### Off 1

Vague plans texts should be voted against

Stevens ‘03 (LtCol USMC (Ret.) Assistant Professor of Criminology California State University Fresno) Stevens http://faculty.ncwc.edu/mstevens/293/293lect02.htm

Void-for-Vagueness Doctrine -- This requires that legislatures use clear and precise language so that people of common intelligence do not have to guess at the meaning of a law or its application. If the language of a statute or ordinance is vague, it is unconstitutional, and the law must be struck down. Sometimes, the doctrine is applied just to the words, like "ill repute" or "lewd", and at other times, whether the law entraps citizens or is difficult for police to enforce is considered. A modern example would be the "racial profiling" controversy.

#### Violation: 1.The phrase “economic feasibility clause” and “energy policy act of 2005 appears ZERO times on the internet and lexis.

#### 2. The phrase “economic feasibility” appears in multiple locales of the Energy Policy -Act of 2005—there is no way to know which clause the aff means

http://www.gpo.gov/fdsys/pkg/PLAW-109publ58/html/PLAW-109publ58.htm

[109th Congress Public Law 58]

[From the U.S. Government Printing Office]

[DOCID: f:publ058.109]

[[Page 593]]

ENERGY POLICY ACT OF 2005

[[Page 119 STAT. 594]]

Public Law 109-58

109th Congress

An Act

To ensure jobs for our future with secure, affordable, and reliable

energy. <<NOTE: Aug. 8, 2005 - [H.R. 6]>>

SEC. 355. ASSESSMENT OF DEPENDENCE OF STATE OF HAWAII ON OIL.

(a) Assessment.--The Secretary of Energy shall assess the economic

implications of the dependence of the State of Hawaii on oil as the

principal source of energy for the State, including--

(1) the short- and long-term prospects for crude oil supply

disruption and price volatility and potential impacts on the

economy of Hawaii;

(2) the economic relationship between oil-fired generation

of electricity from residual fuel and refined petroleum products

consumed for ground, marine, and air transportation;

(3) the technical and **economic feasibility** of increasing the

contribution of renewable energy resources for generation of

electricity, on an island-by-island basis, including--

(A) siting and facility configuration;

(B) environmental, operational, and safety

considerations;

(C) the availability of technology;

(D) the effects on the utility system, including

reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of

such an increase and any effect on the economic

relationship described in paragraph (2);

(4) the technical and **economic feasibility** of using

liquefied natural gas to displace residual fuel oil for electric

generation, including neighbor island opportunities, and the

effect of the displacement on the economic relationship

described in paragraph (2), including--

(A) the availability of supply;

(B) siting and facility configuration for onshore

and offshore liquefied natural gas receiving terminals;

(C) the factors described in subparagraphs (B)

through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and **economic feasibility** of using

renewable energy sources (including hydrogen) for ground,

marine, and air transportation energy applications to displace

the use of refined petroleum products, on an island-by-island

basis, and the economic impact of the displacement on the

relationship described in paragraph (2); and

(6) an island-by-island approach to--

(A) the development of hydrogen from renewable

resources; and

(B) the application of hydrogen to the energy needs

of Hawaii.

(b) Contracting Authority.--The Secretary of Energy may carry out

the assessment under subsection (a) directly or, in whole or in part,

through 1 or more contracts with qualified public or private entities.

#### Vote Neg on presumption. The aff doesn’t do anything because it is overly vague. They gut our ground for CPs and Disad links

### Off 2

A. Financial incentives are direct, indirect are fiscal incentives

Kurtz ‘02

Emile Noel Fellow, Jean Monnet Center for International and Regional Economic Law & Justice, New York University Law School; Lecturer, Law School, The University of Melbourne, Australia

Jurgen 23 U. Pa. J. Int'l Econ. L. 713

Incentives to attract investors into the host state are often linked to performance requirements by host states. In other words, they act as an economic carrot to sweeten the imposition of the stick. n62 The range of incentives offered by host states is extensive. However, there are broadly two main categories - fiscal incentives (whose objective is often to reduce the tax burden for an investor by, for example, reducing the standard corporate income tax rate) and financial incentives (which normally involve the provision of funds directly to the investor in the form of direct subsidies, loan guarantees, or export credits). n63 Developed states normally favor the use of financial incentives over fiscal ones, in part because fiscal incentives generally require change to domestic legislation and [\*730] hence parliamentary approval. In contrast, developing states tend to prefer the use of fiscal incentives, as they generally lack the resources needed to provide direct financial incentives. n64

“FOR” is a limiting term

Clegg, 95 - J.D., 1981 Yale Law School; the author is vice president and general counsel of the National Legal

Center for the Public Interest. (Roger, “Reclaiming The Text of The Takings Clause,” 46 S.C. L. Rev. 531,

Summer, lexis)

Even if it made no sense to limit the clause to takings "for public use"--and, as discussed below, it might make very good sense--that is the way the clause reads. It is not at all ambiguous. The prepositional phrase simply cannot be read as broadening rather than narrowing the clause's scope. Indeed, a prepositional phrase beginning with "for" appears twice more in the Fifth Amendment, and in both cases there is no doubt that the phrase is narrowing the scope of the Amendment. n20

#### B. The Violation: the plan increases indirect incentives for energy production.

#### C. Ground. Our interp ensures fair ground for the aff and predictable links for the neg. Direct incentives for energy production means topic literature provided DA and K links

#### Limits. Their interp is practically limitless

Dyson et al, 3 - International Union for Conservation of Nature and Natural Resources (Megan, Flow: The Essentials of Environmental Flows, p. 67-68)

Understanding of the term ‘incentives’ varies and economists have produced numerous typologies. A brief characterization of incentives is therefore warranted. First, the term is understood by economists as incorporating both positive and negative aspects, for example a tax that leads a consumer to give up an activity that is an incentive, not a disincentive or negative incentive. Second, although incentives are also construed purely in economic terms, incentives refer to more than just financial rewards and penalties. They are the “positive and negative changes in outcomes that individuals perceive as likely to result from particular actions taken within a set of rules in a particular physical and social context.”80 Third, it is possible to distinguish between direct and indirect incentives, with direct incentives referring to financial or other inducements and indirect incentives referring to both variable and enabling incentives.81 Finally, incentives of any kind may be called ‘perverse’ where they work against their purported aims or have significant adverse side effects. ¶ Direct incentives lead people, groups and organisations to take particular action or inaction. In the case of environmental flows these are the same as the net gains and losses that different stakeholders experience. The key challenge is to ensure that the incentives are consistent with the achievement of environmental flows. This implies the need to compensate those that incur additional costs by providing them with the appropriate payment or other compensation. Thus, farmers asked to give up irrigation water to which they have an established property or use right are likely to require a payment for ceding this right. The question, of course, is how to obtain the financing necessary to cover the costs of developing such transactions and the transaction itself. ¶ Variable incentives are policy instruments that affect the relative costs and benefits of different economic activities. As such, they can be manipulated to affect the behaviour of the producer or consumer. For example, a government subsidy on farm inputs will increase the relative profitability of agricultural products, hence probably increasing the demand for irrigation water. Variable incentives therefore have the ability to greatly increase or reduce the demand for out-of-stream, as well as in-stream, uses of water. The number of these incentives within the realm of economic and fiscal policy is practically limitless.

#### D. T is a voter for fairness and education. Extra T dejustifies the resolution and demands a neg ballot.

### Off 3

#### Obama will win- Polls prove but race could shift if an event comes up

Cook 10-4

Charlie is a National Journal Columnist and writes the Cook Political Report, “Mitt Romney Breaks his Losing Streak,” <http://nationaljournal.com/columns/cook-report/the-cook-report-romney-breaks-his-losing-streak-20121004>

Too many political observers see politics in an entirely binary way: Everything has to be either a “0” or a “1”; a race is either tied or it’s over; every election is either won or stolen. Some people never want to admit that their side lost. And some people think that a poll either tells them what they want to hear or is methodologically flawed—or crooked. It’s like an obnoxious sports fan (often found in Philadelphia) who views a ruling by a referee or umpire as either favorable or a bad call. Denial and simplicity reign.¶ The presidential election is neither tied nor over. Of the 16 most recent national polls using live telephone interviewers calling both respondents with landlines and those with cell phones (between 30 and 40 percent of voters do not have landlines and cannot legally be called by robo-pollsters), one has the race even, two have Obama with a narrow 2-point edge, five have 3-point Obama margins, two have 5-point Obama advantages, another pair have 6-point Obama leads, two have 7-point leads, and one has an 8-point Obama lead. This would strongly suggest that the Obama lead is between 3 and 6 percentage points; such brand-name polls as those by CNN, Fox News, and NBC News/Wall Street Journal are among those in that 3- to 6-point range.¶ Conversations with Democratic and Republican pollsters and strategists suggest that Colorado, Florida, North Carolina, and Virginia are the most competitive swing states. Some high-quality private polling shows Romney with very narrow leads in both North Carolina and Virginia, but a few other equally sophisticated surveys show Obama with narrow advantages in those two states. At least one private survey shows Florida even, but most show the Sunshine State and Colorado with narrow Obama leads, in the small- to mid-single-digit range. Just a hair or two better for Obama but still quite close are Nevada and Wisconsin, followed by Iowa. Things really get ugly for Romney in Ohio and Michigan, and, finally, in Pennsylvania, which is no longer competitive. Ohio shows a 5- to 8-point lead for Obama in private polling. In Michigan, Obama’s lead is slightly wider, and in Pennsylvania, Romney faces close to a 10-point deficit. It is mathematically possible for Romney to reach 270 electoral votes without Michigan, Ohio, or Pennsylvania, but it is in reality exceedingly unlikely.¶ It would take a very consequential event to change the trajectory of this race. Time will tell whether Romney’s strong debate performance on Wednesday night was the event that he needed—particularly in swing states such as Ohio. But at least he energized his supporters and sent a clear message that the race is not over.¶ As for down-ballot races, my hunch is that there is a pretty good chance that we may not know which party will hold a majority in the Senate in the next Congress by breakfast or lunch the day after the election. With 10 seats in the toss-up category—five for each party—the Senate outlook couldn’t be more volatile.¶ Republicans can be confident that they will pick up the open seat in Nebraska, but they have to be very worried about their own open seats in Indiana and Maine. The latter is particularly troublesome for the GOP. Republican incumbents Scott Brown in Massachusetts and Dean Heller in Nevada are in very tight races; the odds of Heller winning are better than those for Brown. The newest entry on the toss-up list is the open Republican seat in Arizona, where Democrat Richard Carmona has pulled even or slightly ahead of GOP Rep. Jeff Flake.¶ Conversely, Democrats have to be most worried about hanging on to the open seat in Connecticut, where former pro-wrestling CEO Linda McMahon now has a narrow lead, and in Montana, where incumbent Jon Tester is locked in a nail-biter. The top of the ticket is a challenge for both McMahon and Tester. Open seats in North Dakota, Virginia, and Wisconsin are statistical dead heats, notwithstanding some public polls that show rather substantial leads for former Democratic Gov. Tim Kaine over former Sen. George Allen in the Old Dominion.¶ A look at the polling data shows two inflection points in the presidential contest and many Senate races. The Democratic convention clearly had a positive impact for Democrats, while Republicans took a real hit after the release of the video of Mitt Romney suggesting that 47 percent of voters are basically deadbeats who see themselves as victims. We are now hearing reports of a similar drop for down-ballot Republicans in some districts, particularly in places like California and New York where Romney was already going nowhere. Many GOP candidates took a hit the week of Sept. 17, then stabilized the following week. They didn’t drop further but they didn’t regain any altitude, either.¶ For now, the GOP majority in the House seems fairly secure; The Cook Political Report currently sees GOP losses in the zero- to 10-seat range, well short of the 25-seat net gain Democrats need to gain control.¶ It’s always difficult to gauge how any event will be interpreted and what impact it will have on a campaign, but there is considerable evidence that the “47 percent” video did make a mark. Democratic pollster Peter Hart and his Republican counterpart Bill McInturff asked in the Sept. 26-30 NBC News/Wall Street Journal poll of 832 likely voters nationwide, “Has what you have seen, read, or heard in the past couple of weeks about Mitt Romney and his campaign for president given you a more favorable impression of him or a less favorable impression of him?” Some 28 percent responded that they felt more complimentary about Romney, but 51 percent indicated that what they heard made them feel less likely to support him.¶ Romney had a six-week stretch where nothing broke his way. Now we’ll see if his debate performance was a turning point—or a brief interruption—in the campaign narrative.

#### Plan is unpopular, solar failures make selling solar difficult

Bloomberg 6-28

“Abound Failure Revives Debate over Obama Solar Policies,” <http://www.bloomberg.com/news/2012-06-29/abound-failure-revives-debate-over-obama-solar-policies.html>

**The failure of a second solar manufacturer that received loan guarantees from the U.S. Energy Department adds to pressure on President Barack Obama to justify incentives for the clean-energy industry that’s being undercut by Chinese competition**. Abound Solar Inc., a U.S. solar manufacturer that was awarded a $400 million loan guarantee in 2010, said yesterday it will suspend operations and file for bankruptcy next week. Enlarge image Abound Solar Inc. solar panels in Germany. Source: Abound Solar Imc. Abound said its thin-film panels couldn’t compete against Chinese products, the same reason cited by Solyndra LLC, which closed its doors in August after receiving a $535 million guarantee from the same program. Half of the four solar manufacturers that received loan guarantees have failed, supporting the argument that backing clean-energy is a mistake, according to Representative Cliff Stearns. “We know why they went bankrupt. We warned them they would go bankrupt,” Stearns, a Florida Republican, told reporters yesterday. “**The larger question is why the administration was pursuing a green-energy policy in which companies are going bankrupt and wasting taxpayer money**.” Stearns is chairman of the House Energy and Commerce Committee’s oversight panel that has held hearings on the Energy Department’s loan guarantee program. Representative Jim Jordan, an Ohio Republican and chairman of the House Oversight and Government Reform Committee’s stimulus oversight panel that has investigated loan guarantees to solar companies, said **Abound’s failure is further proof the Energy Department program was a mistake. “It just adds to the weight of how ridiculous this was,” Jordan told reporters.**

**Approval Rating is key, lines up perfectly with reelection  
Silver ’11**

Nate directs five thirty eight and is a statistician, “Approval Ratings and Reelection Odds,” <http://fivethirtyeight.blogs.nytimes.com/2011/01/28/approval-ratings-and-re-election-odds/>

Earlier this month, we posted the simple version of a finding, based on the historical record, that is worth keeping in mind when you read articles about how Barack Obama’s presidency has (or has not been) been revitalized: It’s just too soon for his approval ratings to tell us very much about his re-election prospects for 2012. This is an overdue follow-up to that article — what you might think of as the slightly-more-complicated version. While **it’s true that approval ratings aren’t of much use now, it’s also the case that, by the time we get close to the election, they will have become a very reliable predictor of Mr. Obama’s chances of winning another term**. Based on Gallup polling, here is what I estimate that the incumbent president’s approval rating was on Election Day in almost every election since 1940. (There is no data for 1944 because Gallup went on wartime hiatus.) There are a few tricks I had to employ to derive these numbers; I’d ask you to take them on faith for a few moments, and then we’ll explain everything later on. **At first glance, the relationship seems nearly perfect: every incumbent with an approval rating of 49 percent or higher won re-election, while every candidate with a rating of 48 percent or lower lost.** In practice, things probably don’t work quite that crisply. For example, Harry Truman, whom we estimate had a 50 percent approval rating on Election Day 1948, won by 4.5 points, and 114 electoral votes, over Thomas E. Dewey, which suggests that he had some margin to spare. And candidate quality clearly makes a difference. Although Robert Dole is sometimes considered a weak Republican nominee, Bill Clinton beat him in 1996 by just 8.5 points, despite Mr. Clinton’s 55 percent approval rating. By contrast, in 1972, Richard Nixon, with an approval rating only a couple of points higher (57 percent), trounced a very weak Democratic nominee, George McGovern, by more than 23 points. Still, the approval rating at which an incumbent candidate goes from being an underdog to a favorite for re-election is somewhere in the high 40s. **The reason the threshold is probably slightly below 50 percent rather than right at 50 percent is that in any approval survey, some people (typically 5 to 10 percent) say they are undecided about the president’s performance**. For instance, at this writing, Barack Obama’s Gallup approval rating is 49 percent but his disapproval rating is just 42 percent, a net margin of +7. If those were the figures on Election Day, he would be a favorite to win unless nearly everybody who was undecided about his performance cast their ballots against him, something that is possible in theory but usually doesn’t occur in practice. Now, then, how did we come up with these numbers? As I said, it’s not quite so straightforward. Gallup has approval ratings data going back to 1937. The problem is that, until fairly recently, they had a habit of stopping their approval ratings polling several months before a presidential election. For instance, in 1956, their last poll of Dwight Eisenhower’s public approval was in early August; they did not survey him again until late November, after he had already defeated Adlai Stevenson. However, we can extrapolate what Mr. Eisenhower’s rating would have been on Election Day 1956 by drawing a smoothed regression line — known in the business as a Loess curve — using the data points before and after that date. The one hitch is that incumbent presidents, whether they win, lose, or don’t run at all, almost always receive a “bounce” in their approval rating after the election, as people either rally around a winner or feel sympathy for the lame duck. The average magnitude of this post-election bounce is 4 points. So, before I fitted the curves, I subtracted 4 points from approval rating polls conducted after Election Day. By applying this process of bounce-adjustment and curve-fitting, we are able to estimate an incumbent president’s Gallup approval rating on Election Day itself or on any day before it, as shown in this nifty-looking graphic: I haven’t labeled the curves by the candidate’s name in the chart, because that which create too much clutter. But I have distinguished those who eventually won re-election (blue lines) from those who lost (red). A couple of cases are worth attention. The red line that you see briefly extending above 80 percent is for George H.W. Bush. His approval ratings, which were already pretty good, shot up following the start of Operation Desert Storm in 1991, when American-led forces drove Iraqi troops back from their occupation of Kuwait. Politically, that made Mr. Bush look like an extremely formidable candidate for re-election: Saturday Night Live ran a sketch later that year entitled “Campaign ’92: The Race To Avoid Being The Guy Who Loses To Bush,” with Democratic candidates at a debate all trying to lose so they would not have to run against him. But Mr. Bush’s approval ratings fell precipitously throughout late 1991 and early 1992, and were below 40 percent by Election Day. If Mr. Bush is the precedent that challengers will cite when their campaign seems to be flailing, the opposite example is the original Comeback Kid, Harry Truman. He’s the blue line that you still see down around 40 percent approval with just five months to go before the election of 1948. It’s hard to know exactly where Mr. Truman’s approval numbers were on Election Day. When Gallup surveyed in late June, he had just 39 percent approval; in January, 1949, after he had beaten Thomas E. Dewey, he was up to 69 percent; and then he reverted back to 50 percent just a couple months later. Our Loess curve estimates that Mr. Truman’s approval rating was probably around 50 percent on Election Day, but this is just a guess. What’s clear is that Mr. Truman was at some point an extremely unpopular president, and he nevertheless — to the great surprise of the Chicago Daily Tribune — defeated Mr. Dewey. Another thing to take from the graphic is how the red and blue lines gradually untangle themselves as the relationship between approval ratings and re-election becomes stronger over time. We can see this a bit more clearly by taking the average approval rating for the 8 winning candidates and the 3 losing ones and tracking them over the two years leading up to the election: I would resist the idea that there is any one magical date when approval ratings go from meaningless to meaningful as predictors of re-election. In the chart, the first time the winners and the losers begin to separate themselves is about 19 months before the election — which would correspond roughly to March of the prior year — but the split would have come a bit earlier if not for Mr. Bush’s Gulf War bounce. There’s also increasing differentiation in the period roughly 10 to 5 months before the election, corresponding with primary season. Still, for the most part, the separation occurs gradually. I’ve also tried to play around with various sorts of logistic regression models that attempt to predict a president’s chances at re-election based solely on his Gallup approval rating and the number of days until the election. Don’t take this terribly seriously — it’s hard to do anything very rigorous based on so few data points (just 11 presidents in the sample), and I can imagine better model designs than the one that I’ve used. But it does yield some ballpark estimates of what this data implies. **For example, a year in advance of the election, the model figures that a president with a 60 percent approval rating is about 90 percent likely to win re-election, whereas a 40 percent rating translates into a win probability of a bit below 40 percent**. So by that point the differences have become fairly meaningful: What does this mean for Barack Obama? Right now, we’re still in the period where the most useful number for estimating his re-election chances is not his approval rating but rather the historical track record of incumbent presidents. As I wrote on Wednesday, since the Civil War, 73 percent of incumbent presidents who sought another term won, as have 70 percent since World War II. Plugging Mr. Obama’s current numbers into the regression model that I described above yields a 65 percent likelihood of re-election — but again, this is a really rough guess, based mostly on the high historical batting average for incumbents rather than anything to do with Mr. Obama himself. What we can say is important is the range in which Mr. Obama’s approval ratings have been varying in recent months: between about 45 and about 50 percent. **If Mr. Obama’s approval rating is at the top of that range, 50 percent, on Nov. 6, 2012 — about where it is now — the model figures that his chances of winning re-election will be greater than 80 percent. But if his approval rating is at the bottom of the range instead, at 45 percent, his chances for a second term will be only about one in three,** and he’ll have to hope that the Republican nominee is a weak one. Much will change between now and then, of course. But Mr. Obama would probably win an election held next Tuesday — and that would not have been true a couple of months ago.

**Romney will destroy US-Russian relations – hardline & won’t compromise**

**Larison 6-27**

Columnist for the American Conservative [Daniel Larison “U.S.-Russian Relations Would Get Much Worse Under Romney” <http://www.theamericanconservative.com/larison/u-s-russian-relations-would-get-much-worse-under-romney/>]

**Putin doesn’t** actually **want a “hard-line conservative in the White House.” Putin distrusts the U.S.** **because he believes** that the **Bush** administration **behaved in an ungrateful and untrustworthy fashion** in the previous decade, **and U.S.-Russian relations improved** as much as they did **because the current administration seemed to be more reliable**. U.S.-Russian **relations reached their lowest poin**t in the last twenty years in no small part **because of a “more active U.S. policy**” toward the Middle East, the South Caucasus, and central Europe. Putin might be willing to deal with a more hard-line American President, but only so long as it this translated into tangible gains for Russia. Provided that the hard-liner was willing to live up to his end of the bargain, there could be some room for agreement, but there isn’t any. Since **Romney’s Russia policy is essentially to never make any deals with the current Russian government, Putin doesn’t have much of an incentive to cooperate. That will guarantee that U.S.-Russian relations will deteriorate much more than they have in the last year.**

**Nuclear war**

**ALLISON 11**

Director @ Belfer Center for Science and Int’l Affairs @ Harvard’s Kennedy School, Former Assistant Secretary of Defense, Robert D. Blackwill, Senior Fellow – Council on Foreign Relations [Graham Allison, “10 Reasons Why Russia Still Matters”, Politico -- October 31 -- <http://dyn.politico.com/printstory.cfm?uuid=161EF282-72F9-4D48-8B9C-C5B3396CA0E6>]

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin’s decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies. No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons. Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow. First, Russia remains the only nation that can erase the **U**nited **S**tates from the map in 30 minutes. As every president since John F. Kennedy has recognized**, Russia’s cooperation is critical to averting nuclear war**. Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose. Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success. Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups. Fifth, Russia provides a vital supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries. Sixth, Russia is the world’s largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia’s impact at our gas pumps. Seventh, Moscow is an important player in today’s international system. It is no accident that Russia is one of the five veto-wielding, permanent members of the U.N. Security Council, as well as a member of the G-8 and

### Off 4

#### Solar development kills desert tortoise

Lovich & Ennen ‘11

Jeffrey and Joshua, “Wildlife Development and Solar Energy Development in the Desert Southwest, United States,” Bioscience Volume 61 No. 12 Pages 982-992 <http://www.avhidesert.com/pdf/downloaded_file-1.pdf>

Habitat fragmentation. **Until relatively recently, the desert Southwest was characterized by large blocks of continuous and interconnected habitat**. Roads and urban development continue to contribute to habitat fragmentation in this landscape. **Large-scale energy development has the potential to add to and exacerbate the situation, presenting potential barriers to movement and genetic exchange in wildlife populations, including** those of bighorn sheep (Ovis canadensis), deer (Odocoileus spp.), **tortoise**s, and other species of concern and social significance. Research conducted on the effects of oil and gas exploration and development (OGED) on wildlife in the Intermountain West provides a possible analog to USSEDO, since comparable data are not available for the desert Southwest. **The potential effects** on mule deer (Odocoileus hemionus) and other wildlife species **include impediments to free movement, the creation of migration bottlenecks, and a reduction in effective winter range size.** Mule deer responded immediately to OGED by moving away from disturbances, with no sign of acclimation during the three years of study by Sawyer and colleagues (2009). Some deer avoidance resulted in their use of lesspreferred and presumably less-suitable habitats. Despite a lack of data on the direct contributions of USSEDO to habitat fragmentation, USSEDO has the potential to be an impediment to gene flow for some species. Although the extent of this impact is, as yet, largely unquantified in the desert, compelling evidence for the effects of human-caused habitat fragmentation on diverse wildlife species has already been demonstrated in the adjacent coastal region of southern California (Delaney et al. 2010).

#### Desert Tortoise is a keystone species, keeps hundreds of species alive and soil correct

Becker ’12

Kendall is an environmental researcher at the University of Washington, “Renewable Energy, Fire, and the Agassiz’s Desert Tortoise,” <http://scienceinshort.wordpress.com/2012/03/13/renewable-energy-fire-and-the-agassizs-desert-tortoise/>

**At the forefront of this debate is the Agassiz’s desert tortoise. The tortoise is a keystone species; the desert ecosystem revolves around the tortoises’ propensity to burrow. “Literally hundreds of other desert animals benefit from tortoise burrows,” says Dr.** Jeffrey **Lovich, director of the Southwest Biological Science Center** in Flagstaff, Arizona. Voles, enda**ngered lizards, and even rattlesnakes seek shady homes in burrows of dimensions they are incapable of engineering on their own**. **Still more critical to the desert ecosystem is the churning of the soil that occurs as tortoises dig these tunnels**. In an environment devoid of worms, **desert plants rely on tortoises to stir up the soil so more water and oxygen can reach plant roots**. In recent decades desert tortoise numbers have plummeted as encroaching civilization and industry fragment their habitat. **Where a full 1,000 tortoises used to populate each square kilometer, now as few as 100 remain**. With the California Bureau of Land Management currently reviewing 22 applications for solar energy permits, the question of how these facilities impact tortoises and, by extension, the entire desert ecosystem, is a pressing one.

#### Extinction

#### Fraser 10

(Caroline, "Could Re-Wilding Avert the 6th Great Extinction?," 1/5, Scientific American, Adapted from the book REWILDING THE WORLD: Dispatches from the Conservation Revolution by Caroline Fraser, <http://www.scientificamerican.com/article.cfm?id=could-re-wilding-avert-6th-great-extinction>)

Why do species matter? Why worry if some go missing? Part of the answer lies in the relationships coming to light between creatures like the canyon coyotes and the chaparral birds. After the nineteenth century’s great age of biological collecting, when collectors filled museums to bursting with stuffed birds and pinned beetles, the twentieth and twenty-first centuries have proved to be an age of connecting. Biologists have begun to understand that nature is a chain of dominoes: If you pull one piece out, the whole thing falls down. Lose the animals, lose the ecosystems. Lose the ecosystems, game over. This was the essential insight of conservation biology, a new scientific field launched with the determination to identify threats to ecosystems and to design the methods to deal with them. E. O. Wilson has called it “a discipline with a deadline.” The Society for Conservation Biology, founded in 1985, became one of the fastest-growing scientific organizations of its time, bringing together diverse specialties from ecology and population genetics to sustainable agriculture and forestry, revolutionizing the once sleepy field of natural history. The tremendous variety of species held in wilderness areas, particularly the tropics, is our bank and lifeline, our agricultural and medical insurance policy. Three-quarters of the world’s food supply comes from twelve plant species, but those species are dependent on thousands of others: pollinators (insects, bats, birds), soil microbes, nitrogen-fixing bacteria, and fungi. The tropical rain forests contain a pool of genetic diversity for important food crops, a source for vital new strains that can be hybridized to fight pests and diseases. Botanists are combing the planet for wild ancestors of soybeans, tomatoes, hard wheat, and grapes, believed to contain valuable genes for drought tolerance and other characteristics, but much diversity has already been lost. Genetic engineering alone cannot replace what hundreds of millions of years of evolution have given us. Wild replacements for pineapples, pomegranates, olives, coffee, and other crops lie in biodiversity-rich areas that must be saved. In terms of medicine, our most important modern pharmaceuticals, including quinine, morphine, aspirin, penicillin, and many other antibiotics, are derived from microbes, plants, and animals found in tropical and marine environments. The first comprehensive scientific treatise on our reliance on other species, Sustaining Life: How Human Health Depends on Biodiversity, published in 2008, confirmed the importance of genetic variety, describing groups of threatened organisms crucial to agriculture and human medicine. Predictably, our close relatives, primates, make up a key group. Contributing to work on smallpox, polio, and vaccine development, primates allow research on potential treatments for hepatitis C and B, Ebola and Marburg viruses, and HIV/AIDS. The list of threatened plants and animals we rely on is weird and varied, including amphibians, bears, gymnosperms (the family of plants that includes pine trees), cone snails, sharks, and horseshoe crabs. Cone snails, a large genus of endangered marine mollusks, inject their prey with paralyzing toxins that are prized in medical research for their use in developing pain medications for cancer and AIDS patients who are unresponsive to opiates. The blood of the horseshoe crab, which carries antimicrobial peptides that kill bacteria, is being tested in treatments for HIV, leukemia, prostate cancer, breast cancer, and rheumatoid arthritis; it also yields cells crucial in developing tests to detect bacteria in medical devices, and its eyes have allowed Nobel Prize–winning researchers to unravel the complexities of human vision. Cone snails and horseshoe crabs are exactly the kinds of species that people tend to dismiss, seeing no utility in them, no connection to human need. This was the attitude expressed in 1990 by Manuel Lujan Jr., secretary of the interior during the George H. W. Bush administration, who asked in exasperation, “Do we have to save every subspecies?” It was the attitude expressed in 2008 by presidential candidate John McCain, who repeatedly declared his opposition to the funding of research on grizzly bear DNA. He got a cheap laugh whenever he said, “I don’t know if that was a paternity issue or a criminal issue.” Medical researchers were not laughing: bears, too, are essential to human medicine. Bear bile yields ursodeoxycholic acid, now used in treating complications during pregnancy, gallstones, and severe liver disease. Denning bears enter a period of lethargy during the winter and recycle body wastes in a process unique in mammals; this process is studied for insights in treating osteoporosis, renal disease, diabetes, and obesity. If species are crucial to medicine, ecosystems are indispensable to the health of the planet. Ecosystems provide the most basic provisioning services— food, firewood, and medicines—along with the so- called regulating services of a fully functional environment, which include cleaning the air, purifying water, controlling floods and erosion, storing carbon, and detoxifying pollutants in soils. When ecosystems are lost, as they have been through felling of forests and conversion of landscape to agriculture on a vast scale, havoc ensues, triggering human and natural catastrophe on an unprecedented scale.

### Off 5

#### Text: In a relevant test case, the United States Supreme Court should rule that the economic feasibility clause from the Energy Policy act of 2005 for solar energy is unconstitutional as applied.

#### Counterplan is competitive. “The” means all 3 branches.

Merriam-Websters, 2010 (Online dictionary)

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

#### Court action induces legislative change.

Devins, ‘92

(William and Mary Associate Poli Sci Prof, July, 80 Calif. L. Rev. 1027)

**Courts matter. They matter a lot.** Sometimes their orders set in motion market mechanisms which guarantee their effectiveness. n199 Sometimes the threat of judicial action prompts either settlement or **legislative initiative.** n200 **Their opinions influence legislative deliberations** n201 **and change the status quo**. n202 Occasionally, they trump agencies and interpose their normative views into the law. It may be that these influences sometimes result in unwise policy decisions and sometimes exceed the proper judicial role in our system of separated powers, but they are judicial influences nonetheless

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

Ward ‘9

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

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

### Off 6

#### THE AFFIRMATIVE WANTS TO EXTEND THE PRODUCTIVE, EFFICIENT, ECOLOGICAL MODEL OF MORE EFFECTIVE USE OF RESOURCES TO PROMOTE SUSTAINABILITY, IGNORING THE FUNDEMENTAL LAW OF EXCESS AND WASTE.

hochroth 95

[lysa, “the scientific imperative: improductive expenditure and energeticism”, configurations 3.1, 47-77]

For Bataille, what we can express and what we know are not necessarily the same. We on Earth can only know an inverted, decomposed image of the universe, as if we were seeing it through a prism. The "misery" of the human condition is its position on this "cold globe" and the "artifice of stable ground," which "interferes" with [End Page 75] our image of the universe. Terrestrial life decomposes "the game of the universes" reflected on the surface of the earth. [83](http://muse.jhu.edu.ezproxy.baylor.edu/journals/configurations/v003/3.1hochroth.html#FOOT83) At the summit of earthly knowledge, we can only perceive non-knowledge, and this glorious unknown is how humans have managed to find communion in their impossible, insatiable desire for satisfaction. The impossible expenditure. Like God. A constituent part of our being, the unknown in man takes the form of what Bataille has already distinguished as the "natural attitudes"--laughter, tears, sacrifice, tragedy, heroism, eroticism. [84](http://muse.jhu.edu.ezproxy.baylor.edu/journals/configurations/v003/3.1hochroth.html#FOOT84) Here as there, in this universal concept of nature as energy, the unknown in man is a product of improductive expenditure--the comic, the tragic, the heroic, the sacred, the poetic, and the erotic are an attempt to free appropriated energies and release them back to the cosmos. Thus, the "game of the universes" can be played and replayed as the "energeticist game." [85](http://muse.jhu.edu.ezproxy.baylor.edu/journals/configurations/v003/3.1hochroth.html#FOOT85) Bataille situates his energeticism differently than does Ostwald, although their foundations in the law of conservation of total energy and the law of transformation and entropy are the same. Bataille is not concerned as much with energy in general, whereas Ostwald is attempting to launch an energeticism that will explain all phenomena as a scientific concept. Bataille's aim is philosophical, spiritual, and political; his energeticist concept of nature allows him to "invert thought" (La part maudite), economic principles, and the morality that founds them in order to reverse the perspective on social phenomena. He emphasizes the process of expenditure within the "energetic game" as a way to promote a certain "natural attitude"--the improductive expenditure of energies as an anticapitalist, antirationalist, revolutionary politics aimed at increasing human forces--an intensification of life unto death through the greatest possible emission of energies. Ostwald's applications to civilization and an anthropocentric view privilege a different value system, based on the idea of reducing waste to a minimum--which, in effect, is an attempt to compensate for loss by equalizing differences in selecting appropriate energies. In improductive expenditure, the loss principle is based on the processes of energy transformation, where the greater the energy spent uselessly, the greater the value of the expenditure. Ostwald instead identified increased efficiency as a determinant of the progress of civilization; for him, the "energetic imperative" remained "Do not waste your energy" (Die energetische Imperativ [1912]). [End Page 76] Bataille's value system, like the universal model it is based upon, is not reversible; on earth, growth is finite for all living beings, and the energies humans must pointlessly expend above and beyond subsistence necessities constitute an intensive share of energy returning to the general movement of dissipation in the infinite universe. Excess energy must be spent, and humanity can only choose whether to spend it actively in a glorious fashion (sex, art) or to submit to otherwise catastrophic expenditures (crime, war). One can never minimize the desire of humankind to go beyond reproducing itself. Hence, there is an affirmation of difference throughout the cycle of improductive expenditure.

#### ALTERNATIVE: REJECT THE 1AC’S PURSUIT OF SUSTAINABILITY IN FAVOR OF POSTSUSTAINABILITY WHICH AFFIRMS THE ROLE OF EXPENDITURE AND OF CONSUMPTION AS THE MIRROR OF CONSERVATION.

STOEKLE 2K7

[allen, professor of French and comparative literature at Penn State University “bataille’s peak: energy, waste, and postsustainability” p. 144-5]

Just as in The Accursed Share, where the survival of the planet will be the unforeseen, unintended consequence of a gift-giving (energy expenditure) oriented not around a weapons buildup but around a squandering (giveaway) of wealth, so too in the future we can posit sustainability as an unintended aftereffect of a politics of giving. Such a politics would entail not a cult of resource conservation and austere selfhood but, instead, a sacrificial practice of exalted expenditure and irresistible glory. Energy expenditure, fundamental to the human (the human as the greatest burner of energy of all the animals), would be flaunted on the intimate level, that of the body, that of charged filth. The object would not be paraded as something useful, something to fulfill one’s needs; its virulence would give the lie to all attempts at establishing and guaranteeing the dominion of the imperial self.   
One cannot deny the tendency to expend on the part of humans; on the contrary, following Bataille, we can say that this conscious tendency to lose is what both ties us to the cataclysmic loss of the universe, of the endless, pointless giving of stars, and at the same time distinguishes us through our awareness, our savoir, of what cannot be known (sheer loss). It is vain to try to deny this tendency, to argue that destruction is ultimately somehow useful, that our role here on the planet is necessary, and necessarily stingy. Parsimonious sustainability theory ends only in a cult of the self, jealous in its marshalling of all available resources. We are, on the contrary gratuitous losers (like any other animal, but more so, and conscious of it), and this is our glory, our pleasure, our death trip, our finitude, our end. If on the other hand we try to substitute a mechanized, quantified, objectified version of expenditure and claim that it addresses all of our needs, our freedom, extravagance will be subordinated to our personal demand, energy will become mere refined power, and we end up running the risk of destroying ourselves on a planet where every atom has been put to work, made to fulfill human animal—-and here every usable resource has been pushed to the point of depletion.13 But most of all, in wasting in this way, engaging in this blind travesty. Given the tendency to expend, we deny any communication with and through the intimate world, the other form of erotic ecstasy, the movement of celestial bodies, the agony of God. For Batàille, in 1949, peace was the unforeseen, unplanned aftereffect of spending without return on a national scale. By expending excess energy through the Marshall Plan, the world was (according to Bataille) spared yet another buildup of weapons. But—and this perhaps was the weakness of Bataille’s argument—the Marshall Plan distributed money, the ability to buy manufactured goods, energy stored in products and things. For us today, expenditure entails the object, the monstrous body that moves and contorts and burns off energy in its death-driven dance. Expenditure cannot be mass-produced because in the end it cannot be confused with mechanisms of utility: mass production, mass marketing, mass destruction. All of these involve, are dependent on, and therefore can be identified with a calculation, a planning, a goal orientation that is foreign to expenditure as analyzed by Bataille. At best they afford us a simulacrum of the dangerous pleasure of sacred expenditure (and thus their inevitable triumph over sustainability as austere renunciation). If then we affirm Bataille’s expenditure, we affirm an energy regime that burns the body’s forces, that contorts, distorts, mutilates the body, and we affirm as well the forces that are undergone rather than controlled and mastered. The energy of these forces spreads by contagion; it cannot be quantified and studied “objectively.”14 Which is not to say that it does not make its effects felt quite literally; the blood-covered voodoo priest in a trance (a photograph reproduced in Eroz’ism) , L’Abbé C. squirming in agony, and Dirty retching violently (in Blue of Noon [1978]) bear witness to this shuddering force.15 This energy, however, has little to do with that put to use in a modern industrial economy. This is not to deny that some rational instrumentality is necessary to survival; in order to live, spend, and reproduce, all creatures, and humans above all (because they are conscious of it), marshal their physical forces and spend judiciously But, as Bataille would remind us, there is always something left over, some excessive disgusting or arousing element, some energy, and it is this that is burned off and that sets US afire.

By separating this loss from industrial postconsumer waste, we inadvertently open the space of a postsustainable world. We no longer associate sustainability with a closed economy of production-consumption; rather, the economy of the world may be rendered sustainable so that the glory of expenditure can be projected into the indefinite future. What is sustained, or hopefully sustained (since absolute sustainability makes no sense), is not a permanent subjectivity that slices and dices and doles out an inert and dangerously depletable (but necessarily static, posthistorical) world; instead, the world is sustained as a fundamentally unplanned aftereffect of the tendency to expend. Unplanned not in the sense that recycling, reuse, and so on, are to be ignored, but in that they are an integral part, inseparable from and a consequence of, a blind spending of the intimate world. The logic of conservation, in other words, is inseparable from expenditure: we conserve in order to spend, gloriously, just as the worker (according to Bataille), unlike the bourgeois, works in order to have money to blow. Thus postsustainability: sustainability not as a definitive knowledge in and as a final, unalterable historical moment, but rather a knowledge as non- knowledge, practice as the end of practice, the affirmation of “nature”— including its fossil fuel energy reserves—that refuses to see it simply as a thing, as a concatenation of energy inputs that need only be managed. Rather, nature is what sustains itself when we sustain ourselves not as con- servers but as profligate spenders—not of stockpiled energy, but of the energy of the universe (as Bataille would put it) that courses through our bodies, above us, below us, and hurls us, in anguish, into communication with the violence, the limit, of time. The postsustainable economy is a general economy; beyond the desires and needs of the human “particle,” it entails the affirmation of resources conserved and energy spent on a cornpletely different scale. Rejecting mechanized waste, the world offers itself as sacred victim. The world we face, the world of”Hubbert’s peak” (see Deffeyes 2001) and the rapid decline of inert energy resources, is thus, paradoxically, a world full of expendable energy—just as Bataille’s austere postwar era was wealthy in a way his contemporaries could not comprehend. The peak of consumption and the revelation of the finitude, the depletion, of the calculable world is the opening of another world of energy expenditure and the opening of a wholly different energy regime. And it is the blowout at the summit of a reason through which society has tried to organize itself. The available energy that allows itself to be “perfected,” refined, and that therefore makes possible the performance of the maximum amount of work, in service to the ghostly identity of Man, gives way to another energy, one that cannot simply be retrieved and refined, that does wok only by questioning work, that traverses our bodies, transfiguring and “transporting” them. We just need to understand, fully what energy expenditure means. Wealth is there to be grasped, recycled, burned, in and on the body, in and through the body’s death drive, as a mode of energy inefficiency, in the squandering of time, of effort of focus.

### Case

#### Aff can only win if the plan is better than the status quo or a competitive option- Key to interrogation of options and aff’s winning because they spoke well.

#### Solar scaleup impossible- Germany, California and decades prove

OC Register 12-27

Orange County Register, “Solar Power Failures Adding Up,” <http://www.ocregister.com/opinion/solar-333211-energy-company.html>

Sooner or later, the laws of economics prevail, even in heavily subsidized industries like solar power. The latest evidence that government manipulation cannot overcome economic reality is the decision by BP PLC, the giant British energy company, to leave the solar power business. BP has developed solar energy for 40 years and for more than a decade touted its "Beyond Petroleum" campaign. The Wall Street Journal suggested, however, that BP's solar experiment was more gimmick than serious investment. BP spent millions trying to go green, but simultaneously spent billions on its traditional gas and oil business. International competitors, particularly China, turn out solar panels more cheaply, even as global demand has slowed. When supply outstrips demand, higher-cost providers suffer, as BP learned. Even government subsidies, without which solar manufacturers couldn't begin to compete with less-costly, conventional energy, couldn't keep BP competitive. A similar lesson was learned this year by Solyndra, the bankrupted Northern California solar-panel maker that burned through $535 million in federal guaranteed loans. Last week, First Solar, the only pure-play solar-panel maker in the S&P 500 stock index, issued a profit warning for 2012, as profit fell to a four-year low, and the company said it will shift to large-scale utility projects rather than residential solar panels. "[B]eyond the United States," the Journal reported, "there have been a rash of recent solar company failures in Germany as well." The failures come as China, which heavily subsidizes its solar manufacturers, flooded the market with less-expensive products, and as other governments ratcheted back their own tax-financed subsidies. Solon became the first publicly traded solar company to file for bankruptcy in Germany, unable to repay loans of 275 million euros. Since 1990 Germany has imposed mandates that utilities must pay higher-than-market prices for solar and other so-called renewable energy sources, driving retail costs 46 percent higher than conventional sources, Bloomberg New Energy Finance says. California government mandates designed to stimulate renewable energy mean that utilities "are committed to spending - and their ratepayers to financing - at least $6 billion in above-market power costs, with more to come," according to columnist Dan Walters. Electric bills for U.S. consumers skyrocketed in the past five years, adding $300 a year to household costs, USA Today reported. This should be unsurprising. President Barack Obama three years ago said to move the nation off traditional energy sources and on to these impractical alternatives, "electricity rates would necessarily skyrocket." So-called renewable energy is possible only if government demands those sources replace conventional energy, and subsidizes their manufacture, purchase or operation with tax dollars. Even then, there isn't enough subsidy – let alone demand – to make these systems cost-effective. Sooner or later, economic reality prevails.

#### Life should be valued as apriori – it precedes the ability to value anything else

Amien Kacou. 2008. WHY EVEN MIND? On The A Priori Value Of “Life”, Cosmos and History: The Journal of Natural and Social Philosophy, Vol 4, No 1-2 (2008) cosmosandhistory.org/index.php/journal/article/view/92/184

Furthermore, that manner of finding things good that is in pleasure can certainly not exist in any world without consciousness (i.e., without “life,” as we now understand the word)—slight analogies put aside. In fact, we can begin to develop a more sophisticated definition of the concept of “pleasure,” in the broadest possible sense of the word, as follows: it is the common psychological element in all psychological experience of goodness (be it in joy, admiration, or whatever else). In this sense, pleasure can always be pictured to “mediate” all awareness or perception or judgment of goodness: there is pleasure in all consciousness of things good; pleasure is the common element of all conscious satisfaction. In short, it is simply the very experience of liking things, or the liking of experience, in general. In this sense, pleasure is, not only uniquely characteristic of life but also, the core expression of goodness in life—the most general sign or phenomenon for favorable conscious valuation, in other words. This does not mean that “good” is absolutely synonymous with “pleasant”—what we value may well go beyond pleasure. (The fact that we value things needs not be reduced to the experience of liking things.) However, what we value beyond pleasure remains a matter of speculation or theory. Moreover, we note that a variety of things that may seem otherwise unrelated are correlated with pleasure—some more strongly than others. In other words, there are many things the experience of which we like. For example: the admiration of others; sex; or rock-paper-scissors. But, again, what they are is irrelevant in an inquiry on a priori value—what gives us pleasure is a matter for empirical investigation. Thus, we can see now that, in general, something primitively valuable is attainable in living—that is, pleasure itself. And it seems equally clear that we have a priori logical reason to pay attention to the world in any world where pleasure exists. Moreover, we can now also articulate a foundation for a security interest in our life: since the good of pleasure can be found in living (to the extent pleasure remains attainable),[17] and only in living, therefore, a priori, life ought to be continuously (and indefinitely) pursued at least for the sake of preserving the possibility of finding that good. However, this platitude about the value that can be found in life turns out to be, at this point, insufficient for our purposes. It seems to amount to very little more than recognizing that our subjective desire for life in and of itself shows that life has some objective value. For what difference is there between saying, “living is unique in benefiting something I value (namely, my pleasure); therefore, I should desire to go on living,” and saying, “I have a unique desire to go on living; therefore I should have a desire to go on living,” whereas the latter proposition immediately seems senseless? In other words, “life gives me pleasure,” says little more than, “I like life.” Thus, we seem to have arrived at the conclusion that the fact that we already have some (subjective) desire for life shows life to have some (objective) value. But, if that is the most we can say, then it seems our enterprise of justification was quite superficial, and the subjective/objective distinction was useless—for all we have really done is highlight the correspondence between value and desire. Perhaps, our inquiry should be a bit more complex.

#### Aff can’t solve Environmetnal destruction- Adding solar into USFG policy doesn’t change the desire to pollute or oil’s dominance in the private sector.

#### Takes 5 decades to replace current fossil fuels

Smil ’12

Vaclav is a distinguished Professor in the department of Environment and Geography at the University of Manibota, “A Skeptic Looks at Alternative Energy,” July http://spectrum.ieee.org/energy/renewables/a-skeptic-looks-at-alternative-energy/4

Perhaps the most misunderstood aspect of energy transitions is their speed. Substituting one form of energy for another takes a long time. U.S. nuclear generation began to deliver 10 percent of all electricity after 23 years of operation, and it took 38 years to reach a 20 percent share, which occurred in 1995. It has stayed around that mark ever since. Electricity generation by natural gas turbines took 45 years to reach 20 percent. In 2025 modern wind turbines will have been around for some 30 years, and if by then they supply just 15 percent of the electricity in the United States, it will be a stunning success. And even the most optimistic projects for solar generation don’t promise half that much. The quest for non­carbon sources of electricity is highly desirable, and eventually such sources will predominate. But this can happen only if planners have realistic expectations. The comparison to a giant oil tanker, uncomfortable as it is, fits perfectly: Turning it around takes lots of time. And turning around the world’s fossil-fuel-based energy system is a truly gargantuan task. That system now has an annual throughput of more than 7 billion metric tons of hard coal and lignite, about 4 billion metric tons of crude oil, and more than 3 trillion cubic meters of natural gas. This adds up to 14 trillion watts of power. And its infrastructure—coal mines, oil and gas fields, refineries, pipelines, trains, trucks, tankers, filling stations, power plants, transformers, transmission and distribution lines, and hundreds of millions of gasoline, kerosene, diesel, and fuel oil engines—constitutes the costliest and most extensive set of installations, networks, and machines that the world has ever built, one that has taken generations and tens of trillions of dollars to put in place. It is impossible to displace this supersystem in a decade or two—or five, for that matter. Replacing it with an equally extensive and reliable alternative based on renewable energy flows is a task that will require decades of expensive commitment. It is the work of generations of engineers.

#### No reason the government would switch to solar beucase of the plan- the plan just says they can’t use the excuse of cost. The government still is in bed with fossil fuels because of things like campaign donations, there’s no reason they won’t justify not building solar on generation grounds.

**Solar causes NF3 increases – that causes extreme warming**

**Conniff ‘12**

Guggenheim Fellow, 08 (Richard, National Magazine Award-winning writer, has written for Yale e360 about carbon offsets and clean coal, November 13, “The Greenhouse Gas That Nobody Knew,” http://e360.yale.edu/content/feature.msp?id=2085, d/a 8-2-12, ads)

**When industry began using NF3** **in** high-tech **manufacturing**, **it was hailed as a way to fight global warming. But new research shows that this gas has 17,000 times the warming potential of carbon dioxide and is rapidly increasing in the atmosphere** – and **that's turning an environmental success** story **into a public relations disaster**.¶ Hypothetical question: You’re heartsick about global warming, so you’ve just paid $25,000 to put a solar system on the roof of your home. How do you respond to news that it was manufactured with a chemical that is 17,000 times stronger than carbon dioxide as a cause of global warming?¶ It may sound like somebody’s idea of a bad joke. But last month, **a study from the Scripps Institution of Oceanography reported that** nitrogen trifluoride (**NF3**), with a global warming potential of 17,000, **is now present in the atmosphere at four times the expected level and rapidly rising**. **Use of NF3 is** currently **booming**, **for** products from computer chips and flats-screen LCDs to thin-film **solar photovoltaics**, **an economical and increasingly popular solar power format**.¶ Moreover, the Kyoto Protocol, which limits a half-dozen greenhouse gases, does not cover NF3. The United Nations Framework Convention on Climate Change now lists it among five major new greenhouse gases likely to be included in the next phase of global warming regulation, after 2012. And while that may be reassuring, it also suggests the complicated character of the global warming problem.

**The environment is indestructible**

**Easterbrook 95**

Distinguished Fellow, Fullbright Foundation

**(**Gregg, A Moment on Earth pg 25)

**IN THE AFTERMATH OF EVENTS SUCH AS LOVE CANAL OR THE Exxon Valdez oil spill, every reference to the environment is prefaced with the adjective "fragile**." "Fragile environment" has become a welded phrase of the modern lexicon, like "aging hippie" or "fugitive financier." But the notion of a fragile environment is profoundly wrong. Individual animals, plants, and people are distressingly fragile. **The environment** that contains them **is** close to **indestructible.** The living environment of **Earth has survived ice ages;** bombardments of **cosmic radiation more deadly than atomic fallout; solar radiation more powerful than the worst-case projection for ozone depletion;** thousand-year periods of **intense volcanism releasing global air pollution far worse than that made by any factory; reversals of the** planet's **magnetic poles;** the **rearrangement of continents;** transformation of plains into mountain ranges and of seas into plains**; fluctuations of ocean currents** and the jet stream**; 300-foot vacillations in sea levels;** shortening and lengthening of the seasons caused by **shifts in** theplanetary **axis;** collisions of **asteroids and comets bearing far more force than man's nuclear arsenals;** and the years without summer that followed these impacts**.** Yet hearts beat on, and petals unfold still. **Were the environment fragile it would have expired many eons before the advent of** the industrial affronts of **the dreaming ape**. **Human assaults on the environment,** though mischievous, **are pinpricks compared to forces of the magnitude nature is accustomed to** resisting.

#### Threats are not socially constructed

Ravenal ‘9

[Earl C. Ravenal, distinguished senior fellow in foreign policy studies @ Cato, is professor emeritus of the Georgetown University School of Foreign Service. He is an expert on NATO, defense strategy, and the defense budget. He is the author of *Designing Defense for a New World Order.* What's Empire Got to Do with It? The Derivation of America's Foreign Policy.” *Critical Review: An Interdisciplinary Journal of Politics and Society* 21.1 (2009) 21-75]

Quite expectedly, the more doctrinaire of the non-interventionists take pains to deny any straightforward, and therefore legitimate, security motive in American foreign and military policy. In fact, this denial leads to a more sweeping rejection of any recognizably rational basis for American foreign policy, and, even, sometimes (among the more theoretical of the non-interventionists), a preference for non-rational accounts, or “models,” of virtually any nation’s foreign policy-making.4 One could call this tendency among anti-imperialists “motive displacement.” More specifically, in the cases under review here, one notes a receptivity to any reworking of history, and any current analysis of geopolitics, that denigrates “the threat”; and, along with this, a positing of “imperialism” (the almost self-referential and primitive impulse) as a sufficient explanation for the often strenuous and risky actions of great powers such as the United States. Thus, not only is “empire” taken to be a sufficient and, in some cases, a necessary condition in bringing about foreign “threats”; but, by minimizing the extent and seriousness of these threats, the anti-imperialists put themselves into the position of lacking a rational explanation for the derivation of the (pointless at best, counter-productive at worst) policies that they designate as imperialistic. A pungent example of this threat denigration and motive displacement is Eland’s account of American intervention in the Korean and Vietnam wars:

After North Korea invaded, the Truman administration intervened merely for the purpose of a demonstration to friends and foes alike. Likewise, according to eminent cold war historians, the United States did not inter- vene in Vietnam because it feared communism, which was fragmented, or the Soviet Union, which wanted détente with the West, or China, which was weak, but because it did not want to appear timid to the world. The behavior of the United States in both Korea and Vietnam is typical of imperial powers, which are always concerned about their reputation, pres- tige, and perceived resolve. (Eland 2004, 64)

Of course, the motive of “reputation,” to the extent that it exists in any particular instance, is a part of the complex of motives that characterize a great power that is drawn toward the role of hegemon (not the same thing as “empire”). Reputation is also a component of the power projec- tion that is designed to serve the interest of national security. Rummaging through the concomitants of “imperialism,” Eland (2004, 65) discovers the thesis of “threat inflation” (in this case, virtual threat invention): Obviously, much higher spending for the military, homeland security, and foreign aid are required for a policy of global intervention than for a policy of merely defending the republic. For example, after the cold war, the security bureaucracies began looking for new enemies to justify keeping defense and intelligence budgets high. Similarly, Eland (ibid., 183), in a section entitled “Imperial Wars Spike Corporate Welfare,” attributes a large portion of the U.S. defense budget—particularly the procurement of major weapons systems, such as “Virginia-class submarines . . . aircraft carriers . . . F-22 fighters . . . [and] Osprey tilt-rotor transport aircraft”—not to the systemically derived requirement for certain kinds of military capabilities, but, rather, to the imperatives of corporate pork. He opines that such weapons have no stra- tegic or operational justification; that “the American empire, militarily more dominant than any empire in world history, can fight brushfire wars against terrorists and their ‘rogue’ state sponsors without those gold- plated white elephants.”

The underlying notion of “the security bureaucracies . . . looking for new enemies” is a threadbare concept that has somehow taken hold across the political spectrum, from the radical left (viz. Michael Klare [1981], who refers to a “threat bank”), to the liberal center (viz. Robert H. Johnson [1997], who dismisses most alleged “threats” as “improbable dangers”), to libertarians (viz. Ted Galen Carpenter [1992], Vice President for Foreign and Defense Policy of the Cato Institute, who wrote a book entitled A Search for Enemies). What is missing from most analysts’ claims of “threat inflation,” however, is a convincing theory of why, say, the American government significantly (not merely in excusable rhetoric) might magnify and even invent threats (and, more seriously, act on such inflated threat estimates). In a few places, Eland (2004, 185) suggests that such behavior might stem from military or national security bureaucrats’ attempts to enhance their personal status and organizational budgets, or even from the influence and dominance of “the military-industrial complex”; viz.: “Maintaining the empire and retaliating for the blowback from that empire keeps what President Eisenhower called the military-industrial complex fat and happy.” Or, in the same section:

In the nation’s capital, vested interests, such as the law enforcement bureaucracies . . . routinely take advantage of “crises”to satisfy parochial desires. Similarly, many corporations use crises to get pet projects— a.k.a. pork—funded by the government. And national security crises, because of people’s fears, are especially ripe opportunities to grab largesse. (Ibid., 182)

Thus, “bureaucratic-politics” theory, which once made several reputa- tions (such as those of Richard Neustadt, Morton Halperin, and Graham Allison) in defense-intellectual circles, and spawned an entire sub-industry within the field of international relations,5 is put into the service of dismissing putative security threats as imaginary. So, too, can a surprisingly cognate theory, “public choice,”6 which can be considered the right-wing analog of the “bureaucratic-politics” model, and is a preferred interpretation of governmental decision- making among libertarian observers. As Eland (2004, 203) summarizes:

Public-choice theory argues [that] the government itself can develop sepa- rate interests from its citizens. The government reflects the interests of powerful pressure groups and the interests of the bureaucracies and the bureaucrats in them. Although this problem occurs in both foreign and domestic policy, it may be more severe in foreign policy because citizens pay less attention to policies that affect them less directly.

There is, in this statement of public-choice theory, a certain ambiguity, and a certain degree of contradiction: Bureaucrats are supposedly, at the same time, subservient to societal interest groups and autonomous from society in general.

This journal has pioneered the argument that state autonomy is a likely consequence of the public’s ignorance of most areas of state activity (e.g., Somin 1998; DeCanio 2000a, 2000b, 2006, 2007; Ravenal 2000a). But state autonomy does not necessarily mean that bureaucrats substitute their own interests for those of what could be called the “national society” that they ostensibly serve. I have argued (Ravenal 2000a) that, precisely because of the public-ignorance and elite-expertise factors, and especially because the opportunities—at least for bureaucrats (a few notable post-government lobbyist cases nonwithstanding)—for lucrative self-dealing are stringently fewer in the defense and diplomatic areas of government than they are in some of the contract-dispensing and more under-the-radar-screen agencies of government, the “public-choice” imputation of self-dealing, rather than working toward the national interest (which, however may not be synonymous with the interests, perceived or expressed, of citizens!) is less likely to hold. In short, state autonomy is likely to mean, in the derivation of foreign policy, that “state elites” are using rational judgment, in insulation from self-promoting interest groups—about what strategies, forces, and weapons are required for national defense.

Ironically, “public choice”—not even a species of economics, but rather a kind of political interpretation—is not even about “public” choice, since, like the bureaucratic-politics model, it repudiates the very notion that bureaucrats make truly “public” choices; rather, they are held, axiomatically, to exhibit “rent-seeking” behavior, wherein they abuse their public positions in order to amass private gains, or at least to build personal empires within their ostensibly official niches. Such sub- rational models actually explain very little of what they purport to observe. Of course, there is some truth in them, regarding the “behavior” of some people, at some times, in some circumstances, under some conditions of incentive and motivation. But the factors that they posit operate mostly as constraints on the otherwise rational optimization of objectives that, if for no other reason than the playing out of official roles, transcends merely personal or parochial imperatives.

My treatment of “role” differs from that of the bureaucratic-politics theorists, whose model of the derivation of foreign policy depends heavily, and acknowledgedly, on a narrow and specific identification of the role- playing of organizationally situated individuals in a partly conflictual “pulling and hauling” process that “results in” some policy outcome. Even here, bureaucratic-politics theorists Graham Allison and Philip Zelikow (1999, 311) allow that “some players are not able to articulate [sic] the governmental politics game because their conception of their job does not legitimate such activity.” This is a crucial admission, and one that points— empirically—to the need for a broader and generic treatment of role.

Roles (all theorists state) give rise to “expectations” of performance. My point is that virtually every governmental role, and especially national-security roles, and particularly the roles of the uniformed mili- tary, embody expectations of devotion to the “national interest”; rational- ity in the derivation of policy at every functional level; and objectivity in the treatment of parameters, especially external parameters such as “threats” and the power and capabilities of other nations.

Sub-rational models (such as “public choice”) fail to take into account even a partial dedication to the “national” interest (or even the possibility that the national interest may be honestly misconceived in more paro- chial terms). In contrast, an official’s role connects the individual to the (state-level) process, and moderates the (perhaps otherwise) self-seeking impulses of the individual. Role-derived behavior tends to be formalized and codified; relatively transparent and at least peer-reviewed, so as to be consistent with expectations; surviving the particular individual and trans- mitted to successors and ancillaries; measured against a standard and thus corrigible; defined in terms of the performed function and therefore derived from the state function; and uncorrrupt, because personal cheating and even egregious aggrandizement are conspicuously discouraged.

My own direct observation suggests that defense decision-makers attempt to “frame” the structure of the problems that they try to solve on the basis of the most accurate intelligence. They make it their business to know where the threats come from. Thus, threats are not “socially constructed” (even though, of course, some values are).

A major reason for the rationality, and the objectivity, of the process is that much security planning is done, not in vaguely undefined circum- stances that offer scope for idiosyncratic, subjective behavior, but rather in structured and reviewed organizational frameworks. Non-rationalities (which are bad for understanding and prediction) tend to get filtered out. People are fired for presenting skewed analysis and for making bad predictions. This is because something important is riding on the causal analysis and the contingent prediction. For these reasons, “public choice” does not have the “feel” of reality to many critics who have participated in the structure of defense decision-making. In that structure, obvious, and even not-so-obvious, “rent-seeking” would not only be shameful; it would present a severe risk of career termination. And, as mentioned, the defense bureaucracy is hardly a productive place for truly talented rent-seekers to operate, compared to opportunities for personal profit in the commercial world. A bureaucrat’s very self-placement in these reaches of government testi- fies either to a sincere commitment to the national interest or to a lack of sufficient imagination to exploit opportunities for personal profit.

Linear scenario planning is good and correct

Tom Flaherty, et al. Michael Bagale, Christopher Dann, Owen Ward, Partners at Booz & Co. Global Management Consulting, 8/7/2012 (http://www.booz.com/media/uploads/BoozCo\_After-Fukushima-Nuclear-Power.pdf)

It is still not fully clear how the new NRC recommendations will affect the U.S. nuclear fleet. One thing is certain, however: The way the industry has historically evaluated risk will have to change. In particular, the assessment of low-probability, high-consequence risks, such as events that trigger worst-case accident conditions, will need to be revisited. Owner resiliency and responsiveness will need to increase. Probabilistic risk assessment, common in the industry since the 1979 accident at Three Mile Island in Pennsylvania, will assume an even greater role in ensuring nuclear safety in the future. Operators will have to develop enhanced risk analysis methodologies that can adequately address not only the full range of “traditional” postulated design-basis accident scenarios, but also the much more improbable black swan events. Finally, investment decisions will need to evolve to reflect this new risk environment. The greatest degree of regulatory uncertainty surrounds the interpretation of the first recommendation of the NRC’s Near-Term Task Force, which the commission’s staff will consider over the next year. Its goal is to incorporate “beyond design basis” requirements within the definition of what is required to provide “adequate protection”: balancing considerations of defense and risk, without taking cost into account as a deterrent to action. The task force has pointed out that this move is analogous to regulatory changes enacted following the September 11, 2001, terrorist attacks. But it is potentially more far-reaching, given the wide range of possible black swan scenarios. Indeed, it is likely that the broadening of the underlying principle of adequate protection will markedly reshape the regulatory environment. Traditional risk management approaches rely on estimating the likely consequences of potential events; they are not well suited for dealing with extremely lowprobability, high-consequence risks. Black swan risks challenge the traditional approach because even when the events are anticipated, their impact falls outside the expected range of predictability. In the case of the tragic events in northeast Japan in March 2011, the black swan was not the earthquake and tsunami, which were foreseeable, but their sheer size. Another earthquake, the one that struck the East Coast of the U.S. in August 2011, was significantly stronger than what was thought possible in the region. The terrorist attacks on 9/11 represented another black swan event, not because terrorist attacks had never happened on U.S. soil—they had—but because of their scale, their means, and their enormous impact. The U.S. nuclear industry must enhance its risk management capabilities in two ways. First, it must strengthen existing risk assessment methodologies to address extremely low-probability, high-consequence risks. This will involve improving existing processes and tools to identify potential risks from a much wider range of uncertainties than the industry has used in the past (see Exhibit 2). Traditional thinking about “known unknowns” must be expanded to include “unknown unknowns.” Scenario planning that includes situations that are themselves unimaginable can be a useful tool in expanding leaders’ range of thinking about identifying risks and assessing vulnerabilities. In these exercises, management is challenged to begin with the premise of an unforeseeable situation—like the apocryphal story of a wanderer in a desert who finds a Civil War battleship stuck in the sand there—and then to explore the potential vulnerabilities the situation may create. Often, when managers are required to construct a chain of causal events that could explain a seemingly inexplicable situation, a previously unthinkable scenario becomes plausible, even if still highly improbable. Another methodology used for expanding management’s thinking about the future involves wargaming and other simulations of real-world challenges; the games mimic the complexity of genuine events, in which seemingly rational interactions among players or actions can result in unanticipated outcomes. A deeper examination of the interdependencies and correlations among various risk factors can also help unearth additional exposures and potential systemic effects. Nuclear plant owners should be encouraged to build this risk identification capability in a **collaborative manner**. Utility peer groups, technical experts, and industry support entities should work together to develop analytical risk assessment tools and methodologies that individual plant owners and operators can use to quantify the probability and effect of plant-specific worst-case events. The techniques developed through this approach should be tailored to the culture and practices of the companies involved. They can also provide plant owners with best-in-class, cost-effective solutions to regulatory mandates, potentially streamlining the overall NRC review and concurrence cycle with respect to providing “reasonable assurance” regarding operating safety. The end goal of this next generation of risk management is to develop an industry-wide approach to defining and quantifying Fukushimalevel improbable events that will both satisfy any regulatory safety requirements and assuage public concerns, while being implementable and cost-effective. Since the concepts of reasonable assurance and adequate protection do not contemplate direct cost-benefit trade-offs, anything short of this goal may hurt the future of nuclear power.

**Prioritization of discourse destroys critique – discussing questions of implementation are key to progressive change**

**Brown ‘01**

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**“Speech codes kill critique**,” Henry Louis **Gates remarked** in a 1993 essay on hate speech.14 Although **Gates was referring to what happens when** hate speech regulations, and the **debates about them, usurp the discursive space in which one might have offered a substantive political response to bigoted epithets**, his point also applies to prohibitions against questioning from within selected political practices or institutions. But **turning political questions into moralistic ones – as speech codes of any sort do – not only prohibits certain questions** and mandates certain genuflections, it also **expresses a profound hostility toward political life insofar as it seeks to preempt argument with a legislated and enforced truth**. And the realization of **that** patently undemocratic desire **can only and always convert emancipatory aspirations into reactionary ones**. Indeed, **it insulates those aspirations from questioning at the very moment that** Weberian **forces of rationalization and bureaucratization are quite likely to be domesticating them from another direction**. Here we greet a persistent political paradox: the moralistic defense of critical practices, or of any besieged identity, weakens what it strives to fortify precisely by sequestering those practices from the kind of critical inquiry out of which they were born. Thus Gates might have said, “Speech codes, born of social critique, kill critique.” And, we might add, contemporary identity-based institutions, born of social critique, invariably become conservative as they are forced to essentialize the identity and naturalize the boundaries of what they once grasped as a contingent effect of historically specific social powers. But **moralistic reproaches to certain kinds of speech or argument kill critique** not only by displacing it with arguments about abstract rights versus identity-bound injuries, but also **by configuring political injustice** and political righteousness **as a problem of remarks, attitude, and speech rather than as a matter of** historical, **political-economic** and cultural **formations of power. Rather than offering analytically substantive accounts of the forces of injustice** or injury, **they condemn the manifestation of these forces in particular remarks** or events. **There is**, in the inclination to ban (formally or informally) certain utterances and to mandate others, **a politics of rhetoric** and gesture **that itself symptomizes despair over effecting change at more significant levels. As vast quantities of** left and liberal **attention go to determining what socially marked individuals say, how they are represented**, and how many of each kind appear in certain institutions or are appointed to various commissions, **the sources that generate racism, poverty, violence against women, and other elements of social injustice remain relatively unarticulated and unaddressed. We** are lost as how to address those sources; but **rather than examine this loss** or disorientation, rather than bear the humiliation of our impotence, **we posture as if we were still fighting the big and good fight in our clamor over words and names**. Don’t mourn, moralize.

#### Fearing nuclear weapons is the only way to prevent nuclear omnicide.

Harvard Nuclear Study Group 83

(“Living With Nuclear Weapons,” p. 47)

The question is grisly, but nonetheless it must be asked. Nuclear war [sic] ca**nnot be avoided simply by refusing to think about it**. Indeed the task of reducing the likelihood of nuclear war should begin with an effort to **understand how it might start**. When strategists in Washington or Moscow study the possible origins of nuclear war, they discuss “scenarios,” imagined sequences of future events that could trigger the use of nuclear weaponry. Scenarios are, of course, speculative exercises. They often leave out the political developments that might lead to the use of force in order to focus on military dangers. That nuclear war scenarios are even more speculative than most is something for which we can be thankful, for it reflects humanity’s fortunate lack of experience with atomic warfare since 1945. But imaginary as they are, nuclear scenarios can help identify problems not understood or dangers not yet prevented because they have not been foreseen.