Bangladesh would also theoretically facilitate adaptation to longer term climate change. These latter examples, however, remain isolated at this stage in the case of Bangladesh, and absent almost entirely in Nepal.

**Solves extinction from inevitable warming**

**Romero, 8**

[Purple, reporter for ABS-CBN news, 05/17/2008, Climate change and human extinction--are you ready to be fossilized? <http://www.abs-cbnnews.com/nation/05/16/08/climate-change-and-human-extinction-are-you-ready-be-fossilized>

**Climate change killed the dinosaurs**. Will it kill us as well? Will we let it destroy the human race? This was the grim, depressing message that hung in the background of the Climate Change Forum hosted on Friday by the Philippine National Red Cross at the Manila Hotel. "Not one dinosaur is alive today. **Maybe someday it will be our fossils that another race will dig up in the future**, " said Roger Bracke of the International Federation of Red Cross and Red Crescent Societies, underscoring his point that **no less than extinction is faced by the human race**, **unless we are able to address global warming** and climate change in this generation. Bracke, however, countered the pessimistic mood of the day by saying that **the human race still has an opportunity to save itself**. This more hopeful view was also presented by the four other speakers in the forum. Bracke pointed out that all peoples of **the world must be involved in** two types of response to the threat of climate change: mitigation and **adaptation. "Prevention" is no longer possible**, according to Bracke and the other experts at the forum, **since climate change is already happening.** Last chance The forum's **speakers** all **noted** **the increasing number and intensity of devastating typhoons**--most recently cyclone Nargis in Myanmar, which killed more than 100,000 people--**as evidence that the world's climatic and weather conditions are turning deadly because of climate change.** They also reminded the audience that deadly typhoons have also hit the Philippines recently, particularly Milenyo and Reming, which left hundreds of thousands of Filipino families homeless. World Wildlife Fund Climate and Energy Program head Naderev Saño said that "**this generation the last chance for the human race" to do something and ensure that humanity stays alive in this planet.** According to Saño, while most members of our generation will be dead by the time the worst effects of climate change are felt, our children will be the ones to suffer. How will Filipinos survive climate change? Well, first of all, they have to be made aware that climate change is a problem that threatens their lives. The easiest way to do this – as former Consultant for the Secretariats of the UN Convention on Climate Change Dr. Pak Sum Low told abs-cbnews.com/Newsbreak – is to particularize the disasters that it could cause. Talking in the language of destruction, Pak and other experts paint this portrait of a Philippines hit by climate change: increased typhoons in Visayas, drought in Mindanao, destroyed agricultural areas in Pampanga, and higher incidence rates of dengue and malaria. Sañom said that as polar ice caps melt due to global warming, sea levels will rise, endangering coastal and low-lying areas like Manila. He said Manila Bay would experience a sea level increase of 72 meters over 20 years. This means that from Pampanga to Nueva Ecija, farms and fishponds would be in danger of being would be inundated in saltwater. Sañom added that Albay, which has been marked as a vulnerable area to typhoons, would be the top province at risk. Sañom also pointed out that extreme weather conditions arising from climate change, including typhoons and severe droughts, would have social, economic and political consequences: Ruined farmlands and fishponds would hamper crop growth and reduce food sources, typhoons would displace people, cause diseases, and limit actions in education and employment. Thus, Saño said, while environmental protection should remain at the top of the agenda in fighting climate change, solutions to the phenomenon "must also be economic, social, moral and political." Mitigation Joyceline Goco, Climate Change Coordinator of the Environment Management Bureau of the Department of Environment and Natural Resources, focused her lecture on the programs Philippine government is implementing in order to mitigate the effects of climate change. Goco said that the Philippines is already a signatory to global agreements calling for a reduction in the "greenhouse gasses"--mostly carbon dioxide, chloroflourocarbons and methane--that are responsible for trapping heat inside the planet and raising global temperatures. Goco said the DENR, which is tasked to oversee and activate the Clean Development Mechanism, has registered projects which would reduce methane and carbon dioxide. These projects include landfill and electricity generation initiatives. She also said that the government is also looking at alternative fuel sources in order do reduce the country's dependence on the burning of fossil fuels--oil--which are known culprits behind global warming. Bracke however said that mitigation is not enough. "The ongoing debate about mitigation of climate change effects is highly technical. It involves making fundamental changes in the policies of governments, making costly changes in how industry operates. All of this takes time and, frankly, we're not even sure if such mitigation efforts will be successful. In the meantime, while the debate goes on, the **effects of climate change are already happening to us**." Adaptation **A few nations and communities have already begun adapting their lifestyles to cope with the effects of climate change. In Bangladesh, farmers have switched to raising ducks** instead of chickens because the latter easily succumb to weather disturbances and immediate effects, such as floods. **In Norway, houses with elevated foundations have been constructed** to decrease displacement due to typhoons. In the Philippines main body for fighting climate change, the Presidential Task Force on Climate Change, (PTFCC) headed by Department on Energy Sec. Angelo Reyes, has identified emission reduction measures and has looked into what fuel mix could be both environment and economic friendly. The Department of Health has started work with the World Health Organization in strengthening its surveillance mechanisms for health services. However**, bringing information** hatched from PTFCC’s studies down **to** and **crafting an action plan for adaptation** with the communities in the barangay level **remains a challenge.** Bracke said that the Red Cross is already at the forefront of efforts to prepare for disasters related to climate change. He pointed out that since the Red Cross was founded in 1919, it has already been helping people beset by natural disasters. "The problems resulting from climate change are not new to the Red Cross. The Red Cross has been facing those challenges for a long time. However, the frequency and magnitude of those problems are unprecedented. This is why the Red Cross can no longer face these problems alone," he said. Using a medieval analogy, Bracke said that the Red Cross can no longer be a "knight in shining armor rescuing a damsel in distress" whenever disaster strikes. He said that disaster preparedness in the face of climate change has to involve people at the grassroots level. "The role of the Red Cross in the era of climate change will be less as a direct actor and increase as a trainor and guide to other partners who will help us adapt to climate change and respond to disasters," said Bracke. PNRC chairman and Senator Richard Gordon gave a picture of how the PNRC plans to take climate change response to the grassroots level, through its project, dubbed "Red Cross 143". Gordon explained how Red Cross 143 will train forty-four volunteers from each community at a barangay level. These volunteers will have training in leading communities in disaster response. Red Cross 143 volunteers will rely on information technology like cellular phones to alert the PNRC about disasters in their localities, mobilize people for evacuation, and lead efforts to get health care, emergency supplies, rescue efforts, etc.

### 1NC- TERA CounterPlan

#### CP Text:

#### The United States federal government should:

#### - should extend eligibility for wind power Tribal Energy Resource Agreements to tribal energy resource development organizations composed of Native American tribes

#### · Reinstate federal liability in Tribal Energy Resource Agreements.

#### · Allow identification and incorporation of environmental mitigation measures at the discretion of individuals entering into Tribal Energy Resource Agreements.

#### · Acknowledge successful Public Law 638 compacts and contracts as equivalent to demonstrated capacity.

#### · Stream-line approval of Tribal Energy Resource Agreements and automatically approve Tribal Energy Resource Agreement proposals pending 271 days if inaction is taken on behalf of the Secretary of the Interior.

#### Changing the Secretary’s approval process solves the whole case—spurs wind development and balances self-determination with the trust doctrine

**Royster**, Co-Director – Native American Law Center @ University of Tulsa, **‘12**

(Judith V., “Tribal Energy Development: Renewables and the Problem of the Current Statutory Structures,” March, 31 Stan. Envtl. L.J. 91)

Nonetheless, there are steps that can be taken to tighten up the approval process and make it friendlier to renewable energy development. The **two amendments** to the IMDA **proposed here** [\*133] would provide that the Secretary's failure to act within the time allotted constitutes approval, and that in determining whether a minerals agreement is in the tribe's best interest, the Secretary will defer to the tribe's decision.¶ Under the IMDA, the Secretary has 180 days to approve or disapprove a minerals agreement, or 60 days after compliance with the National Environmental Policy Act (NEPA), whichever is later. n189 The statute specifically provides that the Secretary's failure to meet the deadline is enforceable by a mandamus action in federal court. n190 Making the Secretary's deadline mandatory is useful, but authorizing enforcement by court action is not. Civil suits proceed slowly through the federal courts, and it is unlikely that a writ of mandamus would be issued before the Secretary reached a decision on the minerals agreement. Waiting two years for the court's decision is no better than waiting two years for the Secretary's.¶ A better approach would borrow from the proposed statutory amendments to the TERA process. The proposed TERA amendments would replace a provision giving the Secretary 270 days to approve a TERA, with a provision that 271 days after the tribe submits its TERA application, the TERA "shall" become effective if the Secretary has not disapproved it. n191 A similar amendment to the IMDA could provide that 181 days after the tribe submits a proposed minerals agreement, or 61 days after compliance with NEPA, whichever is later, the agreement "shall" take effect if the Secretary has not disapproved it or has not provided the tribe with written findings of the intent to approve or disapprove the agreement. n192 As with the proposed TERA [\*134] amendment, this would put substantial additional pressure on the Department of the Interior to act quickly. But the benefit to tribes of knowing whether their minerals agreements have been approved, and being able to implement their agreements within a reasonable time, outweigh those concerns.¶ The second way to streamline the approval process for renewable energy resources is to address the substance of the Secretary's **review of mineral agreements.** The IMDA provides that the Secretary must determine whether a proposed agreement "is in the best interest of the Indian tribe." n193 In so doing, the Secretary "shall consider, among other things, the potential economic return to the tribe; the potential environmental, social, and cultural effects on the tribe; and provisions for resolving disputes that may arise between the parties to the agreement." n194 The statute expressly provides, however, that the Secretary is not responsible for preparing any studies regarding "environmental, socioeconomic, or cultural effects" other than the environmental studies required by NEPA. n195¶ The regulations, on the other hand, require that the Secretary determine both that the minerals agreement is in the tribe's best interest and that any adverse cultural, social, or environmental impacts do not outweigh the benefits of the agreement. n196 The "best interest" standard is further defined as requiring "the Secretary [to] consider any relevant factor, including, but not limited to: economic considerations, such as date of lease or minerals agreement expiration; probable financial effects on the Indian mineral owner; need for change in the terms of the existing minerals agreement; marketability of mineral products; and potential environmental, social and cultural effects." n197 The regulations further specify that the "best interest" standard is based on information supplied by the parties "and any other [\*135] information considered relevant by the Secretary." n198 That information may include comparisons to other contracts or offers for similar resources, "insofar as that information is readily available." n199¶ These standards, derived from judicial determinations that the Secretary must consider all relevant factors in reviewing mineral leases under the IMLA, n200 place considerable decision-making power with the Secretary. During the rulemaking process, in fact, the Department of the Interior rejected a commenter's suggestion that minerals agreements should be approved if the agreements were in compliance with law. The Department noted that the law itself "allows the Secretary the discretion to weigh relevant factors and requires the Secretary to make, on the basis of the Secretary's judgement, a best interest determination." n201¶ At the time the IMDA was enacted in 1982, federal Indian policy had only recently focused on tribal self-determination, n202 and Indian tribes were still emerging from the uncertainties and destruction of the termination era. n203 The Department of the Interior had experience with considering all relevant factors in the approval of IMLA leases, and carried that standard into the new world of minerals agreements. It took twelve years for the Department to issue IMDA regulations, but the regulations again reflected the central role of the Secretary and the importance of the Secretary's judgment call. In the 1980s and even early 1990s, the Secretary's stringent oversight may have been justified by the imbalance of knowledge and bargaining power between tribes and energy companies.¶ But nearly twenty years have passed since the regulations were [\*136] promulgated in 1994. Indian tribes have thirty years of experience with IMDA minerals agreements, and many of the energy tribes have become sophisticated negotiators of development deals. Certainly tribes are the best determiners of cultural and social impacts, and often of the economic impacts as well. In light of those factors, the **standards for approval** of IMDA agreements are due for amendment.¶ Amending the statute itself to revisit the appropriate factors may be the best choice, **but a simpler** and perhaps **quicker fix is** also **available.** The Department could amend the regulations to reflect modern realities. Similar to the best interests determination in the regulations for agricultural and other surface leases, the IMDA regulations could provide that in reviewing an IMDA minerals agreement, the Secretary will defer to the tribe's determination that the agreement is in its best interest, **to the maximum extent possible.** n204 Although the conditional "maximum extent possible" language preserves the Secretary's ultimate authority under the statute, the regulation would ensure that the Secretary will undertake the minerals agreement review process with **due respect for the tribe's decision.** **Even if** a deferential review is current practice, embedding it in the regulations **strengthens the tribe's role in the decision making process.**¶VII. Conclusion¶ Renewable energy resources are taking on increased importance for tribal economies. While these resources are abundant in Indian country, the federal statutory authority for their development is dispersed and often problematic. Mineral development statutes may or may not apply; other statutes not originally intended for energy development fill the gap, but generally confine tribes to a passive role in renewables development. The recent energy statute solves many of the problems with the other approaches, but creates a process that is [\*137] complex and expensive enough to discourage most tribes from using it. Recent bills would tweak the energy statute and propose broader leasing authority, but none addresses the overarching problem of providing tribes with a way to take an active role in the development of renewable resources without undue expense or federal oversight.¶ The amendments to the IMDA and its regulations proposed here also do not solve that overarching problem entirely. They are intended to suggest **steps in the direction of greater tribal self-determination** in renewable energy development. They would free tribes to **take more active roles** in renewable energy projects, while preserving tribes' ability to use the variety of other available statutory approaches. And they would rein in the secretarial approval power by providing that federal inaction benefits the tribes and by reframing the best interests analysis. Under these proposals, Indian tribes could more easily develop their renewable energy resources, and do so with **more direct say** in the development itself.

#### Weakened environmental review causes exploitation by companies interested in profiting from native renewable resources

Land Letter, 5

(New federal law encourages tapping of Indian resources, 12/1, Lexis)¶ April Reese, Land Letter Southwest reporter

A set of provisions in the new federal energy law aimed at making it easier to tap Indian Country's vast resources has received mixed reviews from native interests, with supporters convinced the measure will boost tribal economies and strengthen sovereignty and **critics warning it will open tribes to exploitation by outside companies**. The Indian Tribal Energy Development and Self-Determination Act, tucked into the 1,700-page Energy Policy Act of 2005 that was signed into law by President Bush in August, allows tribes to develop and regulate their energy resources under reduced supervision from the federal government. The first tribally owned, large-scale wind turbine in Indian Country was erected in 2003. Tribes can choose to forego the National Environmental Policy Act if the Interior Department approves a "tribal energy resource agreement," which would govern leases, rights-of-way and business arrangements. The new law also authorizes tribes to receive Energy Department grants formerly offered only to states for the development of energy projects and creates an Office of Indian Energy Policy within DOE. Supporters of the measure, which was proposed by members of the Council of Energy Resource Tribes (CERT), say it will help tribes meet growing demand for energy both on and off the reservation. "Indian lands represent tremendous potential for economic advancement for the tribes that want to use those resources and develop them, and they represent an important energy supply to the rest of the country," said David Lester, executive director of CERT, adding that tribes can provide "far more" energy than the Arctic National Wildlife Refuge holds. Tribal populations are growing twice as fast as the general U.S. population and tribal economies are growing three times as fast as the national economy, Lester said. With almost all of the 562 federally recognized Indian tribes harboring some kind of energy resource, from wind, solar and biomass to coal and natural gas, tribes that choose to take advantage of the incentives in the new law can provide electricity and heat to their members, with plenty left over to sell to their non-tribal neighbors, he said. While only about 2 percent of the lands within the United States are tribally owned, lands on or adjacent to reservations contain more than 30 percent of its fossil energy sources, Lester said. Supporters, which include the National Congress of American Indians, say giving Indian tribes more control over their resources is a good idea, especially since the federal government has not been a good steward of tribal lands in the past. Several tribes have wrangled in court with the Interior Department and energy companies over what they contend are paltry royalty payments for resources extracted from their lands. A major case involving the federal government's alleged mishandling of tribal energy revenues is still pending in federal court. The new law, Lester and others say, will help avoid such problems by giving tribes greater say over energy development on their lands. 'Culture at stake' But critics of the new law say not all **tribes are ready for that kind of responsibility**. They fear **it will allow energy companies to take advantage of tribes that are energy-rich but lack the governing capacity to ensure they are getting a fair deal**. Clayton Thomas-Muller, native energy organizer at the Indigenous Environmental Network, said some tribes also do not have the institutional and enforcement mechanisms needed to guarantee that their resources will be developed responsibly. The law essentially allows the federal government to abandon its trust responsibility to the tribes, which is intended to prevent unfair treatment of tribes by outside entities such as energy companies, he said. "Yes, there are **tribes** that have those resources -- the lawyers, the scientists, the capacity to do what they need to do -- but there are hundreds that don't and **are being set up to fail,"** Thomas-Muller said. "This energy bill basically **takes us back 100 years, allowing corporations to exploit tribes that are still reeling from the impacts of colonization** and dealing with different socioeconomic situations." The law encourages development of conventional energy resources like coal, natural gas and oil, which could scar tribal lands and undermine native ways of life, while bringing very little benefit to the tribes, he added. "Our very culture is at stake here," Thomas-Muller said. "To further destroy our land, our air, and our water for short-term economic solutions is not economic development, and it sets up our unborn generations for a very hard life." Lester emphasized that the new incentives will encourage the development of renewables like wind and solar, which are even more abundant on Indian lands than conventional, fossil-based resources. And the measure is voluntary, he added, noting that tribes can choose not to develop their resources, and those that do can choose to continue using NEPA instead of crafting their own regulatory framework. "This law strengthens each tribe's hand to use [energy] resources the way they want to use them," he said. "If they have coal resources but don't want to develop them, there's nothing that says they have to." And the law also seeks to ensure that tribes are capable of regulating energy development themselves before handing over the reins to them. When considering whether to approve a tribal energy resource agreement, the secretary of Interior must determine that the tribe "has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe," according to the law. Obstacles Bob Gough, secretary of the Intertribal Council on Utility Policy, which promotes renewable energy development on tribal lands, characterized the measure as "a good start" but said some of the timelines for implementing its provisions appear to be unrealistic. For instance, it will likely take tribes six months or more to set up a system to sell clean energy bonds and funds to support that effort are not likely to be available until fiscal year 2007. But the provision expires at the end of 2007, he said. "There are a whole lot of new procedures," Gough said. "It's not going to happen overnight. There aren't a lot of tribes who will take advantage of this quickly." Tribal leaders, Interior officials and energy industry representatives will meet Monday in Chicago to discuss what the new law means and how to implement it, Gough said. Lizana Pierce, with DOE's tribal energy program in Golden, Colo., said the law has the potential to help tribes develop their resources, but that it will mean little unless Congress provides the funding to implement it. "There's a whole cadre of deadlines," she said. "But at least on the DOE side, there's no funds." Lester said the CERT tribes plan to "work our tails off" to convince lawmakers to back the law with appropriate funding levels, most likely through the Interior and Energy appropriations bills for fiscal year 2007. "We have a lot of work ahead of us," Lester said. Southwest reporter April Reese is based in Santa Fe, N.M.

#### Removing environmental review allows tribal governments to pursue projects against the will of the people---turns sovereignty

Wood, 94

(Assistant Professor of Law, University of Oregon, “Indian Land and the Promise of Native Sovereignty: The Trust Doctrine Revisited,” 1994 Utah L. Rev. 1471)

More often, however, the complaint is simply that many IRA tribal councils cater to corporate development interests to the detriment of traditionalist values. n387 On one level, the criticism may simply reflect the often conflicting preferences between traditionalist and more assimilated groups within any given tribe. But on another level, the claim places responsibility on the federal government for creating conditions which vest tribal leadership authority in development-oriented individuals who may fail to represent broader tribal interests. n388 The contention is that the modern structure of the IRA government is an outgrowth of earlier periods of Indian policy, in which the federal government hand-picked spokesmen for tribes who were willing to negotiate away vast quantities of tribal resources. n389 Some commentators edge a step fur- [\*1557] ther and attribute the development-oriented policies of many IRA councils directly to undue and inappropriate pressures emanating from the federal government. n390 ***(\*\*\*insert footnote\*\*\*)***n387 See supra note 377; see also Morrison & Howe, supra note 75, at 376 ("**Tribal governments, which in theory, represent the collective interest of the tribe, often do not speak for all individual tribe members.**"); Churchill & LaDuke, supra note 12, at 244-46 (describing tribal councils' development-oriented viewpoints); LaDuke, Forest Activism, supra note 12, at 23 (describing conflicts "all across Indian Country" between native organizations seeking to protect Indian forestlands and tribal councils which favor more intense harvest); Littman, supra note 39 (similar). See generally Mander, supra note 375, at 277-84. Mander provides this harsh assessment of tribal councils: **[The tribal councils are] not Indian institutions. They're American institutions. They were put there by the U.S., created in that form for the very purpose of doing what they're doing: exploiting the land and the minerals. Those so-called Tribal Councils are really just extensions of the U.S. bureaucracy. Putting Indians off the land to get minerals and grazing rights makes perfect sense in American corporate logic . . . but if you want to ask about Indians, you've got to turn to the old people, the traditionals, and the large numbers of young people who are joining forces with them now**. Id. at 283 (quoting Dan Bomberry, Founder, Seventh Generation Fund). n388 See, e.g., Mander, supra note 375, at 278-79 (contending Navajo Tribal Council was, "until recently[,] . . . little more than a rubber stamp for the BIA," and willingly approved U.S. development policies on the reservation); see also Tribal Government, A Key Issue, Indian Historian, Summer 1979, at 25 [hereinafter Tribal Government] (describing tribal decision-making process that **may lead to disenfranchisement of general tribal membership**). n389 See Mander, supra note 375, at 277-78 (describing BIA policy of "literally creating fictitious tribal councils for the specific purpose of approving a lease"); Edward H. Spicer, Cycles of Conquest 351-52 (1962); Clinton, supra note 4, at 98 (describing establishment of nonrepresentative tribal governments as component of colonial expansion); Morrison & Howe, supra note 75, at 371 ("By attempting to 'trade' tribal land usage for money and a small number of jobs . . . American Indian leaders are behaving not unlike their historical counterparts who attempted to consolidate their power base. . . ."); Robert A. Williams, Jr., Large Binocular Telescopes, Red Squirrel, Pinatas, and Apache Sacred Mountains: Decolonizing Environmental Law in a Multicultural World, 96 W. Va. L. Rev. 1133, 1159-60 (1994) (describing San Carlos Apache Tribal Government and Mt. Graham Controversy); see also Esber, supra note 375, at 216 ("In the past, the Bureau of Indian Affairs made arrangements for the exploitation of Indian resources without ever obtaining tribal consent. Now that these economic activities have been institutionalized, they continue with Indian participation in management."). But see Laurence, supra note 77, at 320 (criticizing characterization of tribal governments as "Vichy-like, propped up by corporate America for the good of the whites"). n390 " [A tribal] community's desire to exercise self-determination is hindered by pressures from national and private interests whose eyes are fixed on the resources of the reservation. . . . The role of the United States in pressing for the development of capitalistic, entrepreneurial tribal governments cannot be ignored." Esber, supra note 375, at 216; see also Russell, supra note 364, at 39 (noting federal agencies, particularly BIA, offer sizable financial inducements to encourage corporations to develop reservations). Others have alleged impropriety on the part of the BIA, suggesting that some BIA officials improperly act as consultants to private companies seeking to develop reservation resources. n391 Whatever the social, economic, and political dynamics that prompt development-oriented decisions by many tribal councils, a significant portion of the tribal membership often perceives these decisions as **highly destructive to the tribe's present and future welfare**. n392 ***(\*\*\*to footnote\*\*\*)***n392 See Churchill & LaDuke, supra note 12, at 255 (cautioning **that tribal council adoption of short-term development proposals may lead to "self-liquidation" or "auto-genocide" in long term**). ¶ In some cases, the development may contravene the traditional laws of the tribe. Members may not be allowed to vote on significant development projects, n393 or where voting takes place it may be demographically skewed. For example, tribal members residing off the reservation may desire the per capita payments resulting from development, while the members living on the reservation may oppose the development because it would affect them directly. While the distribution of per capita benefits may be evenly spread across the tribal membership, the distribution of costs in terms of lifestyle and cultural impacts may be vastly disparate, giving rise to serious policy concerns. All of these considerations indicate that tribal sovereignty rests on a complex set of circumstances which merit attention in the trust analysis. [\*1558] 2. The Federal Approval Authority as a Tool of Majority Restraint, Not Dominion The decisions of many tribal governments to develop reservation lands for permanent, non-Indian industrial use over the objections of a substantial part of the tribal population raise difficult questions concerning the federal government's trust responsibility in approving tribal land transactions and a court's duty in reviewing the federal decision. n394 On the one hand, conflict over development is not uncommon in other governments, and the existence of conflict alone may not justify judicial interference. Self-determination can flourish on reservations only if the federal government leaves tribes to set their own priorities. The tribal governments carry the mantle of authority, and while their actions may meet with dissension within the tribe, part of the price of sovereignty may be improper or unwelcome management by tribal governments. Federal intrusion of any kind may be fundamentally incompatible with tribal sovereignty. On the other hand, several considerations counsel in favor of judicial review of federal approval decisions. First, while the trust responsibility should support self-determination, **that goal is illusory if it results from a compromised process or undue federal manipulation**. n395 If the IRA system of government, which is essentially a federal construct, is perpetuating exploitation of native lands, then judicial review of federal approval decisions allows groups within the tribe, who may have been illegitimately excluded from the process, to challenge the outcome of the governing body's decision. n396 The redress available in a federal judicial forum may offset, however imperfectly, the systemic or particularized effects of previous federal control. Second, federal approval and subsequent judicial review may provide **the only avenue for examining the environmental impacts associated with land development**. The National Environmental Policy Act ("NEPA"), which requires that environmental information [\*1559] be prepared for certain federal actions, is triggered by the federal approval step. n397 **Absent federal approval, NEPA does not apply, and tribal members may often be left with a limited range of environmental information concerning the consequences of the proposed development**. Third, in considering the federal government's role in reviewing tribal council action, it is important to distinguish between matters involving long-term or permanent disposition of lands or resources and decisions affecting non-property matters, such as tribal membership and rules governing social or economic conduct. While there are compelling reasons justifying complete federal abstention in the latter context, n398 the consequences flowing from tribal council decisions **are magnified when a tribe's land base is at stake**. The federal government's fiduciary obligation to protect tribal lands and resources runs to present and future members of the tribe, and these obligations arguably **carry as much weight as the governance interests of a tribal council.** Public trust law supports this position. Courts have recognized the judiciary's obligation to safeguard critical parcels of land for the public even if that requires overriding the legislature's express actions in transferring such property to private interests. In Illinois Central R.R. v. Illinois, n399 the Court held that a grant of shoreline property by the state of Illinois to a private railroad company was encumbered by a "public trust" and revocable if the land was used in a manner inconsistent with the public's interest. n400 The willingness of the Court to override a state legislature's decision was apparently prompted both by an awareness that legislatures are temporary and vulnerable to political influence, and a concern for the critical importance of the land in question. n401 [\*1560] Similar reasoning might guide courts in reviewing federal approval of tribal decisions that place long-term tribal land interests in jeopardy. n402 Indeed, **the mere prospect of trust litigation may encourage internal governing processes to function in a manner more responsive to the broader tribal membership.** n403 Many tribes have in fact changed their position on critical land-use matters, whether due to a change in the individual makeup of a tribal council, n404 the revelation of negative consequences of the proposed development, n405 **or simply due to pressure from dissenting voices within the tribe**. n406 [\*1561] Fourth, continuing the federal check on the potentially overwhelming force of non-Indian private enterprise is **diametrically opposite from the government's past role in facilitating exploitation of the vast natural resources on reservations**.n407 This distinction is highlighted when objections to development proposals come from tribal members who are themselves beneficiaries of the trust responsibility. A negative approval, whether emanating from the BIA or a court reviewing the BIA's decision, represents **less of a directive on how the tribe should use its land and more of a restraint on the particular private firm seeking to access the reservation's resourc**es. n408 In this regard, historical experience should inform modern policies. Even in the earliest dealings with Indian nations, the trust obligation encompassed the duty to preserve the Indian land base from market encroachments by the majority society. The Nonintercourse Act was passed to prevent wholesale disposition of Indian lands to private, non-Indian interests n409 --a result that, as history bears out, is inevitable when there is no operative restraint on the sale of Indian lands. n410 The Act's restriction against purchase of Indian lands was viewed not as an intrusion into tribal sovereignty, but rather as a restraint on the majority society n411 --particularly [\*1562] its hungry entrepreneurs--designed to preclude destruction of the tribal entity and homeland through predictably irresistible forces of capitalism. Such a restraint was, and arguably still is, an integral part of a separatist paradigm. The unremitting offers from private corporations today bear striking similarity to the conditions that prompted passage of the Nonintercourse Act nearly 200 years ago. For instance, Indian lands are increasingly targeted by private firms for disposal of the mounting quantities of waste from the majority's industrialized society. n412 But the internal dissension over such offers is often muted in the outside policy realm by an overall appearance of tribal willingness created by the tribal government's own sponsorship of the waste proposal. Even where federal disapproval is warranted to protect the tribal lands and population from environmental degradation and adverse health conditions, there remains a troubling perception that such disapproval undercuts basic tribal sovereignty. Ironically, intense market pressure to accept the waste of an industrialized society is denounced as toxic colonialism when directed to thirdworld nations, n413 and as toxic racism when directed to domestic minority populations. n414 Yet the same market pressure to site landfills in Indian Country is often endorsed in the name of tribal sovereignty. n415 [\*1563] Many native commentators, however, have denounced the practice as an abuse of sovereignty. n416 ***(\*\*\*insert footnote\*\*\*)*** n416 See, e.g., Littman, supra note 39, at A8 ("'The new-found **self-determination and authority being granted to the tribes in many cases is being used and abused against our own people**.'" (quoting Northwestern Minnesota Chippewa Tribe member) ¶ Interestingly, international law largely prohibits the export of toxic waste to other countries, n417 but that prohibition is hardly viewed as an intrusion into the sovereignty of the receiving nation's government. By the same token, federal disapproval of such projects in Indian Country should appropriately be viewed as a necessary check on the majority society's more powerful and destructive market forces. n418 Many believe that without a continuing restraint on transfer of Indian lands, tribal lands and resources will ultimately convert to assets in the portfolios of non-Indian firms. n419 For the most part, the compelling historical reasons underlying the inalienability of Indian land continue to be recognized as legitimate within the modern policy framework. But such policy concerns have yet to catch up with the changing business and transactional framework surrounding the development of tribal lands and resources. The modern-day disposition of native lands and resources is achieved through creative business structuring such as leases and joint ventures, which avoid outright sale. The federal approval requirement may be the only external check against the transfer of native lands to private parties through these types of business transactions. The approval authority in this context is a direct outgrowth of the same concerns which prompted passage of the Nonintercourse Act two centuries [\*1564] ago. n420 In today's Self-Determination era, the restraint against transfer of Indian lands has been rendered much less significant because of the BIA's overriding policy of approving decisions made by tribal councils regardless of the effect on the reservation land base or other attributes of sovereignty. What often amounts to **an automatic deference to tribal councils effectively eliminates any restraint against transfer of Indian lands and resources**. Taken to its extreme, **this policy may resurrect the specter of Termination under the more palatable banner of Self-Determination.** Against this context, the judicial role in **reviewing federal approval for consistency with the trust responsibility may be vital in protecting the remaining native land base.** In sum, there are legitimate concerns regarding the role of the trust doctrine in the federal approval context. Any judicial reversal of a decision made in the first instance by a tribal government implicates tribal sovereignty concerns. But as the discussion above demonstrates, such concerns are multifaceted and complex. In the final analysis, federal disapproval of leases or other transactions which present a long-term conversion of Indian land to non-Indian use reflects the type of market buffer that was envisioned in the Trade and Intercourse Acts. Such federal action was not historically viewed as an intrusion into tribal sovereignty, and there are compelling reasons for not considering it as such today.

### Case

#### Conditions for Native Americans improving—Obama has committed significant funding for the economy and health care

Vitale, 12

(Freelance Columnist focusing on Native American Issues, “Obama has worked for Native Americans,” http://theonefeather.com/2012/10/obama-has-worked-for-native-americans/)

Native Americans have had few friends in the White House, but in recent history Native Americans **have had no better advocate than** President **Obama**. “One Who Helps People Throughout the Land”, his adopted Crow name, is symbolic of how seriously he is committed to taking action on Indian issues. He included $3 Billion in stimulus money directly targeted for Indian Country. It included money for job creation, renovation of schools, improved health services, police, and improved housing. The Affordable Care Act signed into law in March of 2010, permanently authorized the Indian Health Care Improvement Act. This comprehensive health care service will directly help 1.9 million Native peoples to receive better health care. The Obama administration has provided $300 million dollars for Tribal controlled Colleges and Universities, and has promoted Native Language restoration. An Annual White House Tribal Nations Conference has been held every year since President Obama took office, and he has appointed a Native American as Senior Policy Advisor for Native American Affairs.

**Aff is a short-term fix – doesn’t solve sovereignty**

Cornell and Kalt ‘6

Cornell – director of the Udall Center for Studies in Public Policy AND\*\* Kalt – Ford Foundation Professor of International Political Economy (Cornell. Stephen. Joseph P.Kalt. “Two Approaches to Economic Development on American Indian Reservations: One Works, the Other Doesn’t.” http://jopna.net/pubs/jopna\_2005-02\_Approaches.pdf)

That effort has taken a number of different forms over the years as the federal government tried different reservation development strategies. In the last quarter of the twentieth century, a growing number of tribes—faced with desperate economic conditions and operating under the federal policy of self-determination—also joined the effort. Many tribal governments moved economic development to the top of their policy agendas, sometimes complementing federal efforts, sometimes operating at cross-purposes. But in most cases, **a *single* approach dominated both federal and tribal activities. We call this approach the “standard” approach**. Characteristics of **the Standard Approach** This approach has five primary characteristics: it **is short-term and non-strategic; it lets persons or organizations other than the Indian nation set the development agenda; it views development as *primarily an economic problem*; it views indigenous culture as an obstacle to development; and it encourages narrowly defined and often self-serving leadership**. These are generalizations. Not every case of reservation economic development that we describe as following the standard approach follows it in its entirety. Some aspects of the approach might be apparent in some cases while others may be missing. Additionally, Indian nations seldom talk about development in exactly these terms. Nonetheless, these characteristics provide a general description of what federal and tribal development efforts, regardless of intent, frequently have looked like. Far too often, consciously or otherwise, this is how development has been done in Indian Country. Each characteristic of the standard approach deserves elaboration. 1. In the standard approach, decision-making is short-term and non-strategic. **Viewed as a single population, reservation Indians are among the very poorest Americans, with high indices of** unemployment, ill health, inadequate housing, and an assortment of other problems associated with poverty. **The need for jobs and income is enormous. In an era of self- determination, this situation puts intense pressure on tribal politicians to “get something going!” Grim social and economic conditions, combined with disgruntled and often desperate constituents, encourage a *focus* on short-term fixes instead of fundamental issues**. “**Get something going!” becomes “get *anything* going!”** **It leaves strategic questions such as “what kind of society are we trying to build?” or “How do we get there from here?” or “How do all these projects fit together?” for another day that seldom comes, overwhelmed by the need to *generate immediate results* for reservation residents**. **Short terms of elected office, common in many tribal governments, have similar effects**. With only two years in which to produce results, **few politicians have incentives to think about long-term strategies.** **They will face reelection long before most such strategies become productive**. **These same factors also encourage a focus on starting businesses instead of sustaining them**. **It’s grand openings, ribbon-cuttings, and new initiatives, not second rounds of investment or fourth- year business anniversaries, that gain media attention**, community support, and votes at election time. Newly-elected leaders who want to make their mark on the community are going to be more interested in starting something new than in sustaining what the previous administration—whom they probably opposed at election time—put in place. This means that **prospective businesses**, **whether genuinely promising or not, often get more attention from tribal leadership than established ones do**. Finally, there is a tendency to look for home-runs: where’s the killer project that will transform the local economy? **Grandiose plans take the place of potentially more effective—if less dramatic— incremental building of a broadly based economy**.

#### Costs and internal disagreements prevent wind development

Sullivan 10

Sullivan, JD Candidate – University of Arizona, ‘10¶ (Bethany, 52 Ariz. L. Rev. 823)

The DOI's Office of Indian Energy and Economic Development (IEED) boasts current involvement with more than fifty tribal projects relating to renewable-energy generation. n46 However, its role in these projects appears largely grounded in providing information and technical expertise. n47 Additionally, while the IEED does provide loan guarantees specifically for energy projects, n48 the total appropriations for the DOI's entire Indian loan-guarantee program in 2008 were [\*831] only slightly over $ 6 million. n49 This is a modest amount considering that these appropriations must fund all types of projects in Indian Country, leaving only a small portion available for renewable-energy development. Such funding levels are inadequate when examined against the backdrop of the actual costs of renewable-energy development. In 2007, most commercial-scale wind turbines (averaging a capacity of two megawatts) cost roughly $ 3.5 million dollars each to install. n50 Solar installation costs vary; one company installing a 1.1 megawatt solar field array estimates initial costs of approximately $ 5 million, n51 while a much larger proposed project of 17.1 megawatts has forecasted installation costs of $ 60 million. n52 Commercial-scale biomass projects are also hugely expensive, with installation costs adding up to tens of millions of dollars. n53 While there is much cost variability among and within renewable-energy technologies, it is clear that the amount of investment capital needed far exceeds the federal grant money available.¶ Unfortunately, the IEED's TERA program has produced unsatisfactory results. Not a single tribe, as of present, has successfully attained a TERA. n54 This may partially be a consequence of the multi-step TERA application requirements, including: submission of documentation demonstrating a tribe's financial and personnel capacity to administer energy agreements and programs, establishment of a tribal environmental review process, and consultative meetings with the Director of the Indian Energy and Economic Development Office. n55 Perhaps more problematic are conflicting sentiments within tribes over distancing tribal energy development from federal government protection, an issue strongly debated among Indian law practitioners and scholars. n56 So, although tribes could arguably benefit [\*832] from the decreased federal oversight that TERAs would provide, it appears that this mechanism, on its own, is insufficient to truly stimulate renewable development.¶ In summary, the Act has provided for federal programs that encourage the development of tribal renewable resources, yet its policy goals of tribal economic and energy development and tribal self-determination have not yet been met. In part, this may be a function of inadequate appropriations for the Act's provisions. n57 An alternative explanation, however, is that the Act fails to address substantial obstacles to tribal renewable-energy development. The most significant obstacles can be generally divided into two categories: (1) tribal inability to take advantage of federal tax incentives in the renewable-energy industry and (2) unfavorable case law concerning tribal civil jurisdiction.¶ III. Leveling the Playing Field: Tribes' Institutional Disadvantage in the Renewable-Energy Industry¶ While some tribes are fortunate enough to have investment capital readily available, most tribes are not capable of financing large-scale renewable-energy projects on their own. n58 Furthermore, most tribes do not have the requisite expertise and experience in the field of renewable energy to complete these projects independently. n59 For these reasons, it is imperative for tribes to have the ability to form mutually beneficial partnerships with outside business interests. n60 Unfortunately, the existing legal framework in which these partnerships arise fails to properly incentivize non-tribal businesses to work with tribes. One specific problem area is the inability of tribes to utilize or transfer federal tax credits for [\*833] renewable energy. Additionally, inconsistent and unfavorable case law concerning state versus tribal jurisdiction creates further challenges, particularly where this case law provides for double taxation of non-Indian activities on the reservation. Although these obstacles have not entirely foreclosed tribal-non-tribal partnerships, they foster partnership agreements disadvantageous to tribal interests since tribes must compensate for these shortcomings.¶ A. Tribes Are Unable to Take Advantage of Federal Incentives in the Renewable Industry¶ Recent federal policy has expressly encouraged the development of alternative energy by providing industry participants with tax-related incentives. One of these incentives is the federal production tax credit (PTC), which provides renewable-energy generators with set tax credits for each kilowatt-hour of energy produced. n61 The PTC has been a driving force behind the growth of the wind energy industry and has also played an important role in the development of other renewable technologies. n62 Additional types of federal incentives include investment tax credits (ITC) and accelerated depreciation rates (ADR). The ITC has been used in the solar industry to provide purchasers of solar equipment with a tax credit for 30% of the up-front investment costs. n63 In contrast, ADR functions to allow earlier depreciation deductions, providing favorable tax treatment based on the time-value of money. n64 Collectively, these various forms of federal incentives have had a major impact on the growth of the renewable-energy sector.¶ Unfortunately for tribes, these tax credits put them at a competitive disadvantage with other industry players since tribal governments and tribal corporations are insulated from federal taxation. n65 Therefore, tribes are unable to utilize renewable-energy credits that would otherwise be available. This has major implications because in many of these industries, the tax incentives are central to a project's profitability. n66 Although it may seem counterintuitive that a non-taxpaying entity would be competitively disadvantaged compared to a taxpaying entity, examinations of the issue have repeatedly demonstrated this fact. n67 This is [\*834] primarily because the tax credits available to a tax-paying entity often exceed the actual taxes paid on a renewable-energy project. Any residual tax credit can then be applied to an entity's broader tax liability. Consequently, tribal alternative energy endeavors are less competitive than their private counterparts solely on the basis of these tax credits. n68¶ This creates particular problems when negotiating partnership agreements with outside businesses. Tribes generally prefer an ownership interest in renewable-energy projects to a nominal or land-lessor interest. n69 Yet it is difficult to negotiate for a high level of tribal control when every percentage of tribal ownership means a proportionate reduction in the amount of available tax credits for the business partner. n70 Alternatively, if these credits were transferable both parties could benefit: the tribe could leverage its transferable tax credits in order to receive a greater ownership interest and/or a higher percentage of the annual revenue, while the private partner could utilize all the potential tax credits for the project, reducing its broader tax liability. n71 Unfortunately, at this time, such tax credits are non-transferable.¶ Solutions to this problem have developed on the federal and individual level, yet have largely fallen short. The federal government attempted to level the playing field for governments (including tribes) by enacting Clean Renewable-Energy bonds (CREBs), which function as a type of interest-free loan for financing certain types of energy projects. n72 However, inadequate appropriations for these bonds have weakened the effectiveness of this measure. n73 Individual parties, meaning tribes and their potential business partners, have also formulated their own solution to this problem, primarily through "flip-agreements." This arrangement provides the business partner with almost complete ownership of the project for a set initial term (coinciding with tax credit availability) and then flips to majority ownership by the tribe for the remainder of the project. n74 The [\*835] advantage of this arrangement is that it allows the non-tribal business partner to utilize federal tax credits while these credits are still available. n75 Yet it seriously limits the ability of the tribe to control and profit from the project for a substantial length of time.¶ Overall, neither of these approaches rectify the tax incentive disparity in an effective and long-term manner. n76 Even if Congress provided sufficient appropriations for the Clean Renewable-Energy bonds - and that is a big if - multiple problems persist. First, if tribal energy projects are funded largely or entirely by federal monies, it would result in increased costs and delays. This is due to the added bureaucracy of channeling funds through various federal offices before they finally reach a tribe. Additionally, utilizing federal funds in this manner would undoubtedly invoke NEPA n77 compliance requirements, such as environmental impact studies that span years and often consume hundreds of thousands of dollars before completion. n78 Yet another issue with relying solely on Clean Renewable-Energy bonds is that it forecloses the opportunity for tribes to work with non-tribal private business partners, an essential mechanism for the transfer of industry knowledge and expertise as well as for enabling tribes to expand their financial resources beyond the federal government. While these problems are addressed by the alternative of flip-agreements, these agreements essentially relegate tribes to the sidelines for the first decade or so of the project, leaving tribal governments with little control over the decisions, management, and future of their on-reservation projects. n79¶ B. Court Decisions Have Consistently Worked Against Tribal Jurisdictional Interests¶ Another major roadblock in the path to tribal energy partnerships is the jurisdictional rigmarole created by the United States Supreme Court - a direct result of nonexistent federal statutory guidance. The civil jurisdiction that tribes have over non-members on the reservation is determined by a series of judicially-created tests with outcomes more reflective of the Justices' personal views of tribal sovereignty than of any underlying, coherent legal doctrine. n80 Virtually anyone [\*836] who has dealt with Indian civil jurisdiction law can attest to its notorious complexity and amorphous set of "rules." n81 Furthermore, this judicial labyrinth must be successfully navigated regardless of whether a tribe is attempting to exert its regulatory authority or exercise civil adjudicatory jurisdiction over non-members. n82 Perhaps more troublesome are the clearer aspects of civil jurisdiction in Indian Country; primarily, the Court's sanctioning of state and local government taxing authority over the same non-members for the same activities on the reservation as tribes may tax. n83 For reasons discussed below, this legal framework creates formidable obstacles in the eyes of many tribes and potential business partners.

#### Status quo solves---tons of federal policies and resources are used to spur native renewable energy development now

LeBeau, 12

(Senate Indian Affairs Committee Hearing, "Energy Development in Indian Country." 2/16, Director of the Office of Indian Energy Policy and Programs at DOE, Lexis)

To accomplish these goals, Title V of the Energy Policy Act of 2005 ("EPAct") conferred my Office the authority to provide grants, including formula grants or grants on a competitive basis to eligible tribal entities. Grants may be used for establishing programs to assist consenting Indian Tribes in meeting energy education, research and development, planning, and management needs, including: \* Energy generation, energy efficiency, and energy conservation programs; \* Studies and other activities supporting tribal acquisitions of energy supplies, services, and facilities, including the creation of tribal utilities to assist in promoting electrification of homes and businesses on Indian land; \* Planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; \* Development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities; \* Developing a program to support and implement research projects that provide Indian Tribes with opportunities to participate in carbon sequestration practices on Indian land; and \* Encouraging cooperative arrangements between Indian Tribes and utilities that provide service to Tribes. Since joining DOE a little more than a year ago, I have been committed to accomplishing four strategic programmatic and administrative goals: 1. Fully implement Congressional stated goals for energy development in Indian Country, as found in Title V of the Energy Policy Act of 2005; 2. Reach out to Indian Country to understand what the high priority needs are for energy development and how this Office can help address those needs, and based on feedback from Indian Country, develop policies and programs to fill gaps in current Department programs; 3. Work within the Department to leverage the many resources--financial and technical--to promote Indian energy development throughout the Department and to institutionalize Indian energy development; and 4. Coordinate resources across agencies to promote Indian energy development. In that same time period, the DOE Office of Indian Energy has: \* Conducted a major outreach initiative to Indian Country through eight roundtable discussions with tribal leaders around the country to discuss current needs and priorities related to Indian energy policy and programs; \* Established the Indian Country Energy and Infrastructure Working Group, an informal group of tribal leaders that provides input and recommendations to the DOE Office of Indian Energy on issues related to energy development and opportunities in Indian Country; \* Developed programs that provide tribal leader energy education, strategic and targeted technical assistance for Tribes on renewable energy project deployment, information on transmission and electrification, innovative project development, and best practices forums for tribal leaders; and \* Supported interagency coordination efforts to promote energy development in Indian Country. More details about these efforts, as well as future plans are provided below. My testimony today will touch on some of our efforts to fulfill congressional and Administration goals. My written testimony goes into considerably more detail regarding these activities. Pursuing Sustainable Energy Development in Indian Country The Administration is committed to safely, responsibly harnessing America's domestic energy resources to power our economy--from oil and gas to clean coal to nuclear energy to renewable energy and energy efficiency. Our Office's charge is also broad in terms of the scope of energy development we are directed to facilitate in Indian Country - including renewable energy sources such as wind and solar and traditional energy sources such as coal and natural gas, as well as improving the infrastructure needed to deliver this energy. However, Tribes have shown a high motivation to pursue expanded clean energy development. It is our strong belief that the new DOE Office of Indian Energy initiatives that are taking root in Indian Country are a direct reflection of the innovation and the promise of the next generation of tribal energy development. Our priority is in designing and implementing new programs in close collaboration with tribal leaders and tribal experts that will accelerate energy development in Indian Country. By providing reliable and accurate information, quality training, and technical assistance, we seek to further empower tribal leaders to make informed energy decisions that promote community economic development and job creation, foster energy self-sufficiency and self-determination, and advance tribal clean energy visions. Shortly after being appointed, I asked the National Renewable Energy Lab to update all the renewable resource estimates in Indian Country. Based on 2011 data provided by DOE's National Renewable Energy Laboratory using updated analysis and modeling tools, the estimated maximum renewable energy resource potential on Indian lands is millions of megawatts (MW) of nameplate capacity. Solar and wind are the primary energy resources that contribute to this potential. These estimates do not, however, take into account cost, transmission access, or other critical constraints on renewable energy deployment, and they assume that all land that is not protected, impervious to (or too small for) system installation, or clearly ill-suited for the technology is used for generation. Most of these resources will not be economical to access and there are competing land-use constraints. Although it would not be realistic to blanket Indian Country with solar panels or wind turbines, these numbers certainly illustrate the vast amount of resources potentially available. These resources are generally regional and geographic in nature: solar in the southwest, wind in the plains, biomass in the northwest and east, and geothermal in the West. When combined, it's clear that further development of these energy resources in Indian Country provide an incredible opportunity to not only increase tribal energy reliability and self-sufficiency, but also provide an opportunity for Tribes to contribute to the nation's energy security goals. Energy Economies in Indian Country that are Built to Last There are many critical factors to building sustainable economies around energy. Key among those factors are policy support, strong collaborative partnerships and understanding of issues affecting the hoped for outcomes, and of course designing appropriate responses to meeting the challenges identified. Policy Support President Obama and Secretary Chu have been extremely supportive of improving the economy of Tribal communities through enhanced energy development. At the 2011 White House Tribal Nations Conference, the President stated: "While our work together is far from over, today we can see what change looks like. It's the Native American-owned small business that's opening its doors, or a worker helping a school renovate. It's new roads and houses. It's wind turbines going up on tribal lands, and crime going down in tribal communities. That's what change looks like." At DOE's Tribal Summit, held May 2011, the Secretary reaffirmed his commitment to Indian energy development. The summit provided a historic opportunity for the Department and tribal leaders to discuss a broad range of critical energy and environmental issues in Indian Country. Secretary Chu said, "By working together, we can promote economic development and help many more tribes and villages seize the clean energy opportunity." In support of this commitment, Secretary Chu announced three key initiatives to support DOE's goals of promoting Indian energy: 1) the creation of the previously mentioned Indian Country Energy and Infrastructure Working Group (ICEIWG); and 2) intent to issue policy guidance to the Department to implement the Title V provision on giving preference to tribal majority-owned businesses for DOE acquisition of electricity, energy products, and by-products. DOE also supports a number of programs that provide technical assistance to Indian tribes, including the Strategic Technical Assistance Response Team (START) initiative to help advance clean energy development in tribal communities, as described later in this testimony. The Indian Country Energy and Infrastructure Working Group was established in August 2011. The working group provides advice and recommendations to the Director of the DOE Office of Indian Energy Policy and Programs and to the Secretary of Energy on the strategic planning and implementation of the Department's energy resource, energy technology, and energy infrastructure development programs. To provide the most relevant and up-to-date perspectives, the ICEIWG is comprised of five (5) elected tribal leaders from Tribes that are actively developing or have established energy projects, or can demonstrate business interest in energy development. This composition of tribal leaders enables ICEIWG to provide technical and experienced analysis and feedback to the Office of Indian Energy and DOE on complex energy development issues. We also have been working since May 2011 with several DOE offices, including the Office of Procurement, Federal Energy Management Program, Office of Policy, Office of Economic Impact and Diversity, Western Area Power Administration (WAPA), and the Bonneville Power Administration (BPA) to implement Secretary Chu's directive to develop policy guidance to implement the Indian energy procurement preference provision. Section 503 in Title V of the Energy Policy Act of 2005 (codified at 25 U.S.C. 3502(d)) grants DOE new authority to give preference to tribal majority-owned business organizations when purchasing electricity, energy products, and energy by-products. This procurement preference is intended to promote energy development in Indian Country by providing federal agencies the discretion to give tribal majority-owned business organizations preferred access to the federal government marketplace for electricity, energy, and energy by-products. Promoting tribal renewable energy development further enables economic development in Indian Country, and also helps meet the Administration goals on the acquisition and use of clean energy. Strong Partnerships and Common Challenges I began my appointment by meeting with tribal leaders in their communities to hear first-hand about the obstacles, issues, and opportunities for energy development in Indian Country. During the eight roundtable discussions with tribal leaders that I mentioned earlier, we learned about these as well as the needs, priorities, and possible solutions related to: conventional and renewable energy development; transmission and infrastructure; public-private partnerships; energy efficiency and management; education and workforce development; funding and tax incentives; and leveraging, coordinating, and optimizing federal resources and programs. The feedback from tribal leaders and organizations fed into Secretary Chu's Tribal Summit in May 2011 and the program initiatives developed by the Office of Indian Energy to fulfill its statutory mandates and the Administration's energy policy priorities. We also have taken time to evaluate the thrust of many of our programs to date, including the grants offered through the Office of Energy Efficiency and Renewable Energy's Tribal Energy Program. Below are important lessons learned we would like to highlight:

#### Tribes say no

East Oregonian 12

(2/2/12, “Tribes Say No to Large Windfarms,” <http://www.eastoregonian.com/free/tribes-say-no-to-large-wind-farms/article_577212ba-51bc-11e1-8df4-001871e3ce6c.html>)

It’s safe to say there will not be any huge wind farms coming to the Umatilla Indian Reservation in the near future. Decision makers, including the Confederated Tribes of the Umatilla Indian Reservation’s Board of Trustees, have said “no” to wind farms on tribal land. Wind-energy companies have had their eyes on the foothills of the Blue Mountains as a potential site for wind turbines. The Natural Resources Commission has twice met without coming to consensus over the potential use of smaller renewable energy sources — solar as well as wind — to supplement a landowner’s electricity or natural gas power.

#### Tribes sue project owners

KPBS San Diego 12

(Staffwriter Jill Replogle “Tribe Seeks Injunction to Stop Desert Wind Project” <http://www.kpbs.org/news/2012/may/16/tribe-seeks-injunction-stop-desert-wind-project/>)

The Quechan Indian Tribe filed a complaint in federal court on Monday asking a judge to halt the Ocotillo Express Wind Project slated for western Imperial County in California. The tribe says the U.S. Department of the Interior violated various federal laws when it recently approved construction of the wind turbines. The 315-megawatt project is planned for nearly 20 square miles of public land, some of which the Quechan and several other tribes claim is sacred. “How the federal government feels comfortable with putting a project in and around this completely culturally rich area is beyond me,” said John Bathke, Historic Preservation Officer for the Quechan Indian Nation. Bathke said the Obama administration has ignored tribal concerns that the project could have severe impacts on hundreds of archeological sites in the area.

#### Broad changes of legislative intent, not removal of specific restrictions are key to reversing paternalism

Unger 9

Unger, JD Candidate – Loyola Law School (LA), ‘9¶ (Kathleen, 43 Loy. L.A. L. Rev. 329)

[\*367] Third, the sections of the legislation and regulations relating to the trust responsibility should be modified to better accord with the principle of self-determination. n270 The foremost concern is that the government uses the trust responsibility to retain control of tribal resource development, contrary to the principle of self-determination. n271 The regulations regarding interested party petitions are a case in point: when an interested party brings a claim that a tribe did not comply with a TERA, the regulations allow the Secretary to reject a tribe's resolution of the claim. n272 This amounts to the government second-guessing tribes, even though the TERA framework and the Indian Energy Act in general purport to foster tribes' ability to control their natural resource development activities under the self-determination principle. The portions of the legislation and regulations that enable such Secretarial second-guessing should be revised to guide the Secretary instead to view the trust responsibility as a duty to protect tribes' right to self-determination. n273¶ In addition, changes to the legislation's trust provisions can allow the provisions to better foster self-determination. The provision related to the trust obligation with respect to physical assets allows federal assertion of control at the expense of tribal self-determination. n274 This provision should be removed or revised in order to clarify that the Indian Energy Act does not authorize such control. The provision related to the trust obligation toward individual Indians and tribes should also be revised, to direct that it should be interpreted to require federal protection and encouragement of self-determination. n275

#### Aff doesn’t solve self-determination

Porter 98

Porter, Director – Tribal Law and Government Center @ U Kansas, ‘98¶ (Robert B., 31 U. Mich. J.L. Reform 899)

Nevertheless, no matter how much responsibility we assume **for the redevelopment of our** **sovereignty**, **the** United States **remains a barrier to** our forward **progress**. **America**, **because of its geography**, its **people**, its **culture**, **and** its **media**, **is an overwhelming influence** on the Indigenous nations located within its borders. n9 As a result, **tremendous forces inhibit** the preservation and **strengthening** of the unique fabric of **our nations and** thus **form considerable obstacles to our redevelopment**. n10¶ One of the most **significant barriers** to our redevelopment **lie**s **in** the body of **American law**. Since its founding, the United States has developed an extensive body of law - so-called [\*902] "federal Indian law" - to define and regulate its relationship with the Indian nations remaining within its borders. n11 While this law may seem to have a neutral purpose, it would be more accurate to say that "**federal Indian law**" **is** really "federal Indian control law" because it has the twofold mission of establishing **the legal base**s **for** American **colonization of the continent** n12 **and perpetuating** American power and **control over the Indian nations**. n13 Unfortunately, in addition to this foundational problem, **the law itself is not simple or uniform**. Federal **Indian control** law **is a hodgepodge of statutes**, **cases**, **executive orders**, **and** administrative **regulations that embody a wide variety of divergent policies towards the Indian nations** since the time the United States was established. n14 Because old laws reflecting **these old policies have rarely been repealed** when new ones reflecting new policies have been adopted, n15 **any efforts** that might be taken by the Indian nations and the federal government **to strengthen Indian self-determination must first cut through the legal muck created by over 200 years of** prior federal **efforts to accomplish precisely the opposite** result.¶ As I see it, this legal minefield profoundly effects tribal sovereignty. For example, **conflicting federal laws** - such as those that provide for the federal government's protective trust responsibility over Indian affairs n16 and those that allow federal, [\*903] state, and private interests to interfere with tribal self-government n17 - make it impossible **for the Indian nations to exercise** fully their sovereign right of **self-determination**. As past efforts to destroy our sovereign existence continue to have their corrosive effect, so too, in my view, does the natural result of those efforts: the destruction of Indigenous culture and the eventual assimilation of Indian people into American society. n18 Inevitably, **in the absence of any affirmative efforts to decolonize** both the Indian nations and federal Indian control law, I believe that **our distinct native identity will continue to erode**, **and with it**, **the existence of our nations**.

**Predicting impacts on the environment is necessary to formulate effective policy**

Emily **Nicholson et al. 2012**. Department of Life Sciences, Imperial College London. Making Robust Policy Decisions Using Global Biodiversity Indicators. PLOS One. 7(7)

**In order to influence global policy effectively**, conservation **scientists need to be able to provide robust predictions of the impact of alternative policies on biodiversity and measure progress** towards goals **using reliable indicators**. We present a framework for using biodiversity indicators predictively to inform policy choices at a global level. The approach is illustrated with two case studies in which we project forwards the impacts of feasible policies on trends in biodiversity and in relevant indicators. The policies are based on targets agreed at the Convention on Biological Diversity (CBD) meeting in Nagoya in October 2010. The first case study compares protected area policies for African mammals, assessed using the Red List Index; the second example uses the Living Planet Index to assess the impact of a complete halt, versus a reduction, in bottom trawling. In the protected areas example, we find that **the indicator can aid in decision-making because it is able to differentiate between the impacts of the different policies.** In the bottom trawling example, the indicator exhibits some counter-intuitive behaviour, due to over-representation of some taxonomic and functional groups in the indicator, and contrasting impacts of the policies on different groups caused by trophic interactions. Our results support the need for further research on how to use predictive models and indicators to credibly track trends and inform policy. To be useful and relevant, **scientists must make testable predictions about the impact of global policy on biodiversity to ensure that targets** such as those set at Nagoya **catalyse effective and measurable change**.In response to the general failure to meet the Convention on Biological Diversity (CBD) goal to reduce the rate of loss of biodiversity by 2010, the October 2010 Conference of the Parties to the CBD agreed to a Strategic Plan with new targets for biodiversity conservation until 2020 [[1]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-CoP101), [[2]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-Mace1). This Plan aims to inspire action to halt the ongoing loss of biodiversity through the development of national biodiversity strategies, targets and action plans [[1]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-CoP101). A set of CBD indicators for assessing and communicating trends in seven focal areas, including biodiversity [[3]](http://www.ncbi.nlm.nih.gov/pubmed/20430971), [[4]](http://www.ncbi.nlm.nih.gov/pubmed/19762630), were used to assess the 2010 goals, and a similar set of indicators are suggested for assessing progress towards the new targets [[1]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-CoP101), [[5]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-CoP102), [[6]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-Ad1). A key reason for the development of global biodiversity indicators was their potential to evaluate actions and develop understanding of underlying processes and drivers of loss [[4]](http://www.ncbi.nlm.nih.gov/pubmed/19762630), [[7]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-Leadley1), [[8]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-Jones1), but this is virtually never done[[7]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-Leadley1), [[9]](http://www.ncbi.nlm.nih.gov/pubmed/20978282). Instead, indicators have principally been used to track the status of and trends in biodiversity and drivers of loss, from which the impact of actions is inferred [[3]](http://www.ncbi.nlm.nih.gov/pubmed/20430971), [[10]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-Secretariatofthe1). A Responses-Pressures-State-Benefits framework is starting to be used by the CBD for presenting linked sets of biodiversity indicators[[11]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-BiodiversityIndicators1), [[12]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-Sparks1); this implies causative links between changes in groups of related indicators, but without an explicit model of the mechanisms underlying these interactions. **To make sensible and robust policy decisions, an explicit understanding of the linkages between action and outcomes is needed. This requires the impacts of policies to be projected forward using models, ideally as part of an adaptive decision-making process that includes defining targets and monitoring the results, which we term an “indicator-policy cycle”** ([Figure 1](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/figure/pone-0041128-g001/)). **Models can be used by policy-makers to assess the impact of their decisions, and to learn and evaluate both our understanding of the relationship between policy action and environmental change, and the appropriateness of the indicators for measuring change**. Indicators are a key link in the cycle, as the means by which policy outcomes are communicated and evaluated. However, there has been very little evaluation of the robustness of indicators in representing underlying biodiversity trends of interest, with Branch et al. [[13]](http://www.ncbi.nlm.nih.gov/pubmed/21085178) and Fulton et al. [[14]](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399804/#pone.0041128-Fulton1) providing notable exceptions.

## 2NC

### DA OV

#### Warming disproportionately affects natives – tanks their economy and makes lands inhospitable

Masterson 09

(Crystal, Third-year student, University of Oklahoma College of Law, "WIND-ENERGY VENTURES IN INDIAN COUNTRY: FASHIONING A FUNCTIONAL PARADIGM", JSTOR, KB)

Climate change is of particular concern to Native Americans, as its impacts¶ can weigh especially heavily on tribal economies." Tribal economies¶ commonly center on agriculture, natural resources, and tourism, all of which¶ suffer direct adverse affects as a result of natural disasters and other events¶ associated with climate change." Additionally, Native Americans “may be¶ unable to relocate if their climates become inhospitable” due to the ravaging¶ effects of global warming.“ Native American tribes “are place-based entities¶ whose subsistence . . . [is] intimately connected to the lands they inhabit?“¶ Even a slight change in climate has the potential to “cause the migration or¶ extinction of culturally important species if their habitat . . . [is] no longer¶ suitable?" in short, “Indian tribes have little opportunity to follow the¶ migrating species because tribes are often tied to speciﬁc parcels of land”¶ created by treaty or other agreement.“¶ The effects of climate change burden every member of society, but the¶ Negative impacts on tribal entities cut much more deeply as a result of their¶ relationship with the lands they inhabit. Accordingly, Native Americans are¶ likely to be further incentivized to participate in renewable-energy projects,¶ which serve effectively to reduce emissions and, in turn, prevent depletion of¶ vital environmental, cultural, and economic resources.

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

Sunstein 2007

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

A Catastrophic Harm Precautionary Principle, of the modest kind just sketched, raises several questions. The most obvious is whether a low-probability risk of catastrophe might not deserve more attention than higher-probability risks, even when the expected value appears to be equal. The reason is that the loss of 200 million people may be more than 1,000 times worse than the loss of 2,000 people. Pause over the real-world meaning of a loss of 200 million people in the United States. The nation would find it extremely hard to recover. Private and public institutions would be damaged for a long time, perhaps forever. **What kind of government would emerge? What would its economy look like? Future generations would inevitably suffer.** The effect of a catastrophe greatly outruns a simple multiplication of a certain number of lives lost. The overall "cost" of losing two-thirds of the American population is far more than 100,000 times the cost of losing 2,000 people.¶ The same point holds when the numbers are smaller. Following the collapse of a dam that left 120 people dead and 4,000 homeless in Buffalo Creek, Virginia, psychiatric researchers continued to find significant psychological and sociological changes two years after the disaster occurred. Survivors still suffered a loss of direction and energy, along with other disabling character changes.41 One evaluator attributed this "Buffalo Creek Syndrome" specifically to "the loss of traditional bonds of kinship and neighborliness."42 ¶ Genuine catastrophes, involving tens of thousands or millions of deaths, would magnify that loss to an unimaginable degree. A detailed literature on the "social amplification of risk" explores the secondary social losses that greatly outrun the initial effects of given events.43 The harm done by the attacks of 9/11, for instance, far exceeded the deaths on that day, horrendous as those were. One telling example: Many people switched, in the aftermath of the attack, to driving long distances rather than flying, and the switch produced almost as many highway deaths as the attacks themselves, simply because driving is more dangerous than flying.44 The attacks had huge effects on other behaviors of individuals, businesses, and governments, resulting in costs of hundreds of billions of dollars, along with continuing fear, anxiety, and many thousands of additional deaths from the Afghanistan and Iraq wars. ¶ We might therefore identify a second version of the Catastrophic Harm Precautionary Principle, also attuned to expected value but emphasizing some features of catastrophic risk that might otherwise be neglected**: Regulators should consider the expected value of catastrophic risks, even when the worst-case scenario is highly unlikely.** In assessing expected value, regulators **should consider the distinctive features of catastrophic harm, including the "social amplification” of such harm.** Regulators should choose cost-effective measures to reduce those risks and should attempt to compare the expected value of the risk with the expected value of precautionary measures.

#### Even slight risks of catastrophic impacts outweigh

Rescher, 83

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

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

**A2: Leak**

**Obama fixed leak problems**

**NYT 2-19**

“Obama Works the Phones to Calm Tensions on Immigration Plan,” lexis

After a Presidents' Day weekend whodunit of who leaked what and why - not to mention a he-said, she-said back-and-forth on the Sunday shows and in news releases - President Obama took to the phones Tuesday afternoon to quell rising tensions with Senate Republicans after a draft of a White House immigration plan was somehow leaked to the news media.¶ On Tuesday afternoon, Mr. Obama spoke with the Republican Senators Lindsey Graham of South Carolina, John McCain of Arizona and Marco Rubio of Florida - three of the four Republican members of a Senate bipartisan group of eight seeking to create a legislative compromise on overhauling the nation's immigration system - to discuss what the White House called "their shared commitment to bipartisan, common-sense immigration reform." The fourth Republican member of the group, Senator Jeff Flake of Arizona, was traveling, but the White House said Mr. Obama hoped to talk to him in the near future.¶ Mr. **Obama's calls represented at least a tacit acknowledgment that the White House had been laggard in its political outreach to the Senate Republicans** who are part of the bipartisan group, and that it was beginning to pay a political price.¶ "During the calls, which build on conversations that have taken place at the staff level, **the president reiterated that he remains supportive of the effort under way in Congress,** and that he hopes that they can produce a bill as soon as possible that reflects shared core principles on reform," the White House said in a statement. The statement also reiterated that the president "is prepared to submit his own legislation if Congress fails to act."¶ A leaked draft of the White House immigration plan, which includes a path to citizenship for illegal immigrants that could begin after about eight years -- with none of the border security triggers that most Republicans favor -- set off a round of angry Republican recriminations last weekend. Mr. Rubio called the president's plan "half-baked and seriously flawed," as well as "dead on arrival." (The White House reiterated on Tuesday that the leak "was not an intentional release.")¶ On Tuesday morning, Mr. Rubio's spokesman, Alex Conant, sent out an e-mail in which he rebuked the White House for not reaching out to Senate Republicans before creating its own immigration bill.¶ "Senator Rubio's office has never discussed immigration policy with anyone in the White House," he wrote. "If the Obama administration is serious about drafting and passing its own immigration reform, why wouldn't they seek input from any Republicans whose support they'll need?"¶ Jay Carney, the White House press secretary, denied Mr. Conant's assertion when asked about it at his daily news briefing, saying only, "We have been in contact with everybody involved in this effort on Capitol Hill." A senior administration official also said that Mr. Rubio was mistaken - his staff has been in five meetings involving staff members from the bipartisan group and administration officials.¶ Asked about Mr. Carney's claim, Mr. Conant responded in an e-mail: "We've never received a call or e-mail from Cecilia Muñoz or anyone else at the White House asking for our input as they draft their bill. The President did call Senator Rubio this afternoon - that was the first time the two of them had ever discussed immigration policy." (Ms. Muñoz, the director of the White House Domestic Policy Council, is overseeing the president's immigration push.)¶ However, Mr. **Obama's outreach seemed to have calmed tempers on the Hill** - at least for now.¶ "Senator **Graham had a short, cordial phone conversation with** President **Obama**," Kevin Bishop, a spokesman for Mr. Graham, said in an e-mail statement. "They discussed the need for immigration reform and why it is important we fix our broken immigration system."¶ Mr. **Rubio's office released a similarly concise, but conciliatory e-mail**. "Senator Rubio appreciated receiving President Obama's phone call to discuss immigration reform late tonight in Jerusalem," the statement read. "The senator told the president that he feels good about the ongoing negotiations in the Senate, and is hopeful the final product is something that can pass the Senate with strong bipartisan support."¶ An earlier version of this story misspelled the surname of the spokesman for Senator Lindsey Graham. It is Bishop, not Biship.

**A2: Conservatives**

**Christians give Conservatives cover**

**Politico 2-6**

“Immigration’s Latest Ally: Christian Right,” <http://dyn.politico.com/printstory.cfm?uuid=DE17CC0D-F93D-4765-BBCA-054B710A5BD4>

The usual suspects pushing immigration reform have a new ally in the fight this time — the religious right.¶ **Christian conservatives**, who stayed on the sidelines in 2006 or opposed reform outright, **have sprung into action for the cause**.¶ (PHOTOS: At a glance: The Senate immigration deal)¶ They’re talking to their congregations from the pulpit. They’re urging lawmakers in private meetings to support reform. And they’re even calling for change publicly.¶ **The efforts have dramatically changed the dynamics of the debate, so much so that Republicans anxious to vote yes on a deal might have the political cover to do it.**¶ “I think it is night and day, particularly among social conservatives,” Faith and Freedom Coalition’s Ralph Reed told POLITICO of the support for immigration reform.¶ (Also on POLITICO: House GOP takes piecemeal approach on immigration)¶ Reed’s group released a letter Tuesday that outlines broad goals for reform, like keeping families together, reforming the visa system and securing the border.¶ High profile leaders are also weighing in. Mathew Staver, vice president of Liberty University, the college started by former TV minister Jerry Falwell, is on board. Focus on the Family, which for years has focused on issues like opposing abortion rights and gay marriage, is supporting immigration reform for the first time in its history — even using its radio broadcast that reaches millions to push its message.¶ “The issues had been so demagogued for the last five or six years, it was hopeless to get seriously into this,” said Tom Minnery or Focus on the Family. “It seems the time is better. The time has changed…That’s why we’ve become more active.”¶ Social conservatives are directly targeting GOP offices and trying to show that they can give cover to lawmakers in the South, West and Midwest, who are worried about facing retaliation at the ballot box in 2014**.**¶ **“Many of the most hostile critics got beat, a fact not lost on the other House members**,” said Richard Land of the Southern Baptist Convention, referring to Republicans who have lost their seats since 2006. “**I think there’s a bigger coalition in the House for immigration reform than people think.”**

**2NC Will Pass**

**Framing Issue- If Obama is popular he gets it done because he can pick off support that’s 1NC LA Times**

**More Reasons it passes:**

**A Insiders agree**

**National Journal 2-2**

“Insiders Optimistic About Immigration Reform,” <http://www.nationaljournal.com/blogs/hotlineoncall/2013/02/insiders-optimistic-about-immigration-reform-02>

**Cautious optimism: That's the best way to describe how both Democratic and Republican Political Insiders feel about the chances of comprehensive immigration reform**, including a pathway to citizenship, passing Congress this year**.¶ A majority of Democrats and Republicans think it's either very or somewhat likely that such legislation passes in the 113th Congress**, while only 3 percent of Democratic Insiders and 2 percent of the Republican Insiders say it's very unlikely.¶ What is the likelihood of comprehensive immigration reform, including a pathway to citizenship, passing Congress this year?¶ Democrats¶ (107 votes) Republicans¶ (94 votes)¶ Very likely 39% 25%¶ Somewhat likely 50% 53%¶ Somewhat unlikely 8% 20%¶ Very unlikely 3% 2%¶ Democrats view Republicans as finally having to accept a political reality after losing decisively in 2012 and eager to jab the GOP over what they see as a political winner for their party.¶ "The GOP has gone from bigotry to opportunism faster than Sarah Palin can take down a caribou," said one Democratic Insider.¶ Indeed, some Democrats argue their opponents will be forced to back immigration reform because of demographic realities.¶ "Enough Republicans have seen the light to make it happen," said another Democratic Insider.¶ Republicans don't disagree but, as you would expect, they put it differently.¶ "**Republicans get over their headache, after banging into the wall for years,**" said one Republican.

**B Tea Party Decline**

**O’Reilly 2-20**

Andrew is a Contributor to Fox News Latino, “With Tea Party Decline, Immigration Bill Shifts Focus,” <http://latino.foxnews.com/latino/politics/2013/02/20/with-tea-party-decline-immigration-battle-shifts-focus/>

The times are certainly changing for hard-line anti-immigration activists.¶ Just a few years ago, spurred by the grassroots effort of Tea Party stalwarts and fears of a record number of people crossing over the country’s southern border, conservative leaders virtually killed any chance of comprehensive immigration reform. Today, **thanks in large part to the waning power of the Tea Party** and a massive loss of Latino votes in November’s presidential election, **Republican leaders have shifted their rhetoric – putting on a friendlier face toward Hispanics and stressing a bipartisan immigration effort**.¶ “**The momentum has shifted back to the pro-immigrant** side,” said Gary Freeman, a politics professor at the University of Texas. “**The Tea Party went too far**, they were too angry, too pejorative.”¶ This anger and alleged anti-immigrant sentiment turned many Latino voters against the GOP in the last election. A poll taken after the election indicated that nationwide and in battleground states President Barack Obama won Latino voter support over Republican challenger Mitt Romney by historic margins – 71 percent to 27 percent nationwide.¶ “The GOP knows that the future of their party relies on Latinos,” Freeman said. “They’re intimidated and know that they can’t win the Latino vote without supporting immigration reform.”¶ The momentum has shifted back to the pro-immigrant side...The Tea Party went too far, they were too angry, too pejorative.¶ - Gary Freeman, an immigration professor at the University of Texas¶ Since November, the GOP has worked to silence its remaining Tea Party members and actively promote instead its Latino face.¶ Marco Rubio, the onetime Tea Party, Hispanic star, is now the face behind the bipartisan immigration push that a group of eight senators took up in recent weeks. In a coy political move, the Republican Party chose Rubio to deliver the rebuttal to the president’s State of the Union address, where between sips of water the Florida senator hailed his version of immigration reform.¶ "We need a responsible, permanent solution to the problem of those who are here illegally," Rubio said. "But first, we must follow through on the broken promises of the past to secure our borders and enforce our laws."¶ **This wave of cross-aisle participation has some immigration activists hopeful that the planned immigration reform bill will actually be passed within the time frame that has been proposed by both the president and Congress.**¶ “The political mood has never been better,” said Muzzassar Chishti, the New York director of the Migration Policy Institute. “But this is a big ticket item and there are some considerable hurdles that need to be crossed before anything passes.”¶ One of those hurdles – a vestige of the Tea Party – is the idea of so-called amnesty for undocumented immigrants. While both the presidential and congressional plans propose a path to citizenship, the idea of allowing the 11 million undocumented immigrants living in the U.S. a reprieve rankles many conservatives feathers, who want stricter border security and a system of accountability for immigrants.¶ “The issue of amnesty for illegal aliens is being used by both parties for political credit,” said Bob Dane, a spokesperson for the Federation for American Immigration Reform. “**There is a different dynamic from 2007** in that today the Republican Party is working on the misguided message that amnesty will win the GOP needs Latino support.”¶ While the numbers suggest that Hispanic voters overwhelmingly supported Democratic candidates in last year’s election, Dane argued that the immigration reform talk is “Beltway politics” and not a legit push to actually appeal to Latinos.¶ Either way, the facts seems to indicate that the Tea Party fervor of 2007 has died down – if not completely – and that comprehensive immigration reform is a front and center issue to the Republican Party.¶ ‘The election cast a specter over the Republican Party in terms of immigration,” Freeman said. “The GOP has read the writing on the wall and they know that this issue will affect the party in the long run.”¶

#### C House Momentum

The Hill 2-22

“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.¶ Lawmakers know the rollout of an immigration bill can be nearly as important as the substance and are trying to draw lessons from the failed push to overhaul the immigration system in 2006 and 2007.¶ One major takeaway, according to one veteran of that era, is that once a bill is introduced, it has to move quickly, because delay will allow critics to chip away at the proposal and unnerve the fragile coalition holding it together in Congress.¶ “The longer there is between the time you unveil the proposal and the time you vote on the proposal, the greater the likelihood that it will wind up not making it all the way through to passage,” said a former senior Bush administration official deeply involved in that effort. “Once you’ve got this thing baked, you’ve got to get it out of the oven and into the refrigerator and start eating it pretty quickly. Because if you let it sit on the table — I’m going to beat the metaphor to death — the ants will start eating the cake up.”¶ While a bipartisan coalition of eight senators released a set of agreed-upon principles in advance of legislation, the House group is working on legislative language in hopes of presenting a completed bill. Members of the Senate group have said they are hoping to unveil legislation in March.¶ The path to immigration reform is far more complicated in the lower chamber, where the Republican majority is dominated by conservatives who have long resisted a pathway to citizenship for undocumented immigrants. Speaker John Boehner (R-Ohio) is supporting the bipartisan group’s effort but has not committed to backing the legislation it produces.¶ On the House Judiciary Committee, which holds jurisdiction over immigration, Chairman Bob Goodlatte (R-Va.) and other senior Republicans have voiced opposition to a path to citizenship that Democrats view as essential.¶ Some Democrats involved in the immigration push also raised concerns after Majority Leader Eric Cantor (R-Va.), the second-ranking Republican, delivered a policy speech in which he endorsed a path to citizenship for undocumented immigrant students brought to the U.S. as children but was silent on broader immigration reform. Democrats say that issue, which is the central tenet of the Dream Act, is essentially “yesterday’s news” and wondered whether Republican leaders were sending mixed signals.¶ Diaz Balart said he heard those concerns from Democrats and brought them up with party leaders. “We’ve had those conversations with leadership,” he said. “I am not concerned about leadership’s willingness to support immigration reform.” He cautioned, however, that the leadership had not committed specifically to backing the legislation the bipartisan group produced.¶ Not all Democrats viewed Cantor’s speech as a setback; some lawmakers and aides saw his endorsement of policy resembling the Dream Act as a sign of progress, since he had previously opposed the legislation. The majority leader also released a statement Thursday praising an agreement between labor and business on principles related to low-skilled immigration, which was seen as a key advancement for the broader reform effort.¶ The Democratic members of the House immigration group – Reps. Luis Gutierrez (Ill.), Xavier Becerra (Calif.) and Zoe Lofgren (Calif.) — were unavailable for interviews, but aides backed up Diaz-Balart’s status report.¶ “If he’s optimistic, I would be optimistic,” one Democratic aide said.¶ Republicans say the bigger hurdle to reform is not their own leadership but President Obama. GOP lawmakers were angered by the leak last weekend of draft legislation the White House is preparing in case the effort in Congress stalls. The development deepened the suspicion held by Republicans that Obama wants to use the immigration issue as a political cudgel in 2014 more than he wants an actual bill to sign.

#### D Temporary Worker Deal

Star-Telegram 2-21

“Business, Labor Reach Deal on Temporary Workers,” http://www.star-telegram.com/2013/02/21/4636275/business-labor-reach-deal-on-temporary.html

Two of the nation's most powerful interest groups -- labor and business, often at loggerheads -- have come to a rare agreement on the guiding principles for handling future low-skilled immigrant workers.¶ While a deal is far from finalized, it's a significant step toward surmounting a major roadblock on immigration: temporary workers.¶ The agreement between the U.S. Chamber of Commerce and the AFL-CIO establishes a set of principles for low-skilled worker visas. The guidelines include creating a visa program that would allow some temporary workers the chance to become permanent residents, establishing a federal bureau that would oversee the program and giving American workers more information -- a "first crack" -- on available jobs.¶ The U.S. Chamber of Commerce's president and chief executive officer, Thomas J. Donohue, and AFL-CIO President Richard Trumka described immigration as an urgent national priority.¶ "The fact that business and labor can come together to negotiate in good faith over contentious issues should be a signal to Congress and the American people that support for immigration reform is widespread and growing, and is important to our economy and our society," they said in a joint statement Thursday announcing the agreement.¶ Bipartisan lawmakers working on the immigration overhaul see buy-in from the two groups as key to reaching a compromise.¶ Many Republicans see the temporary-worker program as crucial to providing businesses needed labor while limiting future waves of illegal immigration. But labor unions, and some Democrats who support them, have opposed expanding the programs, insisting on a path to citizenship.¶ "While the devil will be in the details in terms of fleshing these principles out, our staffs have had very productive discussions with both sides this week," Sen. Charles Schumer, D-N.Y., the chairman of the Senate Subcommittee on Immigration, said in a statement.¶ The agreement announced Thursday received praise from both sides of the aisle.¶ House Majority Leader Eric Cantor, R-Va., said it demonstrated how groups often on opposite sides of the aisle could put politics aside to find solutions.

### AT GOP

#### Plan is unpopular – causes congressional fights

Kronk, Associate Professor of Law at Kansas,12 (Elizabeth Ann, Associate Professor of Law at the University of Kansas, Director, Tribal Law and Government Center, “Tribal Energy Resource Agreements: The Unintended “Great Mischief for Indian Energy Development” and the Resulting Need for Reform29 Pace Envtl. L. Rev. 811 (2012), 5-21.http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1705andcontext=pelr)

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

### AT Wind Popular/PTC

#### Starting a new fight on wind post-PTC is political suicide—allies are exhausted and the balance of lobbying will be AGAINST additional wind support

Harder, 13

(Amy, National Journal, “Battle Over Wind Subsidy Leaves Industry Bruised” 1/3, ¶ [www.nationaljournal.com/congress/influence/battle-over-wind-subsidy-leaves-industry-bruised-20130103](http://www.nationaljournal.com/congress/influence/battle-over-wind-subsidy-leaves-industry-bruised-20130103))

The battle to get Congress to renew the wind-energy production tax credit before year’s end strained relationships among utilities, splintered support within the industry’s biggest trade group and is setting up the industry—and its supporters in Congress—for a 2013 even more contentious than 2012.¶ Many utilities, environmental groups and lawmakers from both parties are cheering the news that the PTC was extended by one year as part of the fiscal cliff deal. But the bruising fight over the last year doesn’t bode well for the sector as it must now agree on how to ramp down the tax subsidy that was first created 21 years ago.¶ Xcel Energy, which is among the top 10 biggest utilities in the country and had the largest wind capacity of any utility in 2011, is reviewing its membership in AWEA largely because of how the trade group handled the PTC debate. A final decision from the company is expected soon about what, if anything, it plans to do.¶ "We are in the process of reviewing our relationship with AWEA,” Xcel lobbyist John O’Donnell told NJ. “It's our concern that they continue to represent the interests of developers to the exclusion of customers."¶ O’Donnell is referring to both individual households and businesses whose electricity bills from utilities are affected by the production tax credit either directly or indirectly. O’Donnell doesn’t think extending the PTC, which is a tax credit that goes to wind-energy developers, benefits customers paying electricity bills or the utilities buying wind from renewable-energy generators. He went so far to say that because Congress extended the PTC without any additional policies to benefit customers, the Minnesota-based Xcel may not buy more wind.¶ "As the largest provider of wind to customers by far, we feel this action doesn’t nearly enough for customers, and throws into immediate question any further plans we have to buy more wind on their behalf,” O’Donnell said.¶ Another bruise from last year’s fight that will wear on into 2013 is lobbying by Exelon, the country’s biggest nuclear generator, to eliminate the PTC altogether. The Chicago-based Exelon, which is also the 11th-ranked utility in terms of wind generation, has aggressively lobbied lawmakers to end right away the tax credit because the policy distorts electricity market prices and hurts the company’s bottom line.¶ Exelon spent $6.4 million on lobbying through October (fourth-quarter lobbying numbers are due out later this month). In response to Exelon’s lobbying push, which was first reported by National Journal in August, AWEA kicked the company out of its group in September. Exelon is going to keep up its push against the policy now that Congress renewed it.¶ “In the coming months Exelon will work with legislators to inform them of the unintended negative consequences to power markets and investments in other sources of generation from the continuation of the PTC,” Exelon lobbyist David Brown told National Journal in an e-mail.¶ The lobbying power of Exelon, whose position against the PTC aligns the company with deep-pocketed conservative tea-party groups like Americans for Prosperity and the American Energy Alliance, could be even more concerning to the wind industry moving forward.¶ “Most people supportive of renewable energy are concerned about all the money they’re putting into this,” said one wind-energy lobbyist who would speak on the condition of anonymity only. “The renewable energy and wind energy specifically need to come up with a much better defense and push back…You’re going to see industry hit back harder now.”¶ But for now, AWEA is regrouping. Amid internal claims that the group’s leadership on the PTC was lacking, its CEO and president of the past four years, Denise Bode, announced last month she was resigning to return to the private sector as a tax attorney. AWEA’s top lobbyist, Rob Gramlich, will serve as interim CEO as the group finds a new one.¶ AWEA spent $1.81 million on lobbying through October, which is much less than Exelon and a $1 million less than NextEra Energy, the biggest renewable-energy generator that was the most outspoken company supporting the PTC. NextEra, whose lobbyists have clashed with Exelon executives over the PTC, did not immediately have a comment in response to this article.¶ AWEA has publicly announced it supports phasing out the tax credit, but consensus within the industry doesn’t exist (yet) about how and for how long that should happen.¶ Sen. Mark Udall, D-Colo., who is the most outspoken supporter of the policy in Congress and gave almost 30 floor speeches on the issue over the last several months, said he remains committed on a way forward.¶ “I plan on pushing my colleagues this year to pursue a multiyear extension in conjunction with a well-crafted phase-out,” Udall said to National Journal. “Such a phase-out would need to provide market certainty, and I believe that is the direction we need to head.”¶ Toward the end of last year, Xcel lobbied lawmakers on a proposal that would have replaced the production tax credit with a combination of an investment tax credit and a customer renewable credit.¶ The investment tax credit would be given to renewable-energy developers to help finance projects, and the customer renewable credit would be awarded to utilities that integrate more wind and solar onto the grid in order to incentivize such renewable-energy integration. The two credits combined would cost the government between $6 billion and $7 billion over 10 years. The one-year extension will cost taxpayers about $12 billion over 10 years.¶ “There is some merit to that,” said the wind-energy lobbyist about Xcel’s proposal. “Maybe that is a way to compromise and get utilities more supportive of tax credits for renewable energy.”¶ Udall expressed initial support for the proposal last month, but at that point he—and all other congressional wind backers—was focused chiefly on extending the PTC.¶ Another big problem lurking in the background for the wind industry is what, if any, legislative vehicle they can use to advance their proposal, if and when the industry can agree on a way forward. Butthat’s a fight for another day**.**

#### Massive GOP opposition---Solyndra

Reuters 9/24 “John Boehner Pressured By Conservatives To End Wind Production Tax Credit,” 2012, http://www.huffingtonpost.com/2012/09/24/john-boehner-wind-production-tax-credit\_n\_1910687.html

WASHINGTON, Sept 24 (Reuters) - Forty-seven Republicans in the U.S. House of Representatives are pushing Speaker John Boehner to eliminate the wind production tax credit, a tax break that has split Republicans and drawn criticism from presidential hopeful Mitt Romney.¶ Democratic President Barack Obama has urged Congress to extend the credit, which dates to 1992 and has support from Republicans in states that are home to wind farms and manufacturing plants, such as Iowa and South Dakota.¶ The credit has other powerful proponents in big companies that buy wind energy. Heavyweights including Microsoft Corp, Sprint and Hewlett-Packard have urged renewal. The industry calls it vital to ensuring jobs, including wind turbine tower manufacturing in a broad swath of U.S. states.¶ Republican opposition to renewable energy tax breaks has been galvanized by anger over a failed solar project backed by the Obama administration. Republicans referred to that project, a start-up company called Solyndra, several times in the letter.¶ "The Obama administration has poured billions into subsidizing its favored green energy sources," reads the letter dated Sept. 21 from House Republicans to Boehner, also a Republican. "Twenty years of subsidizing wind is more than enough."

### A2- Permutation

#### Perm doesn’t solve the impact—the plan ensures private companies exploit indigenous communities

Awehali 6

(Brian, "# 25 Who Will Profit from Native Energy?," http://www.projectcensored.org/top-stories/articles/25-who-will-profit-from-native-energy/)

America’s native peoples may attain a modicum of energy independence and tribal sovereignty through the development of wind, solar, and other renewable energy infrastructure on their lands. But, according to Brian Awehali, it won’t come from getting into bed with, and becoming indebted to, the very industry currently driving the planet to its doom. UPDATE BY Brian Awehali I believe the topic of this article was important and urgent because sometimes all that glitters really is gold, even if the marketing copy says it’s green. The long and utterly predictable history where indigenous peoples and US government and corporate interests are both concerned shouldn’t be forgotten as we enter the brave new green era. Marketing for-profit energy schemes on Indian lands as a means of promoting tribal sovereignty is both ludicrous and offensive, as are “green” development plans intrinsically tied to the extraction of fossil fuels in the deregulated Wild West of Indian Country. Energy companies are only interested in native sovereignty because it means operations on Indian lands are not subject to federal regulation or oversight. This is why I included a discussion in my article about the instructive example of the Alaska tribal corporations and the ways they’ve mutated into multi-billion dollar loophole exploiters. (My brief examination of Alaska tribal corporations drew heavily from an excellent Mother Jones article, “Little Big Companies,” by Michael Scherer). It’s also my belief that the probably well-intentioned idea of “green tags,” carbon offset credits, and market-enabled “carbon neutrality” should be examined very closely: Why are we introducing systems for transferring (or trading) the carbon emissions of “First World” polluters to those who contributed least to global warming? I would argue that this is merely a nice-sounding way for the overdeveloped world to purchase the right to continue its pathologically unsustainable mode of existence, while doing little to address the very grave ecological realities we now face.

### AT CP = Paternalism

#### Critiques of paternalism don’t apply to our counterplan

Wood, 94

(Assistant Professor of Law, University of Oregon, “Indian Land and the Promise of Native Sovereignty: The Trust Doctrine Revisited,” 1994 Utah L. Rev. 1471)

B. The Trust Doctrine and Historical Paternalism A second criticism focuses on the paternalistic and moralistic overtones which have at times pervaded judicial, congressional, and administrative characterizations of the trust obligation. It is undeniable that during certain periods of history courts have cast the trusteeship as a duty owed by a morally superior culture to a dependent, primitive, non-Christian culture.n350 Those judicial opinions contain characterizations of native people as incompetent individuals in need of the trust protection and wisdom of the federal government. n351 Such overtones likely have perpetuated a power less and disenfranchised role for tribes during the course of history. n352 Tainted as the trust doctrine is by historical characteriza- [\*1548] tions repugnant to contemporary moral standards, some commentators suggest that the doctrine is a destructive symbol inappropriate for the centerpiece position in future Indian policy or law. n353 Despite that valid concern, it is equally undeniable that Indian law as a whole rests on an historical approach that is socially, though still not legally, repudiated today. Claiming title to indigenous lands, waging war against Indian tribes, and punishing Indian people for practicing their time-honored traditions are regarded as deplorable actions in a present-day normative sense. Many commentators point out that the entire span of federal Indian law rests on a reprehensible foundation of hegemony. n354 The trust doctrine, like most doctrines in federal Indian law, has roots anchored in distant history. Some historical expressions of the doctrine, particularly during the Assimilation and Allotment periods, inevitably reflect the tenor of those times. However, an alternative "sovereign trust" paradigm also emerges from the historical accounts, having its reference point in the Treaty-Making period, which reflected more of a sovereign tribal status than any period since the beginning of the Republic. n355 A revisionist analysis of the trust doctrine would draw its paradigm from historical expressions of tribes as sovereigns to which the federal government owed, and still owes, negotiated duties to protect native autonomy. n356 Presumptions of moral inferiority and incompetency on the part of native peoples have no place in a sovereign trust paradigm. The goal of viable separatism which forms the central tenet of a sovereign trusteeship necessarily implies respect for the native way of life. Moreover, the necessity of limited dependency on the United States does not presume inferiority or a lack of autonomy on the part of tribes. Indeed, in Worcester v. Georgia, Justice Marshall [\*1549] characterized Indian tribes as autonomous nations, even if they are significantly dependent in some sense on the dominant sovereign: The settled doctrine of the law of nations is, that a weaker power does not surrender its independence--its right to self-government--by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state. n357 The quoted language is refreshingly devoid of the moral or paternalistic overtones that are present in other Indian law opinions of that and later eras. n358 Moreover, Justice Marshall's approach in Worcester is buttressed by treaty language that can be read as contract terms negotiated between two sovereigns which provided for compensation in exchange for land tendered. n359 The historical characterization of tribes as morally inferior, culturally deprived, inherently dependent entities derives from an historical snapshot that fails to reflect the entire span of federalIndian relations. Reference to the Treaty-Making period provides a far different vision of trust duties and creates a contemporary role for the trust relationship based on historical commitments and sovereign recognition of Indian nations by the federal government. n360 And indeed, this portrayal is prominent in much contem- [\*1550] porary Native American testimony. n361 Casting the trust obligation as a paternalistic device essentially elevates what is a tragic distortion of federal obligation to the status of enduring and controlling interpretation. Wholesale rejection of the trust responsibility in an effort to cleanse modern Indian policy of its reprehensible past may **simply excuse federal repudiation of those compelling obligations inhering in the trusteeship**. It is therefore preferable to focus future attention on supporting a sovereign trust paradigm which repudiates federal paternalism. n362

### AT NEPA Not Key

#### NEPA review key to solve---builds in tribal community participation that can check the most egregious forms of development

Miles, 6

(JD-Oklahoma Law, TRIBAL ENERGY RESOURCE AGREEMENTS: TOOLS FOR ACHIEVING ENERGY DEVELOPMENT AND TRIBAL SELF-SUFFICIENCY OR AN ABDICATION OF FEDERAL ENVIRONMENTAL AND TRUST RESPONSIBILITIES?, 30 Am. Indian L. Rev. 461)

NEPA Review and TERA Tribes Opponents, including some environmental groups, have expressed concern that Title V will eliminate the federal guarantees of public participation and environmental review from energy development decisions in Indian Country. n78 Further, opponents state that the "language also **undercuts the federal trust** [\*471] **responsibility** to Tribes by providing a waiver for the federal government of all liability from energy development." n79 Additionally, "other governments - state, local and foreign - are not required to conduct a NEPA review of actions they approve." n80 Some claim that the bill releases the federal government from its traditional trust responsibility to ensure the protection of the health, environment, and resources of Tribes and undermines federal environmental laws such as NEPA for energy development projects on Indian lands, resulting in a rearrangement of the federal- tribal relationship. n81 For example, during a congressional oversight hearing on NEPA, Zuni tribal member Calbert Seciwa stated "that NEPA was a vital tool in the Zuni Salt Lake Coalition's successful fight to block development of a coal mine near the sacred lake south of Gallup." n82 Environmentalists also criticize the new language. The National Resources Defense Council argued that the provisions remove the federal guarantee of environmental review and public participation. n83 Sharon Buccinio, an attorney for the NRDC argues Title V could remove the application of federal laws, such as NEPA and the National Historic Preservation Act, from energy development decisions on tribal lands. The bill affects land both on and off the reservation. It provides that once the Secretary of the Interior approves a [TERA] providing a process for making energy development decisions, individual energy projects would proceed without federal approval. Since no federal action would occur, the existing guarantees of environmental review and public participation under NEPA would be lost**. Concerned tribal community members and communities adjacent to the project would lose the mechanism that they now have to make their voices heard.** n84 [\*472] Because of the ongoing concern that TERA tribes could ignore NEPA, Congress added a tribal environmental review process to the TERA. n85 The environmental review process must provide for the identification and evaluation of all significant environmental effects, including effects on cultural resources, identify proposed mitigation measures, and incorporate these measures into the TERA agreement. n86 In addition, the Tribe must ensure that the public is informed of and has the opportunity to comment on the environmental impacts of the proposed action, provide responses to relevant and substantive comments before tribal approval of the TERA agreement, provide sufficient administrative support and technical capability to carry out the environmental review process and allow Tribal oversight of energy development activities by any other party under any TERA agreement to determine whether the activities are in compliance with the TERA and applicable federal environmental law. n87 The environmental review requirements arguably could be considered contrary to the twin-goals of fostering tribal self-determination and promoting the efficient development of minerals. n88 The NEPA-like requirements of Title V seek to balance environmental concerns with mineral resource development in a way that is potentially more efficient than the federal NEPA process. Title V and the Federal - Indian Trust Relationship Some Native Americans worry that Title V and its provisions could damage the trust relationship between the United States and Indian Tribes. n89 Opponents state that some tribes do not have the institutional and enforcement mechanisms needed to guarantee that tribal resources will be developed responsibly. n90 Although the Act includes clear language upholding the federal government's trust responsibility, Clayton Thomas-Muller, Native Energy Organizer at the Indigenous Environmental Network, stated that **under the guise of tribal sovereignty**, Title V puts the responsibility of environmental [\*473] review of policy and regulations in the hands of tribal governments. n91 Thomas-Muller further stated that some tribes"have the capacity to do what they need to do - but there are hundreds that don't and are being set up to fail." n92

### 2NC Land DA

#### Land exploitation turns and outweighs the whole case

Wood, 94

(Assistant Professor of Law, University of Oregon, “Indian Land and the Promise of Native Sovereignty: The Trust Doctrine Revisited,” 1994 Utah L. Rev. 1471)

Some believe the Indian trust doctrine is obsolete in the modern age. After two centuries of cyclical swings, n2 Indian policy has come to rest in the Self-Determination era. n3 This era purportedly [\*1473] leaves behind the legacy of egregious offenses committed against native peoples n4 and embraces a commitment by the federal government to promote the autonomy of Indian nations. n5 Indian policy now assumes a consensual, rather than overtly coercive, posture. n6 In this modern milieu of tribal Self-Determination, the trust doctrine may seem unnecessary and out of place. n7 This Article suggests otherwise. Despite the promises of the modern era, the survival of Indian tribal existence, at least in its fullest form, may be in peril. Indian tribes are independent sovereigns, as distinguished from voluntary associations, states, or trust territories.n8 Fully functioning native [\*1474] nations embody a sovereignty composed of four distinct, yet interwoven, attributes: a secure land base, a functioning economy, selfgovernment, and cultural vitality. As nation-entities, their continued existence depends on maintaining all four of these attributes of sovereignty. n9 Though the Self-Determination period appears to signal a time of safe harbor in which tribes as sovereigns may coexist within the United States, it has also brought new hazards to Indian Country. Those hazards **may jeopardize continued tribal existence** as much as did the **flagrant assaults of the nineteenth century**. An **overriding threat facing native nations today is the deterioration of their land base.** n10 A tribe's **land base is the linchpin to other attributes of sovereignty**. The tribal territory forms the geographical limits of the tribe's jurisdiction, supports a residing population, is the basis of a tribal economy, and provides an irreplaceable forum for religious practices and cultural traditions often premised on the sacredness of land. n11 Though the majority society's overt land grabbing of the past is unlikely to reoccur in the Self-Determination era, the native land base is **imperiled by rapid development**, pollution, and loss of resources occurring within and around Indian reservations. Despite the consensual dynamics of the Self-Determination era, these actions **jeopardize tribes' ability to preserve a land-based existence** and threaten to **erode tribal sovereignty**. n12 [\*1475] The federal government continues to play a critical role affecting land within Indian Country. n13 The government's influence stems from its legal designation as trustee of tribal lands, its ownership of substantial public land holdings abutting Indian land, and its regulatory role in implementing laws affecting land and resource uses in and around Indian Country. n14 The accelerative pace of environmental degradation occurring within and near Indian Country presents an imposing new threat which could have irreversible consequences for the future of many tribes. While there has been considerable scholarly attention devoted to jurisdictional issues arising from environmental regulation in Indian Country, n15 an equally important, and broader, question concerns the government's fiduciary obligations toward tribes in protecting their land base and resources from degradation. n16 In the modern era of consensualism and tribal self-determination, such trust duty questions are often brushed aside in the overriding trend to analyze federal-tribal relations outside the parameters of the [\*1476] federal trusteeship. This Article, together with a companion article, n17 suggests that **the trust doctrine is particularly important** in the modern era of Self-Determination as a means of **responding to threats to the native land base.** The Article attributes the doctrine's past shortcomings largely to the absence of standards by which courts could pro tect tribal sovereignty concerns. Part I of the Article explores threats to the reservation lands and explains the federal government's various roles affecting Indian land. Part II discusses the origins of the trust doctrine and draws on past judicial decisions in an attempt to formulate a coherent trust paradigm. The discussion differentiates between use of the doctrine to review congressional action and use of the doctrine to review executive action, acknowledging that only the latter offers much immediate promise for Indian litigants. Part III evaluates use of the doctrine to challenge federal agency activities affecting Indian land and explores legal barriers to trust litigation. Part IV weighs the policy ramifications of employing the doctrine to challenge federal actions. The companion article reflects on the role of a reconstituted trust doctrine in the area of federal Indian jurisprudence and offers doctrinal standards more responsive to tribal sovereignty interests. It defines the federal fiduciary obligation as one that promotes the four attributes of native sovereignty: a secure land base, a functioning economy, an ability to self-govern, and cultural vitality. It also discusses appropriate ways to reconcile the fiduciary obligation owed to Indian tribes with obligations owed to other competing constituencies.

#### A wave of unregulated renewables projects would destroy native land

Aronsen, 11

(Mother Jones Columnist, 3/31, Will Big Solar Bulldoze Sacred Tribal Sites?, http://www.motherjones.com/environment/2011/04/solar-energy-native-american-desert)

Alfredo Figueroa, an elder in the Chemehuevi tribe, has spent all of his 77 years in the Sonoran Desert town of Blythe, next to the Colorado River in southeastern California. But now, he's worried burial grounds and giant etchings in the earth that are sacred to his people could soon be replaced by giant solar panels. It's part of the unprecedented expansion of solar power into California's deserts, a key piece of President Obama's push to make energy production 80 percent "clean" by 2035. Late last year, Figueroa filed suit to stop the 7,000-acre solar plant being built outside his hometown, along with five others approved for public lands. The litigation was the latest in a series of lawsuits protesting the federal government's expedited cultural and environmental review of solar project sites. It contends that the Bureau of Land Management (BLM), in a rush to qualify projects for Obama's stimulus fund deadline (since extended to the end of this year), failed to adequately consult with tribes and properly identify at-risk ecosystems and sacred lands to avoid. A self-taught historian, Figueroa believes that the sands and hills outside Blythe are especially sacred: After reading a book his uncle gave him half a century ago, he became convinced that the fabled Aztec ancestral lands of Aztlán sat there. One of Figueroa's sympathizers once told a reporter that researchers would quickly dismiss "some little old man from the desert telling them he's found Aztlán." (Speculation about where the lands are runs from central Mexico to Wisconsin, but there's no clear consensus that they exist at all.) But it would be a mistake to sell the man short. In the mid-'70s, he helped kill the Sundesert Nuclear Power Plant that was to go up southwest of Blythe. He launched a successful eight-year effort in 1992 to stop a proposed nuclear waste dump in the Mojave Desert. After that, he fought to win official recognition for hundreds of cultural sites along the Colorado River. A study last year by the California Energy Commission (PDF), which grants permits to large-scale solar plants, found 17,000 cultural sites—not all indigenous—in the southern California desert that "will potentially be destroyed" by past, present, and future construction of various sorts. (That number is probably larger today, the CEC says.) BLM archeologist Rolla Queen defends the government's review process, but admits that the dozens of solar proposals and projects in the desert region are "a little overwhelming." Not since the days of the major dam-building projects of the 1920s and '30s has the country seen public-land construction on this scale, he says. It shows: Overstressed government workers scramble to review new proposals while continuing to monitor sensitive areas at approved sites. Environmental groups are even more strapped for resources, and tribes often don't have any legal staff at all. While efforts are made to recover ancient artifacts, the excavation sites aren't usually considered protection-worthy by government standards. But a good-faith effort to conduct a nation-to-nation consultation with federally recognized tribes, which have sovereign status, is mandatory. Last December, a federal judge imposed a temporary injunction on a project in Imperial Valley because in its review process, the government blew off the Quechan tribe of the Fort Yuma Reservation. (If built to its original specs, the project **would engulf more than 6,000 acres of desert by the Mexican border, including habitats of the revered horned toad that is part of the tribe's creation story**.) "That's pretty strong medicine," says Patrick Parenteau, a professor at Vermont Law School. "The judge said, 'I'm not going to be swayed by arguments that say you can't do this, you'll kill the project.'" Instead, the judge said that the government should have considered the consequences beforehand. The company ended up selling the project to AES Solar, which appears to be waiting until the lawsuit is resolved before proceeding with any plans. Whatever the outcome, Quechan tribal elder Preston Arrow-weed will remain uneasy. "There's places all over Imperial County where they plan to put these projects," he says. "And it's right over sacred sites." Figueroa's challenge faces longer odds. Unlike the Quechan lawsuit, his is filed through his nonprofit, La Cuna de Aztlán Sacred Sites Protection Circle (PDF), rather than his tribe. (Of the dozens of desert tribes, so far only the Quechan has sued.) That means his frustrations over the consultation process will likely be a non-starter, Parenteau says, because he lacks the sovereign governmental standing of the tribe itself. Charles Wood, the Chemehuevi tribal chairman, says that he has "wide-ranging concerns" about the project outside Blythe, including the eyesore and noise it will surely create. But he says that the company has heard him out and the tribe probably won't sue. "We may have pushed it as far as we can to this point," he says. Because Solar Millennium, the company that owns the Blythe project, has circumnavigated some of the area's most sacred sites in its ongoing construction, Figueroa's other legal challenges there could be a tough sell, too. Ground etchings known as the Blythe Intaglios are fenced off, protected by federal law. The company agreed to avoid two other intaglios, of the Kokopelli fertility and Cicimitl afterlife deities, which Figueroa believes are thousands of years old but the BLM says are clearly less than 50 (which would make legal protection harder to come by). Still, the Chemehuevi people, like the Aztecs, were migratory, and burial grounds and other cultural sites are scattered throughout the desert. Certainly, Figueroa reasons, that includes the lands on which the six solar plants he's suing are approved. Some of the five other solar projects in Figueroa’s lawsuit could be tripped up by environmental litigation, even if his own efforts don’t make headway. The Sierra Club has launched a strong case against the CEC over review of the Calico project, now owned by K Road Power, in the Mojave (the CEC has an impressive track record at the state Supreme Court, however). The smaller Western Watersheds Project, concerned about the threatened desert tortoise, sued the federal government over the Ivanpah project, also in the Mojave. And the California Unions for Reliable Energy sued the BLM over the Sonoran-based Genesis project, arguing it would make improper use of water from a Colorado River aquifer. People familiar with the Quechan's Imperial Valley injunction say that energy companies and the BLM have learned their lesson. But to some Native Americans, that just means they'll try harder to avoid lawsuits, sometimes by trying to save face after their projects have already won approval. "More and more, the BLM is in a position of throwing out this term 'mitigation,'" Wood says, "not necessarily looking to tribes to stop the process, but what are the tribes' problems so we can get around them?" Dave Singleton, who works for California’s Native American Heritage Commission, says that the BLM has not always respected tribal customs including the oral history of tribal elders who, like Figueroa and Arrow-weed, aren't always members of their tribal councils. "We’re not against renewable energy," Singleton says. "But it’s a matter of smart development, not just bulldozing through pursuant to an engineer’s drawing." Figueroa calls the **influx of big solar the worst affront to tribes "since the coming of Cortés**." Whether **it's the latest theft of land from Native Americans or a renewable energy renaissance** (or something in between), the continued construction of large-scale solar power plants in the southern California desert region seems for now like an inevitability. But Aztlán's protector won't submit. Figueroa promises, "This is a big, long battle that we're going to undertake."

### CBA Good- For CP

**Picking least bad practical option key**

**Finnis, ‘80**

John Finnis, deontologist, teaches jurisprudence and constitutional Law. He has been Professor of Law & Legal Philosophy since 1989,1980, Natural Law and Natural Rights, pg. 111-2

**The sixth requirement** has obvious connections with the fifth, but introduces a new range of problems for practical reason, problems which go to the heart of ‘morality’. For this **is** the requirement **that one bring about good in the world** (in one’s own life and the lives of others) **by actions that are efficient** for their (reasonable) purpose (s). **One must not waste** one’s **opportunities by using inefficient methods**. One’s **actions should be judged by their effectiveness**, by their fitness for their purpose, by their utility, **their consequences… There is a wide range of contexts in which it is possible and only reasonable to calculate, measure, compare, weigh, and assess the consequences of alternative decisions**. Where a choice must be made it is reasonable to prefer human good to the good of animals. Where a choice must be made it is reasonable to prefer basic human goods (such as life) to merely instru­mental goods (such as property). **Where damage is inevitable, it is reasonable to prefer** stunning to wounding, wounding to maiming, maiming to death: i.e. **lesser rather than greater damage** to one-and-the-same basic good in one-and-the-same instantiation. **Where one way of participating in a human good includes** both **all the good** aspects and **effects of its alternative, and more, it is reasonable to prefer that way: a remedy that both relieves pain and heals is to be preferred to the one that merely relieves pain**. Where a person or a society has created a personal or social hierarchy of practical norms and orienta­tions, through reasonable choice of commitments, **one can** in many cases **reasonably measure the benefits and disadvantages of alternatives**. (Consider a man who ha decided to become a scholar, or a society that has decided to go to war.) Where one ~is considering objects or activities in which there is reasonably a market, the market provides a common de­nominator (currency) and enables a comparison to be made of prices, costs, and profits. Where there are alternative techniques or facilities for achieving definite, objectives, cost— benefit analysis will make possible a certain range of reasonable comparisons between techniques or facilities. Over a wide range of preferences and wants, it is reasonable for an individual or society to seek o maximize the satisfaction of those preferences or wants.

## 1NR

### CP

**Improper capitalization merely personalizes state institutions- the language of the plan must be rejected**

**Lock 02**

[Neil, “State Your Terms!”]

**Each individual shows** his or **her world-view in the way** he or **she uses language**. And **we** (that is to say, lovers of freedom) **are too prone to slip into our rivals’ way of speaking and writing.** When we use “we”, for example, we should try to make it clear just who we mean. We should be alert to other misuses of “we”, for example to represent statist institutions, or to project false guilt. We should avoid implying that individuals must accept responsibility for things outside their control, particularly for actions carried out by politicians. We should try to avoid “bundling” people together into groups and making sweeping statements about them. **We should reject the personalization of nation-states** or cities. **We should not dignify with** **capital letters** personages or **institutions that do not deserve them**. We should not misuse words like “people” and “public”, and we should avoid warlike metaphors, such as calling our rivals “the enemy”. In short, we need to “state” our case in our terms, not our rivals’.

**Rejecting statist language is key to rolling back overwhelming state power**

**Lock 02**

[Neil, “State Your Terms!”]

We lovers of freedom are usually strong on facts and logic. But facts and logic alone will never persuade those very many **people**, whose minds **have been poisoned** towards our rivals’ world-view **by** their long-term, persistent **propaganda. We will never roll back the power of the state,** still less heal the damage done by nation-states and politicians, **unless we strive to make our** use of **language reinforce, rather than dilute, our** uncompromisingly individual, peaceful and optimistic **message**.

**War fuels structural violence, not the other way around**

**Goldstein 2001**. IR professor at American University (Joshua, War and Gender, p. 412, Google Books)

First, peace activists face a dilemma in thinking about causes of war and working for peace. **Many peace scholars and activists support the approach, “if you want peace, work for justice.”** Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps. among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that **causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices**.9 So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. **Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too**. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, **the emphasis on injustice as the main cause of war seems to be empirically inadequate**.

#### War facilitates racism and xenophobia that would not escalate otherwise

Iavor Rangelov and Mary Kaldor. 2012. Global Security Research Fellow at the Civil Society and Huamn Security Research Unit, Dept of Int’l Development at the Loncon School of Economics and Political Science; Professor of Global Governance and Director of the Civil Society and Human Security Research Unit. Persistent Conflict. Conflict, Security & Development 12:3.

One problem with the literature is the preoccupation with the term ‘conﬂict’. The Uppsala Conﬂict Data Program, which is the source of most statistics on conﬂict including the World Development Report, the Human Security Report and the SIPRI Yearbook on Armaments, Disarmament and International Security, deﬁnes conﬂict as a ‘contested incompatibility’. 7 The implicit assumption is that two or more sides have (legitimate) grievances that can be resolved either through violence or negotiation. Yet as Michel Wieviorka points out, violence may be the opposite of conﬂict; it may close down conﬂict. 8 Conﬂict is the normal human condition and is indeed a source of creativity in society. Democracy can be understood as a peaceful mechanism for managing conﬂict. In conditions of violence, people live in fear and dare not express their grievances. They may and probably do, of course, hate those who kill them or their neighbours and family and they may kill in revenge, but this does not mean they also have some underlying grievance that can be resolved. Their conﬂict is the consequence of violence rather than the other way round. Fine grained analyses of places where violence occurs, such as the ones included in this special issue, suggest that a range of motivations are relevant in explaining violence. For many, though not of course all, it is violence rather than the resolution of conﬂict that is the main goal. Firstly, violence constructs a context in which it is possible to mobilise around extremist ideologies. Xenophobic, fundamentalist, racist or ethnicist political philosophies tend to be marginal in peacetime. In violent situations, people learn to hate ‘the other’ and to seek the ‘protection’ of those who defend them against ‘the other’. Amartya Sen describes the Hindu–Muslim riots in 1947, and how people were ‘trapped into that vicious mode of thinking, and the more savage among them [. . .] were induced to kill “the enemies who kill us” (as they were respectively deﬁned)’. 9 Secondly, of course, violence creates a context for criminal gain—loot, pillage, hostage-taking, various kinds of smuggling. And ﬁnally, all kinds of personal motives, such as land disputes, family feuds, honour killings, excitement, adventure and perversion, are given free rein in violent contexts

**Radically shrinking government power through language choices is key to check genocidal tyranny**

**Kern ‘10**

[Andrew, President of the CiRCE Institute, “Political Nightmare”]

When the language of the constitution became subject to the rulers, our constitution was weakened beyond saving. As the government has expanded to the point where, as I read last week, something like 50% of the people in this country are directly dependent on the state for their employment, it is no longer possible for this country to return to its roots.¶ **A dysfunctional government will** grow larger and larger, **controll**ing **ever expanding amounts of** our **national** **life**, and becoming ever more dysfunctional. The slave mind will only ask for more centralized power until our whole country is run like our public schools. And then all the separate czars that execute the will of our president now will be combined in one great, controlling czar. It may take another two centuries, but **if we don’t see a** radical **restoration of words with meaning** in our whole society **the rise of a tyrant is** as **inevitable** **as** it was in first century Rome.¶ Perhaps my genes carry too much of the memory of **Hitler’s rise in Germany**. Nevertheless, the only reason not to fear (I do not say “expect”) this development is because it is so frightening.¶ Work for freedom. **Demand** of yourself **that you say what you mean**. Demand it of others. **Demand it, especially, of politicians.** And **since our government cannot be repaired**, and since that means it will become a vacuum in our bank accounts, and since that means our health will decline, **define** it **and shrink it.** Radically.

**Their substantive-semantic dichotomy is flawed- investigating the functional dimension of policy language increases substantive knowledge**

**Bahm ‘91**

[Kenneth T., assistant professor and former director of debate @ Towson University, “Meaning As Language Use: The Case of the Language-Linked Value Objection, ceda yearbook 12, p. 67-78, <http://www.cedadebate.org/CAD/1991_bahm.pdf>]

**Wittgenstein’s emphasis on function has been very influential**. In The Power of Words, Stuart Chase observes that “The true meaning of a word is to be found by observing what a [person] does with it, not what [they] say about it” (in West, 1975, p. 151). This general notion of meaning as function has found its way to even the most basic levels of communication instruction. In a fundamentals text, Zimmerman, Own, and Seibert (1986) clearly reject representational meaning in favor of a functional approach: **It is commonly understood that** words have meanings and that **the proper meanings of words can be found in the dictionary**. **This is a serious misconception**. Words do not “have” meanings any more than sharp knives “have” cut fingers. (p. 13) The reason for **this widespread appeal of conceiving of meaning as use** has not so much to do with ‘validity’ per se, as it **has to do with pragmatics**. There is a utility to focusing on word function which is lost when one is bogged down looking at a word’s specific definition or representation. As Hallett (1967) noted, Wittgenstein was primarily interested in the “therapeutic value” (p. 164) of looking at meaning as use. **A focus on actual use is productive in leading to a focus in language studies away from meaningless terms and closer to practice**. A student of society is simply going to be most interested in what language does.

**Best policy comparisons demand examining language choices – Words re-constitute government power**

**Phillipson ‘7**

Robert Phillipson, Department of International Language Studies and Computational Linguistics, Copenhagen Business School. “Linguistic imperialism: a conspiracy, or a conspiracy of silence?” Language Policy Volume 6, Numbers 3-4 / November, 2007

I am not suggesting that Phillipson 1992 is a definitive statement, and indeed the closing pages suggest many ways in which study of this area could be refined and extended. Nor is this the place for more extended analysis (see Phillipson 2003, 2006a, b, c, in press). But the 1992 book, rather than being deterministic, as some claim, goes beyond traditional structuralist analysis, and fits better into what Giddens refers to as structuration theory, in which ‘Structure is the medium and outcome of the conduct it recursively organizes’ and ‘Actors are knowledgeable and competent agents who reflexively monitor their action’ (Bryant and Jary 2003, 254). In other words, speakers of languages that are subject to linguistic imperialism are not helpless victims, but in a more complex relationship with the forces propelling a language forward. This tallies with Bourdieu’s approach to symbolic power, linguistic capital, and the relationship between dominant and dominated groups:¶ To understand the nature of symbolic power, it is therefore crucial to see that it presupposes a kind of active complicity on the part of those subjected to it. Dominated individuals are not passive bodies to which symbolic power is applied, as it were, like a scalpel to a corpse. Rather, symbolic power requires, as a condition for its success, that those subjected to it believe in the legitimacy of power and the legitimacy of those who wield it. (Thompson 1991, 23)¶ We need research that can unmask some of this complicity, and active ‘forces’, such as a government’s strategic goals and means, in order to reach a deeper understanding of how language policy fits into and constitutes the wider picture. One is then more likely to achieve what Spolsky recommends, namely studying the practices of language policy as well as official statements or regulations (op cit., 222).

**The struggle between linguistic representations shapes reality and material politics**

**Wenden ‘5**

Anita L. Wenden, M.A. linguistic, director of Peace Education and Research @ Earth and Peace Education International. “THE POLITICS OF REPRESENTATION: A CRITICAL DISCOURSE ANALYSIS OF AN ALJAZEERA SPECIAL REPORT.” International Journal of Peace Studies, Volume 10, Number 2, Autumn/Winter 2005

As used in discourse analysis, representation refers to the language used in a text or talk to assign meaning to groups and their social practices, to events, and to social and ecological conditions and objects (e.g. Fairclough, 1989; 1995; van Dijk, 2002).1 Implicit in this view of the role of language in social life is that meaning is not embedded in the reality that is perceived but rather that it is construed by linguistic representation (Fairclough, 1992; Goatly, 2000; Halliday, 1990; Hodge and Kress, 1993; Mehan and Wills, 1988; Muntigl, 2002; Shapiro, 1988; van Dijk, 2002; Wenden and Schaffner, 1999; Wodak, 2002). Of course, modes of representation will vary depending on the perspective from which they are constructed, whether biographical, historical, socio- cultural (Voloshinov, 1986 cited in Mehan and Wills, 1988). Ideology will also influence the manner in which groups represent matters of import and relevance to the body politic (e.g. Fairclough, 1989, 1992; 1995; Hodge and Kress, 1993; Bloomaert and Verschueren, 1998; van Dijk, 1999; Goatly, 2000), including the achievement of a culture of peace. Moreover, inasmuch as linguistic representations determine the way in which we think about particular objects, events, situations and, as such, function as a principle of action influencing actual social practice (Shapiro, 1988; Fairclough, 1989; Hodge and Kress, 1993; Wodak, 2002; Karlsberg, 2005), there will be competition among groups over what is to be taken as the correct, appropriate, or preferred representation (Holquist, 1983; Fairclough, 1992; Wodak, 2001). The competition over meaning among groups is referred to as the “politics of representation” (Holquist, 1983; Shapiro, 1988). During the period of the Cold War, for example, views varied on how to define the role of nuclear weapons in international politics. Immediately after World War II, voices for international control proposed a nuclear partnership with the Soviet Union. However, voices for national interest dominated and, from the 1950’s to the 1990’s, deterrence was the accepted representation, justifying the need to develop and if necessary use nuclear weapons. Nonetheless, alternative views were proposed by groups from civil society such as MEND (Mothers Embracing Nuclear Disarmament), which challenged the dominant discourse with their doctrine of nurturance – emphasizing the role of mothers in creating a secure world for their children and in helping children cope with the threat of nuclear war (Mehan and Wills, 1988). Discourse can also be the focus of struggle in the representation of issues related to the achievement of a culture of peace other than nuclear war on a global scale, i.e. organized physical violence on a regional level within nation states (e.g. Firer and Adwan, 2004); domestic violence – unorganized physical violence within the home2 (e.g. Rapping 2000); and structural violence, e.g. the representation of the grievances of poor rural villagers in Thailand, social diversity in Europe, and North-South relations (for examples see respectively, Chalermsvipinyorat, 2004; Bloomaert and Verschueren, 1998; and Doty, 1996.) If the use of nuclear weapons was the major source of concern during the Cold War, in the post Cold War period and especially since the United Nations Conference on Environment and Development (Rio, June 1992), environmental degradation, i.e. ecological violence, and its implications for the survival of the whole Earth Community has become a priority,3 and groups with differing views on its seriousness and the manner of dealing with it contend for prominence in the representation of the various threats to ecological integrity and planetary well being. Global warming is one example, with the U.S. government proposing ‘climate variability’ as a challenge to ‘climate change’, the predominant view of (most) world governments and civic groups (Rohter, 2004). Among those who agree with the latter representation, emerging voices of poor countries and communities in the Arctic, atolls of the tropics, and the flanks of the Himalayas propose that global warming be viewed as a threat to human rights, challenging the prevailing voices of those who would represent it as an environmental issue (Revkin, 2004).4 Thus, discourse can also be the focus of politics, that is, the struggle for the power of representation and proponents of various views use a variety of strategies to ensure that their framing of the nature of a particular issue predominates. Approaching the matter with the conviction that reason will prevail, attempts can be made to persuade others of the logic of one’s arguments (e.g. the ‘development debate’, the ‘abortion debate’, the ‘AIDS debate’). Alternately or additionally, the language of opposing views can be incorporated into one’s discourse (e.g. Bill Clinton’s ‘welfare reform’, G.W. Bush’s ‘compassionate conservatism’) or as is evidenced in political campaigns, one can attempt to silence one’s opponents by attacking their positions. If physical coercion is the chosen strategy, those with opposing representations may suffer imprisonment or loss of life (e.g. poisoning, car accidents....).5 When one mode of representation prevails, a hierarchy is formed among the competing representations with the winner’s being given primacy as a way of framing a particular issue (Mehan and Wills, 1988), and taking into account the acknowledged power of discourse as a principle of social action, in the selection of social actions taken to deal with it.

**Can’t be neutral in the evaluation of political discourse- you must distance yourself from lexicons of domination**

**Mihas ‘5**

[Elena Mihas, University of Wisconsin-Milwaukee. “Non-Literal Language in Political Discourse.” LSO Working Papers in Linguistics 5: Proceedings of WIGL 2005, 124-139.]

Van Dijk, a champion of critical discourse analysis, focuses on “the role of discourse in the (re)production and challenge of dominance” (2001), and views political discourse as a class of genres defined by a social domain, namely by politics. Though the domain has fuzzy boundaries, Van Dijk suggests that it can be narrowed down to the set of activities politicians engage in. The study of the structures of political discourse (topics, coherence, arguments, lexical style, disclaimers, rhetorical features), Van Dijk states, may reveal much about the unique character of the discourse. Van Dijk argues that at the more detailed, micro-level of discourse analysis the manifestation of power is less direct and less consciously controlled, and may be observed in intonation, lexical or syntactic style, rhetorical figures, semantic structures, politeness phenomena, etc. He also investigates from a critical angle, his allegiances being professed overtly as anti- dominance. The dictum of the critical method of analysis makes clear that a researcher cannot remain neutral in his or her investigation of political discourse, that one must take a position. My approach in this paper is less specific, and less ideological. I restrict my analysis to constellations of metaphoric and euphemistic clusters in political discourses of two major political forces in the country: Republicans and Democrats. My objective is to deconstruct the meaning of familiar and less familiar political literal figures in the context of their use, and to show their loaded nature, their social force which channels people’s thinking and frames their action.

### Perm

**Retaining “Federal Government” as a dominant signifier short circuits solvency for the counterplan**

**DOTY, 96**

(Roxanne Lynn, PROF of POL SCI @ Arizona State UNIV and PhD @ UNIV of Minnesota,Imperial Encounters: The Politics of Representation in North/South Relations, p. 47-8)

But **meaning was** in fact **FIXED, at least temporarily. How was this accomplished?** Each of the oppositions depended upon a point of differentiation – a point where, for example, *civilized* became differentiated from *uncivilized*. This differentiation was made possible by a dominant signifier. **The dominant signifier can be thought of as the center of the discursive structure: it both makes the structure itself possible and limits its play. It is the point where the substitution of signifiers is no longer possible** (Derrida 1978: 279). **The signifying chain stops**. I would suggest that a distinctly “American” version of “white man” was the dominant signifier in these texts. The terms *civilized, enlightened, lovers of liberty, benevolent,* and so on became fused and came to rest with “white man” while the opposites came to rest with nonwhite races. “White man” was the reference point in relation to which the oppositional distinctions could be posited, the center that while governing the structure escaped structurality. “White man” was given transcendental status, implicitly understood to exist outside of the discursive system instead of itself being constructed by that system. **A deconstructive reading** of these texts **reveals the** contestations and **rhetorical strategies that call this status into question**.

# Round 5 v Mo State BR

## 1NC

### 1NC

#### Interpretation – Restrictions on production must mandate a decrease in the quantity produced. Aff only reduces a regulation on production.

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.

#### Lack of lease sales is not a restriction

**CBO 12** (Congressional Budget Office, August 2012, "Potential Budgetary Effects of Immediately Opening Most Federal Lands to Oil and Gas Leasing", [www.cbo.gov/sites/default/files/cbofiles/attachments/08-09-12\_Oil-and-Gas\_Leasing.pdf](http://www.cbo.gov/sites/default/files/cbofiles/attachments/08-09-12_Oil-and-Gas_Leasing.pdf))

Leasing Offshore Federal Lands The geographic scope of leasing on the Outer Continental Shelf has changed often over the past few decades.3 CBO anticipates that, under current law, DOI will offer leases for most of the acreage in the OCSover the next several decades. Until the early 1980s, DOI offered leases in all of the OCS, including the areas off the Atlantic, Pacific, and Florida coasts. In 1990, after the Congress imposed a series of temporary restrictions, President George H.W. Bush withdrew large portions of the OCS in the Atlantic and Pacific Oceans and the eastern Gulf of Mexico from the leasing program. Those restricted areas were subsequently expanded by President Clinton. Then, in 2008, President George W. Bush narrowed the restrictions to include only areas that had been designated as National Marine Sanctuaries. In 2010, President Obama removed Alaska’s Bristol Bay area from the leasing program until the end of June 2017. Since 2008, policies on leasing in the Atlantic and Pacific OCS have varied, reflecting differences between the two most recent Administrations. In January 2009, DOI issued a proposed five-year plan that included lease sales in the Atlantic and Pacific OCS for the 2010–2015 period. The program proposed in June 2012 does not include an option for sales in those areas between 2012 and 2017. Neither plan involved the areas in the Gulf of Mexico adjacent to the Florida coast in which leasing is now prohibited until the end of June 2022.4 Other than the temporary ban on leasing in the eastern Gulf of Mexico, there currently are no statutory restrictions on OCS leasing. Decisions about leasing are made administratively—in consultation with industry and the states—for five-year periods. Leases cannot be offered for areas that are not included in a five-year plan, but the available regions may change whenever a new plan is adopted. The next plan is expected to go into effect in August 2012 and will extend for five years unless a future Administration chooses to restart the process before that plan expires. Historical experience suggests that only a fraction of the leases awarded in the OCS will eventually be brought into production. Almost 60 percent of the OCS leases issued in the Gulf of Mexico through 2007 either expired or were relinquished without producing any oil or natural gas.5 CBO estimates that almost 90 percent of the 2011 OCS production was from leases issued before 2001, reflecting the long lead times associated with exploring and developing oil and gas fields. 6

#### Voting issue -

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

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.

#### 2. Precision – A distinction between regulation and restrictions is key – critical to predictability

#### T is voter for fairness and predictibility

**1NC**

**Will Pass- conditions and momentum**

**CQ Weekly 2-11**

“The Political Imperative of Immigration Reform,” via CQ Electronic Library

Barely a week after Election Day, President Barack Obama started ramping up his public comments about immigration. “I’m very confident that we can get immigration reform done,” he said Nov. 14, mindful that he owed his re-election in part to a lopsided 3-to-1 advantage among Latino voters. “We need to seize the moment.”¶ Senate Majority Leader Harry Reid of Nevada had set the stage a few days earlier, saying immigration legislation is “very, very high on my list” of priorities for the 113th Congress.¶ Longtime observers of the issue might be forgiven for taking this fresh enthusiasm with a grain of salt. After all, Obama hadn’t fulfilled an earlier promise to guide an immigration overhaul within the first year of his first term. Then, in late 2010, when Democrats controlled both chambers of Congress, a bill to grant citizenship to the children of illegal immigrants collapsed in the Senate.¶ Many assumed the issue would go into hibernation until the political landscape smoothed out, but last fall’s election results gave new immediacy to the effort for both parties. **Immigration**, one of Washington’s most intractable policy disputes, now **looks to be on the front burner** for the immediate future.¶ Republicans have hinted since the election that they are ready to shift their focus away from enforcement and border security. A bipartisan group of eight senators on Jan. 28 released the outlines of a comprehensive immigrationoverhaul that calls for giving undocumented immigrants a path to citizenship, the holy grail for immigrant advocates. A similar House group is working on a framework that has yet to be unveiled. Obama, who outlined his own principles on the issue Jan. 29, is expected to dwell on the topic in his State of the Union speech Tuesday.¶ While **the possibility certainly exi**sts that this **latest effort could fall apart, the stars seem to be aligned for getting some kind of immigration overhaul through Congress this year**. What that legislation will look like, of course, remains to be seen.¶ Although the election results are the main catalyst driving the initiative, **a number** **of** other **factors** that **have quietly come into play might ease the path for a bill. These include a drop in net inflows of immigrants, stronger border enforcement, a relatively strong economic rebound in Mexico and blowback from punitive state immigration laws**. Combined, these events have helped to lower the temperature around the issue and paved the way — at least for now — for level-headed talks on Capitol Hill.¶ “All of these things have coincided and do create a moment where there really is an opportunity to step back and recognize that we have an immigration law that is not suited to the country’s needs,” says Doris Meissner, a commissioner of the Immigration and Naturalization Service under President Bill Clinton who now works as a senior fellow at the Migration Policy Institute.¶ These days, Illinois Democratic Rep. Luis V. Gutierrez, one of the most outspoken immigration advocates in Congress, can barely contain his excitement. “**The momentum gives me a great sense of optimism,”** Gutierrez said recently. “**People in both parties are fighting to be at the negotiating table, and I think we will get legislation passed and signed by the president this year**.”

**Obama popularity Key**

**LA Times 2-4**

“Obama Takes Second Term Agenda to the Campaign Trail,” <http://www.latimes.com/news/nationworld/nation/la-na-obama-20130204,0,3889723.story>

Fresh off his first inauguration, **Obama spent his political capital diving into healthcare** reform**, a bruising effort that took more than a year. His efforts to negotiate a far-reaching budget deal** with the House speaker **yielded nothing**. **But when he took to the road, he was able to win an extension of the payroll tax break and lower interest rates on** federal student **loans**.¶ "**They're making up for a major error of the first term, that he didn't use the bully pulpit as effectively to set the national debate," said** Allan **Lichtman, a presidential historian at American** University. "He let a lot of the healthcare debate take place in Congress, so you had Congress setting the terms."¶ "In the second term, **if he's going to get anything done, he has to get the public behind him,"** Lichtman continued. "Congress operates on fear and greed**. The only way you get Congress to work with him is if they believe he has a big public movement behind him**."¶ The president's approval ratings have risen in the four months since his reelection, but it's too soon to see whether he's boosted support for his signature issues. Obama has seized on issues that already have solid public support.¶ Whether a president has the power to generate a tide of public sentiment remains a matter of debate among political scientists and historians. Historians periodically examine whether President Reagan brought about a revolution in American politics or was the beneficiary of one already underway.¶ George C. Edwards III, a presidential scholar and political scientist at Texas A&M University, studied hundreds of polls on presidents and concluded that even the most accomplished orators usually failed to win public support for their top initiatives.¶ Despite Reagan's opposition to spending on social programs, for instance, public support for them rose during his tenure. Still, Rea**gan persuaded Democrats to pass his bills to cut taxes in 1981 and 1986, which some see as clear evidence that his skillful public diplomacy had an effect on his negotiations with Congress.**¶ "Ronald Reagan was the great communicator because he was very powerful in selling ideas that people thought were crazy," Lichtman said. "**Who would have thought an across-the-board tax cut would be adopted when it was? It was the persuasiveness of Ronald Reagan, talking about getting the government off your back**."¶ With Obama, though, his opponents do not seem worried about the effect of his words, however eloquently delivered.

**Plan is massively unpopular**

**Prandoni 3-30**

“Democrat Policies Threaten to Starve American Refiners,” <http://m.atr.org/article.php?id=6823>

With the 2012 election cycle in full swing, yesterday **Obama took to the stump calling for job-killing tax increases on nefarious oil companies.** Although **nothing gets the Democrat base excited like demonizing oil and natural gas producers**—an industry responsible for over 9 million American jobs, mind you—raising taxes on the oil industry will necessarily stymie American production of our natural resources.¶ What those hoping “Big Oil” topples over don’t realize is that thousands of American manufacturers rely on the oil and natural gas industry—businesses sell equipment to oil and natural gas producers and also transform crude oil into fuel and a variety of other useful products. One industry that would be hardest hit from a reduction in oil and natural gas production would be America’s refiners. Already struggling for a variety of mostly government-induced reasons, further reductions in crude would literally starve America’s robust refining sector of its lifeblood.¶ I say further reductions because the **Obama** Administration **is already inhibiting domestic oil and natural gas production wherever possibl**e**. Cancelling lease sales on the Atlantic coast, delaying lease sales for nearly a year in the gulf, and increasing the amount of time it takes companies to receive requisite permits have all immediately impacted domestic oil production**, and intern, America’s refiners.¶ To learn more, check out the House Natural Resources Committee’s depressing compilation of all the ways Democrats have attempted to impede domestic energy.¶ Over in the other chamber, the Republican Energy and Natural Resources staff created this great chart illustrating how difficult it became for job creators to receive an Application for Permit to Drill (APD) under Obama’s tenure:But it doesn’t end there. The most explicit attack on refiners from the Obama Administration thus far must be the decision to kill the Keystone pipeline. As most people know by now, the Keystone Pipeline would have delivered around 800,000 barrels of Canadian crude oil to, you guessed it, America’s refiners. Creating tens of thousands of construction jobs and ensuring that America’s refiners have crude oil to manufacture into other products, the Keystone pipeline would have been a shot of life for the recession weary construction and refining industries. Unfortunately, Obama’s decision to kill the pipeline is indicative of the Administration’s antagonistic stance towards anyone involved in the oil and natural gas supply chain.¶ So while oil production on federal lands will in all likelihood continue to decline as long as Obama is in the White House, America’s refiners will have to rely on oil production from private lands. Instead of using oil and natural gas companies as an applause line, the Obama Administration should look to increase American jobs and energy security—it sure would make life for America’s refiners a whole lot easier.

**Legalization solves the deficit**

**Tucker 10**

Cynthia is a columnist for The Atlanta Journal-Constitution. “We need immigrants to help pay the deficit,” Nov 19, http://blogs.ajc.com/cynthia-tucker/2010/11/19/we-need-immigrants-to-help-pay-the-deficit/

Recommendations for taming the deficit include raising the retirement age, raising the federal gas tax and ending the mortgage interest deduction for homeowners. Ouch!¶ But there is a palliative that would ease the pain: Put 11 million illegal immigrants on a path to legalization. And don’t touch birthright citizenship!¶ Yes, you heard that right: Granting legal residency to illegal immigrants will eventually help **sop up some of the federal budget’s red ink. I know that’s counterintuitive since so many citizens have come to believe that Mexican landscapers and Guatemalan maids are a drain on the treasury. But the fact is that their relative youth is just what the U.S. economy needs.**¶ **The explosion of the long-term deficit is largely the consequence of an aging population, with more retirees depending on taxes from fewer workers**. While the recession, two unfunded wars and Bush-era tax cuts fueled the immediate deficit, a tsunami of long-term red ink will swamp the budget in about ten years, as a massive wave of baby boomers leaves the workplace.¶ So we need as many younger workers as we can find to help support the coming crush of senior citizens. The U.S. is lucky enough to have a higher birthrate than many other Westernized democracies, even among native-born women. Immigrants are an added demographic bonus.¶ “When some people think of immigrants, they think of people coming in and immediately absorbing our resources,” said Emory economist Jeffrey Rosensweig. “**Most immigrants come here to work. They’re young workers, and they’re paying taxes.” Why not add all of them to the federal tax rolls?**

**Long Term Deficit kills hegemony causes nuclear war**

**Khalilzad 11**

Zalmay Khalilzad, the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, February 8, 2011, “The Economy and National Security; If we don’t get our economic house in order, we risk a new era of multi-polarity,” online: <http://www.nationalreview.com/articles/259024/economy-and-national-security-zalmay-khalilzad>

**Without faster economic growth and actions to reduce deficits**, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual **interest payments — which already are larger than the defense budget — would crowd out other spendin**g or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-**debt crisis that would almost certainly compel a radical retrenchment of the United States internationally.**¶ **Such scenarios would reshape the international order**. It was the economic devastation of Britain and France during World War II, as well as the rise of other powers, that led both countries to relinquish their empires. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.” Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, the United States would be compelled to retrench, reducing its military spending and shedding international commitments.¶ We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. **The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation.**¶ **The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars** among the great powers. Failures of multi-polar international systems produced both world wars.¶ American retrenchment could have devastating consequences. Without an American security blanket, **regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict.** Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.¶ As rival powers rise, Asia in particular is likely to emerge as a zone of great-power competition. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, **the United States is the most significant barrier facing Chinese hegemony and aggression.**

### 1NC

#### The United States Federal Government should substantially reduce restrictions on energy production of natural gas in the Gulf of Mexico Outer Continental Shelf Region, the Atlantic Outer Continental Shelf Region, and the Pacific Outer Continental Shelf Region.

#### Counterplan competes

#### The plan says Outer Continental Shelf—that refers to every area

US Code 2

 [“OUTER CONTINENTAL SHELF LANDS ACT,” as amended Through P.L. 106–580, Dec. 29, http://epw.senate.gov/ocsla.pdf]

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term ‘‘outer Continental Shelf’’ means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (Public Law 31, Eighty-third Congress, first session), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control;

#### That means the aff is 4 regions

USLegal No Date

( “Outer Continental Shelf Lands Act Law & Legal Definition” 2/11/2013, http://definitions.uslegal.com/o/outer-continental-shelf-lands-act/)

The United States OCS has been divided into four leasing regions:[2] Gulf of Mexico OCS Region Atlantic OCS Region Pacific OCS RegionAlaska OCS Region

#### **Arctic offshore natural gas extraction wrecks ecosystems – impact’s whales, oceans, groundwater withdrawal, and soil erosion**

NPC 11 – National Petroleum Council (“Operations and Environment,” http://www.npc.org/reports/NARD/NARD\_Ops-Environment.pdf)

Environmental Challenges Expanded potential of natural gas and oil resources has dramatically improved the North American energy supply outlook. The increased use of natural gas is likely to reduce the overall carbon intensity of recoverable. Continuous attention to reducing risks is essential to ensure pollution prevention, public and worker safety and health, and environmental protection. These are essential outcomes in order to enjoy access to the resources for extraction and ultimate satisfaction of consumers’ energy demand. Due to the importance of these issues, their influence on the study process has been significant. Risk to the environment exists with natural gas and oil development, as with any energy source. Local, state, and federal governments have developed a mix of prohibitions, regulations, and scientific study to reduce potential environmental impacts of natural gas and oil development. Parties discussing energy policy can be missing a common vocabulary and set of references to have a constructive conversation and make educated decisions. No form of energy comes without impacts to the environment. An appropriate framework for discussing energy sources is necessary. Environmental challenges associated with natural gas and oil development vary by location, such as onshore versus offshore, and by the methods employed to extract the resource. Although each well involves drilling into the crust of the earth and constructing well casing using steel pipe and cement, differences arise from the affected environment, resource type, regional and operating conditions, and proximity to environmental receptors. The public, policymakers, and regulators have expressed the following environmental concerns about onshore operations: yyHydraulic Fracturing – Consumption of freshwater (volumes and sources), treatment and disposal of produced water returned to the surface, seismic impacts, chemical disclosure of fracture fluid additives, potential ground and surface water contamination, chemical and waste storage, and the volume of truck traffic. yyWater Management – Produced water handling and disposal has created apprehension about existing water treatment facilities and the ability to treat naturally occurring radioactive material, adjust salinity, and safely discharge effluent. yyLand Use Encroachment – The encroachment into rural and urban areas results in perceived changes to quality of life, especially in newly developed or redeveloped natural gas and oil areas. yyMethane Migration – Methane in domestic drinking water wells, either naturally occurring or from natural gas development. yyAir Emissions – Emissions generated from combustion, leaks, or other fugitive emissions during the production and delivery of natural gas and oil present challenges regarding climate change and human health impacts. Offshore operations environmental challenges are somewhat different than onshore due to the sensitivities of the marine environment, harsh operating conditions, remote locations in the case of the Arctic, and advanced technologies employed. These challenges include: yyPrevention of and Response to a Major Release – The pressures and temperatures associated with remote wellhead locations that are difficult to access on the bottom of the ocean floor, and high flow rate of deepwater wells, make the containment of a subsea release challenging. yy Safety – Offshore natural gas and oil drilling practices, called into question by the recent Deepwater Horizon incident, have resulted in a weakened public perception of offshore process and worker safety. The limited operating space coupled with significant production volumes can create a higher-risk work environment. yyMarine Impacts – Seismic noise generated by offshore natural gas and oil exploration activities is recognized as a concern for whale populations and other marine life, including fish. yyArctic Ice Environments – Responding to an oil spill in seasonal subzero temperatures with the presence of broken sea ice and 24-hour darkness is difficult and presents challenges not faced in other marine environments. The development of oil sands poses unique environmental challenges that differ from those associated with other onshore oil resources, including: yyWater Consumption – Large volumes of water have generated public and regulatory issues associated with water sourcing, groundwater withdrawals, and protecting water quality. yyLand Disturbances – Removal of overburden for surface mining can fragment wildlife habitat and increase the risk of soil erosion or surface runoff events to nearby water systems, resulting in impacts to water quality and aquatic species. yyGreenhouse Gas (GHG) Emissions – Transportation fuels produced solely from oil sands result in well-to-wheels life-cycle GHG emissions 5% to 15% higher than the average crude oil refined. The carbon intensity of oil sands can vary based on extraction, refining and transport method. And, in 2009, well-to-wheel emissions from oil sands processed in the United States were only 6% higher than the average crude oil consumed in the United States. Over time, incremental efficiency improvements, as well as new technologies, such as the application of solvents to mobilize oil in situ (as an alternative to heat) are expected to continue to reduce the GHG intensity of unconventional operations.

#### Extinction

**Craig 3** – Associate Professor of Law, Indiana University School of Law

(Robert Kundis, Winter, “Taking Steps Toward Marine Wilderness Protection? Fishing and Coral Reef Marine Reserves in Florida and Hawaii,” 34 McGeorge L. Rev. 155, Lexis)

The world's oceans contain many resources and provide many services that humans consider valuable. "Occupy[ing] more than [seventy percent] of the earth's surface and [ninety-five percent] of the biosphere," n17 oceans provide food; marketable goods such as shells, aquarium fish, and pharmaceuticals; life support processes, including carbon sequestration, nutrient cycling, and weather mechanics; and quality of life, both aesthetic and economic, for millions of people worldwide. n18 Indeed, it is difficult to overstate the importance of the ocean to humanity's well-being: "The ocean is the **cradle of life** on our planet, and it remains the **axis of existence**, the locus of planetary biodiversity, and the engine of the chemical and hydrological cycles that create and maintain our atmosphere and climate." n19 Ocean and coastal ecosystem services have been calculated to be worth over twenty billion dollars per year, worldwide. n20 In addition, many people assign heritage and existence value to the ocean and its creatures, viewing the world's seas as a common legacy to be passed on relatively intact to future generations. n21

### 1NC

#### Gas crises are constructed as Russia exerting its “energy weapon”

Högselius 13

(Per, associate professor at the Royal Institute of Technology, Stockholm; Jan 8, *Red Gas: Russia and the Origins of European Energy Dependence*, Palgrave MacMillan, p. 1 – Kurr)

Europe’s dependence on Russian natural gas has in recent years become a fiercely debated issue in European politics. The actual and potential consequences of far-reaching energy imports from the “big bear” have become a subject of growing concern not only among importing nations, but also at the level of the European Union. The gas trade has come to decisively influence EU-Russia relations and there is nowadays hardly any aspect of these that can be discussed without, directly or indirectly, taking into account natural gas. The recent “gas crises”—notably in 2006 and 2009—in which several EU member states faced acute gas shortages as a consequence of disputes between Russia and Ukraine over the extension of import and transit contracts have, in the eyes of many analysts, proved the reality of Europe’s vulnerability.¶ Moreover, some have interpreted Russia’s gas disputes with Ukraine and several other ex-Soviet republics as part of a wider Russian ambition to regain political and economic influence in its “near abroad.” According to this interpretation, Russian natural gas has become an “energy weapon” analogous to the OPEC’s “oil weapon”, and the argument is that such a weapon might be—and is possibly already being—used not only against Ukraine and other former Soviet republics, but also against Western Europe. 1

#### Those fears are misguided and have no impact on energy supplies

Högselius 13

(Per, associate professor at the Royal Institute of Technology, Stockholm; Jan 8, *Red Gas: Russia and the Origins of European Energy Dependence*, Palgrave MacMillan, p. 7-8 – Kurr)

Importantly, actors were often unaware of the real motives of their partners beyond the Iron Curtain. West Europeans were highly suspicious of Moscow’s intentions, and all importers took into account politically motivated supply disruptions and aggressive price dumping as a real risk when negotiating with the Soviets and building the import infrastructure. Huge investments were made in technical facilities whose purpose was to reduce the adverse impact of unexpected Soviet moves. Whether or not the Soviet gas weapon “actually” existed, its socially constructed reality thus had a very tangible impact on the physical characteristics of the European gas system.¶ As it turned out, Western Europe’s expensive back-up pipelines, emergency gas storage facilities, gas-quality transformation stations, and other precautionary measures did find their role in the rapidly growing East-West gas trade. The reason, however, was not that Moscow intentionally disrupted supplies, but that the export pipelines built on Soviet territory were plagued by recurring technical failures. In the construction phase of export pipelines, the everyday chaos of what was allegedly a “centrally planned economy” ensured that key equipment was often missing and that projects rarely had a chance of living up to the timetables specified in the export contracts. Seeking to enforce the deadlines, decision makers allowed pipelines and compressor stations along the international transmission routes to be built in a haste by a workforce that during the most sensitive construction phases largely consisted of probationers and conditionally released prisoners. The disastrous quality of pipelines and compressor stations built in the 1960s and 1970s inevitably gave rise to repeated technical failures and accidents later on.

#### Fears of a Russia “energy weapon” reinscribe Russo-phobia

Monaghan 05

(Dr. Andrew, Director of the Russia Research Network, “Russian Oil and EU Energy Security,” Conflict Studies Research Centre, online – Kurr)

Russia would be the main loser in any political cut off of oil supplies to the EU. The Russian economy, although gaining a measure of independence, is still highly dependent on earnings from the export of energy to its primary market – western Europe. Moreover, Russia has few other serious market options. Even building a pipeline infrastructure to the east coast poses problems – Moscow also fears a Chinese monopoly on Asia/Pacific exports.¶ But there is little evidence to suggest that Russia would seek to do this – to the contrary. Russia has sought to be a reputable international supplier – and a reputation, particularly one as fragile as Russia’s, is easily spoiled. The evidence “against” Russia, even in some of its dealings with the NIS, suggests on one hand a very thinly veiled Russo-phobia under which umbrella Russia can credibly be blamed for almost anything without close examination and on the other a more hard-nosed economic approach from Russia more than any particular political willingness to use energy as a weapon.

#### Russophobia is a form of overt racism and causes serial policy failure – the counter advocacy is to do the aff without the justification of stopping Russian “energy” weapons

Lieven 01

(Anatol, senior associate at the Carnegie Endowment for International Peace; “Against Russophobia,” World Policy Journal, Vol. 17, No. 4)

Ever since the Cold War ended, Western officials and commentators have been telling the Russians how they need to grow out of their Cold War attitudes toward the West and Western institutions, and learn to see things in a "modern" and "normal" way. And there is a good deal of truth in this. At the same time, it would have been good if we had subjected our own inherited attitudes toward Russia to a more rigorous scrutiny. For like any other inherited hatred, blind, dogmatic hostility toward Russia leads to bad policies, bad journalism, and the corruption of honest debate--and there is all too much of this hatred in Western portrayals of and comments on Russia. From this point of view, an analysis of Russophobia has implications that go far beyond Russia. Much of the U.S. foreign policy debate, especially on the Republican side, is structured around the belief that American policy should be rooted in a robust defense of national interest--and this is probably also the belief of most ordinary Americans. However, this straightforward view coexists with another, equally widespread, view that dominates the media. It is, in Secretary of State Madeleine Albright's words, that "the United States stands taller than other nations, and therefore sees further." The unspoken assumption here is that America is not only wise but also objective, at least in its perceptions: that U.S. policy is influenced by values, but never by national prejudices. The assumption behind much American (and Western) reporting of foreign conflicts is that the writer is morally engaged but ethnically uncommitted and able to turn a benign, all-seeing eye from above on the squabbles of humanity. It is impossible to exaggerate how irritating this attitude is elsewhere in the world, or how misleading and dangerous it is for Western audiences who believe it. Not only does it contribute to mistaken policies, but it renders both policymakers and ordinary citizens incapable of understanding the opposition of other nations to those policies. Concerning the Middle East, it seems likely that most Americans genuinely believe that the United States is a neutral and objective broker in relations between Israelis and Palestinians--which can only appear to an Arab as an almost fantastically bad joke. This belief makes it much more difficult for Americans to comprehend the reasons for Palestinian and Arab fury at both the United States and Israel. It encourages a Western interpretation of this anger as the manipulation of sheep-like masses by elites. At worst, it can encourage a kind of racism, in which certain nations are classed as irrationally, irredeemably savage and wicked. Concerning Russia, the main thrust of the official Western rhetoric with respect to the enlargement of NATO, and Russia's response, has been that the alliance is no longer a Cold War organization or a threat to Russia, that NATO enlargement has nothing to do with Russia, that Russia should welcome enlargement, and that Russian opposition is not merely groundless but foolish and irrational. It is of course true that Russian fears of NATO expansion have been exaggerated, and some of the rhetoric has been wild. Still, given the attitudes toward Russia reflected in much of the Western media (especially among the many supporters of NATO enlargement), a Russian would have to be a moron or a traitor to approve the expansion of NATO without demanding guarantees of Russian interests and security. [1] This is not to deny that there has been a great deal to condemn in many aspects of Russian behavior over the past decade, the war in Chechnya being the most ghastly example. But justifiable Western criticism has all too often been marred by attacks that have been hysterical and one-sided, and it has taken too little account of the genuine problems and threats with which Russians have had to struggle. This has been especially true of comment on the latest Chechen war, which began in the summer of 1999. Outworn Stereotypes Western Russophobia has various roots. One shoot is the continuing influence of what the political scientist Michael Mandelbaum has called "residual elites": groups and individuals who rose to prominence during the Cold War and have lacked the flexibility to adapt to a new reality. To these can be added others who have sought to carve out careers by advocating the expansion of U.S. influence into the lands of the former Soviet Union, in direct competition with Russia. Then there are various ethnic lobbies, whose members hate and distrust Russia for historical reasons and whose sole remaining raison d'etre is to urge an anti-Russian geopolitical agenda. Finally, there are those individuals who need a great enemy, whether from some collective interest or out of personal psychological need. Much of the intellectual basis for, and even the specific phraseology of, Russophobia was put forward in Britain in the nineteenth century, growing out of its rivalry with the Russian Empire. [2] Given Britain's own record of imperial aggression and suppression of national revolt (in Ireland, let alone in India or Africa), the argument from the British side was a notable example of the kettle calling the pot black. Many contemporary Russophobe references to Russian expansionism are almost word-for-word repetitions of nineteenth-century British propaganda [3] (though many pre-1917 Russians were almost as bad, weeping copious crocodile tears over Britain's defeat of the Boers shortly before Russia itself crushed Polish aspirations for the fourth time in a hundred years). When it comes to Western images of other nations and races, there has been an effort in recent decades to move from hostile nineteenth-century stereotypes, especially when linked to "essentialist" historical and even quasi-racist stereotypes about the allegedly unchanging nature and irredeemable wickedness of certain peoples (though it seems that this enlightened attitude does not apply to widespread American attitudes toward Arabs). If outworn stereotypes persist in the case of Russia, it is not only because of Cold War hostility toward the Soviet Union (identified crudely and unthinkingly with "Russia," although this was a gross oversimplification). It is also the legacy of Soviet and Russian studies within Western academe. Its practitioners were often deeply ideological (whether to the right or left) and closely linked to Western policy debates and to the Western intelligence and diplomatic communities. On the right, there was a tendency, exemplified by the Harvard historian Richard Pipes, to see Soviet communism as a uniquely Russian product, produced and prefigured by a millennium of Russian history. In a 1996 article, Professor Pipes wrote of an apparently fixed and unchanging "Russian political culture" leading both to the adoption of the Leninist form of Marxism in 1917 and to the problems of Russian democracy in 1996--as if this culture had not changed in the past 80 years, and as if the vote of ordinary Russians for the Communists in 1996 was motivated by the same passions that possessed Lenin's Red Guards. [4] Even after the Soviet collapse, this tendency has persisted, and developments in post-Soviet Russia are seen as a seamless continuation of specifically Soviet and tsarist patterns--patterns which, it goes without saying, are also specifically and uniquely wicked. [5] To be sure, many of the crimes of communism in Russia and in the Soviet bloc were uniquely wicked. But the behavior of the tsarist empire and the dissolution of its Soviet version in the 1990s can only be validly judged in the context of European and North American imperialism, decolonization, and neo-colonialism. Pre-1917 imperial Russia's expansionism was contemporaneous with that of Spain, France, Holland, Belgium, Britain, and the United States. As far as the Soviet Union's disintegration is concerned, Russophobes cannot have it both ways. If the Soviet Union was to a considerable extent a Russian empire, then the legitimate context for the study of its disintegration is the retreat of other empires and their attempts to create post- or neo-colonial systems. In this context--particularly bearing in mind France's retreat from its Asian and African empire--the notion that the Soviet/Russian decolonization process has been uniquely savage becomes absurd. Such comparisons are essential in attempting to deter mine what has been specifically Soviet, or specifically Russian, about this process, and what reflects wider historical realities. A Historicist Approach These comparisons are rarely made. References to allegedly unique and unchanging historical patterns in Russian behavior are an ongoing trope of much of Western journalistic and academic comment. Take for example a recent statement by Henry Kissinger: "For four centuries, imperialism has been Russia's basic foreign policy as it has expanded from the region around Moscow to the shores of the Pacific, the gates of the Middle East and the center of Europe, relentlessly subjugating weaker neighbors and seeking to overawe those not under its direct control." [6] This not only implies that expansionism was uniquely Russian but that it represents an unchangeable pattern. Yet for virtually this entire period, the same remark could have been made about the British, the French, or (within North and Central America at least) the United States. It is also extremely odd that in 1989-93, "Russia" conducted what was probably the greatest, and most bloodless imperial retreats in history and that this has simply vanished from Kissinger's account. At worst, such attitudes can approach a kind of racism, as in the conservative political commentator George Will's statement that "expansionism is in the Russians' DNA." [7] Another example of such thinking is former national security adviser Zbigniew Brzezinski's statement that "[the Russians] have denied many, many times now that they have committed atrocities [in Chechnya].... In 1941, they killed 15,000 Polish prisoners, officers in Katyn, and they denied that for 50 years." [8] In his account, "the Russians" as a collectivity are fully responsible for the crimes committed by the Soviet Union under the Communist dictatorship of Joseph Stalin--an ethnic Georgian who at the time of the massacre at Katyn was also responsible for murdering or imprisoning millions of ethnic Russians who were accused of hostility toward communism or toward Stalin himself. This Stalinist past is then made part of a seamless continuity of "Russian" behavior, running unchanged through the years since Stalin's death. The condemnation of Stalinism by Nikita Khrushchev, the reforms of Mikhail Gorbachev, the peaceful Soviet withdrawal from Poland, the Russian recognition of the independence of the other Soviet republics--all this is ignored. As Brzezinski's statement illustrates, this essentialist attitude toward Russia has played a major part in the reporting of and commentary on, the latest Chechen war. Take, for example, a recent editorial in the Los Angeles Times: "Russians also fight brutally because that is part of the Russian military ethos, a tradition of total war fought with every means and without moral restraints." [9] Unlike, of course, the exquisite care for civilian lives displayed by the French and American air forces during the wars in Indo-China, Korea, and Algeria, the strict adherence to legality in the treatment of prisoners, and so on. The editorial read as if the wars against guerrillas and partisans involving Western powers had been wiped from the record. (What was most depressing was that it followed two articles on Russian and Chechen atrocities by Maura Reynolds and Robyn Dixon in the same newspaper that were the very models of careful, objective--and utterly harrowing--reportage). [10] This historicist approach toward Russia also reflects the decline of history as an area of study, an ignorance of history on the part of international relations scholars, and the unwillingness of too many historians themselves to step beyond their own narrow fields. The attitudes it reveals also spring from a widespread feeling that Russophobia is somehow legitimized by the past Western struggle against Communist totalitarianism, a struggle I strongly supported. This is deeply mistaken. With communism dead as a world ideology, dealing with Russia--or China for that matter--has become the much more familiar, historically commonplace question of dealing with nations and states, which we on occasion may have to oppose and condemn, but whose behavior is governed by the same interests and patterns that historically have influenced the behavior of our own countries. In fact, both the policy and the statements of Russian generals with respect to Chechnya not only recall those of French generals during the Algerian War of Independence (1954-62), but of Turkish generals during the recent war against the Kurdish PKK: the ruthless prosecution of the war (including in the Turkish case major attacks on PKK bases in Iraq); a refusal to negotiate with the enemy; no role whatsoever for international organizations. None of this is, or ever was, praiseworthy, but "communism" plays no role in it. I might add that many old hard-line Cold Warriors-turned-Russophobes like Brzezinski and Kissinger have in any case rendered their pretensions to anticommunist morality dubious by the warmth with which they embrace the Chinese state, as well as their wooing of hard-line ex-Communist dictators in Central Asia and elsewhere. [11] Architectures of Hatred Russophobia today is therefore rooted not in ideological differences but in national hatred of a kind that is sadly too common. In these architectures of hatred, selected or invented historical "facts" about the "enemy" nation, its culture, and its racial nature are taken out of context and slotted into prearranged intellectual structures to arraign the unchanging wickedness of the other side. Meanwhile, any counterarguments, or memories of the crimes of one's own are suppressed. This is no more legitimate when directed by Russophobes against Russia than when it is directed by Serb, Greek, or Armenian chauvinists against Turkey, Arabs against Jews, or Jews against Arabs. The most worrying aspect of Western Russophobia is that it demonstrates the capacity of too many Western journalists and intellectuals to betray their own professed standards and behave like Victorian jingoists or Balkan nationalists when their own national loyalties and hatreds are involved. And these tendencies in turn serve wider needs. Overall, we are living in an exceptionally benign period in human history so far as our own interests are concerned. Yet one cannot live in Washington without becoming aware of the desperate need of certain members of Western elites for new enemies, or resuscitated old ones. This is certainly not the wish of most Americans--nor of any other Westerners--and it is dangerous. For of one thing we can be sure: a country that is seen to need enemies will sooner or later find them everywhere.

### Russia Adv

#### No infrastructure for exports

NYT, 1/4/2013

(“Exports of American Natural Gas May Fall Short of High Hopes”)

Resistance from environmental groups like the Sierra Club could help stop some export projects, especially outside the Gulf of Mexico region, which has long been comfortable with the oil and gas industry. And manufacturers like Dow Chemical are campaigning against unfettered exports to keep their costs down.¶ Over all, these factors will make it challenging for export projects to raise enough financing. L.N.G. terminal developers note that more than 20 import terminals proposed a decade ago were never built because of local opposition or lack of government permits and financing.¶ “Can all these projects get financed? That’s a good question,” said Marvin Odum, president of Shell Oil Company, which is looking at various possible L.N.G. terminal sites to invest in. “The outcome of this is not likely to be unlimited L.N.G. exports.”

#### Their Nelders and Powers ev just cites Berman.

#### Berman is wrong – assumes decline rates are linear, but they’re hyperbolic – data proves

Holland 11

Bill Holland 11, Associate Editor, Gas Daily, December 2011, “Prices and Profits: US Shale Gas,” <http://www.platts.com/IM.Platts.Content%5Caboutplatts%5Cmediacenter%5Cpriceshale.pdf>

Hedging—locking in futures prices with buyers through swaps and collars—also helps shale producers keep their realized prices high. The US’ top shale producer and number two natural gas producer, Chesapeake Energy, has been particularly adept at keeping its realized prices higher than the NYMEX benchmark. The company adds millions of dollars to the well head price of its gas through hedging, although sharp reversals in prices, as occurred in 2008 when gas prices plunged from record highs, can deeply dent the company’s results when it has to mark its books to market every quarter.¶ For Chesapeake and other independents, hedging routinely adds $1/Mcf to their realized sales prices. But, as gas prices stay below $5/Mcf and remain stable there, it is becoming harder and harder to ﬁnd customers willing to lock in higher futures prices.¶ Shale gas critic Art Berman, quoted extensively by the New York Times and others, uses 2009 well data from both the Haynesville and the Barnett shales (and operators Chesapeake and Devon) to show that the promise of shale is wildly overestimated by producers. Shale gas wells produce at very high rates for the ﬁrst 12-18 months of their lives, but then decline rapidly. Flows are often reduced 66% from the initial production rate to an inﬂection point. What happens at that point is where critics like Berman and producers part ways. Berman says the 2009 data shows that the decline of the well post inﬂection is along a linear slope, constantly and inexorably down, until after 10 years the well is played out.¶ Since the ﬁrst year’s high rate pays for the well, the shape of the tail determines it estimated ultimate recovery (EUR) over its life, and thus the eventual proﬁtability of the project. Berman’s linear tail results in EUR’s that are half, by his calculation, what shale producers are telling themselves and their investors. ¶ Berman’s views have been well known in the industry for years and he is a frequent speaker on the conference circuit, but when his analysis found a nationwide audience in the New York Times, the “news” prompted US politicians to call for the US Securities and Exchange Commission to investigate the reserve reporting and production numbers of shale gas producers. The SEC launched a “fact ﬁnding” probe this summer that involved subpoenas for data from several small US independents. The subpoenaed ﬁ rms pledged to cooperate fully.¶ The shale gas independents don’t think they have anything to hide. Where Berman and others think old well data shows a linear drop, they point to mounds of data on shale wells dating back a decade. These, they say, show that the production decline is hyperbolic, not linear. Instead of dropping off at a constant rate after the initial ﬂush of high production, the decline curve bends slightly up from linear and trails off slowly over the next 20-30 years, justifying their EUR numbers and projected proﬁts. After all, they say, the well pays for itself in the ﬁrst year. Every other year after is pure proﬁt. ¶ They are also happy to note that many of Berman’s predictions have been wrong. Gleefully, they point out that, in 2008, Berman predicted that production from the Barnett Shale would top out at 6 Tcf. The play has produced 9.6 Tcf worth of gas through this year and still produces 5.6 Bcf/d.

#### Massive production increases now—new drilling areas unnecessary—throw out old aff evidence

Klein 1/15/2013

Tammy Klein, Hart Energy Downstream Research Senior VP, 1/15/13, A Refined Strategy: To Market, To Market, energy.nationaljournal.com/2013/01/should-america-exploit-energy.php

Recent technological advancements in the drilling of horizontal wells with multiple hydraulic fractures to extract oil and gas from shale and other tight formations have fundamentally altered petroleum supplies in the U.S. (and Canada). Production of these new, unconventional tight oils is growing rapidly. According to new estimates in Hart Energy’s Global Crude, Refining & Clean Transportation Fuels Outlook study, U.S. tight oil production rose to 1.70 million barrels per day in the last quarter of 2012 and is expected to approach 4.0 million b/d by 2020.¶ The increased supply of tight oil and oil sands crude will displace crude oil imports into the U.S. Gulf and Midcontinent by 2020. Considering the projected surplus production of U.S. refined products and the crude oil supply-and-demand balance, North America will become self-sufficient with respect to petroleum sometime between 2020 and 2025. Moreover, the growth in North American production will create the market need for crude exports by the end of this decade.¶ Those exports should be permitted and encouraged.¶ Recently, supplies of tight oil (and crude pricing discounts), and low natural gas prices have bolstered the competitive position of U.S. refiners. Contrary to popular belief, the refining industry has had a difficult time as a result of the economic downturn, spiking crude oil prices and the impact of new fuel programs and other environmental regulations. Low crude and natural gas prices, coupled with increased opportunities to export refined product, are sorely needed good news for an industry which has struggled through in recent years.¶ The U.S. supply and demand of refined products has experienced dramatic changes over the past three years. This country changed from being a net product importer of nearly 1.4 million b/d in 2007 to a net exporter of 0.8 million b/d in 2011. Gasoline imports fell as a result of declining demand and increased domestic supply provided by additional volumes of ethanol blended into the fuel. This shift in supply and demand will be magnified further when new fuel economy standards take effect.¶ Our study forecasts that exports of refined product will expand through 2015, at least. Progress in legislative activity on energy issues this year is unlikely, but Congress should do what it can to remove all barriers to accessing the export market. Let’s let the market – the experts as it were – determine how to best utilize and rationalize our crude, natural gas and refined product supplies.

#### No production declines

#### Nelder concludes that rebounding prices reverse production declines and make shale production sustainable

Chris Nedler 12, Smart Planet, 2/8/12, “Everything you know about shale gas is wrong,” http://www.smartplanet.com/blog/energy-futurist/everything-you-know-about-shale-gas-is-wrong/341

A word of caution is in order here: A one-year decline in production in an unprofitable environment is not proof that shale gas has “peaked.” It’s certainly possible that renewed drilling could bring higher production when gas prices rise again. The operative question in that case is when. If gas prices recover within the next year or two, it will be relatively easy to bring new wells online rapidly. But if gas prices languish for longer than that, the most productive “core” areas of the plays could become exhausted because the wells deplete so quickly. Without sustained new drilling to replace their production, by the time producers begin drilling again in the remaining, less productive prospects, an air pocket could form in the supply line.

#### Russia gas leverage already gone

Schulz and Bidder 2/1/2013

(Stefan and Benjamin, Russia Reporters, “Under Pressure: Once Mighty Gazprom Loses Its Clout,” Spiegel English Online)

The principle at stake is "take or pay." According to a long-standing clause in Gazprom's supply agreement, customers are obligated to accept a contractually-agreed minimum quantity of natural gas, and even if the customer uses less, Moscow gets paid the full sum. It's a common practice in the energy business and indicative of Russia's energy clout. But now Ukraine is digging in its heels and there is a good chance it won't have to pay up.¶ The dispute is symptomatic of the Russian energy giant's current plight. Technological progress is threatening its business model and the company that has long monopolized the market has failed to adjust in time. "Eat or be eaten" has been its general operating principle when it comes to prices. For decades, many countries, including Ukraine, relied on Gazprom for its gas supply, but the market is becoming increasingly global. With the supply of natural gas growing and prices falling, Gazprom is beginning to lose its grip on the market.¶ Three-Fold Pressure¶ There are three primary risks that are threatening the country. For one, rivals in the Middle East are constructing facilities for liquefied natural gas (LNG) and developing a fleet of special tankers that will be able to transport LNG to destinations thousands of kilometers away -- further than any pipeline and with far more flexible trade routes. In Europe and Asia, LNG is increasingly competing with Gazprom. Qatar in particular has massively boosted its LNG supply to Europe: In 2011, the emirate exported 44 billion cubic meters, compared to 5 billion cubic meters in 2006.¶ Secondly, Norway is expanding its gas exploration and wresting market share from Russia in Europe. According to Eurostat, the European Union's statistical authority, Norway's gas sales in Europe rose by 16 percent in 2012, while Gazprom's fell by 8 percent.¶ And thirdly, thanks to new drilling methods, it has become easier to extract natural gas trapped in permafrost, dense clay and, especially, shale, allowing for gas production in previously untapped regions. In the US particularly, fracking, as it known, has triggered a gas bonanza, making it hard for Russia to get a foothold in the market. Gazprom was aiming to secure 10 percent of the US market, but this goal now seems decidedly out of reach.¶ The Kremlin is feeling the effects of these developments in the gas market. In coming years, EU countries such as Poland are planning to concentrate on unconventional gas extraction in order to reduce reliance of Russia. With gas and oil accounting for 50 percent of state revenue, a drop in Russian exports will hit Moscow hard. In addition, it will lose leverage over countries such as Poland, Ukraine, Lithuania and other states that used belong to the Soviet sphere of influence. The German intelligence service Bundesnachrichtendienst (BND) predicts that the erstwhile energy giant will soon begin to lose power.¶ Reality Catches Up¶ Gazprom, as a result, has devolved from being one of the Kremlin's biggest political assets to becoming a problem child. Decades of market domination have made the company lazy and it is now failing to adapt. The company continues trying to impose costly, long-term supply contracts on its customers, even though gas prices on the spot market have long since begun undercutting Gazprom. Furthermore, it remains inefficient, often spending up to three times as much as its rivals on similar projects.¶ Now, reality is quickly catching up with the company -- and it has been brutal. Gazprom has beem forced to concede discounts to its customers with increasing frequency. Recently, Polish company PGNiG beat the supply price of Russian natural gas down from $500 to $450 per 1,000 cubic meters. German market leader E.on Ruhrgas, meanwhile, negotiated a price reduction of over €1 billion for 2012 alone. Customers are also buying more from Gazprom's rivals.¶ Gazprom is feeling the pinch. Between January and September, 2012, the company saw profits of some €20.2 billion, down 12 percent on the same period in 2011. Its turnover from gas exports dropped 8 percent to €44.9 billion. According to the former Deputy Energy Minister Vladimir Milov, now an opposition politician, the company's gas production fell by 6.7 percent to 478 billion cubic meters last year.¶ Gazprom blames the crisis in the key European market, which usually is responsible for two-thirds of the company's profits. Yet demand for Gazprom natural gas has dropped more steeply than demand for gas in general. In Italy, for example, general demand for natural gas declined in the first three quarter of 2012 by 2.6 percent, but Gazprom supplied 11 percent less in the same period. In the Netherlands, meanwhile, total sales dropped by 9 percent, with Gazprom's supply to the country dropping by 42.6 percent. Polish demand for gas actually rose by 6.2 percent, but imported 11.5 percent less from Gazprom.¶ As the company loses its market share, the European Commission is preparing to clip its wings even further. In early September, regulators launched an investigation into whether Gazprom might be hindering competition in Central and Eastern European gas markets, in breach of EU anti-trust rules. The investigation strikes at the heart of the Russian business model, and will examine several of its practices, such as whether it has imposed unfair prices on its customers by linking the price of natural gas to that of oil.¶ Changing Paradigms¶ Gazprom is also under pressure outside the EU. Ukraine, a chronically cash-strapped key customer of the Russian company, is cutting down on gas imports. The "take or pay" contracts signed in 2009 foresaw annual deliveries of 41.6 billion cubic meters, but Kiev imported just 25.9 billion cubic meters in 2012. In 2013, it expects to import only 20 billion cubic meters.¶ High energy costs are threatening to derail the Ukrainian economy. For the time being, the country pays an extortionate $425 per 1,000 cubic meters of gas, with Russia tying any potential reductions to political demands. Moscow has let Kiev know that it can only expect a discount if Ukraine joins the Russian-led Customs Union. Belarus has already caved in and now pays just $185 per 1,000 cubic meters of gas.¶ But Ukraine is working on ways to get by the blackmail. A terminal for LNG tankers is planned in Odessa, and just days before Gazprom presented the $7 billion invoice, Kiev signed a shale gas production sharing agreement with Shell. Further deals with Chevron and Exxon are also in the cards.

#### Strong incentives prevent brinkship and tension over Russia-EU gas/oil

Grant 2011

[Iain M. Ph. D. dissertation at Dalhousie University Department Of Political Science, “RUSSIA, GERMANY AND THE CONTEST FOR HEGEMONY

IN EUROPEAN NATURAL GAS” http://dalspace.library.dal.ca/handle/10222/14059]

Russia has supplied natural gas to Europe reliably for nearly four decades. But recent changes in Russian behaviour and policy, combined with EU-driven regulatory changes, have created a state of flux, and considerable concern in Europe. I **address the question of possible Russian hegemony in European gas relations, and ask whether Moscow’s ambitions represent a security threat to Europe**. Positioning these questions within the context of a European natural gas regime (NGR), I take a historical-comparitive approach, dividing the evolution of the NGR into three phases. Phase one moves from the origin of the cross-border trade in Europe in the 1960s to the 1991 Soviet dissolution; phase two explores the turbulent post-Soviet decade to 1999; and phase three addresses the era of Vladimir Putin from 2000 to 2010. For each phase, I assess hegemony by drawing on regime concepts offered by Alt et al, which I modify for application to the idiosyncratic realm of natural gas. The evidence suggests that Germany, not Russia, is more appropriately considered hegemonic, having acquired gas influence in the 1970s that it has not relinquished. However, there are also indications that a German-Russian ‘co-hegemony’ could be developing, characterized by disproportionate Russian influence in Central Europe, giving rise to possible tension between EU values, governance and responsibilities on one hand, and Russian influence associated with co-hegemony on the other. Despite this, **I suggest that Russian aspirations constitute no imminent security threat to Europe – European gas actors are well entrenched, and Moscow faces strong disincentives to threaten its European buyers. ‘Co-hegemony’ could challenge the regime’s integrity, but evidence to date suggests that the EU and Gazprom prefer patience and compromise to brinkmanship, and that actor interest in maintaining the flow of gas suggests greater optimism than dread.** ‘Security’ is therefore not as sound as it would be if Russia were an EU member or if it had ratified the Energy Charter Treaty, but **emerging dynamics do not suggest imminent peril either**. I conclude by discussing possible directions for future research.

#### Alliance doesn’t solve foreign policy challenges

Techau 11

10/6/11 Jan, director of Carnegie Europe, the European centre of the Carnegie Endowment for International Peace, “The Dirty Secret of US European relations” http://carnegieendowment.org/2011/10/06/dirty-secret-of-u-s-european-relations/8l1h

For the internal psychology of the transatlantic relationship, this is undoubtedly good news. The more interesting question, however, seems to be whether all this new love translates into a more meaningful partnership on shared foreign-policy challenges. Here the answer is less clear. While cooperation on issues such as the Middle East, Iran and terrorism was and is constructive, one of the most crucial items on the Euro-American agenda remains untouched by the improved atmosphere: transatlantic burden sharing in the field of security and defense. Here, Europeans have for the last sixty years been in a position of utter dependence on the Washington’s willingness and ability to guarantee their security. And even though the global strategic framework has drastically changed since the beginning of this transatlantic bargain in the 1950s, Europeans still conduct their defense planning as if American generosity were the most naturally abundant and easily accessible political commodity. By doing so, they increase their reliance on U.S. guarantees, and they become less and less interesting as an ally for their American counterparts. All attempts to wake Europeans up and make them rethink their priorities have died away without much impact.¶ It would be easy to blame President Obama for not using his popularity with allies intelligently enough to induce them to get their act together. But the European passivity on security and defense issues goes far beyond the reach of even the most popular American president. By and large, Europeans are unaware of their utter dependency; they don’t feel particularly threatened, they hold a deep mistrust in all things military, and they have learned to look at the world without regard to strategic considerations. Despite Libya, their willingness for an active approach to the world around them and for intervention on behalf of values and interests is small. Their political leaders—to the extent that they are aware of today’s realities—shy away from the enormous budgetary and political costs that a realistic security and defense posture would create.The dirty little secret of transatlantic relations is that, under these circumstances, they will undoubtedly become a whole lot less boring very soon. Both America and Europe are broke. Their ability to shape the world around them is getting weaker. The global center of gravity is shifting towards the Pacific. Americans are ultimately better suited to master this process of relative decline. But it is in Washington’s fundamental interest to keep Europe safe and stable, to keep its best allies strong and to defend the enormous economic investments it has placed in the old world. Obsessing about perceptions and sympathy ratings will soon look like frivolous luxury. The ball is in the European court. For Americans, a Europe with a grown-up strategic culture will be more important than one that produces high approval ratings for the United States. For Europeans, investing in a relevant and workable transatlantic future will be more important than an American president they find easy to like.

#### Their Dufor evidence says drug trafficking is the main driver of instability in Central Asia

#### They don’t solve - EU/Russia cooperation fails to solve drug trafficking

Peyrouse et al 12

(Sébastien Peyrouse, associate researcher with FRIDE and the EUCAM Programme and a senior research fellow with the Central Asia-Caucasus Institute & Silk Road Studies programme; Jos Boonstra, senior researcher at FRIDE and head of the EUCAM programme; Marlène Laruelle, associate researcher with FRIDE and the EUCAM Programme; May, “Security and development approaches to Central Asia The EU compared to China and Russia,” EUCAM Working Paper No. 11, <http://www.eucentralasia.eu/fileadmin/user_upload/PDF/Working_Papers/WP11.pdf> - Kurr)

But there are also arguments against increased cooperation with Russia. First, the high level of corruption and inefficiency of Russian law enforcement agencies in fighting drug trafficking may call into question European capabilities. Second, the Russian stance on the fight against drug-trafficking is controversial. In June 2011, the Russian Duma declared “total war” on drugs and is in the process of preparing new, stricter laws that would force addicts into treatment or jail and would treat dealers “like serial killers”. 49 It remains to be seen whether this forceful solution is the right one, and whether the government will be capable of enforcing it and of offering addicts a real alternative. Third, Moscow remains quiet about the involvement of top Central Asian officials in drug trafficking. However, on this issue the EU is paradoxically also concerned about not harming its relations with the local governments. Fourth, Russia’s resistance to the Central Asian Counter-narcotics Initiative (CACI) launched in June 2011 by the U.S. Bureau of International Narcotics and Law Enforcement Affairs could also be problematic for Europe. 50 Moscow has clearly expressed its opposition to the State Department’s initiative to establish a network of anti-drug centres in each country of Central Asia, which it views, as does China, as a way to maintain a concealed American paramilitary presence. 51 Here once again, the room for common strategies seems limited.

#### Structural barriers prevent instability

Weitz 12

(Richard, writes a weekly column on Asia-Pacific strategic and security issues. He is director of the Center for Political-Military Analysis and a Senior Fellow at the Hudson Institute. His commentaries have appeared in the International Herald Tribune, The Guardian and Wall Street Journal (Europe), among other publications. “Stabilizing the Stans”, 6/1, <http://www.project-syndicate.org/commentary/stabilizing-the-stans>)

Social disorder in Tunisia, Egypt, Libya, and other Arab countries has invariably led observers to regard Central Asia’s autocracies as potentially vulnerable to similar upheaval. Some Central Asian leaders have been in power for many years, and only Kyrgyzstan, the most impoverished of the five, has developed a competitive multi-party political system. Elsewhere, political parties are weak or are tools of the regime. But other factors make the Arab scenario less plausible in Central Asia. ­­Security forces are more closely aligned with ruling elites; independent political groups and social-media networks are less well developed; economic performance remains high in some countries; and a previous wave of revolutions produced disappointing results in Ukraine and Kyrgyzstan.

#### Russia’s economy is modernizing now

Rapoza 12

(Kenneth, Russia analyst for Forbes, “Is Russia Ready For Life After Oil?,” Forbes, <http://www.forbes.com/sites/kenrapoza/2012/10/03/is-russia-ready-for-life-after-oil/> - Kurr)

The government is hoping that a number of initiatives will make it easier to invest in Russia. It is creating a central clearing house for foreign investors to directly access the Russian securities market without having to have a local broker. And it is working on fixing its tax laws so foreigners can access that market without paying through the nose for it. That central depository is supposed to be operational next month.¶ The government is also funding high tech start ups at its Skolkovo initiative in the outskirts of Moscow. People there like to call it Russia’s Silicon Valley. They have the tech know-how. They have successful major tech brands, like Kaspersky Lab, the third largest security software firm by retail sales. It can be done. But Russia needs more Kaspersky Lab companies.¶ It’s financial sector is also growing. Moscow is a top 10 derivatives market and a top 20 equities trading market. It wants to compete with Frankfurt and the city is working on creating the environment and preparing the infrastructure to make Moscow’s international financial center a reality.

### Navy

#### LNG doesn't solve shipbuilding

Kavalov et al 09

B. Kavalov, H. Petri´c, A. Georgakaki, JRC Reference Reports, 2009, "Liquefied Natural Gas for Europe – Some Important Issues for Consideration", http://ec.europa.eu/dgs/jrc/downloads/jrc\_reference\_report\_200907\_liquefied\_natural\_gas.pdf

Shipbuilding and repair activity: The expansion of the LNG carrier sector is likely to have only a marginal impact on world shipbuilding and ship repair activity. Shipbuilding will take place mainly in low-cost shipbuilding countries, possibly in the Far East and Turkey. The anticipated increase in European voyages is likely to lead to increased levels of repair activity. This may open up opportunities for European yards, especially in Southern Europe, where significant experience has been gained in the past.

#### Other factors outweigh gas

Kavalov et al 09

B. Kavalov, H. Petri´c, A. Georgakaki, JRC Reference Reports, 2009, "Liquefied Natural Gas for Europe – Some Important Issues for Consideration", http://ec.europa.eu/dgs/jrc/downloads/jrc\_reference\_report\_200907\_liquefied\_natural\_gas.pdf

5. LNG Shipping: Shipping is the most volatile cost parameter in the whole LNG chain. It may define the relative competitiveness of LNG supply options against each other and with respect to other gas and non-gas energy alternatives. Unlike LNG production, the ownership structure of the LNG fleet is rather dispersed, at least at the present time. Although significant growth in LNG trade by sea is expected by 2020-2030, its impact on the overall traffic by sea, including in the main "choke points" of the English Channel, Dardanelles, Bosphorus and Suez Canal, will be negligible. While new LNG carriers are unlikely to be built in Europe, the anticipated growth in voyages to Europe may offer more ship repair opportunities to European shipyards, especially in Southern Europe. The main challenges facing LNG shipping appear to be the growing crew shortages (with potential negative implications for the safety records of the vessels operating) and traffic delays and related congestion risks in specific zones where there are more stringent safety and security rules for handling LNG carriers.

#### Aff doesn’t solve the cost issue Crospey isolates – demand side problems overwhelm supply

Crospey 12 (Dr. Seth – Senior Fellow at Hudson Institute, Former Assistant to the Secretary of Defense and Deputy Undersecretary of the Navy, ““The U.S. Navy Shipbuilding Plan: Assumptions and Associated Risks to National Security”, Statement before the Committee on Armed Services Subcommittee on Oversight & Investigations U.S. House of Representatives, 4/18, http://www.hudson.org/files/publications/SethCropsey--USNavyShipbuildingPlan--Testimony041812.pdf)

If the Navy’s assumption is mistaken that current political leadership will agree to large future increases in shipbuilding we will be headed toward a kind of naval holiday. The equally optimistic expectation that average ship costs can be maintained at $2 billion dollars per vessel prolongs the holiday. This will not be a pleasant holiday. China’s economy has its problems but it continues to perform. Janes Defence Forecasts says that China will double its defense budget between now and 2015.iii Russia plans a $160 billion dollar naval expansion in the Pacific which is to include 36 new submarines and 40 surface ships.iv If a couple postpones needed repairs on their home for a decade and then decides to fix all that has broken they will be very lucky to finish the job in a year. They will also be fortunate because other more prudent owners will have sustained the home repair industry. Our shipbuilding industry does not have the benefit of other purchasers who can sustain it if Navy budgets prove unequal to the task. For the industrial base that supports U.S. shipbuilding a budget-induced naval holiday would be a disaster that could take decades—if ever—from which to recover. Knowledge of shipbuilding remains part of American manufacturing. But accelerating cost, an ageing workforce, reduced orders for warships, and an uncertain future risk the nation’s ability to turn out sufficient numbers of vessels at affordable prices and profitably enough to keep shipbuilding companies alive. The destabilization of the American shipbuilding industrial base is one reason that the cost of warships is outpacing the rate of inflation. The Navy’s reduced procurement of ships over the past twenty years has caused the industry to contract, lay off workers, and in general to become less reliable. This has driven up the cost of labor and the cost of construction materials. The fewer ships the Navy buys, the less lucrative the industry is for skilled workers. As the cost of labor rises shipbuilders are increasingly pressed to attract and train qualified personnel. The negative trends reinforce each other. As younger workers are dissuaded from seeking employment or remaining in the industry by the prospects of sporadic employment those who remain—the existing workers—age. The cycle is self-defeating. Paying older workers increases overhead costs and makes it increasingly expensive to invest in the training and education of a younger workforce. The destabilization of the industrial base also causes costs to rise since many of the materials and products that go into building Navy ships are not useful for other purposes. Since the Navy is buying far fewer ships now than it did in the 1980s, many shipyards rely on a single source for necessary materials. With a virtual monopoly on these products, the suppliers have in large part the ability to name their price. The inefficient manner in which the shipyards acquire these materials drives up labor and overhead costs. The solution lies in stabilizing the American shipbuilding industry. This means that the Navy must either increase its orders of ships and/or improve its business practices, for example disciplining the changes it requires of shipbuilders once orders have been placed and vessels are under construction. Buying and stockpiling spare parts for ships that are already in service and whose need for regular maintenance and repair is well known would also help provide stability for the American shipbuilding industry. In a study conducted on the subject in 2006, the RAND Corporation concluded that the rising costs of building ships is the result of a combination of unsteady U.S. Government procurement rates and a “monopsony relationship” between the government and the shipbuilders. In a monopsony a single purchaser is faced with a host of sellers. Because there is so little American shipbuilding outside of what the Navy purchases, U.S. firms are at the commercial mercy of the 9 percent of the Navy budget devoted to buying ships. A 2005 Government Accountability Office report attributed cost increases in shipbuilding to instability in the entire industry, the difficulty in recruiting and training qualified personnel, high rates of skilled personnel turnover and the shipbuilders’ dependence on a rapidly shrinking supplier base. Finally there are the consequences if U.S. seapower continues to decrease and proves unable to meet even the reduced goals it has set for itself. History is a good guide. Nations in the middle like to side with the winner. During our Civil War British political leadership considered recognizing the Confederacy but was eventually dissuaded by Union military success. In World War II Sweden declared neutrality but grew increasingly amenable to Allied requests as Germany’s military position worsened. Romania initially sided with Germany in the same war but changed sides following U.S. attacks on their oil fields and a coup that deposed the pro-German dictator, Antonescu. Bulgarians followed a similar path from siding with the Nazis to switching their allegiance to the Allies in 1944. Saudi Prince Bandar, acknowledging China’s increasing international prominence and power visited Beijing last year and met with President Hu. American weakness at sea, especially in the Indo-Pacific will change the current military, diplomatic, and commercial character of the region. Whether the U.S. fleet shrinks because of too little funding or because unreformed procurement practices have raised the price of ships or because ships have been called home to save on operational expense, the result is the same. While we were once present in strength, we would be no more. A nation burdened with massive debt whose ability to shape world events has been limited in tandem with its capacity to invest in research and technology will have more and more trouble finding markets. China’s potential hegemony would not only force its neighbors’ to reconsider whether the U.S. is a reliable ally. It would also become an increasingly powerful magnet for trade in the region—at the expense of U.S. commerce. Unlike the U.S. whose seapower has protected global sea lanes that other states have used to their benefit China has a different set of values. It views with suspicion a liberal trading system notwithstanding the benefits received from it. China’s friends include Iran and North Korea. Beijing is a poor candidate to support the international order that has been the keel of U.S. foreign and security policy for a century. Waning U.S. seapower is an invitation that China will regard as a complement to its rising military and navy in particular. It foreshadows a coercive resolution of territorial disputes in the South China Sea, the likelihood of an increased regional arms race, and the troubling international perception that the U.S. is—or has—abandoned its role as a great power. American seapower is the strategic keel of our foreign and security policy. Reducing it would be an exercise of history-making shortsightedness. Restoring it would be an act of statesmanship from which Americans and all who cherish political liberty would benefit for the remainder of this century. Thank you.

#### Squo solves their shipbuilding internal – our ev is predictive

SF Chronicle 2/8/13

[“Global Military Shipbuilding and Submarines Industry Market Research Report from IBISWorld has Been Updated,” Published 9:00 am, Friday, February 8, 2013 <http://www.sfgate.com/business/prweb/article/Global-Military-Shipbuilding-and-Submarines-4262420.php#ixzz2Kb40wAn7>

Despite the massive effect of the global recession on builders of commercial aircraft and ships, companies primarily involved in the building of their military equivalents fared considerably better. The national security considerations of governments and long-term planning undertaken for military expenditure have ensured that revenue for the [Global Military Shipbuilding and Submarines industry](http://www.ibisworld.com/industry/global/global-military-shipbuilding-submarines.html?partnerid=prweb) has been relatively stable. IBISWorld expects that industry revenue will increase at an annualized 1.2% in the five years through 2012 to reach $38.9 billion. “This growth is primarily attributed to the demand for military ships and boats to protect coastal waters and to expand and renew navy fleet sizes,” says IBISWorld industry analyst [Antonio Danova](http://www.sfgate.com/?controllerName=search&action=search&channel=business%2Fprweb&search=1&inlineLink=1&query=%22Antonio+Danova%22). “The contributions to industry revenue are particularly strong from North America, Europe and North Asia.” Government military budget cuts are forecast to lead to slower revenue growth of 0.3% in 2012.¶ Profit margins have been relatively stable over the past five years, stemming from the contractual and long-term nature of ship builds. Nonetheless, profit margins declined slightly in the aftermath of the global downturn. Customer countries burdened with high levels of government debt started cutting defense spending, which put pressure on industry margins. “The [Global Military Shipbuilding and Submarines industry](http://www.ibisworld.com/industry/global/global-military-shipbuilding-submarines.html?partnerid=prweb) was able to reclaim previous profitability levels through capacity cuts,” adds Danova. “Profit margins are expected to remain stable over the next five years due to the stability of military demand and naval spending.” The industry has a medium level of market share concentration; the primary reasons for this concentration are the relatively high barriers to entry and a few buyers dominating the market. For example, the dominant buyer, the [US Department of Defense](http://www.sfgate.com/?controllerName=search&action=search&channel=business%2Fprweb&search=1&inlineLink=1&query=%22US+Department+of+Defense%22), accounts for about half of worldwide naval product purchases. Other large markets include Europe, the Middle East and Asia. In addition, the costs associated with manufacturing military ships, boats and components are very high. Therefore, customers usually award contracts to existing players with proven experience, such as major companies [General Dynamics Corporation](http://www.sfgate.com/?controllerName=search&action=search&channel=business%2Fprweb&search=1&inlineLink=1&query=%22General+Dynamics+Corporation%22), [Huntington Ingalls Industries](http://www.sfgate.com/?controllerName=search&action=search&channel=business%2Fprweb&search=1&inlineLink=1&query=%22Huntington+Ingalls+Industries%22), Direction des [Construction Navales and Thales Group](http://www.sfgate.com/?controllerName=search&action=search&channel=business%2Fprweb&search=1&inlineLink=1&query=%22Construction+Navales+and+Thales+Group%22). Concentration is expected to remain at this level as significant research and development is required to develop new products and innovation in the defense area.¶ Revenue is projected to continue growing in the five years through 2017. The increase in revenue will stem from stable growth in defense budgets, particularly in the United States, and a focus on advanced electronics and information systems capabilities. An increase in naval manufacturing in emerging countries is also anticipated. For more information, visit IBISWorld’s [Global Military Shipbuilding and Submarines industry](http://www.ibisworld.com/industry/global/global-military-shipbuilding-submarines.html?partnerid=prweb) report page.

#### Naval power not key to heg.

Goure 10

[Daniel, Department of Defense Transition Team, “Can the Case be Made for Naval Power?” Lexington Institute, 2 July 2010, http://www.lexingtoninstitute.org/can-the-case-be-made-for-naval-power-?a=1&c=1171]

More broadly, it appears that the nature of the security challenges confronting the U.S. has changed dramatically over the past several decades. There are only a few places where even large-scale conventional conflict can be considered possible. None of these would be primarily maritime in character although U.S. naval forces could make a significant contribution by employing its offensive and defensive capabilities over land. For example, the administration’s current plan is to rely on sea-based Aegis missile defenses to protect regional allies and U.S. forces until a land-based variant of that system can be developed and deployed. The sea ways, sometimes called the global commons, are predominantly free of dangers. The exception to this is the chronic but relatively low level of piracy in some parts of the world. So, the classic reasons for which nations build navies, to protect its own shores and its commerce or to place the shores and commerce of other states in jeopardy, seem relatively unimportant in today’s world.

#### Trade doesn’t solve war

Martin et. al. 8

(Phillipe, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, and Centre for Economic Policy Research; Thierry MAYER, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, CEPII, and Centre for Economic Policy Research, Mathias THOENIG, University of Geneva and Paris School of Economics, The Review of Economic Studies 75)

Does globalization pacify international relations? The “liberal” view in political science argues that increasing trade flows and the spread of free markets and democracy should limit the incentive to use military force in interstate relations. This vision, which can partly be traced back to Kant’s Essay on Perpetual Peace (1795), has been very influential: The main objective of the European trade integration process was to prevent the killing and destruction of the two World Wars from ever happening again.1 Figure 1 suggests2 however, that during the 1870–2001 period, the correlation between trade openness and military conflicts is not a clear cut one. The first era of globalization, at the end of the 19th century, was a period of rising trade openness and multiple military conflicts, culminating with World War I. Then, the interwar period was characterized by a simultaneous collapse of world trade and conflicts. After World War II, world trade increased rapidly, while the number of conflicts decreased (although the risk of a global conflict was obviously high). There is no clear evidence that the 1990s, during which trade flows increased dramatically, was a period of lower prevalence of military conflicts, even taking into account the increase in the number of sovereign states.

### Solvency

#### Oil restrictions make it uneconomical

Cole 12

[Benjamin, Director of Communications for IER, former policy adviser and investigative analyst for the Republican staff of the House Committee on Oversight and Government Reform under Chairman Darrell Issa, 5/8/12, “Obama’s Offshore Plan: One Giant Leap Backwards” Institute for Energy Research) http://www.instituteforenergyresearch.org/2012/05/08/obamas-offshore-plan-one-giant-leap-backwards/]

After oil prices reached new highs in 2008, the Bush administration and Congress moved to open almost all of the outer continental shelf to oil and gas exploration and development. But in November 2011, the Obama administration released an offshore drilling plan that closes much of the offshore United States to oil and gas drilling that had been opened by President Bush and Congress. The Obama administration’s plan closes those offshore areas to energy exploration and production through at least 2017. The plan allows lease sales to occur in the portions of the Gulf of Mexico and Alaska that were already open to leasing, leaving the entire Atlantic and Pacific coasts off-limits.[i]

But, not only does the plan revert backward in time to limit offshore areas for lease, it also calls for a decrease in the number of offshore lease sales. In the past, lease plans for outer continental shelf development averaged five lease sales a year. The 2012 to2017 plan cuts those lease sale offerings in half.[ii] And, it contains higher minimum bids and shorter lease periods. Bonus bids are likely to go up by a factor of two for some deepwater tracts and lease terms are reduced to 5 or 7 years. Because developing offshore leases takes a long time, additional costs can make marginal properties subeconomic.[iii]

#### Their ev says the plan results in 80tcf of natural gas

Medlock 08

[Medlock is a fellow in Energy Studies at Rice University's James A Baker III Institute for Public Policy and an adjunct assistant professor in the [Economics Department](http://www.chron.com/?controllerName=search&action=search&channel=opinion%2Foutlook&search=1&inlineLink=1&query=%22Economics+Department%22) at Rice, “Open outer continental shelf”, http://www.chron.com/opinion/outlook/article/Open-outer-continental-shelf-1597898.php]

A confluence of factors is responsible for the recent price run-up at the pump. One important factor behind the strength of oil prices is the expectation of inadequate oil supply in the future. This has led to a debate regarding the removal of drilling access restrictions in the U.S. Outer Continental Shelf (OCS). According to the Department of Interior's Minerals Management Service (MMS), the OCS in the Lower 48 states currently under moratorium holds 19 billion barrels of technically recoverable oil. Some analysts claim that opening the OCS will not matter that much, as the quantity of oil is only about two years of U.S. consumption. But a more appropriate way to look at the issue is this: If the OCS could provide additional production of 1 million barrels per day of oil, our import dependence on Persian Gulf crude oil would be reduced by about 40 percent. Moreover, at 1 million barrels per day, the currently blocked OCS resource would last about 50 years. Of course, opening the OCS will not bring immediate supplies because it would take time to organize the lease sales and then develop the supply delivery infrastructure. However, as development progressed, the expected growth in supply would have an effect on market sentiment and eventually prices. Thus, opening the OCS should be viewed as a relevant part of a larger strategy to help ease prices over time because an increase in activity in the OCS would generally improve expectations about future oil supplies. Lifting the current moratorium in the OCS would also provide almost 80 trillion cubic feet of technically recoverable natural gas that is currently off-limits. A recent study by the Baker Institute indicates that removing current restrictions on resource development in the OCS would reduce future liquefied natural gas import dependence of the United States and lessen the influence of any future gas producers' cartel.

#### The US uses 24tcf per year – means the plan is only good for 3 years

EIA 12

Energy Information Administration, 8-29-2012, “Frequently Asked Questions,” http://www.eia.gov/tools/faqs/faq.cfm?id=58&t=8

EIA estimates that there are 2,203 trillion cubic feet (Tcf) of natural gas that is technically recoverable in the United States. At the rate of U.S. natural gas consumption in 2011 of about 24 Tcf per year, 2,203 Tcf of natural gas is enough to last about 92 years.

#### Even a single onshore shale field is six times bigger than all OCS resources

Inman 12

Mason, National Geographic News, Feb 29, "Estimates Clash for How Much Natural Gas in the United States", news.nationalgeographic.com/news/energy/2012/03/120301-natural-gas-reserves-united-states/

Engelder is often given credit for spurring the shale gas rush in the Marcellus with early estimates that the formation held large amounts of natural gas. In his most recent published estimate, from 2009, he figured the Marcellus could in the long run yield 489 tcf, a number in the same ballpark as the EIA's 2011 estimate.

#### Total U.S. gas is estimated at 1809tcf---means the plan adds 4% to overall gas reserves

Pirog 12

Robert Pirog 12, Specialist in Energy Economics at the Congressional Research Service, and Michael Ratner, Specialist in Energy Policy at the CRS, 11/6/12, “Natural Gas in the U.S. Economy: Opportunities for Growth,” http://www.fas.org/sgp/crs/misc/R42814.pdf

Reserves and production data do not tell the whole story when looking at the U.S. transformation regarding natural gas supply. The term reserves has a specific industry definition that includes a technological component, an economic factor, and a probability of success among other criteria. To more fully understand the changes to the U.S. natural gas sector it is more appropriate to look at reserves and estimates for undiscovered, technically recoverable resources (UTRR) (see Figure 2). UTRR is an estimate of what can be extracted using current technology regardless of price. Using UTRR plus reserves, the United States has a natural gas resource base of 1,809 tcf or enough gas for approximately 79 years of production at 2011 levels. Compared with data from 2006, U.S. UTRR for natural gas has jumped almost 25%. Even this measure may not accurately reflect what will be extracted from the ground as technology is constantly changing. Just over the last few years, industry has been able to improve its shale gas extraction rate from about 5% to about 15%, thereby tripling what is recoverable.

#### Tons of idle leases—expanding available land fails

Weiss 12

(Daniel J., director – Climate Strategy @ Center for American Progress Action Fund, 5/15 “Dept. Of Interior Finds 72 Percent Of Offshore Acreage Leased By The Oil Industry Is ‘Idle’,” <http://thinkprogress.org/climate/2012/05/15/484558/dept-of-interior-finds-nearly-two-thirds-of-acreage-leased-by-the-oil-industry-lies-idle/>)

The Department of Interior released an updated analysis of fossil fuel leases today, finding that more than two thirds of offshore leases and half of onshore leases are sitting idle — “neither producing nor under active exploration.”¶ The report, “Oil and Gas Lease Utilization, Onshore and Offshore Updated Report to the President,” explained that oil and gas companies hold thousands of undeveloped leases. Despite holding these inactive leases, the oil industry continues to demand the opening of new, previously protected federal lands and waters areas to drilling.¶ The report found that:¶ More than 70 percent of the tens of millions of offshore acres currently under lease are inactive, neither producing nor currently subject to approved or pending exploration or development plans. Out of nearly 36 million acres leased offshore, only about 10 million acres are active – leaving nearly 72 percent of the offshore leased area idle.¶ In the lower 48 states, an additional 20.8 million acres, or 56 percent of onshore leased acres, remain idle. Furthermore, there are approximately 7,000 approved permits for drilling on federal and Indian lands that have not yet been drilled by companies.¶ According to the Energy Information Administration, total federal oil production (offshore and onshore) has increased by 13 percent during the first three years of the Obama administration combined, compared with the last three years of the previous administration. According to independent analysis, the total number of active rigs operating on the U.S. outer continental shelf was higher in January 2012 than any time since May 2010.¶ The American Petroleum Institute – Big Oil’s lobbying arm — claims that the Department of Interior ignores exploratory work on leases; however, that is clearly included in DOI’s assessment above.¶ API recently demanded that the Obama Administration open up the North Atlantic to “seismic exploration” for oil. This is an area that supports vital American fisheries.¶ In addition to holding thousands of undeveloped leases while lobbying to drill in the Arctic National Wildlife Refuge, off the New England Coast, and in the Eastern Gulf of Mexico, the big five oil companies produced 12 percent less oil in 2011 than in 2006 — all while making record profits.

## 2NC

**2NC Key**

**Immigration is key to the deficit- 1NC Tucker says they take jobs increasing pay rolls.**

**Reform’s key to heg**

**Nye 12** Joseph S. Nye, a former US assistant secretary of defense and chairman of the US National Intelligence Council, is University Professor at Harvard University. “Immigration and American Power,” December 10, Project Syndicate, http://www.project-syndicate.org/commentary/obama-needs-immigration-reform-to-maintain-america-s-strength-by-joseph-s--nye

CAMBRIDGE – The United States is a nation of immigrants. Except for a small number of Native Americans, everyone is originally from somewhere else, and even recent immigrants can rise to top economic and political roles. President Franklin Roosevelt once famously addressed the Daughters of the American Revolution – a group that prided itself on the early arrival of its ancestors – as “fellow immigrants.”¶ In recent years, however, US politics has had a strong anti-immigration slant, and the issue played an important role in the Republican Party’s presidential nomination battle in 2012. But Barack Obama’s re-election demonstrated the electoral power of Latino voters, who rejected Republican presidential candidate Mitt Romney by a 3-1 majority, as did Asian-Americans.¶ As a result, several prominent Republican politicians are now urging their party to reconsider its anti-immigration policies, and plans for immigration reform will be on the agenda at the beginning of Obama’s second term. **Successful reform will be an important step in preventing the decline of American power.**¶ Fears about the impact of immigration on national values and on a coherent sense of American identity are not new. The nineteenth-century “Know Nothing” movement was built on opposition to immigrants, particularly the Irish. Chinese were singled out for exclusion from 1882 onward, and, with the more restrictive Immigration Act of 1924, immigration in general slowed for the next four decades.¶ During the twentieth century, the US recorded its highest percentage of foreign-born residents, 14.7%, in 1910. A century later, according to the 2010 census, 13% of the American population is foreign born. But, despite being a nation of immigrants, more Americans are skeptical about immigration than are sympathetic to it. Various opinion polls show either a plurality or a majority favoring less immigration. The recession exacerbated such views: in 2009, one-half of the US public favored allowing fewer immigrants, up from 39% in 2008.¶ Both the number of immigrants and their origin have caused concerns about immigration’s effects on American culture. Demographers portray a country in 2050 in which non-Hispanic whites will be only a slim majority. Hispanics will comprise 25% of the population, with African- and Asian-Americans making up 14% and 8%, respectively.¶ But mass communications and market forces produce powerful incentives to master the English language and accept a degree of assimilation. Modern media help new immigrants to learn more about their new country beforehand than immigrants did a century ago. Indeed, most of the evidence suggests that the latest immigrants are assimilating at least as quickly as their predecessors.¶ While too rapid a rate of immigration can cause social problems, over the long term, immigration strengthens US power. It is estimated that at least 83 countries and territories currently have fertility rates that are below the level needed to keep their population constant. Whereas most developed countries will experience a shortage of people as the century progresses, America is one of the few that may avoid demographic decline and maintain its share of world population.¶ For example, to maintain its current population size, Japan would have to accept 350,000 newcomers annually for the next 50 years, which is difficult for a culture that has historically been hostile to immigration. In contrast, the Census Bureau projects that the US population will grow by 49% over the next four decades.¶ Today, the US is the world’s third most populous country; 50 years from now it is still likely to be third (after only China and India). This is highly relevant to **economic power**: whereas nearly all other developed countries will face a growing burden of providing for the older generation**, immigration could help to attenuate the policy problem for the US.**¶ In addition, though studies suggest that the short-term economic benefits of immigration are relatively small, and that unskilled workers may suffer from competition**, skilled immigrants can be important to** particular sectors – and to **long-term growth**. There is a strong correlation between the number of visas for skilled applicants and patents filed in the US. At the beginning of this century, Chinese- and Indian-born engineers were running one-quarter of Silicon Valley’s technology businesses, which accounted for $17.8 billion in sales; and, in 2005, immigrants had helped to start one-quarter of all US technology start-ups during the previous decade. Immigrants or children of immigrants founded roughly 40% of the 2010 Fortune 500 companies.¶ Equally important are immigration’s benefits for America’s **soft power.** The fact that people want to come to the US enhances its appeal, and immigrants’ upward mobility is attractive to people in other countries. **The US is a magnet**, and many people can envisage themselves as Americans, in part because so many successful Americans look like them. Moreover, connections between immigrants and their families and friends back home help to convey accurate and positive information about the US.¶ Likewise, because the presence of many cultures creates avenues of connection with other countries, it helps to broaden Americans’ attitudes and views of the world in an era of globalization. Rather than diluting **hard and soft power, immigration enhances both**.¶ Singapore’s former leader, Lee Kwan Yew, an astute observer of both the US and China, argues that China will not surpass the US as the leading power of the twenty-first century, precisely **because the US attracts the best and brightest** from the rest of the world and melds them into a diverse culture of creativity. China has a larger population to recruit from domestically, but, in Lee’s view, its Sino-centric culture will make it less creative than the US.¶ That is a view that Americans should take to heart. If Obama succeeds in enacting **immigration reform** in his second term, he **will** have gone a long way toward fulfilling his promise to **maintain the strength of the US.**

**Key to Military Primacy solves hegemony**

**Paarlberg 04**

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

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

**2NC Will Pass**

**Framing Issue- If Obama is popular he gets it done because he can pick off support that’s 1NC LA Times**

#### Immigration will pass – republicans want it too for economics

Humphrey 2/23/13

(Tom Humphrey “Haslam on National GOP Messaging (and he's a Democratic governor's favorite Republican)” February 23, 2013 Saturday 2:48 PM EST Lexis, TSW)

He said that President Barack Obama "was able to say, 'Listen, if you all would just tax rich people, problem solved'" -- and that the Republican Party failed to push back successfully.¶ "We lost the argument," Haslam said in an interview with POLITICO's Jonathan Martin.¶ Haslam said the GOP should do a better job of illustrating the problems generated by debt and other economic woes.¶ "The one message we haven't gotten by is, we're not doing any favors by continuing to pass the debt on down, and we have not done a good job for whatever reason of explaining it," Haslam said. "The second thing we haven't done a good job of explaining is this: Unemployment and economic growth are directly related to business investment. Directly related. And we have not been able to make that connection."¶ He also acknowledged that the Obama campaign chalked up successes at the ground game level, and called on his party to compete everywhere -- not just in GOP-friendly territory.¶ Haslam, the governor of a deep-red state, also struck a centrist tone on the topic of immigration. When Martin asked about immigration reform, Haslam said he "actually would" like to see a comprehensive immigration reform bill signed. He said he views the issue through the lens of economic development, and senses that there is the political will to move on the subject.

**More Reasons it passes:**

**A Insiders agree**

**National Journal 2-2**

“Insiders Optimistic About Immigration Reform,” <http://www.nationaljournal.com/blogs/hotlineoncall/2013/02/insiders-optimistic-about-immigration-reform-02>

**Cautious optimism: That's the best way to describe how both Democratic and Republican Political Insiders feel about the chances of comprehensive immigration reform**, including a pathway to citizenship, passing Congress this year**.¶ A majority of Democrats and Republicans think it's either very or somewhat likely that such legislation passes in the 113th Congress**, while only 3 percent of Democratic Insiders and 2 percent of the Republican Insiders say it's very unlikely.¶ What is the likelihood of comprehensive immigration reform, including a pathway to citizenship, passing Congress this year?¶ Democrats¶ (107 votes) Republicans¶ (94 votes)¶ Very likely 39% 25%¶ Somewhat likely 50% 53%¶ Somewhat unlikely 8% 20%¶ Very unlikely 3% 2%¶ Democrats view Republicans as finally having to accept a political reality after losing decisively in 2012 and eager to jab the GOP over what they see as a political winner for their party.¶ "The GOP has gone from bigotry to opportunism faster than Sarah Palin can take down a caribou," said one Democratic Insider.¶ Indeed, some Democrats argue their opponents will be forced to back immigration reform because of demographic realities.¶ "Enough Republicans have seen the light to make it happen," said another Democratic Insider.¶ Republicans don't disagree but, as you would expect, they put it differently.¶ "**Republicans get over their headache, after banging into the wall for years,**" said one Republican.

**B Tea Party Decline**

**O’Reilly 2-20**

Andrew is a Contributor to Fox News Latino, “With Tea Party Decline, Immigration Bill Shifts Focus,” <http://latino.foxnews.com/latino/politics/2013/02/20/with-tea-party-decline-immigration-battle-shifts-focus/>

The times are certainly changing for hard-line anti-immigration activists.¶ Just a few years ago, spurred by the grassroots effort of Tea Party stalwarts and fears of a record number of people crossing over the country’s southern border, conservative leaders virtually killed any chance of comprehensive immigration reform. Today, **thanks in large part to the waning power of the Tea Party** and a massive loss of Latino votes in November’s presidential election, **Republican leaders have shifted their rhetoric – putting on a friendlier face toward Hispanics and stressing a bipartisan immigration effort**.¶ “**The momentum has shifted back to the pro-immigrant** side,” said Gary Freeman, a politics professor at the University of Texas. “**The Tea Party went too far**, they were too angry, too pejorative.”¶ This anger and alleged anti-immigrant sentiment turned many Latino voters against the GOP in the last election. A poll taken after the election indicated that nationwide and in battleground states President Barack Obama won Latino voter support over Republican challenger Mitt Romney by historic margins – 71 percent to 27 percent nationwide.¶ “The GOP knows that the future of their party relies on Latinos,” Freeman said. “They’re intimidated and know that they can’t win the Latino vote without supporting immigration reform.”¶ The momentum has shifted back to the pro-immigrant side...The Tea Party went too far, they were too angry, too pejorative.¶ - Gary Freeman, an immigration professor at the University of Texas¶ Since November, the GOP has worked to silence its remaining Tea Party members and actively promote instead its Latino face.¶ Marco Rubio, the onetime Tea Party, Hispanic star, is now the face behind the bipartisan immigration push that a group of eight senators took up in recent weeks. In a coy political move, the Republican Party chose Rubio to deliver the rebuttal to the president’s State of the Union address, where between sips of water the Florida senator hailed his version of immigration reform.¶ "We need a responsible, permanent solution to the problem of those who are here illegally," Rubio said. "But first, we must follow through on the broken promises of the past to secure our borders and enforce our laws."¶ **This wave of cross-aisle participation has some immigration activists hopeful that the planned immigration reform bill will actually be passed within the time frame that has been proposed by both the president and Congress.**¶ “The political mood has never been better,” said Muzzassar Chishti, the New York director of the Migration Policy Institute. “But this is a big ticket item and there are some considerable hurdles that need to be crossed before anything passes.”¶ One of those hurdles – a vestige of the Tea Party – is the idea of so-called amnesty for undocumented immigrants. While both the presidential and congressional plans propose a path to citizenship, the idea of allowing the 11 million undocumented immigrants living in the U.S. a reprieve rankles many conservatives feathers, who want stricter border security and a system of accountability for immigrants.¶ “The issue of amnesty for illegal aliens is being used by both parties for political credit,” said Bob Dane, a spokesperson for the Federation for American Immigration Reform. “**There is a different dynamic from 2007** in that today the Republican Party is working on the misguided message that amnesty will win the GOP needs Latino support.”¶ While the numbers suggest that Hispanic voters overwhelmingly supported Democratic candidates in last year’s election, Dane argued that the immigration reform talk is “Beltway politics” and not a legit push to actually appeal to Latinos.¶ Either way, the facts seems to indicate that the Tea Party fervor of 2007 has died down – if not completely – and that comprehensive immigration reform is a front and center issue to the Republican Party.¶ ‘The election cast a specter over the Republican Party in terms of immigration,” Freeman said. “The GOP has read the writing on the wall and they know that this issue will affect the party in the long run.”¶

#### C House Momentum

The Hill 2-22

“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.¶ Lawmakers know the rollout of an immigration bill can be nearly as important as the substance and are trying to draw lessons from the failed push to overhaul the immigration system in 2006 and 2007.¶ One major takeaway, according to one veteran of that era, is that once a bill is introduced, it has to move quickly, because delay will allow critics to chip away at the proposal and unnerve the fragile coalition holding it together in Congress.¶ “The longer there is between the time you unveil the proposal and the time you vote on the proposal, the greater the likelihood that it will wind up not making it all the way through to passage,” said a former senior Bush administration official deeply involved in that effort. “Once you’ve got this thing baked, you’ve got to get it out of the oven and into the refrigerator and start eating it pretty quickly. Because if you let it sit on the table — I’m going to beat the metaphor to death — the ants will start eating the cake up.”¶ While a bipartisan coalition of eight senators released a set of agreed-upon principles in advance of legislation, the House group is working on legislative language in hopes of presenting a completed bill. Members of the Senate group have said they are hoping to unveil legislation in March.¶ The path to immigration reform is far more complicated in the lower chamber, where the Republican majority is dominated by conservatives who have long resisted a pathway to citizenship for undocumented immigrants. Speaker John Boehner (R-Ohio) is supporting the bipartisan group’s effort but has not committed to backing the legislation it produces.¶ On the House Judiciary Committee, which holds jurisdiction over immigration, Chairman Bob Goodlatte (R-Va.) and other senior Republicans have voiced opposition to a path to citizenship that Democrats view as essential.¶ Some Democrats involved in the immigration push also raised concerns after Majority Leader Eric Cantor (R-Va.), the second-ranking Republican, delivered a policy speech in which he endorsed a path to citizenship for undocumented immigrant students brought to the U.S. as children but was silent on broader immigration reform. Democrats say that issue, which is the central tenet of the Dream Act, is essentially “yesterday’s news” and wondered whether Republican leaders were sending mixed signals.¶ Diaz Balart said he heard those concerns from Democrats and brought them up with party leaders. “We’ve had those conversations with leadership,” he said. “I am not concerned about leadership’s willingness to support immigration reform.” He cautioned, however, that the leadership had not committed specifically to backing the legislation the bipartisan group produced.¶ Not all Democrats viewed Cantor’s speech as a setback; some lawmakers and aides saw his endorsement of policy resembling the Dream Act as a sign of progress, since he had previously opposed the legislation. The majority leader also released a statement Thursday praising an agreement between labor and business on principles related to low-skilled immigration, which was seen as a key advancement for the broader reform effort.¶ The Democratic members of the House immigration group – Reps. Luis Gutierrez (Ill.), Xavier Becerra (Calif.) and Zoe Lofgren (Calif.) — were unavailable for interviews, but aides backed up Diaz-Balart’s status report.¶ “If he’s optimistic, I would be optimistic,” one Democratic aide said.¶ Republicans say the bigger hurdle to reform is not their own leadership but President Obama. GOP lawmakers were angered by the leak last weekend of draft legislation the White House is preparing in case the effort in Congress stalls. The development deepened the suspicion held by Republicans that Obama wants to use the immigration issue as a political cudgel in 2014 more than he wants an actual bill to sign.

#### D Temporary Worker Deal

Star-Telegram 2-21

“Business, Labor Reach Deal on Temporary Workers,” http://www.star-telegram.com/2013/02/21/4636275/business-labor-reach-deal-on-temporary.html

Two of the nation's most powerful interest groups -- labor and business, often at loggerheads -- have come to a rare agreement on the guiding principles for handling future low-skilled immigrant workers.¶ While a deal is far from finalized, it's a significant step toward surmounting a major roadblock on immigration: temporary workers.¶ The agreement between the U.S. Chamber of Commerce and the AFL-CIO establishes a set of principles for low-skilled worker visas. The guidelines include creating a visa program that would allow some temporary workers the chance to become permanent residents, establishing a federal bureau that would oversee the program and giving American workers more information -- a "first crack" -- on available jobs.¶ The U.S. Chamber of Commerce's president and chief executive officer, Thomas J. Donohue, and AFL-CIO President Richard Trumka described immigration as an urgent national priority.¶ "The fact that business and labor can come together to negotiate in good faith over contentious issues should be a signal to Congress and the American people that support for immigration reform is widespread and growing, and is important to our economy and our society," they said in a joint statement Thursday announcing the agreement.¶ Bipartisan lawmakers working on the immigration overhaul see buy-in from the two groups as key to reaching a compromise.¶ Many Republicans see the temporary-worker program as crucial to providing businesses needed labor while limiting future waves of illegal immigration. But labor unions, and some Democrats who support them, have opposed expanding the programs, insisting on a path to citizenship.¶ "While the devil will be in the details in terms of fleshing these principles out, our staffs have had very productive discussions with both sides this week," Sen. Charles Schumer, D-N.Y., the chairman of the Senate Subcommittee on Immigration, said in a statement.¶ The agreement announced Thursday received praise from both sides of the aisle.¶ House Majority Leader Eric Cantor, R-Va., said it demonstrated how groups often on opposite sides of the aisle could put politics aside to find solutions.

**Link**

**Dems hate fracking- tanks Obama’s approval**

**Hanger ’12**

John is an expert on energy and the environment, testified to Congress, and been a regulator, “Pew Poll has Fascinating Data on Fracking: 74% know nothing or little about it,” <http://johnhanger.blogspot.com/2012/03/pew-poll-has-fascinating-data-on.html>

**Is fracking becoming a partisan issue?** Is it politically easy for President Obama to support natural gas production? What is his support worth to shaping public opinion? Are people like readers of this blog living in a bubble of our own making? A Pew poll provides insights to answer key questions. While you may even have heard more than enough about hydraulic fracturing, 37% of the public has heard nothing at all about it. Another 37% have heard a little so that 74% of the public knows nothing or little about fracking. I confess surprise public knowledge or even awareness about it is so low. http://shale.sites.post-gazette.com/index.php/news/archives/24401-as-gas-prices-rise-so-does-support-for-oil-and-gas-production. As someone well informed about gas production, you are not alone. The Pew poll found that 26% had heard a lot about hydraulic fracturing. Among the 63% of the public who were aware of the issue, nationally support for hydraulic fracturing was 52-35. **There were clear partisan differences in levels of support.** Republicans supported it 73-15; **Democrats actually opposed fracking by 33-52**; and independents supported it 54-35. This polling shows that fracking may become a polarized partisan issue, though it is not yet. **It also demonstrates the importance to preventing further erosion among Democrats and Independents of President Obama's support for gas production and hydraulic fracturing and the strong regulation of both**. Plainly, **opposition to fracking in Blue America has been stoked by communications like Gasland, the NYT Drilling Down Series, and the recent Rolling Stone Magazine Article.**

### Russia

#### Industry ‘insiders’ and natural pessimists are wrong—prefer our evidence

Entine 11

(Jon, visiting scholar – AEI “Natural Gas "bubble" report: market tinkering or shoddy reporting?” AEI)

The New York Times rattled energy markets this week with a Sunday front page story asserting that many "insiders" in the natural gas industry harbor serious doubts about the long-term viability of the natural gas market. They are keeping mum, determined to cash in on the short-term exuberance over recent reports of sizable shale gas reserves, reporter Ian Urbina wrote.¶ "[W]e have a big problem," he quoted Deborah Rogers -- portrayed in the story as a "member of the advisory committee of the Federal Reserve Bank of Dallas" -- as saying.¶ It's one of 10 quotes deployed by the Times sharply criticizing the prospects for natural gas production from shale. Eight of them are from anonymous sources. The only other critic who is named, Houston geologist Art Berman, said the energy data suggests that gas fields contain far less reserves than claimed. It's "harder and harder to deny that the shale gas revolution is being oversold," he told Urbina.¶ The explosive article was re-posted literally thousands of times. It was echoed on TV and radio reports earlier this week and was the talk of the markets in the United States and Canada, where natural gas competes with oil, tar oil and coal investments. "Times' Nat Gas Slam Affects Markets," opined The Street.com. "Natural Gas Stocks Fall," headlined Bloomberg BusinessWeek. (Stories on RealClearMarkets and RealClearEnergy, however, subsequently questioned the Times' reporting in the article.)¶ Just as importantly, the sharply critical narrative has emboldened a faction of the environmental movement that is campaigning against fracking, the technique used to extract shale gas that some environmentalists claim makes this form of natural gas dirtier than coal.¶ Anti-natural gas members of Congress jumped on the bandwagon. "I urge the S.E.C. to quickly investigate whether investors have been intentionally misled," wrote Rep. Maurice Hinchey, D-N.Y., in one of three letters sent to the commission by four federal lawmakers, all Democrats. Indeed, Hinchey might be on to something. But in a twist, investigators might end up targeting the New York Times and the key sources for its report.¶ From the Fringe to the Mainstream¶The Times has a venerable history of taking stories that other news outlets have ignored or under-appreciated and, with enterprising reporting, turning them into causes célèbre. Perhaps that was the case here; otherwise this topic choice is puzzling. After all, the "shale gas is a bubble" story has been knocking around the fringes of cyberspace for years.¶Almost two years ago, the AP headlined its story on the phenomenon "Analyst: Gas shale may be the next bubble to burst," quoting Berman, who laid out the issues in a way that Urbina would later mimic almost point for point.¶ The two major promoters of the sky-is-falling thesis are Berman, who runs Labyrinth Consulting Services, and Henry Groppe, an octogenarian patriarch of Texas petroleum industry analysts Groppe, Long & Little. They have been pushing this view for years to wide skepticism and even ridicule from mainstream analysts.¶ For reasons never explained, the Times determined that Berman and Groppe were less Chicken Little and more banking analyst Meredith Whitney, for their fingerprints are all over its story. But even a cursory background check of the cited sources raises serious ethical issues, some of which may have resulted in market manipulations that could yet raise the ire of regulators in Canada and the U.S.¶ Financial Conflicts of Interest¶ Times' editors present this story as an independent investigation, as blowing the top off a conspiracy of silence from natural gas "insiders." It brags in a special section headlined "Industry Privately Skeptical of Shale Gas" of reviewing, over six months, "thousands of pages of documents related to shale gas, including hundreds of industry e-mails, internal agency documents and reports by analysts."¶ The Times posted some of the emails, although they are heavily redacted "to protect the confidentiality of sources." Readers are left with hyperbolic but anonymous fragments of criticism, many years out of date, sprinkled with derisive comments from Berman and Rogers.¶ Berman is described as a "geologist who worked two decades at Amoco and has been one of the most vocal skeptics of shale gas economics." There is no reason to begrudge Berman (or Groppe) from holding strong beliefs and trying to profit from them by selling their investment advice to hedge funds or other investors. But the responsibility of the Times is different. Context is the difference between truth and manipulation. Disclosure is a central canon of journalism ethics.¶ What didn't the Times disclose? Berman has direct and indirect financial ties to a range of critics of shale gas. For example, In January, Berman testified as a paid expert witness before the Indiana Utility Regulatory Commission in support of Indiana Gasification, a unit of Leucadia National Corp., detailing the benefits of buying natural gas made from coal instead of hydraulic fracturing. The coal industry fears getting crushed by the cleaner, natural gas movement, and Berman backed coal.¶Berman not only has an indirect financial interest playing the role of shale gas skeptic, he has a direct conflict of interest: He (and Groppe) are "strategic partners" and "consultants" to Middlefield Capital in Toronto, according to Dean Orico, its president. They are both on retainer and are prominently featured on the company's website. Middlefield offers more than 30 funds and limited partnerships, including the Groppe Tactical Energy fund, which follow the two advisers' anti-shale gas investment outlook. It has sizable investments in key competitors to shale gas drillers, most prominently Canadian tar oil producers, an industry with far more environmental questions than the natural gas industry.¶ Berman was a paid speaker at an event sponsored by the Canadian Imperial Bank of Commerce, according to both CIBC and Berman. Both Middlefield and CIBC World Markets have clients who would profit from Berman taking an aggressive public stance. Moreover, if any of their clients, or indeed the fund managers at Middlefield, knew that the Times story was coming out, they could face charges of market manipulation under Canadian and U.S. securities law. (Orico said that Middlefield was never contacted by the Times and only found out about the story after it appeared. Berman claims he told no one at CIBC or Middlefield that he would be featured in a Times story challenging the financial feasibility of the shale gas market.)¶ Did Berman tell his strategic partners and clients, and directly profit from the Times story? Did Middlefield's funds or clients or CIBC's clients with knowledge of the Times' piece hold short interest in shale stocks or long interest in competitors' stocks? Did the Canadian oil sands industry, which includes Middlefield Capital, seek to influence the U.S. fracking debate, which could be a potential violation of the Foreign Agents Registration Act? Did Middlefield's funds or clients or CIBC's clients have short interest in shale stocks ahead of the Times report? Is the Times' key source dealing in inside information? Recall that Martha Stewart went to jail after being accused by the government of conspiracy, obstruction of justice, securities fraud and insider trading for getting advance word on market-moving news.¶ One also wonders whether Berman disclosed his relationships to the New York Times. Only Urbina and his editors know for sure. Berman states in an email that he has never profited indirectly or directly from his advice and specifically never gave any "information" to Middleton in his role as strategic partner and paid consultant on natural gas about the shale gas debate. I attempted to contact the reporter, the Times' executive editor, managing editor, business desk, news desk and public editor by phone and email for comment on the issues raised by the story. Eileen Murphy of paper's corporate communications office responded, writing that "the facts of the story are not in question and we fully stand by it," refusing to address the ethical issues raised by Urbina's reporting.¶ The Curious Case of the Federal Reserve "Adviser"¶ The Times' story rehashes criticism of the shale gas industry that has been rattling around the Internet for years. The only new identifiable voice is that of Deborah Rogers. She is described by Urbina as "a member of the advisory committee of the Federal Reserve Bank of Dallas" and later as a "commissioner" at the bank. She portrays herself as having begun her "financial career in Europe where she worked in Corporate Finance in London, specifically venture capital."¶ That sounds like someone with genuine credibility. And that's how she was treated on Monday, when she made the media rounds. CNBC, for example, featured her in an interview as a "retired financial consultant" now with the Federal Reserve.¶ In a telephone interview, Rogers said that she was once a model with the Ford agency, and left the job to join a one-person firm in London as an assistant. She returned to the U.S. and was briefly a stockbroker for Merrill Lynch. Now she's raises goats and is the founder of Farmstead, a dairy that makes artisanal cheeses.¶ Urbina also did not disclose that Rogers has been fighting the natural gas industry -- and Chesapeake Energy in particular -- tooth and nail for years. She is on the steering committee of the Oil and Gas Accountability Project at Earthworks, an anti-shale-gas advocacy group, and lectures around the country. In Urbina's story, in her public appearances, including on CNBC, and in her interview with me, she indicated she became an activist by accident. Urbina quoted her as "studying well data from shale companies in October 2009 after attending a speech by the chief executive of Chesapeake [Energy]," the central target of the Times' piece.¶ What's not reported is that this was hardly a serendipitous event. Throughout 2009, Rogers had tangled with Chesapeake, which has a well near her Texas farm. That spring, she commissioned a study by Wolf Eagle Environmental Engineers and Consultants that tried to prove that gas production was causing air pollution, endangering her farm.¶ In response to the complaint, the city of Fort Worth commissioned its own study, released that August. It dismissed her allegations, saying Wolf's study was "rudimentary in scope and design," adding, "Discussions of chemical hazards in the documents reviewed were generally exaggerated and speculative, not representative of the hazards posed by the actual concentrations of compounds detected." Ironically, a year later Rogers was cited for failing to conduct bacterial testing of well water at her farm, paid a fine and received 12 months' probation.¶ When I emailed the Federal Reserve Bank in Dallas about the Times' representation that she was on an "advisory committee" and was a "commissioner," spokesperson James Hoard corrected the record: She is an unpaid volunteer member of the "small business and agriculture advisory council (not 'committee'), which is composed of professionals primarily representing small business and agriculture . . . local citizens who provide input into regional business conditions. (Ms. Rogers is a cheese producer.)," he wrote. Hoard added that she has no "governance or policy responsibilities." The two former chairs instrumental in appointing her are executives in the oil industry: Jim Hackett at Anadarko Petroleum and Ray Hunt at Hunt Consolidated.¶ I asked Rogers whether she had discussed her ongoing battle with Chesapeake with the Times. She paused. "Call Urbina, call the New York Times." When pressed, she went silent. "Thanks," she said, and hung up.¶ Where were the Times' fact-checkers? Imagine how the reader of the Times' "investigation" would have assessed Rogers' credibility if Urbina had revealed key contextual details. Would she have been seen as credible, or even featured in the piece, if she had been introduced as "Deborah Rogers, a goat farmer, cheesemaker and activist who has tangled repeatedly with Chesapeake Energy and lectures for anti-fracking NGOs"? That would have been a one-sided caricature -- but no less deceptive than the résumé details cherry-picked by Urbina.¶ I spoke with representatives of two companies that are portrayed in the Times' piece as peddling to their customers the "bubble lie" that shale gas has a rosy future. PNC Wealth Management said it was not contacted by the reporter. IHS Drilling Data spokesperson David Pendery, quoted in the Times story, was irked at the paper. "I got a bizarre call from the New York Times reporter, who wanted me to respond to sections of an email that he read to me, but he wouldn't supply us with the actual email so we could read it in context," he said. "He wasn't very professional."¶ The Times' readers were never informed that the key named sources in a market-shaking investigative report are activists with personal stakes in the debate or with direct financial conflicts. By running this piece, the Times chose to endow with credibility what other responsible news outlets had determined was less than newsworthy. Issues large and small have been raised by the newspaper's reporting. Hopefully, the paper's editors or its public editor, Arthur Brisbane, will address the matter.

#### And EU production is going up – France, Germany, Spain, and UK

Grealy 1/2/2013

(Nick, director – No Hot Air energy consultancy “Predictions for 13,14,15,” <http://www.nohotair.co.uk/117-content/current-affairs19/2725-predictions-for-13-14-15>)

But outside of North America, even with North American crude exports by the end of this decade being an absolute certainty (and I'll take any bet going on that), Saudi Arabia can still impact world oil prices by modulating production. The issue will be not only be the subtraction of US demand leading to price pressure, we also see the emergence of Iraq as globally significant supplier. ¶ The UK will kick start shale gas in Europe, which in turn will hurry shale up in Germany, France and Spain. It will also surprise Poland into action not words, but I remain hopeful that some actual flow figures from Poland will help there too. The UK NBP pricing will also be key for Japanese LNG pricing. We will see some hybrid of Henry Hub and NBP start to influence Japanese gas pricing as we go towards what should be a world gas price evolving in the last half of this decade. That raises an interesting point: Should Japanese invest in European shale to lower domestic prices? What ever luck, or not, we have in the UK, it's in France that shale will happen and it will happen big. I know that goes against all conventional wisdom, but the same "experts" never predicted shale in the first place. France and the rest of Europe will embrace shale because there is going to be no other choice. When both the UK and European economies are catastrophes without shale, to actively reject shale is not shooting oneself in the foot. It's putting the gun in the mouth by giving a huge and permanent advantage to the US , China, Australia, and anywhere else outside of Europe. The key political shift in Europe will be that the rest of governments, faced with financial disaster at best, are going to take energy policy away from Greens. We already see this not only in the UK, but at the EU level and from them to Germany and even France. Greens are making a fatal mistake in overestimating their influence if they continue, as in France, making shale a make or break issue. No one is going to win national elections on an anti shale platform. Anywhere.

#### Also Bulgaria, Romania, Poland, and Ukraine

**Blas 12**—Commodities Editor [Javier Blas, “Russia faces challenge to gas supremacy,” Financial Times, Last updated: April 17, 2012 3:25 pm, pg. http://tinyurl.com/97e36nr

The biggest risk for Russia is not the US shale gas but the potential of the development of similar reserves in neighbouring Bulgaria, Romania, Poland and Ukraine. ¶ Eastern European countries are racing to tap shale deposits using the same technology—hydraulic fracturing, known as fracking, and horizontal drilling—used in the US gas industry. ¶ Gazprom supplies Europe with about 20 per cent of its gas needs, so the development of shale deposits in its backyard is a serious long-term threat.¶ Until now, European companies have found it difficult to renegotiate their expensive contracts with Gazprom because the lack of alternative suppliers. Over the next decade, the development of the European shale industry could give the Continent’s natural gas consumers a bit more leverage.

#### EU presence for central Asian drug war doesn’t solve

Peyrouse et al 12

(Sébastien Peyrouse, associate researcher with FRIDE and the EUCAM Programme and a senior research fellow with the Central Asia-Caucasus Institute & Silk Road Studies programme; Jos Boonstra, senior researcher at FRIDE and head of the EUCAM programme; Marlène Laruelle, associate researcher with FRIDE and the EUCAM Programme; May, “Security and development approaches to Central Asia The EU compared to China and Russia,” EUCAM Working Paper No. 11, <http://www.eucentralasia.eu/fileadmin/user_upload/PDF/Working_Papers/WP11.pdf> - Kurr)

5. Room for cooperation? Can the “hesitant vicar”, the “reluctant soldier” and ¶ the “silent merchant” cooperate in Central Asia? Both ¶ China and Russia are “total” actors in Central Asia, ¶ not in the sense that they shape the local realities ¶ on the ground, but that they have the capacity to ¶ engage on all fronts. Europe’s own capacity is more ¶ limited. The lack of territorial contiguity and inability ¶ to concurrently influence the political, security, ¶ economic and cultural realms limit its impact. ¶ Moreover, the current European crisis drastically ¶ weakens its legitimacy abroad and signals that the EU ¶ will likely have to limit itself to more modest goals, ¶ and leave more room for manoeuvre to other regional ¶ actors. Its influence in the international arena will be ¶ constrained as long as the debt crisis persists and ¶ internal political crises remain unresolved.

### Navy

#### Navy can’t de-escalate crises - bureaucratic reluctance to deploy, delayed response

Watts 12

Robert, graduate of the Coast Guard Academy, Captain Watts has served six sea tours with the Navy and Coast Guard, most recently commanding USCGC Steadfast (WMEC 623). A qualified Surface Warfare Officer and Cutterman, he holds advanced degrees from the Naval War College, Old Dominion University, American Military University, and the Naval Postgraduate School, and he is currently a doctoral candidate at the Royal Military College of Canada (War Studies). The New Normalcy-Sea Power and Contingency Operations in the Twenty-First Century¶ http://www.usnwc.edu/getattachment/87e866a1-24dd-4e91-9ffa-cb0f64f15144/The-New-Normalcy--Sea-Power-and-Contingency-Operat.aspx

The inherent mobility of sea power means largely what it does in the traditional role—modern technology allows global reach in three dimensions and almost instant operational coordination worldwide. But the primary barrier to mobility in crisis-contingency operations is not technological. If mobility is to be exercised, ships must actually sail, and it is here—in the commitment of resources to a crisis —that things become culturally problematic. Despite the need, the answer to a crisis contingency is not always to employ sea power immediately. This cultural hesitancy has two aspects. The first is so deeply ingrained in the American psyche that it is more a matter of legend than of practical discussion. The United States has a long-standing tradition of rejecting the use of military forces in the domestic context, a rejection that dates back to the Revolution. It was codified in law with the passing of the Posse Comitatus Act of 1878, which directs that military forces (specifically the U.S. Army) cannot engage in domestic law enforcement.18 The legislation is often misinterpreted as meaning that any domestic use of military forces is illegal; that is not the case, but it is nevertheless widely believed in both civilian and military 56 NAVAL WAR COLLEGE REVIEW circles.19 Thus before naval forces can be committed to a crisis, a comprehensive legal review is often demanded, something that takes time—time that is usually not available. Another cultural barrier arises from service ethos. Bluntly, warships are designed and train to fight. In the modern high-tech era, naval warfare is a very specific (and expensive) proposition. It demands very sophisticated and specialized equipment. The radar on an Aegis cruiser, for example, is exceptionally good at tracking and destroying enemy aircraft—but only that. In a crisis contingency that marginalizes that purpose of a platform’s defining systems, the purpose of the platform itself could be called into question. According to this logic, if a vessel is employed (albeit successfully) for a purpose for which it is not designed, the door is opened for its increasing use for that purpose and not its proper one. In the grand scheme of things, warships used for other purposes are not training for war; in the short term this leads to a loss of readiness for combat, while in the longer term it could mean the elimination of platforms altogether in favor of others more suitable for noncombat missions. Although this seems to be a largely philosophical argument, in a shrinking budget environment it is not without a certain politically compelling logic. The effects of these factors are not insignificant. In recent crisis contingencies (the mass migration operations of 1994 and Katrina) the arrival of naval vessels was delayed while legal and operational impact issues were addressed, in the Katrina case so long as to become a national embarrassment.20 Bureaucratic reasons, not materiel, were the culprits, ultimately to the detriment of the response. Hesitancy can be fatal in an operation requiring rapid response, and culture and bureaucracy can conspire to encourage just that.

#### US is too far ahead and China has no incentive to attack

Tillman 9

(Barrett Tillman, Historian specializing in naval and aviation topics, 2009. U.S. Naval Institute Proceedings Magazine, “Fear and Loathing in the Post-Naval Era,” http://www.usni.org/magazines/proceedings/story.asp?STORY\_ID=1896)

In attempting to justify a Cold War force structure, many military pundits cling to the military stature of China as proof of a possible large conventional-war scenario against a pseudo-peer rival. Since only China possesses anything remotely approaching the prospect of challenging American hegemony—and only in Asian waters—Beijing ergo becomes the "threat" that justifies maintaining the Cold War force structure. China's development of the DF-21 long-range antiship ballistic missile, presumably intended for American carriers, has drawn much attention. Yet even granting the perfection of such a weapon, the most obvious question goes begging: why would China use it? Why would Beijing start a war with its number-two trading partner—a war that would ruin both economies?10 Furthermore, the U.S. Navy owns nearly as many major combatants as Russia and China combined. In tonnage, we hold a 2.6 to 1 advantage over them. No other coalition—actual or imagined—even comes close. But we need to ask ourselves: does that matter? In today's world the most urgent naval threat consists not of ships, subs, or aircraft, but of mines-and pirates.11

#### No risk of protectionism

Kim 13

Soo Yeon Kim, of the National University of Singapore, associate professor of music at Nazareth College of Rochester, New York, Fellow of the Transatlantic Academy, based at the German Marshall Fund of the United States, The Monkey Cage, January 30, 2013, " Protectionism During Recessions: Is This Time Different?", http://themonkeycage.org/blog/2013/01/30/protectionism-during-recessions-is-this-time-different/

The Great Recession of 2008: Who Resisted Protectionism?¶ There is widespread agreement regarding the critical role of international institutions as “firewalls” against protectionism during this recession. Economic and non-economic international institutions have served as conveyors of information and mechanisms of commitment and socialization. Their informational function enhances the transparency and accountability of states’ trade policies, and they mitigate uncertainty when it is running high. Specialized international institutions devoted to trade, such as the WTO and preferential trade agreements (PTAs), also lock in commitments to liberal trade through legal obligations that make defections costly, thus creating accountability in the actions of its members. Equally important, international institutions are also arenas of socialization that help propagate important norms such as the commitment to the liberal trading system and cooperative economic behavior. In this connection, the degree to which a particular country was embedded in the global network of economic and non-economic international institutions has been found to be strongly correlated with fewer instances of protectionist trade measures.¶ Information provided to date by international institutions, with the exception of the GTA project, largely agree that states have not resorted to large-scale protectionism during this recession, in spite of the fact that the “great trade collapse” at the beginning of the current crisis was steeper and more sudden than that of its Great Depression predecessor. The WTO Secretariat, in addition to its regular individual reports on members’ trade policies under the Trade Policy Review Mechanism (TPRM), has issued more than a dozen reports on member states’ trade policies during the crisis. At the request of the G-20 countries, which pledged not to adopt protectionist trade measures at the onset of the crisis in 2008, the WTO, the OECD, and UNCTAD have produced joint reports on the trade and investment measures of the world’s largest trading states. They, too, find that G-20 countries had largely adhered to their commitment not to raise trade and investment barriers. In the World Bank’s Temporary Trade Barriers (TTB) project, an important and unique data collection that includes information on pre-crisis and crisis trade policy behavior, Bown finds that temporary trade barriers such as safeguards, countervailing and antidumping duties saw only a slight increase of usage by developed countries, in the neighborhood of 4%. In contrast, emerging market economies were the heavy users of TTBs, whose usage rose by almost 40% between 2008 and 2009.¶ As scholarly insights accumulate on the current recession and its impact on protectionism (or lack thereof), two questions emerge for further research. First, to what extent have governments employed policy substitutes that have the same effect as trade protectionism? International institutions may appear to have been successful in preventing protectionism, but governments may well have looked elsewhere to defend national economies. This question can be seen in the broader context of the “open economy trilemma,” in which governments may achieve only two of three macroeconomic policy objectives: stable exchange rates, stable prices, and open trade. Irwin argues that governments that abandoned the gold standard during the Great Depression were less protectionist, and their economies also suffered less from the recession. Existing scholarship also indicates that governments are likely to employ policy substitutes, opting for monetary autonomy when facing trade policy constraints, for example, due to membership in a preferential trade agreement. Moreover, at the time of writing, the International Monetary Fund (IMF) has announced that it has dropped its objections to capital controls, albeit cautiously and only under certain conditions, thus potentially providing another policy alternative for governments to achieve economic stability during this crisis. Future research may further extend the application to policy substitutes that are deployed during economic downturns.¶ Finally, why did firms not push for more protection? Protectionist policies are not adopted by governments in a political vacuum. In order to adopt trade defense measures such as anti-dumping duties, governments first conduct investigations to assess the extent of injury. Such investigations are initiated when firms apply for them through the domestic political process. If indeed governments did not appeal extensively or unusually to protectionist trade policies, the explanation to a significant degree lies in firm behavior. A distinguished body of research exists in this area that is due for a revisit in the age of extensive international supply chains, from Schattschneider’s classic examination of the domestic pressures that led to the Smoot-Hawley Act to Helen Milner’s study of export-dependent firms that resisted protectionism during the crisis of the 1920s and the 1970s. Milner rightly pointed out that “firms are central,” and over the years the export-dependent, multinational firm has evolved in tandem with the increasing complexity of the international supply chain. Today’s firm is not only heavily export-dependent but equally import-dependent in its reliance on intermediate inputs, whether through intra-firm trade or from foreign firms. The extensive international supply chain thus often puts exporting and importing firms on the same side of the political debate, especially when they are members of large multinational firms. Moreover, the study of firm-level behavior must extend beyond the developed world to consider firms in emerging market economies, which have been the heavy users of trade defense measures during the current recession. How the internationalization of production, driven by investment and trade in intermediate goods, restrained multinational firms from pushing for more protection remains an important question for further research.

### Solvency

#### The plan is a nat gas only drilling policy—no company will take the risk

MarEx 11

[Maritime Executive, “Gas-Only Drilling in Offshore Moratorium Areas Suggested,” January 19, http://www.maritime-executive.com/article/2005-10-20gas-only-drilling-in-offshore-moratori]

Oil and gas industry groups are criticizing a provision in House offshore drilling legislation that would allow the government to offer "natural gas-only" leases in areas that are currently off-limits to new production.¶ The criticism is included in wider comments by petroleum producers to the Minerals Management Service (MMS), which has begun collecting public comments as it begins preparing an outer continental shelf leasing plan for 2007-2012. MMS asked for comment on the gas-only concept.¶ Gas-only leasing was included in a bill by House Resources Committee Chairman Richard Pombo (R-CA.) that allows states to "opt-out" of offshore leasing bans. States exercising the option could allow gas-only leasing, or oil and gas leasing.¶ Senate legislation by Senator Lamar Alexander (R-TN.)—and supported by chemical companies and other industries that rely on the costly fuel—also accepts the idea.¶ However, the American Petroleum Institute (API), in comments this week to MMS, says gas-only and gas-preference leasing would offer the "false promise" of future supplies. The group says the concept would create uncertainties that could dampen investment, since it is impossible to predict with certainty what types of resources will be in an area.¶ "A company might spend up to $80 million to buy a lease, conduct seismic testing, obtain the necessary permits, and drill a well(s) to determine whether any resources are present in amounts that make the prospect economic," the group says. "A company is unlikely to know if it had met the gas only or gas preference requirement until the capital investment had been made. Companies will be reluctant to spend tens of millions of dollars to explore for and develop a prospect, only to be forced to abandon the resource, stranding substantial investments."

## 1NR

### Theory

#### KEY TO POLICYMAKING RELEVENCE – POLICYMAKERS AND POLITICS OPERATE COMPARATIVELY MORE THROUGH NARRATIVE-EVALUATION RATHER THAN LOGICAL ARGUMENT OR DATA EVALUATION.

Dryzek 2006

**John S. Dryzek, Policy analysis as critique,** John Dryzek is Professor of Political Science and Australian Research Council Federation Fellow, Research School of Social Sciences, Australian National University. He is a Fellow of the Academy of Social Sciences in Australia, former Head of the Departments of Political Science at the Universities of Oregon and Melbourne and the Social and Political Theory program at ANU, and former editor of the Australian Journal of Political Science, Oxford Handbook of Public Policy, pg 194-5

Narrative analysis (Roe 1994) focuses mainly on stories that are told by participants in policy processes. The language of policy, in common with the language of many social settings, features the telling of stories much more than it features argument, deductive logic, or still less quantitative optimization. The effect of a good story is to convince its audience that an issue ought to be framed in a particular way. The facts never ‘‘speak for themselves.’’ For example, a story about rape and murder amid ethnic conflict could be told by a nationalist demagogue in terms of violated ethnic innocence and collective ethnic guilt of its perpetrators. The same facts could also support a story of violation of basic human rights and universal principles of humanity. The action consequences of each story would be vastly different.

**Justifications define and constrain all possible debate on proposed policy.**

**Sending 4**—Ole, Research Fellow @ Norweigan Inst. of Int’l Affairs [*Global Institutions & Development* eds. Morten Boas and Desmond McNeil p. 58-59]

Granted that the objectification and definition of a given phenomenon is open to a variety of normative and political considerations, it becomes interesting to explore how scientific knowledge constitutes a symbolic resource used by politically motivated actors. **In order to justify** and legitimize **certain courses of action**, and to render these possible and effective, scientific knowledge forms an important component both for efforts of persuading and mobilizing different groups, and for formulating and establishing policy practices. This can he grasped through the concept of poli1y stories. A policy story can be defined as follows: A set of factual, causal claims, normative principles and a desired objective, all of which are constructed as a more or less coherent argument a story which points to a problem to be addressed and the desirability and adequacy of adopting a specific policy approach to resolve it.

This conceptualization incorporates how politically motivated actors integrate scientifically produced imowledge in the form of facts, concepts or theories in order to i) convince others that a certain phenomenon is a problem, (ii) demonstrate that this problem is best understood in a certain way as shown by the facts presented, and (iii) link these factual claims to normative principles giving moral force to the argument that it should be resolved. This perspective thus subjects the factual dimensions of political processes to the interests and normative commitments of actors, in the sense that knowledge is used to justify and legitimize calls for adopting certain policies to resolve what is seen to be a problem that 'ought' to be resolved. The formulation is partly inspired by Rein and Schuss (1991. 265), who refer to problem-setting stories that 'link causal accounts of policy problems to particular proposals for action and facilitate the normative leap from "is" to 'ought"'. We depart from Rein and Schon's conception somewhat by emphasizing more strongly the factual claims (the characteristics of a phenomenon and normative principles (the morally' grounded principles used to legitimize the policy formulation invoked by actors as they define a problem and argue for a specific policy approach. The concept of policy stories seeks to capture how actors integrate knowledge claims into their politically charged arguments so as to 'frame' the issue under discussion. Because of the interlocking of the factual and normative dimension of policy making, a policy story, can be seen to create space for political agency. That is: a policy story serves by creating an argument grounded in a body of scientifically produced knowledge, to persuade and mobilize different groups as it represents a complete package: an authoritative problem-definition and a concomitant policy solution that is legitimized in both factual and normative terms. A policy story- that **wins acceptance at the discursive level** can be seen to **define the terms of the debate** for the establishment of policy and to **de- legitimize competing** conceptualizations and **policy approaches**. Through the political agency performed through a policy story it may come to dominate the policy field as it forms the central cognitive-normative organising device for specific formulation and establishment of policy within different organizations. In this way, the policy story' may over time attain a 'taken for granted' char- acter as it comes to structure, and reflect, policy practice. This process of stabilization is best described as a process of institutionalization. Following Scott, we can define institutionalization as a 'process by which a given set of units and a pattern of activities come so be normatively' and cognitively held in place, and practically taken for granted as lawful' Scott at al. 1994: 10). This latter feature is critical to the argument presented here. In the change from an argument for a specific policy approach to the establishment of that policy in practice, the policy story comes to define the cognitive-normative outlook of a policy regime. This can he defined as an interlock between the knowledge which underwrites the policy story, and the establishment in practice of the policy advocated in a policy story: That is: the **knowledge that once formed part of an argument for a policy** is now an **integral part** of the very rationality and identity' of the organization involved with managing this policy in practice. As such it becomes pact of the bundle of routines, rules, priorities and rationality of the organizations in the policy field see Douglas 1986; March and Olsen 1989: Scott and Meyer. 1994).

#### AND, ESPECIALLY IN THE CONTEXT OF ENERGY, DISCURSIVE CONSTRUCTS AREN’T ONE ASPECT OF REALITY BUT ARE CONSTITUTIVE OF ALL LIVED EXPERIENCE INCLUDING IMPLEMENTION AND PERCEPTION OF POLICY. ONLY OUR FRAMEWORK SOLVES.

Lakoff and Johnson 2k3

[George, mark, metaphors we live by, university of Chicago press: Chicago, London, prof linguistics UC Berkeley, Knight Prof of Liberal Arts at University of Oregon, p 156-8]

In the preceding chapter we suggested the following:

Metaphors have entailments through which they highlight and make coherent certain aspects of our experience. A given metaphor may be the only way to highlight and coherently organize exactly those aspects of our experience.Metaphors may create realities for us, especially social realities. A metaphor may thus be a guide for future action. Such actions will, of course, fit the metaphor .This will, in turn, reinforce the power of the metaphor to make experience coherent. In this sense metaphors can be self-fulfilling prophecies. For example, faced with the energy crisis, President Cater declared “the moral equivalent of war.” The WAR metaphor generated a network of entailments. There was an “enemy,” a “threat to national security,” which required “Setting targets,” “reorganizing priorities,” “establishing a new chain of command,” “plotting new strategy,” “gathering intelligence,” “marshaling forces,” “imposing sanctions,” “calling for sacrifices,” and on and on. The WAR metaphor highlighted certain realities and hid others. The metaphor was not merely a way of viewing reality; it constitutes a license for policy change and political and economic action. The very acceptance of the metaphor provided grounds for certain inferences: there was an external, foreign, hostile enemy (pictured by cartoonists in Arab headdress); energy needed to be given top priorities; the populace would have to make sacrifices; if we didn’t meet the threat, we would not survive .It is important to realize that this was not the only metaphor available.Carter’s WAR metaphor took for granted our current concept of what ENERGY is, and focused on how to get enough of it. On the other hand, Amory Lovins (1977) observed that there are two fundamentally different ways, or PATHS, to supply our energy needs. He characterized these as metaphorically HARD and SOFT. The HARD ENERGY PATH uses energy supplies that are inflexible, nonrenewable, needing military defense and geopolitical control, irreversibly destructive of the environment, and requiring high capital investment, high technology, and high skilled workers. The include fossil fuels (gas and oil), nuclear power plants, and coal gasification. The SOFT ENERGY PATH uses energy supplies that are flexible, renewable, not needing military defense or geopolitical control, not destructive of the environment, and requiring only low capital investment, low technology, and unskillied labor. They include solar, wind, and hydroelectric power, biomass alcohol, fluidized beds for burning coal or other combustible materials, and a great many other possibilities currently available. Lovins’ SOFT ENERGY PATH metaphor highlights the technical, economic, and sociopolitical *structure* of the energy system, which leads him to the conclusion that the “hard” energy paths – coal, oil, and nuclear power – lead to political conflict, economic hardship, and harm to the environment. But Jimmy Carter is more powerful than Amory Lovins. As Charlotte Linde (in conversation) has observed, whether in national political or in everyday interaction, people in power get to impose their metaphors.New metaphors, like conventional metaphors, can have the power to define reality. They do this through a coherent network of entailments that highlight some features of reality and hide others. The acceptance of the metaphor which forces us to focus *only* on those aspects of our experience that it highlights, leads us to view the entailments of the metaphor as being *true*. Such “truths” may be true, of course, only relative to the reality defines by the metaphor. Suppose Carter announces that his administration has won a major energy battle. Is this claim true or false? Even to address oneself to the question requires accepting at least the central parts of the metaphor. If you do not accept the existence of an external enemy, if you think there is no external threat, if you recognize no field of battle, no targets, no clearly defined competing forces, then the issue of objective truth or falsity cannot arise. But if you see reality as defined by the metaphor, that is, if you do see energy crisis as a war, then you can answer the question relative to whether the metaphorical entailments fit reality. If Carter, by means of strategically employed political and economic sanctions, forced the OPEC nations to cut the price of oil in half, then you would say he would indeed have won a major battle. If, on the other hand, his strategies had only produced a temporary price freeze, you couldn’t be so sure and might be skeptical.Though questions of truth do arise for new metaphors, the more important questions are those of appropriate action. In most cases, what is at issue is not the truth or falsity of a metaphor but the perceptions and inferences that follow from it and the actions that are sanctioned by it. In all aspects of life, not just in politics or in love, we define our reality in terms of metaphors and then proceed to act on the basis of the metaphors. We draw inferences, set goals, make commitments, and execute plans, all on the basis of how we in part structure our experience, consciously and unconsciously, by means of metaphor.

**Discursive analysis is key to policy making- representational choices have profound implications on plan’s desirability and implementation- this should precede any flawed assessment of plan’s instrumental benefits**

**Gehrke ‘02**

[Pat J., PROF OF ENGLISH LANGUAGE AND LITERATURE @ UNIV OF SOUTH CAROLINA,CRITIQUE ARGUMENTS AS POLICY ANALYSIS: POLICY DEBATE BEYOND THE RATIONALIST PERSPECTIVE, PERSPECTIVES IN CONTROVERSY: SELECTED ESSAYS FROM *CONTEMPORARY ARGUMENTATION AND DEBATE*, P. 316-317]

**Interpretive perspectives** on policy **offer unique advantages in repairing our policy deliberation model**; as well as the pedagogical benefits of deeper understanding of both specific policies and the policy process. It is important that we not think of policies in purely rational modes, but realize what we say through them to others and ourselves. **Policy discourse** and policies themselves **can have profound communicative implications from the beginning to the end of the policy cycle**. Since public policy is by definition interactive (that is, it must occur between people), policies have no option but to exist predominantly as communicative events. As a society “we live in and are confined to a communicated and communicable world” (Vickers 25), and we can not separate our policy options from the communicative acts they represent and the communications by which we represent them. The existence of the resolution itself and an affirmative team’s operationalization of that resolution are profoundly communicative. Policy scholar James Rogers argues that policy advocacy can alter belief systems, provide new paradigms, have an agenda setting effect, affect how policy issues are problematized, and change the way solutions are viewed and evaluated (22-27). Policy discourse begins, as do most affirmative cases, with an explication of the problems with existing policies. However, practical problems must be constructed, interpreted, and made sense of in the complex contexts at hand (Forester, “No Planning” 60). Hence, debaters as policy evaluators and advocates begin by problematizing the status quo. This act simultaneously creates some identities and roles while negating others. It communicates not only a what, but also a who, a why, and much more. The first impact of any affirmative case is to mark and modify the social and political world. **Policy discourse communicates values and interpretations about a policy, its subjects, the objects it acts upon, and the world** in which advocates seek to implement it. **These communications shape the way that agents** implement or **carry out those policies** (Bullis and Kennedy 543). Cornell professor of city and regional planning John Forester argues that public policies “alter the ‘communicative infrastructure’ of institutions that mediate between structural processes of social learning and the practical, situated claims-making process of social interaction” (*Critical Theory* 146). Thus, as policy analysts and policy makers, debaters and critics must explore methodologies that can account for the communicative impact of policy discourse. Initially we may find such an approach in an interpretive perspective on policy. An interpretive approach to policy analysis focuses on the meanings of policies, on the values, feelings, and/or beliefs that they express, and on the processes by which those meanings are communicated to and interpreted by various audiences (Yanow 8-9). From this view, **debaters may look to policy discourse as a rhetorical artifact** subject to critical rhetorical analysis or similar analyses. **We can not neatly separate policies from the language and advocacy that brings about their implementation**.

#### Analyzing the representations of the plan must precede any political decision-making

Crawford ‘2

[Neta Crawford ,PhD MA MIT, BA Brown, Prof. of poli sci at boston univ. Argument and Change in World Politics, 2002 p. 19-21]

Coherent arguments are unlikely to take place unless and until actors, at least on some level, agree on what they are arguing about. The at least temporary resolution of meta-arguments- regarding the nature of the good (the content of prescriptive norms); what is out there, the way we know the world, how we decide between competing beliefs (ontology and epistemology); and the nature of the situation at hand( the proper frame or representation)- must occur before specific arguments that could lead to decision and action may take place. Meta-arguments over epistemology and ontology, relatively rare, occur in instances where there is a fundamental clash between belief systems and not simply a debate within a belief system. Such arguments over the nature of the world and how we come to know it are particularly rare in politics though they are more frequent in religion and science. Meta-arguments over the “good” are contests over what it is good and right to do, and even how we know the good and the right. They are about the nature of the good, specifically, defining the qualities of “good” so that we know good when we see it and do it. Ethical arguments are about how to do good in a particular situation. More common are meta-arguments over representations or frames- about how we out to understand a particular situation. Sometimes actors agree on how they see a situation. More often there are different possible interpretations. Thomas Homer-Dixon and Roger karapin suggest, “Argument and debate occur when people try to gain acceptance for their interpretation of the world”. For example, “is the war defensive or aggressive?”. Defining and controlling representations and images, or the frame, affects whether one thinks there is an issue at stake and whether a particular argument applies to the case. An actor fighting a defensive war is within international law; an aggressor may legitimately be subject to sanctions. Framing and reframing involve mimesis or putting forward representations of what is going on. In mimetic meta-arguments, actors who are struggling to characterize or frame the situation accomplish their ends by drawing vivid pictures of the “reality” through exaggeration, analogy, or differentiation. Representations of a situation do not re-produce accurately so much as they creatively re-present situations in a way that makes sense. “mimesis is a metaphoric or ‘iconic argumentation of the real.’ Imitating not the effectivity of events but their logical structure and meaning.” Certain features are emphasized and others de-emphasized or completely ignoredas their situation is recharacterized or reframed. Representation thus becomes a “constraint on reasoning in that it limits understanding to a specific organization of conceptual knowledge.” The dominant representation delimits which arguments will be considered legitimate, framing how actors see possibities. As Roxanne Doty argues, “the possibility of practices presupposes the ability of an agent to imagine certain courses of action. Certain background meanings, kinds of social actors and relationships, must already be in place.” If, as Donald Sylvan and Stuart Thorson argue, “politics involves the selective privileging of representations, “it may not matter whether one representation or another is true or not**.** Emphasizing whether frames articulate accurate or inaccurate perceptions misses the rhetorical importof representation- how frames affect what is seen or not seen, and subsequent choices. Meta-arguments over representation are thus crucial elements of political argument because an actor’s arguments about what to do will be more persuasive if their characterization or framing of the situation holds sway. But, as Rodger Payne suggests, “No frame is an omnipotent persuasive tool that can be decisively wielded by norm entrepreneurs without serious political wrangling.” Hence framing is a meta-argument.

### Impact

**These racist dichotomies grant states the power to exterminate – this is the root of all war**

**Mendieta, 2002**

Eduardo Mendieta, 2002, “To Make Live and to Let Die – Foucault and Racism

This is where **racism intervenes, not from without, exogenously, but** **from within, constitutively**. For **the emergence of biopower as the form of a new form of political rationality, entails the inscription within the very logic of the modern state the logic of racism**. For **racism grants,** and here I am quoting: “**the conditions for the acceptability of putting to death in a society of normalization. Where there is a society of normalization, where there is a power that is, in all of its surface and in first instance, and first line, a bio-power, racism is indispensable as a condition to be able to put to death someone, in order to be able to put to death others. The homicidal [meurtrière] function of the state, to the degree that the state functions on the modality of bio-power, can only be assured by racism** “(Foucault 1997, 227) To use the formulations from his 1982 lecture “The Political Technology of Individuals” –which incidentally, echo his 1979 Tanner Lectures –**the power of the state** after the 18 th century, a power which is enacted through the police, and is enacted over the population**, is a power over living beings, and as such it is a biopolitics. And, to quote more directly, “since the population is nothing more than what the state takes care of for its own sake, of course, the state is entitled to slaughter it, if necessary.** So the reverse of biopolitics is thanatopolitics.” (Foucault 2000, 416). **Racism, is the thanatopolitics of the biopolitics of the total state**. They are two sides of one same political technology, one same political rationality: the management of life, the life of a population, the tending to the continuum of life of a people. And **with the inscription of racism within the state of biopower, the long history of war** that Foucault has been telling in these dazzling lectures has made a new turn: **the war of peoples, a war against invaders, imperials colonizers, which turned into a war of races, to then turn into a war of classes, has now turned into the war of a race, a biological unit, against its polluters and threats. Racism is the means by which bourgeois political power, biopower, re-kindles the fires of war within civil society. Racism normalizes and medicalizes war.** **Racism makes war the permanent condition of society, while at the same time masking its weapons of death and torture.** As I wrote somewhere else, racism banalizes genocide by making quotidian the lynching of suspect threats to the health of the social body. Racism makes the killing of the other, of others, an everyday occurrence by internalizing and normalizing the war of society against its enemies. To protect society entails we be ready to kill its threats, its foes, and if we understand society as a unity of life, as a continuum of the living, then these threat and foes are biological in nature.

**RACISM AND MILITARISTIC COLONIALISM ARE THE ROOT CAUSE OF OVERCONSUMPTION AND ECOLOGICAL COLLAPSE; IT MUST BE REJECTED IN EACH INSTANCE**

**Barndt 91**

(Joseph, co-director of Crossroads, a ministry to dismantle racism, "Dismantling Racism: The Continuing challenge to White America," p. 155-6.)

**To study racism is to study walls. We have looked at barriers and fences, restraints and limitations, ghettos and prisons. The prison of racism confines us all, people of color and white people alike. It shackles the victimizer as well as the victim. The walls forcibly keep people of color and white people separate from each other**; in our separate prisons we are all prevented from achieving the human potential God intends for us. The limitations imposed on people of color by poverty, subservience, and powerlessness are cruel, inhuman, and unjust; the effects of uncontrolled power, privilege, and greed, which are the marks of our white prison, will inevitably destroy us as well. But we have also seen that **the walls of racism can be dismantled. We are not condemned to an inexorable fate, but are offered the vision and the possibility of freedom. Brick by brick, stone by stone, the prison of individual, institutional, and cultural racism can be destroyed**. **The danger point of self-destruction seems to be drawing even more near. The overconsumption and environmental destruction may be reaching a point of no return, results of centuries of national and worldwide conquest and colonialism, of military buildups and violent aggression.** You and I are urgently called to join the efforts of those who know it is time to tear down, once and for all, the walls of racism. A small and predominantly white minority of the global population derives its power and privilege from the sufferings of vast majority of peoples of all color. For the sake of the world and ourselves, we dare not allow it to continue.

### A2- Russian Reps Good

**Overemphasizing fear of Russian expansionism ensures serial policy failure of US/Russia policy- alt is a perquisite to accurate analysis of Russian capability**

**Foglesong and Hahn '10**

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To have a stable and positive relationship with Putin’ s Russia, the United States must move beyond the myths and polarized perspectives of the past decade. **It is dangerous for both U.S.-Russian relations and international security for Washington to see Russia through monochromatic glasses, either dark or bright. Like the overly optimistic assessments of Russia’ s progress toward democracy and capitalism in the 1990s, the rosy views of a strategic partnership with the United States may produce a new round of disappointment and disdain. On the other hand, excessively pessimistic or alarmist views of Russia’ s supposedly failed democratization, innate authoritarianism, and imperialism can undermine RussianAmerican cooperation and close off opportunities to influence Russia’ s political and social evolution.50 To avoid falling into the over-reaction trap once more, we must have a clear, nuanced, and balanced view of Russia. Russia is a kaleidoscope of interacting positive and negative trends. These must be detected and sorted out by way of objective analysis free of political science preconceptions, historical simplifications, and Russophobic prejudices. The contradictory trends in this sprawling country cannot be captured by crude stereotypes or rigid transition paradigms. Russia, like many other states, is stuck somewhere between a predominantly authoritarian and predominantly democratic order. It can be moving in two directions at once in different spheres, creating a hodge-podge of trends that is difficult to understand, much less model. Thus, Moscow’ s economic strategy involves greater openness to Western investment and deeper integration into the global economy, but the government’ s prosecution of critics and scientists for selling classified documents has discouraged open discussion and contacts with foreign colleagues. Russia has adopted a new legal code with many amendments modeled on practices in the United States and Western Europe, yet Putin’ s vision of a “dictatorship of law” simultaneously entails moving away from Western conceptions of liberty and justice. Important electoral reforms have been implemented, but political parties have been stagnating or losing adherents. Russian judges have gained greater independence, but that independence has not dramatically improved the criminal justice system.51 Not only have Putin’ s federal reforms re-centralized power in Moscow, they are also forcing the regions to rescind many of their undemocratic laws.52 Given such complicated and surprising developments, Western analysts must consciously refrain from extrapolating disappointment over negative trends in one area onto the Russian government or people as a whole. The pessimists and the optimists share a presumption that Russia’ s historically determined fate or natural evolutionary endpoint can be seen in advance. The first step in escaping the bipolar swings in American views of Russia is to abandon prophetic pretensions and jettison teleological hubris. Instead of focusing on forecasting the future and constructing (or tinkering with) abstract paradigms, students of post-communist Russia should concentrate on careful empirical study of developments and dynamics in its politics, business, culture, and society. Scholars should spend more time investigating what is really happening and less time judging how the transition measures up according to some predetermined finish line. While Russophobic essentialists write as if cultural prerequisites were the key, if not sole, determinant for the development of democracy and markets, transitologists tend to eschew culture as an explanatory factor. Both are wrong. Cultural values are one of several important elements facilitating or obstructing democratic and market development. Contrary to the assumptions of Russophobes in the West and Slavophile nationalists in Russia, cultures are not monolithic. They are malleable under the influence of external forces, especially in the era of globalization. This does not mean that Americans can easily complete the cultural transformation and democratization of Russia by launching cold war–style propaganda programs to exploit the presumed gap between the supposedly pro-American Russian people and the obdurate Russian government. It does mean that Western (especially American) culture has strongly affected post-Soviet Russia, though often not in the ways or to the extent Westerners might wish. Although propaganda campaigns based on an adversarial relationship to the Russian government are unlikely to be very successful (and may actually backfire), there are many ways that Westerners might exert a modest positive influence on Russia’ s development. This is not the place for a full set of proposals, but a few examples of practical initiatives can be mentioned.**