# T

### Must Prohibit 1NC shell

#### A. INTERPRETATION. Restrictions prohibit, requirements govern how energy production occurs

Hayden ’05 (J.D., Penn State Dickinson School of Law, 2005)

Tim 13 Penn St. Envtl. L. Rev. 217

B. Telecommunications Act of 1996

¶ In 1996, a major piece of legislation dealing with most aspects of our nation's telecommunications industry was passed. n113 The portion of that legislation dealing with mobile services creates substantive restrictions and procedural requirements dealing with the use of state and local powers by limiting, but not completely preempting, those powers. n114¶ 1. Substantive Restrictions¶ The TCA of 1996 prevents state and local governments from either prohibiting or taking actions which prohibit erecting cellular towers. n115 It was essential that this law be passed because state and local governments could effectively limit the building of cellular towers by passing laws or using strict zoning procedures. n116 In addition to the statutory framework, the circuit courts have further developed case law clarifying what constitutes unreasonable discrimination between functionally equivalent [\*232] services, as well as what amounts to a prohibition. n117 The Third Circuit developed a two-prong test requiring that a significant gap in wireless service exist, and that the manner in which the cellular provider proposes to fill that gap must be the least intrusive in terms of the values the community is trying to preserve. n118 While this test has been modified by other circuits, it is the most widely used. n119¶ 2. Preemption¶ The TCA did not fully preempt the laws of state and local governments. n120 Federal legislation could have completely preempted the laws of the state and local governments which dealt with cellular towers but chose not to, instead allowing those entities to express their values within certain federally created constraints. n121¶ 3. Procedural Requirements¶ Finally, the TCA created procedural requirements that must be met by those seeking to keep a cellular tower from being built. n122 First, the decision making body must act upon the request for authorization within a reasonable period of time. n123 Second, any denial shall be in writing. n124 And lastly, such a denial must be supported by substantial evidence contained in a written record. n125 These procedural requirements ensure that when a ruling is challenged, the courts will have the information relied upon in the decision of the municipality, providing them with a record on which to decide the case. n126¶ In summary, the TCA of 1996 created substantive restrictions on the abuse of the possibly prohibitive powers wielded by state and local governments. It did so without leaving those entities completely bereft of their powers, and at the same time created procedural requirements allowing for meaningful judicial review of decisions. All of this was done with the policy of promoting national wireless service provision in [\*233] mind.

And the restriction must be ON production

Dictionary.com No Date

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

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

#### B. The aff reduces a condition that makes production harder—that’s NOT A RESTRICTION

Priebe ’99 (Director of Agricultural Economic Law, European Commission)

Rhinehard, *Production Rights in European Agriculture* p.200

The milk quota system, to quote the prime example, is a levy imposed on production in¶ excess of reference quantities, or 'quotas' . The Community does not prohibit surplus production,¶ but it does make it subject to a very dissuasive tax. An 'overproduction tax' as high as¶ that under the milk quota system is tantamount, in economic terms at least, to a prohibition on¶ large-volume production above the limits laid down. The beet quota system, on the other¶ hand, is of a different legal nature. This is based on production limits that are governed in¶ practice by delivery contracts between growers and sugar companies.¶ In other industries, limits exist as conditions for the granting of direct aid. In such cases,¶ this is not a direct restriction on production, in a strictly legal sense. The farmer is free not to¶ comply with these conditions if he chooses not to accept the aid offered. Economically, s/he¶ often has no choice. Accordingly, in order to obtain Community aid, he has to comply with¶ the conditions that apply. For instance, under the support scheme for arable crop growers, aid¶ applications cannot be submitted in respect of land which was used for permanent pasture,¶ permanent crops, forest or non-agricultural uses4 as at 31 December 1991. Such a provision,¶ designed to avoid speculation in arable crops triggered purely by the introduction of the direct¶ aid system in 1992, divides agricultural land into two: land which is eligible for arable land¶ support and ineligible land. This is a permanent division. The set-aside obligation, signifYing¶ each producer's individual contribution to the disciplining of production under the same¶ system, is another example of this form of restriction. **This ev. gender paraphrased**

#### C. REASONS TO PREFER.

#### 1. Fair Ground. Our interp allows afs to remove any restriction that actually prohibits production—siting restrictions, ownership requirements, seasonal drilling restrictions. Their interp allows any aff that makes energy production less profitable—those are regulations or fees—not restrictions.

#### 2. Limits. Their interp justifies any aff that increases the size or profitability of the energy industry, exploding the size of an already large topic.

#### 3. Bright line. Our interp establishes a clear brightline—does the restriction prohibit energy production? If it does, it T, if it don’t, it aint.

#### D. Topicality is a voter for fairness and education.

#### At best its extra topical- gives unpredictable aff advantages- voter for fairness

# T 2

**Indian Country is not in the United States- foreign country**

**US Department of State Manual ’12**

“7 Fam 1113 Not Included in the Meaning of “in the United States” http://www.state.gov/documents/organization/86755.pdf

a. Before U.S. v. Wong Kim Ark, the only occasion on which the Supreme ¶ Court had considered the meaning of the 14th Amendment‟s phrase ¶ “subject to the jurisdiction” of the United States was in Elk v. Wilkins, 112 ¶ U.S. 94 (1884). That case hinged on whether a Native American who ¶ severed ties with the tribe and lived among whites was a U.S. citizen and ¶ entitled to vote. The Court held that the plaintiff had been born subject ¶ to tribal rather than U.S. jurisdiction and could not become a U.S. citizen ¶ merely by leaving the tribe and moving within the jurisdiction of the ¶ United States. The Court stated that**: “The Indian tribes, being within ¶ the territorial limits of the United States, were not, strictly speaking, ¶ foreign States; but they were alien nations, distinct political communities, ¶ with whom the United States might and habitually did deal through ¶ treaties or acts of Congress. They were never deemed citizens of the ¶ United States except under explicit provisions of treaty or statute to that U.S. Department of State Foreign Affairs Manual Volume 7** - Consular Affairs¶ 7 FAM 1110 Page 10 of 13¶ effect, either declaring a certain tribe, or such members of it as chose to ¶ remain behind on the removal of the tribe westward, to be citizens, or ¶ authorizing individuals of particular tribes to become citizens upon ¶ application for naturalization.”

#### Violation- TERA restrictions exist in Indian Country, not the United States.

#### C Voter

#### 1 Limits- Key to prevent affs from being anywhere in the world.

#### 2 Education- Should learn about where United States Policy occurs.

#### Extra-topical- Plan eliminates all review, at least some lands are outside the United States

# Material K

**THE WORKING CLASS MUST COALESCE IN MATERIAL ACTION AGAINST FINANCIAL EXPLOITATION ESPECIALLY IN THE CONTEXT OF ENERGY PLANNING. THE AFF’S NOTION OF AGENCY UNIQUELY UNDERMINES THE MATERIALIST ANTI-CAPITALIST REVOLUTIONARY KNOWLEDGE KEY TO SURVIVAL.**

**Callinicos 2k10**

[Alex, Bonfire of Illusions: The Twin Crisis of the Liberal World, Polity, professor of European studies King’s College – London, DPhil – Oxford, p. 139-43]

There are other strong reasons to press for a break with the logic of competitive accumulation. The scientific evi-dence that the emission of greenhouse gases - most notably C02 - caused by human activity is generating profound and irreversible processes of **climate change is now beyond dispute**. It is also very widely agreed that preventing these processes reaching a disastrous scale requires the rapid adoption and implementation of drastic targets for cutting CO2 emissions. **But** while the targets, particularly since the eclipse of the Bush gang, have become more ambitious, the **actual emissions have continued to rise. The most plausible explanation appeals to the logic of competition.**

The problem is, yet again, one of collective action. Evi- dently **it is in everyone's interest to avoid drastic climate change. But no individual capital or state is willing to shoulder the additional costs involved in moving to a low- carbon economy**. In international negotiations, the leading states play a game of pass-the-parcel - the US demanding that India and China adopt tough targets, the latter asking why they should bear the burden of two centuries of industrialization mainly in the North. The EU, despite its pre- tensions to be a master of 'soft power' that has transcended bad old nationalism, is particularly ineffectual. Germany has vocally and largely successfully defended its car firms against what they regarded as excessively tough targets. **And the economic crisis has provided many governments with a perfect excuse to go slow in reducing reliance on fossil fuels. The logic of competitive accumulation here threatens the future of the human species.20 The implication is that any sustainable alternative to •capitalism has to be based, not on the market, but on democratic planning**. In a democratically planned economy the allocation of resources would be the outcome of a democratic political process that would set overall priori- ties for the economy. There are some models of how this could work. One is Albert's Parecon, or participatory economics. This involves an economy of workers' and consumers' councils in which individuals and enterprises submit proposals for their share of society's resources and a process of gradual adjustments (Albert calls them 'iterations') takes place while technical experts come up with a plan that would give everyone as much as possible of what they want. The main weakness of this model is that it mimics a bit too closely the workings of a market economy, in which claims on resources are driven by individual demands. Albert is an anarchist, and his commitment to decentralization here goes too far. **The allocation of society's resources isn't a neutral technical issue. It's a political question that requires some sort of collective and democratic decision-making process to choose between what would often be competing views of the priorities of the society in question.** From this perspective, Pat Devine offers a superior model of what he calls negotiated coordination. Here the allocation of resources is largely the outcome of discussion between producers, consumers and other affected groups, but within the framework of overall decisions about economic priorities made democratically at the national and international level.21 Plainly there is much more to be said - and, above all, to be done - about democratic planning. All the same, the importance of the kind of work being done by Albert Devine and others is that they begin to break down the prejudice against planning and to sketch out how an economy that rejected the market could manage to be both democratic and efficient. But any break with capitalism couldn't take the form of an instantaneous leap into a fully planned economy. Marx long ago argued in the 'Critique of the Gotha Programme' that a new workers' state would inherit a society deeply marked by capitalism. Initially, it would have to make compromises with the old order, and gradually move towards a society governed by the communist principle 'From each according to his ability, to each according to his needs!'22 Similarly today **a government breaking with capitalism would need to make a decisive shift towards an economy in which priorities were decided democratically rather than left to the anarchy of competition**. This would involve critically taking control of the financial markets, nationalizing under workers' control key sectors of the economy, and extending social provision on the basis of a progressive tax system that redistributed wealth and income from rich to poor. These measures, radical though they are, would still leave in place many aspects of a market economy. Large sectors would remain in private hands. Continuous pressure and the introduction of new mea- sures would be necessary to move the economy as a whole towards the principles of democratic planning. One key step would be to weaken the power of the capitalist labour market, which today rules our lives. In my view, the best way to do this would be to intro- duce universal direct income. In other words, every resi- dent of the country would receive, as of right, an income that met their basic needs at a relatively low but neverthe- less decent level. This would serve two goals. First, it would ensure a basic level of welfare for everyone much more efficiently than existing systems of social provision. (People with greater needs because they had children or were disabled or whatever would receive a higher basic income.) Secondly, having a guaranteed basic income would greatly reduce the pressure on individuals to accept whatever job was on offer on the labour market. One of the main presuppositions of capitalism - that workers have no acceptable alternative to wage labour - would be removed. The balance of power between labour and capital would shift towards the workers, irrespective of the nature of their employer.23 More broadly, the question of power is crucial. One obvious challenge to the kind of vision of change I have just sketched out is how to ensure that the direction of change would be towards a democratically planned economy rather than back to market capitalism or maybe to the kind of state capitalism that ended up dominating the Soviet Union. The only guarantee that counts is that levers of political power are in the hands of the workers and the poor themselves. **As long as the state takes the form that it does today**, of a bureaucratically organized, hierarchical set of apparatuses whose managers' interests are bound up with those of capital, **any improvement in society can only be temporary and fragile**. This is why the strategy of ignoring the state advocated by Holloway is so badly mistaken. **If we are to move towards a democratically planned economy, then the existing state has to be confronted and broken. This task can only be achieved through the development of a different kind of power**, one based on the self- organization of workers and other poor people that devel- ops out of their struggles against capital. The great revolutionary movements of the twentieth century offered some glimpses of this power - from the workers' and sol- diers' councils of the Russian Revolution of October 1917 to the workers' shoras during the Iranian Revolution of 1978-9. The self-organization displayed by **the Bolivian popular movement during the insurrections of October 2003 and May-June 2005 showed that the contemporary movements against neoliberalism can generate this kind of power** as well.24 A democratically planned economy would be the core of a self-managing society, one in which directly elected workplace and neighbourhood councils took responsibil- ity for their own affairs and linked together to make deci- sions for society at large. The key insight that Marx had during the Paris Commune of 1871 was that these forms of organization would develop before the new society was created, in the process of fighting the old society. The same methods of self-organization that would be the basis of a self-managing society are needed by the exploited and oppressed to resist and, ultimately, to overthrow capital itself. The overthrow of capital is itself a process. The dilemma that Albert imagines confronting a workers' cooperative in a market economy would face any society that was beginning to introduce the principles of democratic plan- ning in a world still ruled by capitalism. It was responsible for the corruption and eventual destruction of the Russian Revolution of October 1917. **Any breakthrough in one part of the world could only survive by spreading and progressively overturning the logic of capital on a global scale. The globalization of capital has produced a global- ization of resistance. Struggles in different parts of the world contaminate each other. Chiapas and Seattle had global reverberations. The two European countries with the most advanced and combative social movements, France and Greece, have exerted a degree of mutual influ- ence on one another. The movements in Latin America have become a beacon to all those fighting neoliberalism.** "We are still a very long way from overturning capitalism even in one country. Indeed, the more one seeks to elabo- rate on the shape of an alternative to capitalism the more one is overawed by the immensity of the task. **The biggest immediate obstacle that confronts anyone seeking to address it is the chronic political weakness of the radical anticapitalist left on a global scale. Nevertheless, the present crisis has torn a huge hole in neoliberalism both as an ideology and as a mode of organizing capital- ism. The market no longer seems like a second nature unamenable to change or control. Those who are prepared to seize this moment boldly can help to ensure that the boundaries of the possible really are widened, allowing the billions of victims of capitalism finally to escape**.

**Text: VOTE NEGATIVE TO REJECT THE 1AC IN FAVOR OF MATERIALIST REVOLUTIONARY KNOWLEDGE PRODUCTION AGAINST CAPITALISM.**

**AND, ECOLOGICAL CATASTROPHE NECESSITATES MATERIALIST REVOLUTIONARY DIALECTICS AGAINST CAPITALISM’S EXPLOITATION TO ENSURE SURVIVAL.**

**Foster 2k11**

[john bellamy,  professor of sociology at the University of Oregon and also editor of Monthly Review, Since the Great Financial Crisis hit in 2008, Foster has been sought out by academics, activists, the media, and the general public as a result of his earlier prescient writings on the coming crisis. He has given numerous interviews, talks, and invited lectures, as well as written invited commentary, articles, and books on the subject]

In the twenty-first century **it is customary to view the rise of planetary ecological problems as a surprising development scarcely conceivable prior to the last few decades. It is here, however, that we have the most to learn from the analysis of nineteenth-century thinkers who played a role in the development of ecolog**y, including both early **ecological** **scientists** **and** **classical historical materialists**. Science has long warned of the negative, destructive side of the human transformation of the earth—a warning which the system, driven by its own imperatives, has continually sought to downplay. Indeed, what distinguishes our time from earlier centuries is not so much the conservation of catastrophe, which has long been recognized, but rather the accelerated pace at which such destruction is now manifesting itself, i.e., what I am calling the accumulation of catastrophe. The desertification arising in pre-capitalist times, partly through human action, manifested itself over centuries, even millennia. Today changes in the land, the atmosphere, the oceans, indeed the entire life-support system of the earth, are the product of mere decades. If in the past, Darwin was struck that in a mere three centuries after European colonization, the ecology of the island of St. Helena had been destroyed to the point that it was reduced to “desert”—today, in only two generations, we have altered the biogeochemical processes of the entire planet.28The absence of a historical perspective on the conservation, even accumulation, of catastrophe is a major barrier to needed change in our time. **Many environmentalists, including some who perceive themselves as being on the left, persist in believing that we can address our immense and growing ecological problems without altering our fundamental social-production relationships. All that is necessary in this view is the combined magic of green technology and green markets. Short-term fixes are presumed to be adequate solutions, while society remains on the same essential course as before. Indeed, the dominant perspective on ecology can be characterized, I believe, as consisting of three successive stages of denial: (1) the denial altogether of the planetary ecological crisis (or its human cause); (2) the denial that the ecological crisis is fundamentally due to** the system of production in which we live, namely **capitalism**; **and** (3) the **denial that capitalism is constitutionally incapable of overcoming this global ecological threat—with capital now being presented instead as the savior of the environment**.The first stage of ecological denial is easy to understand. This is the form of denial represented by Exxon-Mobil. Such outright denial of the destructive consequences of their actions is the automatic response of corporations generally when faced with the prospect of environmental regulations, which would negatively affect their bottom lines. It is also the form of absolute denial promoted by climate-change denialists themselves, who categorically reject the reality of human agency in global climate change. The second stage of denial, a retreat from the first, is **to admit there is a problem,while dissociating it from the larger socioeconomic system**. The famous IPAT formula, i.e. Environmental Impact = Population x Consumption x Technology (which amounts to saying that these are the three factors behind our environmental problems/solutions), has been used by some to suggest that population growth, the consumption habits of most individuals, and inappropriate technology carry the totality of blame for environmental degradation. The answer then is sustainable population, sustainable consumption, and sustainable technology. This approach, **though seemingly matter-of-fact, and deceptively radical, derives its acceptability for the vested interests from the fact that it generally serves to disguise the more fundamental reality of the treadmill of capitalist production itself**.29 The third stage of denial, a last-ditch defense, and exhibiting a greater level of desperation on the part of the established order, is, I would argue, the most dangerous of all. It admits that the environmental crisis is wrapped up with the existence of capitalism, but argues that what we need is an entirely new kind of capitalism: variously called “sustainable capitalism,” “green capitalism,” “natural capitalism,” and “climate capitalism” by thinkers as various as Al Gore, Paul Hawken, Amory and L. Hunter Lovins, and Jonathon Porritt.**30 The argument** here varies but usually **begins with the old trope that capitalism is the most efficient economic system possible**—a form of “spontaneous order” arising from an invisible hand—**and that the answer to ecological problems is to make it more efficient still by internalizing costs on the environment previously externalized by the system**. Aside from the presumed magic of the market itself, and moral claims as to “**the greening of corporations,” this is supposed to be achieved by means of a black box of technological wonders. Implicit in all such views is the notion that capitalism can be made sustainable, without altering its accumulation or economic growth imperative and without breaking with the dominant social relations. The exponential growth of the system ad infinitum is possible**, we are told, **while simultaneously generating a sustainable relation to the planet.** This of course runs up against what Herman Daly has called the Impossibility Theorem: If the whole world were to have an ecological footprint the size of the United States we would need multiple planets.31 The idea that such a development process can persist permanently on a single planet (and indeed that we are not at this point already confronting earthly limits) is of course an exercise in delusion, bordering on belief in the supernatural. “**Capitalism**,” as the great environmental economist K. William Kapp once wrote, is “an economy of unpaid costs.”32 It **can persist** and even **prosper only insofar as it is able to externalize its costs on the mass of the population and the surrounding environment. Whenever the destruction is too severe the system simply seeks to engineer another spatial fix. Yet, a planetary capitalism i**s from this standpoint **a contradiction** in terms: **it means that there is nowhere finally to externalize the social and environmental costs of capitalist destruction** (we cannot ship our toxic waste into outer space**!), and no external resources to draw upon in the face of the enormous squandering of resources inherent to the system** (we can’t solve our problems by mining the moon!).**Market-based solutions to climate change**, such as emissions trading, have been shown to **promote profits**, and to **facilitate economic growth and financial wealth, while increasing carbon emissions. From an environmental standpoint**, therefore, **they are worse than nothing—since they stand in the way of effective action. Nor are the technologies most acceptable to the system** (since not requiring changes in property relations) **the answer. So-called “clean coal” or carbon capture and storage technologies are economically unfeasible and ecologically dubious, and serve mainly as an ideological justification for keeping coal-fired plants going. W**orse still, are geoengineering schemes like dumping sulfur particles in the atmosphere or iron filings in the ocean (the first in order to deflect the sun’s rays, the second in order to promote algal growth to increase ocean absorption of carbon). **These schemes carry with them the potential for even greater ecological disasters: in the first case, this could lead to a reduction of photosynthesis, in the second the expansion of dead zones**. Remember the Sorcerer’s Apprentice!33 The potential for the accumulation of catastrophe on a truly planetary level as a result of geoengineering technology is so great that it would be absolute folly to proceed in this way—simply in order to avoid changes in the mode of production, i.e., a fundamental transformation of our way of life, property relations, and metabolism with nature. Science tells us that **we are crossing planetary boundaries everywhere we look, from climate change, to ocean acidification, to species destruction, to freshwater shortages, to chemical pollution of air, water, soil, and humans**. The latest warning sign is the advent of what is called “extreme weather”—a direct outgrowth of climate change. As Hansen says: “Global warming increases the intensity of droughts and heat waves, and thus the area of forest fires. However, because a warmer atmosphere holds more water vapor, global warming must also increase the intensity of the other extreme of the hydrologic cycle—meaning heavier rains, more extreme floods, and more intense storms driven by latent heat.” Scientists involved in the new area of climate-attribution science, where extreme weather events are examined for their climate signatures, are now arguing that we are rapidly approaching a situation where the proverbial “‘hundred-year’ flood” no longer occurs simply once a century, but every few years**. Natural catastrophes are thus likely to become more severe and more frequent occurrences in the lives of all living beings**. The hope of some scientists is that this will finally wake up humanity to its true danger.34 How are we to understand the challenge of the enormous accumulation of catastrophe, and the no less massive human action required to address this? In the 1930s John Maynard Keynes wrote an essay entitled “Economic Possibilities of Our Grandchildren,” aimed at defending capitalism in response to revolutionary social challenges then arising. Keynes argued that we should rely for at least a couple more generations on the convenient lie of the Smithian invisible hand—accepting greed as the basis of a spontaneous economic order. We should therefore continue the pretense that “fair is foul and foul is fair” for the sake of the greater accumulation of wealth in society that such an approach would bring. Eventually, in the time of our “grandchildren”—maybe a “hundred years” hence (i.e., by the early 2030s)—Keynes assumed, the added wealth created by these means would be great enough that we could begin to tell the truth: that foul is foul and fair is fair. It would then be necessary for humanity to address the enormous inequalities and injustices produced by the system, engaging in a full-scale redistribution of wealth, and a radical transformation of the ends of production.35 Yet, the continued pursuit of Keynes’s convenient lie over the last eight decades has led to a world far more polarized and beset with contradictions than he could have foreseen. **It is a world prey to the enormous unintended consequences of accumulation without limits: namely, global economic stagnation, financial crisis, and planetary ecological destruction.** Keynes, though aware of some of the negative economic aspects of capitalist production, had no real understanding of the ecological perils—of which scientists had already long been warning. Today these perils are impossible to overlook. **Faced with impending ecological catastrophe, it is more necessary than ever to abandon Keynes’s convenient lie and espouse the truth: that foul is foul and fair is fair. Capitalism**, the society of “après moi le déluge!” i**s a system that fouls its own nest—both the human-social conditions and the wider natural environment on which it depends. The accumulation of capital is at the same time accumulation of catastrophe**, not only **for a majority of the world’s** people, but **living species** generally. **Hence, nothing is fairer—more just, more beautiful, and more necessary—today than the struggle to overthrow the regime of capital and to create a system of substantive equality and sustainable human development; a socialism for the twenty-first century.**

# Elections

### Production Shell

**Obama will win- top models and factors prove**

**Klein 9-17**

Ezra is a columnist for the Washington Post and an MSNBC Political Analyst, “The Romney Campaign is in Trouble,” <http://www.washingtonpost.com/blogs/ezra-klein/wp/2012/09/17/romney-is-behind-and-the-debates-arent-likely-to-save-him/>

First came the changes in strategy. It went from doing everything possible to assure a “referendum” election to picking Paul Ryan as the vice presidential nominee and going for a choice election. It went from focusing relentlessly on the economy to cycling among welfare, Medicare and Libya. The latest ad is about manufacturing jobs in China.¶ Now we’re hearing the calls for a change in strategists. On Sunday night, Politico published a 2,700-word piece mostly dedicated to giving “Romney aides, advisers and friends” space to knife Stuart Stevens, Mitt Romney’s top strategist. “I always have the impression Stuart must save his best stuff for meetings I’m not important enough to attend,” one Romney campaign insider told Politico. “The campaign is filled with people who spend a lot of their time either avoiding him or resisting him.”¶ Ouch.¶ On the presidential level, where everyone running campaigns is very, very good at their jobs, campaign infighting and incoherence tend to be the result of a candidate being behind in the polls, not the cause of it. **Romney is behind and has been** there for quite some time. **According to the Real Clear Politics average** of head-to-head polls, **Romney hasn’t led the race since October 2011**. The closest he came to a lead in the polls this year was during the Republican National Convention, when he managed to … tie Obama.¶ **Romney is also behind in most election-forecasting models**. Political scientist James **Campbell rounded up 13 of the most credible efforts to predict the election outcome: Romney trails in eight of them. He’s also behind in Nate Silver’s election model, the Princeton Election Consortium’s meta-analysis**, Drew **Linzer’s Votamatic model and the Wonkblog election model.**¶But **I didn’t realize quite how dire Romney’s situation was until I began reading “The Timeline of Presidential Elections: How Campaigns Do and Don’t Matter**,” a new book from political scientists Robert Erikson and Christopher Wlezien.¶ **What Erikson and Wlezien did is rather remarkable: They collected pretty much every publicly available poll conducted during the last 200 days of the past 15 presidential elections and then ran test after test on the data to see what we could say about the trajectory of presidential election**s. Their results make Romney’s situation look very dire.¶ For instance: The least-stable period of the campaign isn’t early in the year or in the fall. It’s the summer. That’s because the conventions have a real and lasting effect on a campaign.¶ **“The party that gains pre- to post-convention on average improves by 5.2 percentage points as measured from our pre- and post-convention benchmarks,”** write Erikson and Wlezien. “**On average, the party that gains from before to after the conventions maintains its gain in the final week’s polls**. In other words, its poll numbers do not fade but instead stay constant post-conventions to the final week.”¶ This year, it was the Democrats who made the biggest gains from before to after the conventions. Obama is leading by 3 percent in the Real Clear Politics average of polls, about double his lead before the Republican convention. If that doesn’t fade by the end of the week or so — that is, if it proves to be a real lead rather than a post-convention bounce — then there’s simply no example in the past 15 elections of a candidate coming back from a post-convention deficit to win the popular vote.¶ This is about the point where I’m supposed to write: That said, **the race remains close, and the debates are coming soon. It’s still anyone’s game.**¶But the most surprising of Erikson and Wlezien’s results, and the most dispiriting for the Romney campaign, is that unlike the conventions, the debates don’t tend to matter. There’s “a fairly strong degree of continuity from before to after the debates,” they write. That’s true even when the trailing candidate is judged to have “won” the debates. “Voters seem to have little difficulty proclaiming one candidate the ‘winner’ of a debate and then voting for the opponent,” Erikson and Wlezien say.¶ Gallup agrees. The august polling firm reviewed the surveys it did before and after every televised presidential debate and concluded they “reveal few instances in which the debates may have had a substantive impact on election outcomes. “¶ The Romney campaign tends to point to two elections to show how its candidate could win this thing. There’s 1980, when Jimmy Carter supposedly led Ronald Reagan until the debates, and 1988, when Michael Dukakis was leading by 13 points after his convention. In fact, Reagan led going into the 1980 debates. And although Dukakis’s convention bounce was indeed large, it was wiped out by Bush’s convention bounce, which put him back in the lead.¶ That’s not to say Romney couldn’t win the election. A **3 percent gap is not insurmountable. But we’re quickly approaching a point where his comeback would be unprecedented in modern presidential history**. And if the Romney campaign begins to crack under the pressure, then that comeback becomes that much less likely.

#### Environmental groups hate wind- species loss

Maxwell ’12

Veery is a third-year law student at UC Hastings, “Wind Energy Development: Can Wind Energy Overcome Substantial Hurdles to Reach the Grid,” West Northwest Journal of Environmental Law and Policy, 18 W.-N.W. J. Env. L. & Pol’y323, lexis

Environmental groups have also been opposed to wind development, particularly in sites inhabited by threatened or endangered species. It seems paradoxical that environmentalists actively oppose emission-free energy production. This incongruous conflict is driven by the fact that wind [\*330] turbines have been known to cause species mortality, and are often sited in rural areas that offer needed species habitat. [n44](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n44) This has caused environmental groups to pursue lawsuits under the Endangered Species Act, Migratory Bird Act, and other environmental protection statutes, in hopes of seeking an injunction against the wind farm construction and operations. [n45](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n45)¶ The Coastal Habitat Alliance sued a Texas wind developer in 2007, demanding an injunction to halt construction on a wind project adjoining the Laguna Madre, an environmentally sensitive bay between the Texas mainland and Padre Island. [n46](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n46) The Coastal Habitat Alliance alleged that the defendant developer impinged its rights under the federal Coastal Zone Management Act of 1972 and the Texas Coastal Management Program by not holding public hearings or conducting appropriate environmental review on the wind farm. [n47](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n47) A federal court dismissed the case, holding the statutes did not confer a right of action on private parties. [n48](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n48) However, the case drew attention to the emerging issue of wind turbine siting in ecologically fragile areas.¶ In West Virginia, environmental plaintiffs were successful in halting operations of a wind farm sited in an area home to endangered Indiana bats. [n49](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n49) After exhaustive presentations by expert witnesses, the federal court found, "there is a virtual certainty that Indiana bats will be harmed, wounded, or killed imminently by the Beech Ridge Project, in violation of section 9 of the ESA ...." [n50](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n50) The court held that until the developer undergoes the Incidental Take Permitting process through the Fish and Wildlife Service, no new turbines could be approved by the agencies or constructed for the project. [n51](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n51)¶ The Beech Ridge case was the first wind farm conflict decided under the Endangered Species Act, and demonstrates the need for federal agencies to actively oversee the development of wind farms. [n52](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n52) In order to avoid costly litigation at every turn, the Beech Ridge holding shows that the myriad of federal agencies involved in approving wind farms must develop comprehensive standardized siting and permitting criteria. While the Fish [\*331] and Wildlife Service has been spearheading a collaborative effort to develop wind farm guidelines, only draft voluntary siting guidelines have been published. [n53](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n53)¶ The two most noteworthy examples of environmental groups opposing wind farms, differ dramatically in terms of location, technology, rationale of opposition, and timing. However, in both cases the wind developer has continued to press forward with development and operations. The first case involves the Altamont Pass, located just east of the San Francisco Bay Area, which was a massive experiment in wind energy begun in the 1970s. [n54](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n54) The second case involves the Cape Wind project, which is more modest in size, but located in a high-visibility area of Nantucket Sound. [n55](http://www.lexisnexis.com.ezproxy.baylor.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1344988943875&returnToKey=20_T15322965001&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.221529.4818699054" \l "n55) The projects are instructive as to the broad range of claims opponents have levied against wind farms. Both cases have directly and indirectly driven a host of solutions to the environmental and local problems generated by wind farms.

#### The environmental vote will decide the election

Lehrer, 12

(Eli, "How Mitt Romney can win the environmental vote", 6/11, Huffington Post,¶ http://rstreet.org/op-ed/how-mitt-romney-can-win-the-environmental-vote/-http://rstreet.org/op-ed/how-mitt-romney-can-win-the-environmental-vote/

Since the (few) positives in Obama’s record and the incumbency are unalterable, the Romney camp can only win by shaving parts of Obama’s base.¶ And environmentalists are one place big place where it could work. Stanford University researchers have found that about 38 million Americans care a lot about the environment and might vote on it. Assuming that environmental voters turn out at roughly the same rate as other citizens who can vote, this means that somewhere between 15% and 19% of the electorate will vote partly on environmental issues.¶ Although there’s no current, detailed polling, it’s likely that Obama currently stands to get around 75% of this group — taking 50% of it would probably be enough to put Romney over the top. So how can he do it?

**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

# Counterplan

#### CP Text: the United States federal government should establish an independent Commission that has 90 days to determine policy to Tribal Energy. The Commission should recommend The United States Federal Government should amend the Indian Tribal Energy Development and Self-Determination Act and all relevant sections of other federal laws to remove all environmental review and comment provisions from Tribal Energy Resource Agreements. The recommendation will become law if Congress or the President does not reject the recommendation within 45 days of the report.

#### Establishment of independent commissions solves and avoids politics

King ‘97

Anthony is a political scientist who teaches at the University of Essex and is a regular contributor to the Economist, “Running Scared,”

Another possible tactic, with many similarities to the collusion of elites, might be called "putting it into commission." If taking tough decisions is too risky politically, then get someone else to take them. If someone else cannot be found to take them, then make someone else appear to take them. The someone else need not be but usually will be a bipartisan or nonpartisan commission of some kind. Such a commission, the National Commission on Social Security Reform, played a role in the passage of the 1983 act, but an even better example was the procedure adopted by Congress in 1990 for closing redundant military bases. Earlier practice had been almost a caricature of Congress's traditional decision-making process. The Secretary of Defense would propose a program of base closures. Senators and congressmen would immediately leap to the defense of targeted bases in their home states or districts. They of course had the support of their colleagues, who were threatened with or feared base closures in their home states or districts. Almost never did anyone manage to close any bases. Realizing that the process was absurd and that huge sums of taxpayers' money were being wasted in keeping redundant bases open, Congress decided to protect itself from itself. It established the Defense Base Closure and Realignment Commission, which employed an extraordinarily simple formula. The Defense Secretary every two years published a list of the bases he proposed to close, together with a statement of criteria he had used in compiling his list. The commission then examined the list in light of the criteria, held public hearings, and recommended a modified list (with additions as well as deletions) to the President. The President was obliged to accept the commission's list as a whole or reject it as a whole. If, as invariably happened, he accepted it, Congress could intervene only if within forty-five legislative days it passed a bill overriding the President's decision and rejecting the whole list. This it never did. The formula was a near miracle of voter-proofing. Members of Congress were left free to protest the closure of bases in their home districts or states, but the decision was ultimately taken by the President, who could nonetheless ascribe all blame to the commission, and all Congress had to do for the President's decision to take effect was to do nothing. In the event, hundreds of bases were closed and millions of dollars saved, but no member of Congress ever had to vote -- and be seen by his constituents to be voting -- in favor of closing a base near home. Beyond any question the results were in America's national interest. It is not wholly fantastic to suppose that the President in odd-numbered years might, on the basis of advice received from a bipartisan commission, announce a list of "program eliminations," which Congress could countermand only by voting to reject the list as a whole. Presidents would probably prefer to put forward such lists at the beginning of their first term in office -- or at any time during their second term -- when they, at least, were not up for re-election.

# Case

#### Threats are not socially constructed- decision makers use the most objective, rational, and accurate assessments possible- there are no bureaucratic or ideological motivations to invent threats.

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.

**All lives are infinitely valuable, the only ethical option is to maximize the number saved**

**Cummisky, 96**

(David, professor of philosophy at Bates, Kantian Consequentialism, p. 131)

Finally, **even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one**—**because dignity cannot be added and summed in this way**—this **point still does not justify deontologieal constraints**. On the extreme interpretation, **why would not killing one person be a stronger obligation than saving two persons**? If I **am concerned with the priceless dignity of each**, it would seem that 1 may still saw two; it **is just that my reason cannot be that the two compensate for the loss of the** one. Consider Hills example of a priceless object: If **I can save two of three priceless statutes only by destroying one. Then 1 cannot claim that saving two makes up for the loss of the one.** But Similarly, the loss of the two is not outweighed by the one that was not destroyed. Indeed, **even if dignity cannot be simply summed up. How is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible?** Even if two do not simply outweigh and thus compensate for the lass of the one, **each is priceless**: **thus, I have good reason to save as many as I can**. In short, it is not clear how the extreme interpretation justifies the ordinary killing'letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.\*

#### Extinction outweighs ontology

Joseph S. Nye, Jr., professor of government at the Kennedy School of Government at Harvard University, Fellow of the American Academy of Arts and Sciences, former chair of the National Security Council Group on Nonproliferation of Nuclear Weapons, 1986, Nuclear Ethics, p. 65

The equal access approach assumes that each generation would wish to make the tradeoffs for themselves. The current generation cannot avoid imposing some risks upon the future. As Derek Parfit argues, the risk does not do injustice to identifiable persons, since they do not yet exist. Later the harm may become real. Nonetheless, if the risks are kept low and values are successfully preserved, the gamble benefits a next generation, who then make their own decisions about risks and benefits to be passed on to further generations. Keeping risks to the survival of the species at a low level is essential to a sense of proportionality. Survival is not an absolute value, but it is important because it is a necessary condition for the enjoyment of other values. The loss of political values may (or may not) be reversed with the passage of time. The extinction of the species would be irreversible. Thus proportionality requires that we rate survival very highly, but it does not require the absence of all risk. Proportionality in risks is easier to judge if we think in terms of passing the future to our children and letting them do the same for their children rather than trying to aggregate the interests of centuries of unknown (and perhaps nonexistant) people at this time. While the contemplation of species extinction—or what Schell calls “double death”—may reduce the meaning of life to some people in the current generation, that is a value to be judged against others in assessing the risks that are worth running for this generation. It is not a cause of injustice to a future generation.

**YOU’RE RESPONSIBLE FOR THE PLAN’S CONSEQUENCES – MORAL RULES SHOULD BE SUSPENDED IN CATASTROPHIC SITUATIONS**

**Shafer-Landau 97**

(Russ, Prof of Philosophy at the U of Wisconsin, July, Ethics, Vol 104, No. 4, AD: 11/16/09)

Even Nozick, a staunch absolutist, allows that cases of "**catastrophic moral horror" may require suspension of absolute side constraints.**(18) Attention to the dire consequences that may be brought about by allegiance to absolute rules needn't move us to the consequentialist camp--it didn't incline Ross or Nozick in that direction, for instance. But it does create a presumptive case against absolutism. Absolutist responses to the argument standardly take one of two forms. The first is to reject premise (1) and deny that absolutism generates tragic consequences, by arguing that a set of suitably narrowed absolutist rules will not require behavior that results in "catastrophic moral horror." The second response is to reject premise (2) and defend the moral necessity of obedience even if tragic consequences ensue. Rejecting Premise (1) Consider the first strategy. This is tantamount to a specificationist program that begins by admitting that the standard candidates--don't kill, lie, cheat, commit adultery--cannot plausibly be construed as absolute rules. Just as we had to narrow their scope if we were to show them universally relevant, so too we need to narrow the scope of such properties to show them universally determinative. The question, though, is how far, and in what way, this added concreteness is to be pursued. The double dangers that the absolutist must avoid at this juncture are those of drawing the grounding properties too broadly, or too narrowly. Rules drawn too narrowly will incorporate concrete details of cases in the description of the grounding properties, yielding a theory that is particularist in all but name. The opposite problem is realized when we allow the grounding properties to be drawn broadly enough as to be repeatably instantiated, but at the cost of allowing the emerging rules to conflict. Some middle ground must be secured. How could we frame an absolute rule that enjoined just the actions we want, while offering an escape clause for tragic cases? There seems to be no way to do this other than by appending a proviso to the rule, to the effect that it binds except where such obedience will lead to catastrophic consequences, very serious harm, horrific results. Because of the great variety of ways in which such results can occur, there doesn't seem to be any more precise way to specify the exceptive clause without reducing it to an indefinitely long string of too-finely described scenarios. Is this problematic? Consider an analogous case. Someone wants to lose weight and wants to know how long to maintain a new diet. A dietician offers the following advice: "Cut twenty percent of your caloric intake; this will make you thinner, but also weaker. If you reach a point where you've gotten too thin and weak, increase your calories." The dietician's advice is flawed because it doesn't give, by itself, enough information to the person trying to follow it. It's too general. The qualified moral rule is similarly uninformative. If abiding by the rule will occasion harmful results, one wants to know how harmful they have to be to qualify as too harmful. The rule doesn't really say--`catastrophic' is just a synonym for `too harmful'. Such a rule is crucially underspecific, and this undermines efforts to apply it as a major premise in deductive moral argument. This lack of specificity results from an absence of necessary and sufficient conditions that could determine the extension of the concept "catastrophic consequences."(19) Efforts to remove this underspecificity by providing a set of definitional criteria typically serve only to falsify the resulting ethical assessments; imagine the futility of trying to precisely set out in advance what is to count as catastrophic consequences. Rendering the notion of "catastrophic" more precise seems bound to yield a rule that omits warranted exceptions. Or it may cover all such exceptions, but at the cost of making the exceptive clause so fine-grained that it will be nothing less than an indefinitely long disjunction of descriptions of actual cases that represent exceptions to the general rule. Neither option should leave us very sanguine about the prospects of specifying absolute rules so as to ensure that such rules can be obeyed without occasioning catastrophic consequences. Rejecting Premise (2) The alternative for the absolutist is to stand fast and allow that morality requires adherence to rules that will sometimes yield catastrophic horrors. There is no inconsistency in taking such a stand. But the ethic that requires conduct that is tantamount to failure to prevent catastrophe is surely suspect. Preventing catastrophe is presumptively obligatory. The obligation might be defeasible, but absolutists have yet to tell the convincing story that would override the presumption**. Imagine that you are a sharpshooter in a position to kill a terrorist who is credibly threatening to detonate a bomb that will kill thousands. If you merely wound him, he will be able to trigger the firing mechanism. You must kill him to save the innocents. Suppose that in obedience to an absolutist ethic you refrain from shooting. The terrorist detonates the bomb. Thousands die. S**omething must be said about the agent whose obedience to absolute rules occasions catastrophe. It is possible that an absolutist ethic will blame you for doing your duty. Possible, but unlikely. **Absolutists who allow that obedience to their favored rules may occasion catastrophe typically seek ways to exculpate those whose obedience yields tragic results. The standard strategy is to endorse some version of the doctrine of double effect, or the doctrine of doing and allowing. The former says that harms brought about by indirect intention may be permissible even though similar harms brought about by direct intention are forbidden. The latter says that bringing about harm through omission or inaction may be permissible even though similar harms brought about by positive action are forbidden. The motivating spirit behind both doctrines is to legitimate certain kinds of harmful conduct, to exculpate certain harm doers, and to forestall the possibility that absolute rules might conflict.** The truth of either doctrine would ensure that agents always have a permissible option to pursue--namely, obedience to an absolute moral rule.(20) Quite apart from the fact that these doctrines have yet to be adequately defended,(21) their adequate defense would still leave us short of a justification of the absolute rules that are to complement them. Neither of these doctrines is itself a defense of absolutism; rather, they are really "helping doctrines," whose truth would undermine the inevitability of conflict among absolute rules. We may always have a permissible option in cases where we must choose between killing and letting die, intending death or merely foreseeing it, but **this by itself is no argument for thinking that the prohibition on intentionally killing innocents is absolute.**

### CBA Good

**Picking least bad practical option key**

**Finnis, ‘80**

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