# 1AC

**Plan**

**The United States Federal Government should remove Nuclear Regulatory Commission safety restrictions on nuclear energy production in areas also regulated by state governments in the United States.**

**1AC Advantage One**

**Advantage one is safety:**

**NRC regulatory ineptitude makes a nuclear accident inevitable – there is a near miss more than once a month**

**Lochbaum**, Director of the Nuclear Safety Project at the Union of Concerned Scientists with more than seventeen years of experience in commercial nuclear power plant operation as a Senior Engineer, **March, ’13**

(The NRC and Nuclear Power Plant Safety in 2012, www.ucsusa.org/assets/documents/nuclear\_power/NRC-nuclear-safety-2012-report.pdf)

**The** U.S. Nuclear Regulatory Commission **(NRC) is tolerating the intolerable: a ripped nuclear safety net. Granted, nuclear reactors do not fall into the net every day. And so far the United States has been lucky—with limited and notable exceptions, reactors that have fallen have avoided the ripped portion of the safety net. The more often the net is used and the more the net itself is abused, however, the more likely it becomes that someday workers or the public will be harmed by a nuclear reactor accident**. **In 2012, the NRC reported 14 “near-misses” at nuclear plants. Just to be clear about the gravity of the situation, a “near-miss” is an event that increases the chance of core meltdown by at least a factor of 10**, thus prompting the NRC to dispatch some level of special inspection team to investigate the event. **Over the past three years**, **40 of the nation’s 104 nuclear reactors experienced one or more near-misses. That is a rate greater than one near-miss per month**. The NRC must take two steps to reduce the frequency of near-misses before some reactor falls through the ripped section of the net. First, the NRC already investigates each near-miss to determine what happened and why. The NRC should formally evaluate all safety violations identified during its near-miss inspections to determine whether the agency’s baseline inspections could have, and should have, found these safety problems sooner. Such insights from the near-misses may enable the NRC to make adjustments in what its inspectors examine, how they examine it, and how often they examine it, so no violation can go undetected. Second, the NRC must require that individual plant owners find and fix problems in their testing and inspection procedures. Many of the near-misses last year involved design and operational problems that had already existed for years— sometimes even decades—prior to the incidents in question. The plants’ tests and inspections are supposed to find and fix such problems, yet failed to do so. Plant owners must be formally required to evaluate why their testing and inspection failed to find and fix longstanding problems. Within the NRC itself, rips in the safety net must also be fixed. Regulations are the safety net. The simplest repair available is for the NRC to enforce existing regulations, using its ability to impose fines on owners and shut down reactors that violate safety regulations. Unfortunately, **the NRC has repeatedly failed to enforce essential safety regulations. Last year, for example, the NRC approved an additional delay in compliance with fire protection regulations at the Browns Ferry Nuclear Power Plant** near Decatur, Alabama. **The NRC adopted the fire protection regulations** in 1980 **after a disastrous** 1975 **fire at—of all places—the Browns Ferry nuclear plant. If the latest schedule is met, Browns Ferry will have operated for fully 35 years out of compliance with fire protection regulations that it**s own fire **inspired.** Another key NRC safety regulation prohibits a reactor from operating longer than six hours if it suffers a leak of cooling water. In 2012, however, the NRC did nothing when the Palisades Nuclear Power Plant in Michigan operated for nearly a month despite cooling water leaks. **These examples of tolerating the intolerable should be case studies for regulatory ineptitude. Failing to enforce existing safety regulations is literally a gamble that places lives at stake**. The NRC must enforce its own regulations, Tolerating the intolerable reflects a poor safety culture. Last November, the NRC met to discuss the results of the latest in a series of triennial surveys conducted by a consultant of its safety culture and climate. The NRC’s discussion of the 2012 survey was held behind closed doors—about as plain an indicator of a poor safety culture as the sordid results themselves. A poor safety culture and unwillingness to discuss working conditions openly go hand in hand. Among other disconnects, **the 2012 survey revealed that half of the NRC’s work force had heard about co-workers who received negative reactions from supervisors and senior managers after raising a concern**. Only 41 percent of the work force felt that the NRC had taken significant steps to address key issues identified in past surveys of the agency’s safety culture. Yet, the survey revealed that the NRC’s senior managers believe conditions are far better than the rest of the agency believes. **The 2012 survey suggests the underlying reason for the shortcomings in the NRC’s safety culture: There is a large perception gap between how NRC senior managers view conditions within the agency and how the work force views them. NRC managers cannot fix problems they do not believe to exist.**

**Aging reactors are a unique accident risk – the NRC is weakening or failing to enforce safety regulations in order to extend the life of existing reactors**

**Dunn**, AP National Investigative Team, **11**

(PART I: AP IMPACT: US nuke regulators weaken safety rules, www.ap.org/company/awards/part-i-aging-nukes)

**Federal regulators have been working closely with the nuclear power industry to keep the nation's aging reactors operating within safety standards by repeatedly weakening those standards, or simply failing to enforce them**, an investigation by The Associated Press has found. Time after time, officials at the U.S. Nuclear Regulatory Commission have decided that original regulations were too strict, arguing that safety margins could be eased without peril, according to records and interviews. The result? Rising fears that **these accommodations by the NRC are significantly undermining safety** — **and inching the reactors closer to an accident** that could harm the public and jeopardize the future of nuclear power in the United States. **Examples abound. When valves leaked, more leakage was allowed — up to 20 times the original limit**. **When rampant cracking caused radioactive leaks from steam generator tubing, an easier test of the tubes was devised, so plants could meet standards.** Failed cables. Busted seals. Broken nozzles, clogged screens, cracked concrete, dented containers, corroded metals and rusty underground pipes — **all of these and thousands of other problems linked to aging were uncovered in the** AP's yearlong **investigation. And all of them could escalate dangers in the event of an accident.** Yet despite the many problems linked to aging, not a single official body in government or industry has studied the overall frequency and potential impact on safety of such breakdowns in recent years, even as the NRC has extended the licenses of dozens of reactors. Industry and government officials defend their actions, and insist that no chances are being taken. But the AP investigation found that with billions of dollars and 19 percent of America's electricity supply at stake, **a cozy relationship prevails between the industry and its regulator, the NRC.** **Records show a recurring pattern: Reactor parts or systems fall out of compliance with the rules. Studies are conducted by the industry and government, and all agree that existing standards are "unnecessarily conservative." Regulations are loosened, and the reactors are back in compliance.** "That's what they say for everything, whether that's the case or not," said Demetrios Basdekas, an engineer retired from the NRC. "Every time you turn around, they say 'We have all this built-in conservatism.'" The ongoing crisis at the stricken, decades-old Fukushima Dai-ichi nuclear facility in Japan has focused attention on the safety of plants elsewhere in the world; it prompted the NRC to look at U.S. reactors, and a report is due in July. But **the factor of aging goes far beyond the issues posed by the disaster at Fukushima**. **Commercial nuclear reactors in the United States were designed and licensed for 40 years. When the first ones were being built in the** 19**60s** and 1970s, **it was expected that they would be replaced with improved models long before those licenses expired. But that never happened**. The 1979 accident at **Three Mile Island**, massive cost overruns, crushing debt and high interest rates **ended new construction proposals** for several decades. **Instead**, 66 of the 104 operating **units have been relicensed** for 20 more years, mostly **with scant public attention**. Renewal applications are under review for 16 other reactors. By the standards in place when they were built, **these reactors are old and getting older**. As of today, 82 reactors are more than 25 years old. The AP found proof that **aging reactors have been allowed to run less safely to prolong operations. As equipment has approached or violated safety limits, regulators and reactor operators have loosened or bent the rules.**

**The consequences of a nuclear accident should be evaluated on par with nuclear warfare – fallout will be massive and global**

**Drell**, Professor emeritus of theoretical physics at the SLAC National Accelerator Laboratory at Stanford University, Senior Fellow at the Hoover Institution, Member of the President's Foreign Intelligence Advisory Board and Science Advisory Committee, **12**

(THE NUCLEAR ENTERPRISE High-Consequence Accidents: How to Enhance Safety and Minimize Risks in Nuclear Weapons and Reactors, pg. 1-3)

**We live in dangerous times for many reasons. Prominent among them is the existence of** a global nuclear enterprise made up of weapons that can cause damage of unimaginable proportions and **power plants at which accidents can have severe**, essentially **unpredictable consequences for human life.** For all of its utility and promise, **the nuclear enterprise is unique in the enormity of the vast quantities of destructive energy that can be released through blast, heat, and radioactivity.** We addressed just this subject in a conference in October 2011 at Stanford University's Hoover Institution. The complete set of papers prepared for the conference is reproduced in this book. The conference included experts on weapons, on power plants, on regulatory experience, and on the development of public perceptions and the ways in which these perceptions influence policy7. The reassuring outcome of the conference was a general sense that the U.S. nuclear enterprise currently meets very high standards in its commitment to safety and security. That has not always been the case in all aspects of the nuclear enterprise. And the unsettling outcome of the conference was that it will not be the case globally unless governments, international organizations, industry7, and media recognize and address the nuclear challenges and mounting risks posed by a rapidly changing world. The acceptance of the nuclear enterprise is now being challenged by concerns about the questionable safety and security of programs primarily in countries relatively new to the nuclear enterprise, and the potential loss of control to terrorist or criminal gangs of fissile material that exists in such abundance around the world. In a number of countries, confidence in nuclear energy production was severely shaken in the spring of 2011 by the Fukushima nuclear reactor plant disaster. And in the military sphere, the doctrine of deterrence that remains primarily dependent on nuclear weapons is seen in decline due to the importance of non-state actors such as al Qaeda and terrorist affiliates that seek destruction for destruction's sake. We have two nuclear tigers by the tail. **When risks and consequences are unknown, undervalued, or ignored, our nation and the world are dangerously vulnerable. Nowhere is this risk-consequence equation more relevant than with respect to the nucleus of the atom.** The nuclear enterprise was introduced to the world by the shock of the devastation produced by two atomic bombs hitting Hiroshima and Nagasaki. Modern nuclear weapons are far more powerful than those early bombs, which presented their own hazards. Early research depended on a program of atmospheric testing of nuclear weapons. In the early years following World War II, the impact and the amount of radioactive fallout in the atmosphere generated by above-ground nuclear explosions was notfully appreciated. During those years, the United States and also the Soviet Union conducted several hundred tests in the atmosphere that created fallout. The recent Stanford conference focused on a regulatory weak point from that time that exists in many places today, as the Fukushima disaster clearly indicates. The U.S. Atomic Energy Commission (AEC) was initially assigned conflicting responsibilities: to create an arsenal of nuclear weapons for the United States to confront a growing nuclear-armed Soviet threat; and, at the same time, to ensure public safety from the effects of radioactive fallout. The AEC was faced with the same conundrum with regard to civilian nuclear power generation. It was charged with promoting civilian nuclear power and simultaneously protecting the public. Progress came in 1963 with the negotiation and signing of the Limited Test Ban Treaty (LTBT) banning all nuclear explosive testing in the atmosphere (initially by the United States, the Soviet Union, and the United Kingdom). With the successful safety7 record of the U.S. nuclear weapons program, domestic anxiety about nuclear weapons receded somewhat. Meanwhile, public attitudes toward nuclear weapons reflected recognition of their key role in establishing a more stable nuclear deterrent posture in the confrontation with the Soviet Union. The positive record on safety of the nuclear weapons enterprise in the United States—there have been accidents involving nuclear weapons, but none that led to the release of nuclear energy—was the result of a strong effort and continuing commitment to include safety as a primary criterion in new weapons designs, as well as careful production, handling, and deployment procedures. The key to the health of today's nuclear weapons enterprise is confidence in the safety7 of its operations and in the protection of special nuclear materials against theft. One can imagine how different the situation would be today if there had been a recognized theft of material sufficient for a bomb, or if one of the two four-megaton bombs dropped from a disabled B-52 Strategic Air Command bomber overflying Goldsboro, North Carolina, in 1961 had detonated. In that event, just one switch in the arming sequence of one of the bombs, by remaining in its "off position" while the aircraft was disintegrating, was all that prevented a full-yield nuclear explosion. A close call indeed! In the twenty-six years since Chernobyl, the nuclear power industry has strengthened its safety practices. Over the past decade, growing concerns about global warming and energy independence have actually strengthened support for nuclear energy in the United States and many nations around the world. Yet despite these trends, **the civil nuclear enterprise remains fragile**. Following Fukushima, opinion polls gave stark evidence of the public's deep fears of the invisible force of nuclear radiation, shown by public opposition to the construction of new nuclear power plants in close proximity. It is not simply a matter of getting better information to the public but of actually educating the public about the true nature of nuclear radiation and its risks. Of course, the immediate task of the nuclear power component of the enterprise is to strive for the best possible safety record with one overriding objective: no more Fukushimas. Another issue that must be resolved involves the continued effectiveness of a policy of deterrence that remains primarily dependent upon nuclear weapons, and the hazards these weapons pose due to the spread of nuclear technology and material. There is growing apprehension about the determination of terrorists to get their hands on weapons or, for that matter, on the special nuclear material—plutonium and highly enriched uranium—that fuels them in the most challenging step toward developing a weapon. **The global effects of a regional war between nuclear-armed adversaries such as India and Pakistan** would also **wield an enormous impact**, potentially **involving radioactive fallout at large distances caused by a limited number of nuclear explosions. This is true as well for nuclear radiation from a reactor explosion—fallout at large distances would have a serious** societal **impact** on the nuclear enterprise. **There is little understanding of the reality and potential danger of consequences if such an event were to occur** halfway around the world. An effort should be made to prepare the public by providing information on how to respond to such an event.

**Negative evidence that accidents are unlikely and won’t be severe is steeped in institutional bias and ignores the newest and best data – accidents should be evaluated as extinction level events**

**Busby,** Scientific Secretary European Committee on Radiation Risk, **’11**

(Chris, Scientific Secretary of the European Committee on Radiation Risk. He is visiting Professor at the University of Ulster and also Guest Researcher at the Julius Kuehn Institute of the German Federal Agricultural Institute in Braunschweig, Germany. He was a member of the UK Committee Examining Radiation Risk on Internal Emitters CERRIE and the UK MoD Depleted Uranium Oversight Board. He was Science and Policy Interface leader of the Policy Information network on Child Health and Environment based in the Netherlands. He was Science and Technology Speaker for the Green Party of England and Wales. He has conducted fundamental research on the health effects of internal radiation both at the theoretical and epidemiological level, including recently on the genotoxic effects of the element uranium, “Deconstructing Nuclear Experts”, March 28, 2011, http://www.counterpunch.org/2011/03/28/deconstructing-nuclear-experts/)

Now I turn to the health effects. **Wade trots out** most of **the usual stupid physicist arguments. We are all exposed to natural background**, the dose is 2mSv a year **and the doses from the accident are not significantly above this**. For example, the Japanese government are apparently making a mistake in telling people not to give tap water containing 200Bq/litre radioactive Iodine-131 to their children as there is naturally 50Bq/l of radiation in the human body and 200 will not do much harm. The mistake is made because of **fears of the public** which **apparently forced the** International Commission on Radiological Protection, **ICRP, to set the annual dose limits at 1mSv**. **Wade knows better: he would set the limits at 100mSv**. He is a tough guy. He shoots from the hip: **Patients receiving a course of radiotherapy** usually **get a dose of more than 20,000 mSv to vital healthy tissue** close to the treated tumour. **This tissue survives only because the treatment is spread over many days** giving healthy cells time for repair or replacement. A sea-change is needed in our attitude to radiation, starting with education and public information. **But Wade**, dear, **these people are usually old, and usually die** anyway **before they can develop a second tumour**. **They often develop other cancers** even so **because of the radiation**. **There are hundreds of studies showing this**. And in any case, this **external irradiation is not the problem**. **The problem is internal irradiation**. **The Iodine-131 is not in the whole body, it is in the thyroid gland and attached to the blood cells**: **hence** the **thyroid cancer and** the **leukaemia**. And **there is a whole list of internal radioactive elements that bind chemically to DNA, from Strontium-90 to Uranium**. **These give massive local doses to the DNA and to the tissues where they end up**. The human body is not a piece of wire that you can apply physics to. **The concept of dose** which Wade uses **cannot be used for internal exposures**. **This has been conceded by the ICRP itself** in its publications. And in an interview with me in Stockholm in 2009, Dr Jack Valentin, **the ex-Scientific Secretary of the ICRP** conceded this, and also **made the statement that the ICRP risk model**, the one **used by all governments to assess the outcome of accidents like Fukushima**, **was unsafe and could not be used**. You can see this interview on the internet, on www.vimeo.com. Why is the ICRP model unsafe? Because **it is based on “absorbed dose”.** This is average radiation energy in Joules divided by the mass of living tissue into which it is diluted. **A milliSievert is one milliJoule of energy diluted into one kilogram of tissue**. **As such it would not distinguish between warming yourself in front of a fire and eating a red hot coal**. **It is the local distribution of energy that is the problem**. The dose from a singly internal alpha particle track to a single cell is 500mSv! The dose to the whole body from the same alpha track is 5 x 10-11 mSv. That is 0.000000000005mSv. But it is the dose to the cell that causes the genetic damage and the ultimate cancer. **The cancer yield per unit dose employed by ICRP is based entirely on external acute high dose radiation at Hiroshima, where the average dose to a cell was the same for all cells**. And **what of the UN and their bonkers statement about the effects of the Chernobyl accident** referred to by Wade Allison? What you have to know, is that **the UN organisations on radiation and health are compromised in favour of the nuclear military complex**, which was busy testing hydrogen bombs in the atmosphere at the time of the agreement and releasing all the Strontium, Caesium, Uranium and plutonium and other stuff that was to become the cause of the current and increasing cancer epidemic. **The last thing they wanted was the doctors and epidemiologists stopping their fun**. **The IAEA and the** World Health Organisation (**WHO**) **signed an agreement in 1959 to remove all research into the issue from the doctors of the WHO**, to the atom scientists, the physicists of the IAEA: this agreement is still in force. **The UN organisations do not refer to, or cite any scientific study, which shows their statements on Chernobyl to be false**. **There is a huge gap between the picture painted by the UN, the IAEA, the ICRP and the real world**. And the real world is increasingly being studied and reports are being published in the scientific literature: but **none of the authorities responsible for looking after the public take any notice of this evidence**. As they say on the Underground trains in London: Mind the Gap. Wade Allison and the other experts I refer to need to do just this for their own sake. **The one place** that **this gap is being closed rapidly and savagely is in the courts**. **I have acted as an expert witness in over 40 cases involving radiation and health**. These include cases where Nuclear Test veterans are suing the UK government for exposures at the test sites that have caused cancer, they include cases involving nuclear pollution, work exposures and exposures to depleted uranium weapons fallout. **And these cases are all being won. All of them**. **Because in court with a judge and a jury, people like Wade Allison and George Monbiot would not last 2 minutes. Because in court you rely on evidence. Not bullshitting**. Joseph Conrad wrote: "after all the shouting is over, the grim silence of facts remain". I believe that these **phoney experts like Wade Allison and George Monbiot are criminally irresponsible, since their advice will lead to millions of deaths**. **I would hope** that some time in the future, I can be involved as an expert in another legal case, one where Wade **Allison**, or **George or** my favourite baddy, Richard **Wakeford** (who actually knows better) **are accused in a court of law of scientific dishonesty leading to** the **cancer** in some poor victim who followed their advice. **When they are found guilty, I hope they are sent to jail** where they can have plenty of time to read the scientific proofs that their advice was based on the mathematical analysis of thin air. In the meantime, I challenge each of them to debate this issue with me in public on television face to face, so that the people can figure out who is right. For the late Professor John Gofman, a senior figure in the US Atomic Energy Commission until he saw what was happening and resigned, famously said: "**the nuclear industry is waging a war against humanity**." **This war has now entered an endgame which will decide the survival of the human race. Not from sudden nuclear war. But from the on-going and incremental nuclear war which began with the releases to the biosphere** in the 60s of all the atmospheric test fallout, and which has continued inexorably since then through Windscale, Kyshtym, 3-Mile Island, Chernobyl, Hanford, Sellafield, La Hague, Iraq and now Fukushima, accompanied by parallel increases in cancer rates and fertility loss to the human race. **There is a gap between them and us**. **Between the phoney scientists and the public who don’t believe what they say**. Between those who are employed and paid to protect us from radioactive pollution and those who die from its consequences. **Between those who talk down** what is arguably **the greatest public health scandal in human history, and the facts that they ignore**. Mind the Gap indeed.

**Independent of accidents lax NRC enforcement promotes mass destruction of ocean ecosystems causing extinction**

**Gunter**, Director of the Reactor Oversight Project at NIRS, **’01**

(Licensed to Kill: How the nuclear power industry destroys endangered marine wildlife and ocean habitat to save money, www.nirs.org/reactorwatch/licensedtokill/LiscencedtoKill.pdf)

**The NRC**, the federal authority charged with enforcing compliance with take limits, mitigation actions, and other requirements, **acts more as a lapdog than a watchdog.** In fact, NRC often persuades permitting agencies such as NMFS to buckle to the industry’s professed economic needs by convincing the agency “not to fall on their sword” over requirements such as sea turtle entrainment studies. **Under NRC’s watch, the marine environment**, not the nuclear industry, **has paid the price** for electricity generated by once-through nuclear power reactors. NRC is even willing to come up with preplanned scenarios to help NMFS “save face” when confronted with utility resistance to needed mitigation measures. Although NMFS occasionally presents nuclear utilities with convincing arguments for protective measures, it rarely stands by its original opinions once NRC-supported industry opposition has been considered. **The nuclear industry makes only token gestures toward protective actions and balks at any serious repair of the environmental destruction it has caused**. Instead, the industry portrays atomic reactors as environmentally friendly wildlife sanctuaries, a myth as deceptive as the industry’s earlier promise of electricity “too cheap too meter.” It flaunts sea turtle nest protection efforts at the same time its reactors capture egg-bearing females attempting to nest. It is left mainly to environmental watchdogs and animal protection organizations to advocate for protective measures and publicly to expose the industry’s destruction of marine wildlife. Endangered species such as sea turtles, manatees, American crocodiles, and least terns, along with a wide variety of fish, other marine mammals, sea birds, and smaller, essential marine organisms, are species whose numbers are further diminished by the operation of nuclear power. The survival and safety of these animals is of negligible interest to an industry that prizes profit above all and shifts blame to other causes when confronted with the rising deaths and injuries of these creatures at its reactors. Noted scientists and oceanic experts agree that the health of the world’s oceans is in jeopardy. Yet, **the nuclear industry is willing to destroy significant areas of marine habitat through daily operation** of its once-through coolant reactors. When presented with the opportunity to repair some of the damage, the industry instead fights back with threats of costly and protracted legal challenges. Though willing to spend millions of dollars and countless years fighting lawsuits, the industry is not willing to finance protection of the endangered species it kills or restoration of the marine environment it destroys. The nuclear industry displays a callous disregard for the importance of the oceans as a life source and marker for environmental and human health. The agencies empowered both to regulate the industry and to protect the public, wildlife, and environment from industry wrongdoing are lax at best, even negligent and collusive. Though entrusted to enforce laws largely designed for the well-being of humans, wildlife and habitat, agencies such as NRC and NMFS are in fact more inclined to favor industry needs at the expense of human and environmental health. Given the nuclear industry’s refusal to install less damaging technology or to implement even the smallest of protective measures at its once-through reactors, an essential option exists that can prevent further and potentially catastrophic damage to the oceans and the life that dwells there. The precautionary principle —whereby activities that harm the environment are halted before the damage is irreversible, and the burden of proof is placed upon the polluter, not the public—is not only a timely, but an essential, approach. Consequently, we recommend that the use of once-through cooling technology be halted before more animals are harmed and further, irreversible damage is done to essential marine ecosystems. Only in this way can the marine environment be protected from one of its most aggressive predators. Additionally, nuclear utilities should adhere to the same standards of law as other industries and such laws that do apply must be implemented consistently. Clarification of Report Criteria This report is an examination of the effects on marine life and habitat of the condenser cooling systems used to operate U.S. coastal nuclear power reactors. The report does not presume to portray the full extent of marine destruction caused by nuclear utilities. Nor does it attempt to examine the many significant radiological and toxicological issues affecting water and environmental quality directly associated with the ongoing operation of nuclear power stations. These effects are omitted from this report to provide a focus on the nonradiological issues, not because these impacts are insignificant. Nor does this report cover the effects of nuclear power operation on terrestrial wildlife and endangered nonmarine species. Reactors examined are a selection of primary users of the once-through cooling system. The findings here represent examples of reactors chosen because of their known or suspected effects on marine life. The report is not meant to provide the definitive analysis of once-through systems at every U.S. nuclear plant. This does not mean that reactors not specifically named in this report do not cause similar effects. Indeed, all reactors using the once-through cooling system routinely destroy millions of aquatic organisms, large and microscopic. The species affected, the quantity and type of destruction, and other specifics may differ, but the harmful consequences are no less critical. Much of the material in this report comes from Freedom of Information Act requests and has never before been released to the public. The authors present this as a preliminary analysis of findings to date. This report does not constitute a complete study, as events continue to unfold and circumstances to change at nuclear plants around the country. However, it is apparent that the lack of investigation, analysis, and enforcement by NRC and other responsible federal and state agencies has left a void in the patchwork of regulated protection of marine species and their habitat. Fair and equitable regulation of the harmful impacts of the coolant intake and discharge system must now be implemented. Out of sight, out of mind” is the phrase most applicable when examining the health of oceans along the U.S. coasts. While parts of the U.S. landmass have benefited from designation as federally protected areas, little such status has been granted to the seas. Not until May 2000 did U.S. President Bill Clinton issue an executive order to expand the protection of U.S coastal “marine protected areas” where fishing, offshore drilling, and other “consumptive uses” of marine resources would come under closer scrutiny.2 Signed into law in August 2000, the order establishes a 16-member commission to study ocean issues and recommend long-term strategies. Though heralded by conservation organizations as a progressive step, the law appears unlikely to produce any quick, tangible results. In late 1999, Tundi Agardy, a marine expert at Conservation International wrote: “The United States has done virtually nothing to conserve this great natural resource or to actively stem the decline of the oceans’ health.”3 Although the United States has the highest marine ecosystem diversity of any nation in the world, it has no comprehensive system to protect this unequaled national treasure.4 Consequently, experts have no doubt that the sea’s biological diversity and ecological integrity are in trouble.5 In fact, government policies toward this most crucial of ecosystems represent an ocean of neglect. This inattention may be costly. The signs are that something is very wrong in the world’s oceans, and **contamination and alteration of that environment by** industries like **nuclear power, if left unchecked, may be changing** the marine ecosystem beyond redemption. Yet **the world’s oceans,** though **critical to life on Earth,** are barely understood, and no international body monitors coastal pollution. Damage to marine ecosystems by commercial industries like nuclear power, more interested in profit than environmental protection, goes largely unobserved and unpunished. Lawmakers tend to focus on hot-button issues most likely to garner public attention and votes. Researchers Robert J. Wilder, Mia J. Tegner, and Paul K. Dayton asked: “Why have lawmakers paid so little attention to the degradation of the sea? It is a case of out of sight, out of mind . . . and most policymakers assume there is little need for concern.”7 The damage to marine life caused by the nuclear power industry, which operates 59 reactors on U.S. waterways and oceans using the once-through cooling system, has been sparsely reported and largely overlooked. A typical 1,000- megawatt reactor using the once-through cooling system requires as much as 500,000 gallons of cooling water a minute, drawn in from our lakes, rivers, and oceans. After cooling the reactor system, the now artificially warmed water is discharged back into the body of water from which it was drawn. This technology was selected as the cheaper alternative to cooling towers that use as little as 20,000 gallons a minute, which the economically beleaguered industry views as too costprohibitive to install. Instead, the price is being paid by marine life and the ecosystems on which they depend. Nuclear power is an inherently dangerous and increasingly uneconomical technology. The risk of catastrophic accident, the unsolved problem of longlasting radioactive waste, and the economic decline of the industry all have received global attention. But the threat from the routine operation of these facilities to the marine environment and its wildlife is virtually unknown by the public and overlooked by regulators and policymakers. Furthermore, the nuclear industry deliberately obfuscates the problem and misleads the public and decision-makers through its deceptive propaganda, positioning itself as an environmentally friendly technology that is beneficial to wildlife. In reality, **the coolant system’s intake structure, which draws water into the plant, has been found to kill wildlife inhumanely and significantly** alter or **destroy the marine environment. Marine species are sucked** (entrained) **into the plant’s cooling canals through an intake canal or tunnel. Larger species, such as sea turtles and seals, have drowned or suffocated during entrainment**. Others become impinged against trash rakes or net. **Fish larvae, spawn, and fingerlings** (young fish), **are destroyed by their passage through the plant systems** and, when discharged at the end of the cooling process, are described by the industry as “debris.” **Endangered sea turtles**, creatures that have lived in our oceans for 200 million years, **are rapidly dwindling in numbers.** Among the common victims at U.S. nuclear power plants are the Kemp’s ridley sea turtle (the most severely endangered sea turtle species in the world), the loggerhead sea turtle, and the green sea turtle. Additionally, the endangered West Indian manatee and American crocodile, seals and sea lions, several species of large fish, and a variety of sea birds, some endangered or at risk, have also been found captured or dead in the circulating water systems at atomic reactors. **The coolant system discharge structure used by these same reactors presents additional hazards by expelling water warmed to a higher temperature than the water into which it flows. Recent research findings suggest that even small elevations in temperature over long periods can alter the abundance of many species of marine life**. Consequently, indigenous species around reactor discharge systems are displaced and replaced by others unnatural to that environment. The warmer waters also attract sea turtles, fish, crabs, sea birds, and other organisms. Periodically, reactors are shut down, the flow of warm water stops, and the temperature of the waterway into which it flows abruptly drops. This can result in cold-stunning of the species occupying the waters. Warmer waters may also present other hazards. Studies have shown decreased reproduction and increased mortality in seabirds coinciding with warmer water.9 **The degradation of the marine environment as a result of this technology could have serious, and** potentially **irreversible, repercussions if operation of once-through nuclear reactors is allowed to continue unchecked. Marine ecosystems are home to many kinds of living things that occur nowhere else. Marine species** provide a livelihood for millions of people and food, medicines, raw materials, and recreation for billions worldwide; they **are intrinsically important**. The nuclear industry argues that its negative effects, if any, are localized and temporary, and therefore have no long-term or widespread impact on species. This view is vehemently contradicted by the California Department of Fish and Game: **The science of ecology has now generally recognized that the destruction or disturbance of vital life cycles or of the balance of a species of wildlife**, even though initiated in one part of the world, **may have a profound effect** upon the health and welfare of people in distant parts; like pollution it does not cease to be of vital concern merely because the problem is created at a distant point.1 1 Clearly, **the depletion of these resources by nuclear power** and other factors **will ultimately harm not only the creatures themselves but the ability of humans to prosper and survive.**

**Damage done by nuclear power plants overwhelms ocean adaptation**

**Gunter**, Director of the Reactor Oversight Project at NIRS, **01**

(Licensed to Kill: How the nuclear power industry destroys endangered marine wildlife and ocean habitat to save money, www.nirs.org/reactorwatch/licensedtokill/LiscencedtoKill.pdf)

**Fish, fish larvae, and fish eggs are harmed and destroyed upon entering the flow of reactor cooling water where they are sucked into and impinged on the water intake screens. These ecologically essential life forms are then stressed by the mechanical, chemical, and thermal impacts of the operation of the once-through cooling system.** Smaller fish, fish larvae, spawn, and a tremendous volume of other marine organisms are daily drawn deeper inside the reactor coolant system where up to 95 percent are scalded and discharged back into the water body as lifeless sediment. **These high destruction rates** can **overtake recovery rates, resulting in extensive depletion of the affected species. In this way, entire marine communities** can **lose their capacity to sustain themselves**.

**Inadequate regulation allows leaks and spills which contaminate groundwater and undermine agriculture**

**Gunter**, Director of the Reactor Oversight Project at NIRS, **10**

(Leak First, Fix Later: Uncontrolled and Unmonitored Radioactive Releases from Nuclear Power Plants, www.beyondnuclear.org/storage/documents/LeakFirst\_FixLater\_BeyondNuclear\_April182010\_FINAL.pdf)

Water is necessary to sustain all life. Water is a natural cycle of vapor, liquid and solid. New water is not created; it is recycled. This continuous cycle takes each water molecule through the processes of evaporation, condensation, precipitation and collection. Clouds, rain, snow, ice, fog and water vapor all converge into the collection of surface water in streams, rivers, lakes, and oceans, as well as within the movement of groundwater in deep and shallow aquifers to begin the cycle anew. Today’s **groundwater** is tomorrow’s drinking water. It **is a vital resource for sustaining habitats, food and agriculture** and recreation. **However, long-lived** manmade **radioactive toxins are being deliberately and accidentally released from nuclear power plants and are incrementally poisoning this natural water cycle**. **In the course of normal operations, nuclear power plants** both continuously emit and **routinely batch-release radioactivity into the water and the air.** While reactor operators are required annually to provide the United States Nuclear Regulatory Commission (NRC) and the public with their calculations tallying radioactive releases, these “controlled” releases of radioactivity are reason for concern for the public’s health and safety. In addition, a growing number of uncontrolled and unmonitored releases are occurring. **These leaks and spills are attracting increasing attention from states** and the public. **The** potential **harmful impacts of radiation exposure caused by nuclear industry practices plus the inadequacy of federal government oversight and enforcement are of mounting concern**. A significant portion of the uncontrolled releases from nuclear power plants is in the form of the radioactive isotope of hydrogen called tritium. Tritium also serves as a marker for many other radionuclides that escape into the environment.

**Prevents global starvation**

**Stulp, ’09** – Agriculture Commissioner in Colorado (John, “America’s economy needs farmers,” Journal-Advocate, 3/20/2009, http://www.journal-advocate.com/news/2009/mar/20/americas-economy-needs-farmers/, JMP)

This week we commemorate American agriculture and the benefits it brings to our society, our economy and our environment. But most of all, we celebrate the productivity of our nations farmers and ranchers. Gov. Ritter has declared today, March 20, as Agriculture Day in Colorado. While farmers and ranchers constitute less than 2 percent of our population, they feed our entire country and a good number of consumers overseas. **The productivity of our agricultural industry is astounding, and scientists continue to explore new frontiers of crop and livestock technology, which will bring even greater productivity to feed a growing world population. Agricultural productivity is more important in today’s economy than ever.** **Americans spend only about 9 percent of their income on food.** That compares nicely to 11 percent in the U.K. and 17 percent in Japan. **Food is a bargain in America, freeing more of a consumer’s paycheck to pay for other necessities**, and maybe even a splurge once in a while. A farmer receives only a small portion of every food dollar. For instance, a pound of boneless ham might sell for around $4.50, and the farmer’s share of that is less than 70 cents. A bag of potato chips costs about $3, but the farmer gets only six cents of it. A $2.50 loaf of bread contains only eight cents worth of wheat—about the same value as the plastic wrap it comes in. **U**nited **S**tates **agriculture will have to become even more productive as the world’s population increases. Demographers expect the world’s population to grow to nearly 10 billion people by the year 2050. That population will need** **ten billion tons of food to survive — twice as much agricultural production as farmers currently provide.** Where will all that food come from? Dr. Norman Borlaug, the Nobel Peace Prize winner who is credited with saving a billion lives by creating the “Green Revolution” through agricultural research, believes farmers could produce that much food today. Borlaug believes that research in agricultural technology is the key to keeping food production in line with population growth. We are fortunate as Americans to have farmers and ranchers that work their fields and care for their livestock on a daily basis to allow us consumers to have access to the safest, most economical, and the most dependable source of food, fiber and fuels in the world. **Even in difficult economic times, America’s agricultural producers continue to undergird the economy with products that touch every American every day.**

**States are taking action to effectively regulate nuclear power but they are preempted by NRC restrictions**

**Garvey**, Legislative Attorney, **11**

(State Authority to Regulate Nuclear Power: Federal Preemption Under the Atomic Energy Act, <https://www.hsdl.org/?view&did=718958>)

A number of **states have recently sought to take action to assure that nuclear power plants within their borders are operating safely**. Most visibly, the State of Vermont has suggested that it will not approve the continued operation of the Vermont Yankee nuclear power plant, despite the Nuclear Regulatory Commission’s (NRC) approval of an extension to the plant’s operating license. **The dispute may have profound effects on establishing the scope of state control over nuclear power—including whether states have the authority to shut down a federally licensed and long operating nuclear power plant. However, while safety concerns may prompt states to assert influence over nuclear power plants, federal law severely limits the extent to which states can regulate nuclear power.** Indeed, the Supreme Court has expressly held that, **while states retain authority over “questions of need, reliability, cost**, and other related State concerns,” **federal preemption prevents states from regulating radiological safety aspects of nuclear power production. Whether** Vermont, or **any** other **state, can act to prevent a nuclear power plant from operating**, despite the fact that the plant has been authorized by the NRC, **will depend principally on whether the state law or regulation in question is preempted** by the Atomic Energy Act (AEA). Although there is “no one crystal clear distinctly marked formula” for determining whether a state law is preempted by federal law, the Supreme Court has established three general classes of preemption: express preemption, conflict preemption, and field preemption. In each instance however, “**the question of preemption is one of determining Congressional intent**.” Much of the debate surrounding federal preemption of state regulation of nuclear power has centered on field preemption. Under existing Supreme Court precedent, an analysis of whether a state law is preempted under the AEA requires a consideration of both the purpose and effect of the state law in question. Thus, **any state law grounded in radiological safety concerns** or that has a “direct and substantial” effect on the safety of nuclear plant “construction and operation,” **falls within the field exclusively** **occupied by the NRC and is therefore preempted.**

**The aff solves preemption by eliminating an overlapping regulatory regime and demonstrating congressional intent**

**Garvey**, Legislative Attorney, **11**

(State Authority to Regulate Nuclear Power: Federal Preemption Under the Atomic Energy Act, <https://www.hsdl.org/?view&did=718958>)

A state law, however, need not be utterly incompatible with federal law in order to be preempted. **Where Congress has expressed an intent to displace state authority within a given subject matter by establishing exclusive federal authority, state action in the field will be deemed preempted and therefore invalid**. Often, the mere decision by Congress to legislate (or by an agency to regulate) comprehensively in an area is enough to supplant state authority in a particular field. Additionally, **in evaluating whether a state law has been preempted by federal law, a court often seeks to prevent “conflicting regulation of conduct by various official bodies** which might have some authority over the subject matter.” **The doctrine of preemption, therefore, serves** two purposes: first, to enforce federal supremacy over state law; and second, **to reduce the burden of compliance with multiple, at times inconsistent, regulatory regimes**. Although there is “no one crystal clear distinctly marked formula” for determining whether a state law is preempted by federal law, the Supreme Court has established three general classes of preemption: express preemption, conflict preemption, and field preemption.15 In each instance, however, “the question of preemption is one of determining congressional intent.”16 Express preemption exists where the language of a federal statute explicitly states the degree to which related state laws are superseded by the federal statute.17 In including such language, Congress has expressed its clear intent that the federal statute preempt state attempts to legislate on the subject matter. For example, the Employment Retirement Income Security Act of 1974 contained an unusually broad express preemption provision, stating that the act “supersede[d] any and all State laws insofar as they may now or hereafter relate to any employee benefit plan.”18 Congress, however, does not always articulate its view as to a statute’s intended impact on state laws. Nonetheless, a court may imply preemption if there is evidence that Congress intended to supplant state authority. Even absent specific preemptive language, preemption is generally implied in two situations. First, under conflict preemption, a state law is preempted “where compliance with both federal law and state regulations is a physical impossibility ... or where state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” Thus, where one cannot simultaneously comply with both state and federal law, or where the state law directly frustrates the purpose of a federal law, the state law is preempted. Second, under field preemption, a state law is preempted where a “scheme of federal regulation is so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it....” **Where Congress has established a substantial regulatory framework, any state law falling within the occupied field**—even if consistent with federal law—**may be preempted.** Congress can sufficiently occupy the field so as to displace state law either through statute or pursuant to a delegation to an agency to regulate extensively in the field. Much of the debate surrounding federal preemption of state regulation of nuclear power has centered on field preemption. Of the various forms of preemption, field preemption can be the most difficult to apply. Although the notion that Congress has exclusively “occupied” a field may be simple in theory, identifying the boundaries of the field that has been occupied by federal law, and whether a given state statute or regulation falls into that field, can be incredibly complex in application.22 In considering whether Congress intended to exclusively occupy a given field, courts will typically consider additional factors, such as whether Congress is regulating in an area of traditional federal responsibility; whether Congress intended to eliminate dual federal and state regulations; whether allowing state regulation in the area would interfere with the goals of the federal regulatory scheme; and, whether the state can assert an important and traditional state interest.23 Preemption Under the Atomic Energy Act Prior to 1954, the federal government maintained a complete monopoly on the use, control, and ownership of nuclear technology.24 However, the Atomic Energy Act of 1954 (AEA) marked a clear shift away from public ownership towards the private development of nuclear energy for peaceful purposes.25 In effectuating this transfer, the AEA encouraged private development of nuclear power pursuant to a strict federal licensing and regulatory regime. Accordingly, while private entities were granted the authority to own, construct, and operate commercial nuclear power reactors, they would do so under the extensive supervision of the Atomic Energy Commission (AEC or Commission). With a focus on ensuring national security and maintaining the public health and safety, the AEA provided the Commission with exclusive jurisdiction over the license, transfer, delivery, receipt, acquisition, possession, and use of all nuclear materials. Although states retained their traditional and established role over the “generation, sale, or transmission of electric power,”26 given the Commission’s exclusive and comprehensive regulatory authority over nuclear materials, “no significant role was contemplated for the states.”27 In 1959, however, Congress amended the AEA to provide the states with greater authority in regulating nuclear materials and nuclear power.28 The amendments, which contained three key preemption-related provisions, were passed for the express purpose of “clarify[ing] the respective responsibilities ... of the States and the [Federal Government] with respect to ... nuclear materials.”29 First, the amendments authorized the AEC to enter into agreements with states for the “discontinuance” of AEC authority over byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass (enough material to create a nuclear chain reaction).30 The provision provided the states with an explicit avenue for asserting increased regulatory authority, but only in limited circumstances and only with the consent of the AEC. Second, the amendments made clear that notwithstanding the limited jurisdiction available to states through approved agreements, the AEC “shall retain authority and responsibility” over the “construction and operation” of nuclear power plants as well as the “disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.”31 Finally, the amendments attempted to reaffirm states’ traditional role in the regulation of power generation while simultaneously asserting the AEC’s exclusive authority over radiological safety, providing that “nothing in this section shall be construed to affect the authority of any state or local agency to regulate activities for purposes other than protection against radiation hazards.”32 The legislative history suggests that the decision to invest the AEC with exclusive authority over radiological safety was “premised on [Congress’s] belief that the [AEC] was more qualified [than the states] to determine what type of safety standards should be enacted in this complex area.”33 Pursuant to the authority delegated under the AEA, the Commission—along with its successor agency the Nuclear Regulatory Commission34—have promulgated detailed and comprehensive regulations with respect to the operation of nuclear facilities and the storage of nuclear waste.35 The intent of the 1959 amendments was to clearly delineate the roles of state and federal government in the regulation of nuclear power. However, in practice, the actual impact of the amendments was only to muddy the waters dividing state and federal authority. Although Congress had intended a clear division in regulatory authority that granted the AEC exclusive jurisdiction over safety concerns related to radiation hazards, and the states authority over other non-radiological aspects of the generation and transmission of nuclear power, the federal courts have not interpreted the preemptive effects of the statute in such a straightforward manner.36 Indeed, the intricacies of the ostensibly simple division of authority have challenged courts for Decades The Supreme Court’s Interpretation of the Preemptive Scope of the Atomic Energy Act The Supreme Court first directly addressed the AEA’s preemptive scope in 1983.38 In Pacific Gas & Electric v. State Energy Resources Conservation and Development Commission, the Court heard a challenge to a California law that prohibited the construction of any new nuclear power plant until the California Energy Commission “finds that there had been developed and that the United States through its authorized agency has approved and there exists a demonstrated technology or means for the disposal of high-level nuclear waste.”39 The law, which remains in force, has amounted to an effective moratorium on the construction of any new nuclear power plant in the state. Importantly, California argued that the law was necessary to avoid the economic consequences of a critical nuclear waste build-up, which could result in “unpredictably high costs to contain the problem or, worse, shutdowns in reactors.”40 The law was not, the state argued, motivated by radiological safety concerns. In upholding the California law, the Court accepted the state’s economic purpose and held that the law was outside the preemptive scope of the AEA.41 In discussing the division of authority between federal and state government under the AEA, the Court asserted that Congress had intended for the continued “dual regulation of nuclear-powered electricity generation.”42 Pursuant to this regime, state and federal government would exercise concurrent, yet distinct, regulatory authority over the nuclear power industry. In enacting the AEA, Congress intended “that the federal government should regulate the radiological safety aspects involved in the construction and operation of a nuclear plant, but that the states retain their traditional responsibility in the field of regulating electrical utilities for determining questions of need, reliability, cost, and other related state concerns.”43 For example, states retain the authority to make the initial determination regarding the need for nuclear power. The Court then employed Congress’s intended division of authority to determine the preemptive scope of the AEA. In doing so the Court established two instances in which state law was preempted. First, almost in passing, the Court noted that any state statute which sought to regulate the “construction and operation” of a nuclear power plant, even if enacted out of nonsafety concerns,” would “directly conflict with the NRC’s exclusive authority over plant construction and operation.”44 Thus, any state law seeking to regulate the “construction or operation” of a nuclear power plant would be preempted, either as in “conflict” with federal law, or as within a field exclusively occupied by the NRC. Without elaborating, the Court concluded that the California statute did not attempt to regulate the “construction or operation” of a nuclear reactor. Second, the Court established that **state regulations motivated by radiological safety concerns are broadly preempted** by the AEA, **as the “Federal Government has occupied the entire field of nuclear safety concerns....” Thus**, under field preemption, **state attempts to regulate nuclear power that are grounded in safety concerns are invalid, as Congress has delegated comprehensive authority over nuclear safety to the NRC**. However, the Court determined that where a non-safety rationale can be established, the state law may be able to avoid preemption.46 Because the California statute was based on the potential economic consequences of a buildup of nuclear waste, rather than safety issues associated with that buildup, the law did not fall within the prohibited field. Although the petitioners pointed to other “indicia” suggesting that the California legislature was actually motivated by safety concerns rather than the proffered economic concerns, the Court rejected any further investigation into the state’s intent and accepted California’s “avowed economic purpose as the rationale for enacting” the restrictive provision.47 The Court refused to “become embroiled in attempting to ascertain California’s true motive,” as any “inquiry into legislative motive is often an unsatisfactory venture.”

**Decentralization is key to effective nuclear regulation – Reagan era NRC changes prove**

**Whitford**, Assistant Professor of Polic Sci at Kansas, **02**

(Decentralization and Political Control of the Bureaucracy, Journal of Theoretical Politics, 14(2): 167-193, jtp.sagepub.com/content/14/2/167.full.pdf+html)

**Unequivocally, Regions with more nuclear operations produced more actions after decentralization**. **The NRC deviated from a pre- decentralization "natural rate\* of production by over-producing cases relative to its task environment; this effect is twice as large after decentralization. Decentralization extended beyond changing national political control of the NRC to ensuring autonomy and freeing the hands of Regional Administrators to 'match\* their task environment. After decentralization, finding themselves insulated from national control, bureaucrats became more task- oriented.** The true irony is that decentralization at the NRC occurred as part of larger emphases in the Reagan Administration on 'New Federalism'. In the end, **limiting central government actually led to greater government action** relative to the agency's task environment. In this context, the null finding on the slope effect for decentralization itself may cause concern. Fundamentally, decentralization affects agency decision- making because it involves a loss of control. It is not decentralization itself that matters, but the way in which this structural change affects other responsiveness relationships. The intercept effect for decentralization is meaningless and the statistical finding is theoretically justified. Rather, the faith placed in the coefficient estimates for the interactions is much more important. As such. Table 2 also shows a semi-interactive model that omits the decentralization intercept term but retains all others. With the intercept effect of decentralization suppressed, the coefficient estimates are substantially the same as in the fully interactive model. Again, before decentralization, the Regions responded to presidential ideology, but not committee ideology. The effects of decentralization on the national political control relationships for Congress (Wald test x2(') = 1.03) and the presidency (Wald test x2(') = 0.12) remain the same. Moreover, the coefficient for the presidential ideology interaction is now; significant at con- ventional levels. These findings' veracity is shown in split-sample estimates included in the Technical Appendix. In addition, the findings show that the **Regions exhibited greater responsiveness to local ideology and the local task environment after decentralization**. In the semi-interactive model. Regional responsiveness to each roughly doubles after decentralization. Technically, including the decentralization intercept term in the first model masks decentralization's effect in increasing Regional responsiveness to local ideology. Openness to citizen ideology simultaneously increased as decentralization limited the role of national political oversight. **This case provides strong and clear evidence that structural changes like decentralization dictate agency responsiveness** to national and local political oversight. **Decentralization reduced aggregate responsiveness to national political overseers. It increased responsiveness to local ideology and to the Regions' task environments.** **In this way, decentralization changed fundamental, long-term relationships between agencies, overseers, constituents and tasks.** Structural change, specifically decentralization, in agencies is more than a minor inconvenience in the pursuit of responsive bureaucracy. The purpose of this study is to show that organizational structure reveals something fundamental about political control of the bureaucracy: congressional and presidential control of unelected bureaucrats depends on the structure of authority and communications in agencies. This dependence of political control on agency construction means that principal-agency theory is limited as an organizing framework for the study of Congressional and presidential oversight of the bureaucracy. When bureaucratic agents implement policy, monitoring, incentives and selection are never as effective as political prin- cipals would hope and only as effective as structure allows. An agency's conduct implicitly depends on its structure. Two themes warrant emphasis. First, the decentralization of functional authority and responsibility to an agency's field offices involves a loss of national political control. Members of an agency and their political overseers choose the agency's organizational structure; doing so is a political choice with political and policy consequences. The choice to decentralize functions, even in the case of field system policy formulation and implementation, causes agents to vary their actions in response to the changing structure of authority and communication. For these reasons, the historical concerns of Truman, Fesler and Chandler about decentralization are brought to the fore- front when political actors delegate policy-making powers to agencies. Political science's recent enthusiasm for principal-agency theory has, to a large degree, downplayed the importance of these design issues in governance and center-peripherv relations. Second, these findings show that **decentralization within the NRC caused the Reagan Administration's** early **influence over the NRC to disintegrate. This means that Reagan was not successful in enforcing a deregulatory agenda at the NRC**; neither did societal changes largely drive NRC enforcement. Rather, NRC Commissioners and agency careerists implemented **decentralization** and **fundamentally changed the direction of the agency. The irony is that despite the intention of the Reagan Administration to decrease governmental activism by decentralization, the increased responsiveness of bureaucrats to the task environment actually increased governmental activism** by the NRC.

**1AC Advantage Two**

**Advantage two is Japan:**

**Japan’s attempt to revamp its nuclear safety regulation post-Fukushima have failed to solve regulatory capture by the nuclear industry and reassure public safety concerns**

**WSJ 13** [Wall Street Journal]

(1/31, Japan Overhauls Nuclear-Safety Rules, online.wsj.com/article/SB10001424127887324156204578275690031511384.html

**Japan's revamped nuclear-safety regulator issued its first proposed safety guidelines**, telling utilities they need to plan for "unthinkable incidents," such as the mammoth earthquake and tsunami that caused the 2011 Fukushima Daiichi disaster. Under the new rules, power plants will need to have more than a single access to the external grid power and to install enhanced filters to prevent contamination from being released if the reactors need to be vented due to a dangerous buildup of pressure. U.S. regulators, for example, require nuclear plants to have at least two connections to the external power grid. They require filters on some, but not all, venting valves and are weighing whether to adopt rules that would require expensive new filtering systems at 31 U.S. reactors with designs similar to Fukushima Daiichi. The utilities also will have to plan how to deal with other types of risks previously not considered, such as a terrorist attack or a plane crash, proposing measures such as stronger buildings surrounding the reactor units and having critical backup systems at greater distance. The new measures, which are subject to public comment, were issued Thursday by **the new Nuclear Regulation Authority**, set up in the aftermath of the Fukushima accident. The new body **was created following criticism that the previous regulator**, part of the energy ministry, **was too close to the industry.** Nuclear-power opponents say **the agency's work so far has shown that the previous cozy relationships**, dubbed the "nuclear village," **are still in place.** Some experts said **the new regulations sidestep many of the most important questions that will** likely **determine whether Japan will again have** a heavy dependence on **nuclear-generated electricity**. One key issue not yet addressed is how to determine whether a plant should be shut down because it sits on an "active" earthquake fault. Experts have been split over what constitutes an active fault, including disputes over whether it should mean there has been movement within the past 120,000 years or 400,000 years. At least five to six of the 50 commissioned reactors, including the only two currently operating, could be taken out of service depending on the determination. Another critical question for the utilities is whether additional equipment must all be installed immediately or over time, a question that could prompt some utilities to close older plants. Antinuclear activist Takeshi Sakagami, who has been a regular attendee at NRA events and related expert-panel meetings since the agency began in July 2011, says the agency has been largely taken over by bureaucrats who want to restart Japan's reactors. "Bureaucrats have been drafting the proposed rules and answering questions in the panel meetings," he said. "It's already back to the hands of the nuclear village members." He pointed out that the authority has held two sessions with power utilities in its discussions about reactor safety regulations, but so far none with residents from around Fukushima nor with antinuclear groups. NRA Chairman Shunichi Tanaka, an expert on nuclear-reactor design, said this week that the panel will meet with citizens from Fukushima at a later stage of the process. Public discussion is open till midyear. The authority's five board members were appointed last summer by a previous government, but haven't had their posts ratified by parliament. They were selected by a government that had campaigned on a phasing out of nuclear power by 2040. The government that won election in December had said during its campaign that it wants to restart most of the currently idled 48 nuclear reactors within the next three years. Mr. Tanaka has said the agency is "kind of on probation," but added board members "are not concerned about politics and never will be." The proposed measures address some of the issues at the Fukushima plant where operators sitting in blacked-out control rooms in March 2011 were unable to stop the reactor cores from dangerously overheating. Under the new rules, every plant will need to have two or more power lines running outside to separate transformers on the grid; there were no such previous requirements. At Fukushima Daiichi the plant lost all power after the magnitude-9 earthquake and tsunami knocked down the steel tower that brought in external power. To guard against another problem in the Fukushima accident, utilities will also need to equip all reactors with a standard number of filter vents, depending on unit type. The Fukushima operators, faced with no operating cooling system, had to vent the heat and pressure within the reactor vessels to avoid an explosion. Without filters, the venting released a large amount of radioactive materials into the atmosphere, contaminating wide areas surrounding the plant. The government estimates that radioactivity of cesium 137, one of the most serious radioactive materials, discharged from the Fukushima Daiichi plant was the second-largest release on record after Chernyobl, and was about 18% of the level of that 1986 disaster. **The power industry, which has a more supportive government potentially on its side, has been lobbying heavily against some of the regulations.** The utilities have been hit by higher costs of oil- and gas-fired power plants. Of the nation's nine utilities that own and operate nuclear-power plants, seven have so far reported losses for the nine months to December. One utility posted a profit and the other, Fukushima operator Tokyo Electric Power Co., 9501.TO -1.39% has yet to report. Makoto Yagi, president of Kansai Electric Power Co., 9503.TO -2.96% Japan's second-largest power utility and previously heavily dependent on nuclear power, said on Jan. 25 that the company will need at least ¥285 billion ($3.15 billion) in additional capital investment to equip its 11 reactors with safety measures required by the new guidelines. The draft rules are still open to public comment. "It's not as simple as you might think to evaluate the guidelines at this point," said Hiromitsu Ino, emeritus professor of the Tokyo University and an expert of raw materials used in reactors. "**During the process, the requirements can be watered down**."

**Japans regulatory problems mirror the NRC’s – their nuclear shutdown will continue until regulatory confidence is restored**

**Dorfman**, Professor of Law at Pace, **12**

(Fall, Pace Environmental Law Review, The Changing Perspectives of U.S and Japanese Nuclear Energy Policies in the Aftermath of the Fukushima Daiichi Disaster, digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1711&context=pelr)

**Japan’s Nuclear Safety Commission, similar to the United States’ NRC**, labels itself an independent agency within the Cabinet of Japan and **plays the central role in nuclear safety administration**. Commissioners are appointed by the Prime Minister and are confirmed by the Diet—Japan’s bicameral legislature. The Nuclear Safety Commission occupies a unique cabinet position in that it is the only ordinary advisory committee that can make recommendations to other agencies in the name of the Prime Minister. The Nuclear Safety Commission is also responsible for reviewing safety inspections conducted by NISA, Japan’s principle nuclear regulatory and oversight branch. **As with the United States’ own NRC**, however, **NISA is not** entirely **independent. NISA is part of Japan’s Ministry** of Economy, Trade, and Industry (METI) **whose goals are to promote the nuclear industry** within Japan and abroad. METI has been charged with distorting information on the dangers of nuclear energy presented to public officials and consistently working to foil alternative energy legislation.220 METI was also influential in the “launching of the International Nuclear Energy Development of Japan Co. (JINED), a public-private partnership headed by TEPCO to sell nuclear reactor contracts to developing countries.”221 In response to critiques that NISA and METI’s relationship constitutes a conflict of interest, reports have been released that the Japanese government is considering splitting NISA from METI222—a wise decision in the wake of Fukushima. Another problem that stems from Japan’s system of regulatory capture is a practice called amakudari or “descent from heaven” (in the U.S. we refer to this as the “revolving door”).223 Japanese officials turn their heads from private sector wrong-doings because retiring public officials often go on to obtain high-paying private sector jobs.224 **Nuclear regulation only works when regulators are** entirely **independent of industry**. In Japan, it is not unusual for individuals in the nuclear sector to also play roles in plant licensing, rulemaking, and inspecting.225 For example, after retiring from his job as METI’s director general, Ishida Toru went on to become an advisor to TEPCO— the owner and operator of the Fukushima power plant.226 In 2005, when the Japanese government convened a panel to modify nuclear regulatory standards, eleven of the nineteen panel members worked in the nuclear industry.227 At worst, **this blatant conflict of interest is likely to lead to** underestimating the amount of damage that can be done to a nuclear plant, and possibly **another Fukushima-type disaster**. At best, **it undermines Japanese public perception and trust in NISA as an agency whose primary goal should be protecting public safety by ensuring strict regulations are in place and are being enforced.** ii. Upgrade Nuclear Technology and Enforce Regulations **Critiques of Japan’s Nuclear Safety Commission run parallel with critiques of the United States’ own NRC.** But there are also some flaws in Japanese policy that are unique. For example, one significant area of weakness that became dauntingly obvious in the aftermath of Fukushima is Japan’s reliance on “older scientific precepts for protecting nuclear plants.”228 This is not just limited to nuclear plant construction, but also to evolving scientific data and technology.229 Since the 1980s, NISA has ignored warnings it received regarding the ability of reactor containment structures to “withstand earthquakes and tsunamis.”230 Only a few years ago, “a 6.8-magnitude earthquake resulted in 1,200 liters of radioactive water leaking into the Japan Sea.”231 TEPCO, the plant operator, later admitted “that the reactors had not been designed to withstand an earthquake of that size.”232 This negligence is especially disconcerting considering Japan has historically been prone to both earthquakes and tsunamis.233 While many feel that a country prone to natural disasters should steer clear of building nuclear plants altogether, the very least NISA can do is plan for the worst and keep up with the technology that has changed the way safety data is calculated, viewed, and implemented. Much of Japan’s nuclear safety regulations are based on archaic data that fail to take into account technological advances made since the 1970s.234 These methods do not take into account more devastating events that could occur in the future, “even though risk assessment models that do so currently exist.”235 Worse, NISA publishes no binding regulations.236 Instead, they release only voluntary guidelines that leave the task of risk assessment and emergency response planning in the hands of plant operators.237 One recommendation would be to completely overhaul Japan’s system of nuclear technologies. In fact, days after Fukushima, the Japanese government said that immediate safety upgrades would be put into place at every nuclear plant in Japan.238 Ideally, **NISA should** not just adopt safety upgrades used in other countries, but **completely re-evaluate what is needed** in a country prone to natural disasters. If NISA follows through on the promise, **this would be a significant step in Japan’s pro-nuclear policies and would provide reassurance that Japan plans to bring its plants back online sooner than later.** However, to truly reinstate confidence in Japan’s nuclear power industry, government transparency must be as strong and comprehensive as the physical upgrades to the facilities. **The general public’s confidence will have to be re-established**, a difficult task considering the damage done.

**Japan models US safety Regulation**

**Von Hippel**, Nuclear Physicist and Professor of Public and International affairs at Princeton and Co-chairman of the International Panel on Fissile Materials, **11**

(It Could Happen Here, www.nytimes.com/2011/03/24/opinion/24Von-Hippel.html?pagewanted=all&\_r=0)

IT will be years before we know the full consequences of the disaster at the **Fukushima** Daiichi nuclear power plant in Japan. But the public attention raised by the problems there **provides an opportunity to rethink nuclear-power policy in the United States and the rest of the world — and reduce the dangers of a similar disaster happening elsewhere.** From one perspective, nuclear power has been remarkably safe. The 1986 Chernobyl accident will ultimately kill about 10,000 people, mostly from cancer. Coal plants are much deadlier: the fine-particulate air pollution they produce kills about 10,000 people each year in the United States alone. Of course, for most people this kind of accounting is beside the point. Their horror over even the possibility of a meltdown means that **the nuclear-power industry needs constant and aggressive regulation** for the public to allow it to stay in business. **Yet** despite the 1979 accident at the Three Mile Island nuclear plant in Pennsylvania, **the N**uclear **R**egulatory **C**ommission **has** often **been too timid** in ensuring that America’s 104 commercial reactors are operated safely. **Nuclear power is a textbook example of the problem of “regulatory capture” — in which an industry gains control of an agency meant to regulate it**. Regulatory capture can be countered only by vigorous public scrutiny and Congressional oversight, but in the 32 years since Three Mile Island, interest in nuclear regulation has declined precipitously. In 2002, after the commission retreated from demanding an early inspection of a reactor, Davis-Besse in Ohio, that it suspected was operating in a dangerous condition, its own inspector general concluded that it “appears to have informally established an unreasonably high burden of requiring absolute proof of a safety problem, versus lack of a reasonable assurance of maintaining public health and safety.” Even before Three Mile Island, a group of nuclear engineers had proposed that filtered vents be attached to buildings around reactors, which are intended to contain the gases released from overheated fuel. If the pressure inside these containment buildings increased dangerously — as has happened repeatedly at Fukushima — the vents would release these gases after the filters greatly reduced their radioactivity. France and Germany installed such filters in their plants, but the Nuclear Regulatory Commission declined to require them. **Given the influence of America’s example, had the commission demanded the addition of filtered vents, they would likely have been required worldwide, including in Japan.**

**Decentralization key to solve regulatory capture**

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(The Regulation of Interdependent Markets. ideas.repec.org/p/hum/wpaper/sfb649dp2011-046.html

Along these lines, Lamont and Martimort (1999) consider the problem of monitoring a regulated fim which has private information about some pieces of its activity. They find that **splitting regulatory rights** on some aspects of the firms performance between different agencies may **act as a device against the threat of regulatory capture**. Separation is desirable since it reduces regulatory discretion in engaging in socially wasteful activities. In our paper, we show that **decentralized regulation mitigates the capture problem** in the presence of interdependent markets because it removes the negative externalities each firm imposes upon the other when engaging in lobbying activities. The terms centralization and decentralization have been used with substantially different meanings from the one we adopt. For instance, a relevant stream of literature analyzes the optimal vertical” structure of economic organizations.3 Lamont and Martimort (1998) show that under certain conditions **a decentralized hierarchical structure can alleviate the problem of collusion** if there are limits on communication between the principal and the agents. Another related aspect that the literature investigates is whether regulation should be implemented by one national”government (centralization) or by local authorities (decentralization). With this literature we share the assumption that the delegation process is imperfect, and that regulators may exhibit private agendas. However, the main results are driven by substantially different forces from those operating in our setting, where the interdependencies between markets and regulatory capture are basic ingredients. The literature on strategic delegation is also relevant for our purposes. The seminal papers of Vickers (1985), Fershtman (1985), Fershtman and Judd (1987), and Sklivas (1987) show that a firms profit maximizer owner may find it optimal to provide managers with incentives that differ from his own preferences. Along these lines, in our paper decentralized regulation is assigned an objective which diverges from aggregate social welfare. However, differently from the aforementioned contributions, in our setting **strategic delegation aims at removing negative externalities from lobbying**. Our work is fonally related to the well-known capture theory of economic regulation, whose seminal contribution traces back to Stigler (1971). Following his paradigm, we assume that **the industry is able to mobilize regulatory powers to obtain favors since it has greater incentives** **than dispersed consumers** and taxpayers with a low per-capita stake **to get organized in order to exercise political influence**. After Stigler, a wide literature has developed, and we refer to Dal Bò (2006) for a broad survey. To our aims, a particularly relevant paper is Grossman and Helpman (1994). In line with their approach, we suppose that regulated firms engage in lobbying activities and then the regulator sets a policy. That paper models the interaction between the various lobbies and the government as a menu auction problem à la Bernheim and Whinston (1986) where bidders (lobbies) announce a menu of offers (contributions) for various possible actions open to an auctioneer (the government) and then they pay the bids associated with the action selected. Each organized group confronts the government with a contribution schedule which maps every policy vector the government may choose into a contribution level. Afterwards, the government sets a policy and collects from each lobby the contribution associated with the policy in order to maximize a weighted sum of total political contributions and aggregate social welfare. The rest of the paper is organized as follows. Section 3 sets out the formal model. Section 4 considers the full information benchmark, where centralized regulation is welfare superior. Section 5 examines the case of asymmetric information and shows that under certain circumstances **decentralized regulation** is welfare improving since it **acts as an institutional device to mitigate regulatory capture**. Section 6 concludes. All proofs are provided in the Appendix.

**US leadership on safety and local approval key to restarts**

**Nye et al.,** Former Deputy Secretary of State, **’12**

[Joseph S. Nye, Professor @ The John F. Kennedy School of Government @ Harvard University, Former Deputy Secretary of State, Former Assistant Secretary of Defense, Richard L. Armitage, Former Deputy Secretary of State, “The U.S.-Japan Alliance Anchoring Stability in Asia,” 2012, http://csis.org/files/publication/120810\_Armitage\_USJapanAlliance\_Web.pdf]

The tragedies of March 11, 2011, are fresh in our minds, and we extend our deepest condolences to all victims and those afflicted by the earthquake, tsunami, and subsequent nuclear meltdown. Understandably, **the Fukushima nuclear disaster dealt a major setback to nuclear power**. The setback reverberated not only throughout Japan, but also around the world. While some countries like Great Britain and China are cautiously resuming nuclear expansion plans, others, like Germany, have decided to phase out nuclear power entirely. **Japan is conducting thorough examinations of its nuclear reactors and reforming its nuclear safety regulations.** **Despite strong public opposition to nuclear power, Prime Minister Yoshihiko Noda’s government has begun a partial restart of two nuclear reactors.** **Further restarts depend on safety checks and local approval.** The cautious resumption of nuclear generation under such conditions is the right and responsible step in our view. Japan has made tremendous progress in boosting energy efficiency and is a world leader in energy research and development. While the people of Japan have demonstrated remarkable national unity in reducing energy consumption and setting the world’s highest standards for energy efficiency, a lack of nuclear energy in the near term will have serious repercussions for Japan. Without a restart of nuclear power plants, Japan will not be able to make meaningful progress toward her goal of cutting carbon dioxide (CO2) emissions by 25 percent by 2020. Nuclear power is and will remain the only substantial source of emissions-free, base load electricity generation. Environment Ministry data reportedly shows that without a nuclear restart, Japan’s emissions can fall at most by 11 percent by 2020; but with a restart, emissions reductions could approach 20 percent. A permanent shutdown would boost Japan’s consumption of imported oil, natural gas, and coal. Moreover, postponing a decision on national energy policy has the potential to drive vital, energy-dependent industries out of Japan and may threaten national productivity. A permanent shutdown will also stymie responsible international nuclear development, as developing countries will continue to build nuclear reactors. China, which suspended reactor approvals for over a year following Fukushima (but did not suspend progress on ongoing projects), is restarting domestic construction of new projects and could eventually emerge as a significant international vendor. As China plans to join Russia, South Korea, and France in the major leagues of global development in civilian nuclear power, **Japan cannot afford to fall behind if the world is to benefit from efficient, reliable, and safe reactors and nuclear services.** For its part, **the U**nited **S**tates **needs** to remove uncertainty surrounding disposal of spent nuclear waste and implement clear permitting processes. While we are fully cognizant of the need **to learn from Fukushima and implement corrective safeguards**, nuclear power still holds tremendous potential in the areas of energy security, economic growth, and environmental benefits. **Japan and the United States have common political and commercial interests in promoting safe and reliable civilian nuclear power domestically and internationally.** Tokyo and **Washington must revitalize their alliance in this area**, taking on board lessons from Fukushima, **and resume a leadership role in promoting** safe reactor designs and **sound regulatory practices** globally. The 3-11 tragedy should not become the basis for a greater economic and environmental decline. **Safe**, clean, responsibly developed and utilized **nuclear power constitutes an essential element in Japan’s comprehensive security. In this regard, U.S.-Japan cooperation on nuclear research and development is essential.**

**Failure to restart nuclear reactors wrecks the Japanese and Global economy**

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[Jack Spencer, Research Fellow in Nuclear Energy in the Thomas A. Roe Institute for Economic Policy Studies, “Japan’s Nuclear Withdrawal: Bad for Japan, Bad for the U.S., Bad for the World,” November 7th 2011, http://www.heritage.org/research/reports/2011/11/japans-nuclear-withdrawal-bad-for-japan-bad-for-the-us-bad-for-the-world]

Once **the Japanese** establish that their reactors can operate safely, they **must consider the economic implications of shuttering existing reactors, and of rejecting new construction. Japan chose nuclear energy because the country lacks adequate natural resources to power its modern economy.** Japan focused on nuclear energy **to minimize its reliance on imports of natural gas, coal, and oil. Now that less than 20 percent of its nuclear resources remain online, it has been forced to begin importing billions of dollars’ worth of fossil fuel.** According to the Japanese government, fuel prices could increase by nearly $40 billion a year—$312 per person, and $770 per household.[3]¶ **Recovering economically** **from the** March **earthquake** and tsunami **will be very challenging** for Japan **in and of itself. Adding yet more barriers to that recovery by forcing the shutdown of a major source of affordable energy makes little sense.** According to the Japan Center of Economic Research, **shutting down all of Japan’s nuclear plants over the next year will cause a 1.2 percent annual loss of GDP**, which equates to ¥7.2 trillion ($94 billion) in annual losses.[4] The Japanese government estimates **that such an occurrence would result in a 10 percent power shortage and a 20 percent increase in electricity costs. Given that Japanese industry accounts for 40 percent of the country’s electricity use, such increases would be extraordinarily harmful not only for industry but also for consumers who will see the costs passed down to them.**[5]¶ **These losses could be much worse if Japan impatiently turns to renewable energy to replace nuclear.** **Despite the** **proclamations** **of** former Prime Minister **Kan** that **renewable energy should cost one-third of what it does today**, and one-sixth by 2030,[6] **no existing evidence suggests that to be plausible.** Solar energy costs about 60 cents per kilowatt hour in Japan as opposed to 6 cents to 8 cents for nuclear energy.[7] **A government policy forcing a replacement of nuclear energy with renewable would be economically devastating.** Any savings that come to fruition will be the result of market forces and private innovation, not political decrees.¶ **The uncertainty created by the threat of long-term, government-imposed energy shortages is already having an impact. Not knowing whether the government will allow old nuclear plants to come back online prevents utilities from making investments in new sources.** Therefore, **any less than allowing old plants to** be **restart**ed **will result in the long-term power shortages that will likely force companies that produce and consume energy to leave Japan.¶ This uncertainty is already translating into real-world losses for Japan that could threaten economic growth beyond its borders.** While **industries** have patiently waited in the months following the earthquake and tsunami for power to be restored, they likely **will not wait much longer if the government institutes policies that prevent adequate amounts of affordable energy to be brought online. Financial analysts believe that Japanese industry would leave Japan rather than deal with power shortages.**[8] **As the world’s fourth-largest economy and fifth-largest exporter and importer, this would not only make Japan’s economic recovery more difficult, but would have a negative impact on the rest of the world. Power shortages would likely result in higher near-term prices for goods exported by Japan**, such as chemicals, automobiles, and electronics. It would lead to lost markets for those items that Japan imports, such as raw materials, fuel, and machinery.¶ **The situation will be worst for those companies that rely specifically on nuclear power**, generated, **for instance, by the Hamaoka nuclear plant in central Japan.** The utility that operates that plant agreed in May of this year to shut it down at the Japanese government’s request. **The problem is that significant portions of Japan’s automotive industry, such as Toyota, Honda, and Suzuki, rely on that specific plant for power. While the power could eventually be replaced, the slow process will increase costs. Japan’s cars will cost more, making them less competitive.**

**Global economic collapse ensures great power conflict and accesses every possible impact**

**Green & Schrage,** IR Prof @ Georgetown, **’09**

[Michael Green, Senior Advisor & Japan Chair @ The Center for Strategic and International Studies & Associate Professor @ The Walsh School of Foreign Service, Steven Schrage, CSIS Scholl Chair in International Business, Former Senior official with the U.S. Trade Representative's Office, State Department and Ways & Means Committee, “It's not just the economy,” March 26th 2009, <http://www.atimes.com/atimes/Asian_Economy/KC26Dk01.html>]

Facing the worst economic crisis since the Great Depression, analysts at the World Bank and the US Central Intelligence Agency are just beginning to contemplate the ramifications for international stability if there is not a recovery in the next year. For the most part, the focus has been on fragile states such as some in Eastern Europe.  However, the Great Depression taught us that **a downward global economic spiral can** even **have jarring impacts on great powers. It is no mere coincidence that the last great global economic downturn was followed by the most destructive war in human history**.  In the 1930s, **economic desperation helped fuel autocratic regimes and protectionism in a downward economic-security death spiral that engulfed the world in conflict**. This spiral was aided by the preoccupation of the United States and other leading nations with economic troubles at home and insufficient attention to working with other powers to maintain stability abroad. **Today's challenges are different, yet** 1933's London Economic Conference, which failed to stop the drift toward deeper **depression and world war, should be a cautionary tale** for leaders heading to next month's London Group of 20 (G-20) meeting. There is no question the US must urgently act to address banking issues and to restart its economy. But the lessons of the past suggest that we will also have to keep an eye on those fragile threads in the international system that could begin to unravel if the financial crisis is not reversed early in the Barack Obama administration and realize that economics and security are intertwined in most of the critical challenges we face. A disillusioned rising power? Four areas in Asia merit particular attention, although so far the current financial crisis has not changed Asia's fundamental strategic picture. China is not replacing the US as regional hegemon, since the leadership in Beijing is too nervous about the political implications of the financial crisis at home to actually play a leading role in solving it internationally. Predictions that the US will be brought to its knees because China is the leading holder of US debt often miss key points. China's currency controls and full employment/export-oriented growth strategy give Beijing few choices other than buying US Treasury bills or harming its own economy. Rather than creating new rules or institutions in international finance, or reorienting the Chinese economy to generate greater long-term consumer demand at home, Chinese leaders are desperately clinging to the status quo (though Beijing deserves credit for short-term efforts to stimulate economic growth). The greater danger with China is not an eclipsing of US leadership, but instead the kind of shift in strategic orientation that happened to Japan after the Great Depression. Japan was arguably not a revisionist power before 1932 and sought instead to converge with the global economy through open trade and adoption of the gold standard. The worldwide depression and protectionism of the 1930s devastated the newly exposed Japanese economy and contributed directly to militaristic and autarkic policies in Asia as the Japanese people reacted against what counted for globalization at the time. China today is similarly converging with the global economy, and many experts believe China needs at least 8% annual growth to sustain social stability. Realistic growth predictions for 2009 are closer to 5%. Veteran China hands were watching closely when millions of migrant workers returned to work after the Lunar New Year holiday last month to find factories closed and jobs gone. There were pockets of protests, but nationwide unrest seems unlikely this year, and Chinese leaders are working around the clock to ensure that it does not happen next year either. However, the economic slowdown has only just begun and nobody is certain how it will impact the social contract in China between the ruling communist party and the 1.3 billion Chinese who have come to see President Hu Jintao's call for "harmonious society" as inextricably linked to his promise of "peaceful development". If the Japanese example is any precedent, **a sustained economic slowdown has the potential to open a dangerous path from economic nationalism to strategic revisionism in China** too. Dangerous states It is noteworthy that **North Korea**, Myanmar **and Iran have all intensified their defiance in the wake of the financial crisis**, which has distracted the world's leading nations, limited their moral authority and sown potential discord. With Beijing worried about the potential impact of North Korean belligerence or instability on Chinese internal stability, and leaders in Japan and South Korea under siege in parliament because of the collapse of their stock markets, leaders in the North Korean capital of Pyongyang have grown increasingly boisterous about their country's claims to great power status as a nuclear weapons state. The junta in Myanmar has chosen this moment to arrest hundreds of political dissidents and thumb its nose at fellow members of the 10-country Association of Southeast Asian Nations. Iran continues its nuclear program while exploiting **differences between the US**, UK and France (or the P-3 group) **and China and Russia** - differences that **could become more pronounced** if **economic friction** with Beijing or Russia **crowds out cooperation** or if Western European governments grow nervous about sanctions as a tool of policy. It is possible that the economic downturn will make these dangerous states more pliable because of falling fuel prices (Iran) and greater need for foreign aid (North Korea and Myanmar), but that may depend on the extent that authoritarian leaders care about the well-being of their people or face internal political pressures linked to the economy. So far, there is little evidence to suggest either and much evidence to suggest these **dangerous states see an opportunity to advance their asymmetrical advantages against the international system.** Challenges to the democratic model; The trend in East Asia has been for developing economies to steadily embrace democracy and the rule of law in order to sustain their national success. But **to thrive, new democracies** also **have to deliver basic economic growth**. The economic crisis has hit democracies hard, with Japanese Prime Minister Aso Taro's approval collapsing to single digits in the polls and South Korea's Lee Myung-bak and Taiwan's Ma Ying Jeou doing only a little better (and the collapse in Taiwan's exports - particularly to China - is sure to undermine Ma's argument that a more accommodating stance toward Beijing will bring economic benefits to Taiwan). Thailand's new coalition government has an uncertain future after two years of post-coup drift and now economic crisis. The string of old and new democracies in East Asia has helped to anchor US relations with China and to maintain what former secretary of state Condoleezza Rice once called a "balance of power that favors freedom". **A reversal of the democratic expansion** of the past two decades **would** not only impact the global balance of power but also **increase the** potential **number of failed states, with** all the **attendant risk** they bring **from** harboring **terrorists to incubating pandemic diseases** and trafficking in persons. It would also undermine the demonstration effect of liberal norms we are urging China to embrace at home.

**Japanese economic decline triggers Asian instability and hurts the alliance**

**Envail,** IR Postdoctoral Fellow @ ANU, **’10**

[David Envall, Postdoctoral Fellow in the Department of International Relations at the ANU, Working on the MacArthur Foundation Asian Security Initiative, “Implications for Asia in Japan’s economic decline,” August 11th 2010, http://www.eastasiaforum.org/2010/08/11/implications-for-asia-in-japans-economic-decline/]

**What makes Japan’s economic woes a regional security challenge is the important role of the** US-Japan **alliance in maintaining regional stability. If the alliance were weaker, it would have serious implications for regional stability.** As a Japanese analyst recently observed, **a US downgrading of the alliance** or withdrawal from the region **could** well **lead to faster Japanese military growth** (notwithstanding its current economic lethargy), **heightened regional threat perceptions and a greater scope for global insecurity. Alliance troubles would make** **it** harder if not **impossible for the US to pursue its ‘double assurance’ strategy of instilling confidence in strategic partners and competitors alike.¶ How could Japan’s fiscal weakness potentially undermine the alliance? Worsening economic troubles would add greater constraints to the already considerable political and cultural restrictions on Japan’s ability to contribute to the alliance and thus negatively affect America’s confidence in Japan as an ally. Declining military spending over the past seven years illustrates Japan’s predicament**, and the trend, in light of the country’s public debt, could well continue. **Shifting greater amounts of the total bill for ongoing agreements to the US**, as a recent report on the alliance’s future postulates, **‘would undoubtedly put strain on the alliance’.¶ Economic weakness together with export dependency could also influence Japan to mismanage its current hedging strategy in dealing with China and the US.** Japanese leaders describe its current approach as pursuing a more autonomous foreign policy, but **the rise of China has provoked Japan to respond to the resulting geostrategic pressures in Asia.** This ‘return to Asia’ policy might resolve some of Japan’s problems associated with its dark history, but there is no guarantee that any such policy would be more repentant than chauvinistic.¶ How might these problems of economic capacity and political image be addressed? Japan has received abundant economic and diplomatic advice during the post- war era. However, owing to the difficulty of the necessary reforms, and the limited role played by outsiders, the utility of such advice seems minimal. The more immediate challenge is to manage the wider security consequences of the decline, meaning that solutions should focus on strengthening the region’s security architecture.¶ The first option would be to strengthen Asia’s multilateral institutions. This might take the form of further developments to regional bodies such as the ASEAN Regional Forum (ARF) or sub-regional bodies such as the Six Party Talks. Or it could develop from former Prime Minister Hatoyama’s vision of an East Asia Community. Policymakers would be aiming to establish institutions that could facilitate major power security dialogue, further enmesh Japan into the region, and ensure a continued US presence.¶ Yet region-wide institutions have many problems. Their talk-shop style, emphasis on ‘non-core’ security issues and faith in socialising states echo E. H. Carr’s descriptions of the League of Nations in The Twenty Years’ Crisis Furthermore, underlying these institutions in recent years has been a rising competitiveness between the region’s two major powers, China and the US, and so they seem an unlikely venue for resolving core security challenges.¶ Another option, described by one analyst as ‘multilateralising the deterrence guarantees under such circumstances? Would China see it as a hardening of Western containment postures directed against it? And would America’s partners and allies be willing and able to increase their own defence burdens?¶ Unfortunately, continued economic stagnation in Japan will present policymakers with many such dilemmas. **If Japan were to ‘lose’ another decade, however, the US-Japan alliance, America’s Asian grand strategy and the Asian security order would all be severely tested.** Whatever its specifics, any policy should address the region’s core security concerns, and the most practical path seems to be to extend or multilateralise the region’s bilateral security architecture in case there is further misfortune.

**Most likely scenario for nuclear war**

**Nye et al.,** Former Deputy Secretary of State, **2K**

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**Asia, in the throes of historic change, should carry major weight in the calculus of American** political, **security**, economic, and other **interests. Accounting for 53 percent of the world's population, 25 percent of the global economy, and nearly $600 billion annually in two-way trade with the United States, Asia is vital to American prosperity. Politically**, from Japan and Australia, to the Philippines, South Korea, Taiwan, and Indonesia, **countries across the region are demonstrating the universal appeal of democratic values. China is facing momentous social and economic changes, the consequences of which are not yet clear. Major war in Europe is inconceivable for at least a generation, but the prospects for conflict in Asia are far from remote. The region features some of the world’s largest and most modern armies, nuclear-armed major powers, and several nuclear-capable states. Hostilities** that **could directly involve the U**nited **S**tates **in** a **major conflict** could occur **at a moment notice on the Korean peninsula and in the Taiwan Strait. The Indian subcontinent is a major flashpoint. In each area, war has the potential of nuclear escalation.** In addition, **lingering turmoil in Indonesia**, the world fourth-largest nation, **threatens stability in Southeast Asia. The U**nited **S**tates **is tied to the region by a series of bilateral security alliances that remain the region made facto security architecture. In this promising but also potentially dangerous setting, the U.S.-Japan bilateral relationship is more important than ever. With the world second-largest economy and a well-equipped and competent military, and as our democratic ally, Japan remains the keystone of the U.S. involvement in Asia. The U.S.- Japan alliance is central to America global security strategy.** Japan, too, is experiencing an important transition. Driven in large part by the forces of globalization, Japan is in the midst of its greatest social and economic transformation since the end of World War II. Japanese society, economy, national identity, and international role are undergoing change that is potentially as fundamental as that Japan experienced during the Meiji Restoration. The effects of this transformation are yet to be fully understood. Just as Western countries dramatically underestimated the potential of the modern nation that emerged from the Meiji Restoration, many are ignoring a similar transition the effects of which, while not immediately apparent, could be no less profound. **For the U**nited **S**tates, **the key to sustaining and enhancing the alliance in the 21st century lies in reshaping our bilateral relationship in a way that anticipates the consequences of changes now underway in Japan. Since the end of World War II, Japan has played a positive role in Asia.** As a mature democracy with an educated and active electorate, Japan has demonstrated that changes in government can occur peacefully. **Tokyo has helped to foster regional stability and build confidence through its proactive diplomacy and economic involvement throughout the region.** Japan's participation in the United Nations peacekeeping mission in Cambodia in the early 1990s, its various defense exchanges and security dialogues, and its participation in the Association of Southeast Asian Nations Regional Forum and the new plus Three grouping are further testimony to Tokyo's increasing activism. **Most significantly, Japan's alliance with the U**nited **S**tates **has served as the foundation for regional order.** We have considered six key elements of the U.S.-Japan relationship and put forth a bipartisan action agenda aimed at creating an enduring alliance foundation for the 21st century. Post-Cold War Drift As partners in the broad Western alliance, the United States and Japan worked together to win the Cold War and helped to usher in a new era of democracy and economic opportunity in Asia. In the aftermath of our shared victory, however, the course of U.S.-Japan relations has wandered, losing its focus and coherence- -notwithstanding the real threats and potential risks facing both partners. Once freed from the strategic constraints of containing the Soviet Union, both Washington and Tokyo ignored the real, practical, and pressing needs of the bilateral alliance. Well-intentioned efforts to find substitutes for concrete collaboration and clear goal-setting have produced a diffuse dialogue but no clear definition of a common purpose. Efforts to experiment with new concepts of international security have proceeded fitfully, but without discernable results in redefining and reinvigorating bilateral security ties. This lack of focus and follow-through has been evident in both countries. Some in Japan have been drawn to the notion of Asianization and the hope that economic interdependence and multilateral institutions would put the region on a path similar to that of Europe. Many in the United States regarded the end of the Cold War as an opportunity to return to economic priorities. The early 1990s was a period of heightened bilateral tensions, primarily over the question of access to Japanese markets. Some Americans saw economic competition from Japan as a threat. In the past five years, however, trade tensions have diminished. Envy and concern over Japanese economic prowess have turned to dismay over the Japanese recession and building financial crisis. Neither country dealt with the need to redefine and reinvigorate the alliance. In fact, both took it for granted. The drift in the alliance was obvious until the mid-1990s when the crisis on the Korean peninsula-- punctuated by the horror of the Okinawa rape incident--captured the attention of policymakers in Washington and Tokyo. These episodes prompted them to recognize belatedly the costs of neglecting the bilateral relationship. The subsequent Taiwan Strait confrontation in March 1996 gave even more impetus to efforts on both sides of the Pacific to reaffirm the bilateral security alliance. The 1996 U.S.-Japan Joint Security Declaration went a long way toward directing attention in both capitals toward the need to refurbish the alliance, and led to concrete changes that updated defense ties in the ¶ form of the revised Guidelines for U.S.-Japan Defense Cooperation, the 1996 report of the Special Action Committee on Okinawa, and the bilateral agreement to cooperate in theater missile defense research. But the symbolism of the 1996 declaration stood alone, unsupported by sustained high-level attention. As a result, the United States and Japan soon returned to bickering and poor policy coordination. The costs of the deterioration in the U.S.-Japan relationship have been insidious as well as obvious. By the end of the 1990s, many U.S. policymakers had lost interest in a Japan that appeared incapable of renewing itself. Indeed, Japan's prolonged recession has discouraged or dispirited even some Japanese officials. In Tokyo, many see Washington as arrogant and unable to recognize that its prescriptions are not universally applicable to others' economic, political, and social needs. A number of government officials and opinion-makers perceived the U.S. approach as a self serving rationale for commercial and economic interests and grew resentful of a United States seemingly preoccupied with its own self-centered version of globalization. It has been obvious that U.S. attention and interests have turned elsewhere in Asia. More recently, the principal focus of American policymakers has been the bilateral relationship with China--a relationship characterized by a series of crises ever since the 1989 Tiananmen Square pro-democracy demonstrations. Neither Washington nor Tokyo followed through aggressively on the security agenda set forth in the 1996 declaration, in large measure because of concerns over Beijing's hostile reaction to the reinvigoration of the security partnership. Beijing let it be known in no uncertain terms that it regarded the U.S.-Japan partnership as an important element of a broader effort by Washington to constrain its regional diplomacy. And as the United States and-- to a lesser extent--Japan sought to improve relations with China, both demonstrated a clear desire to downplay the notion of a containment strategy. In fact, the only active security dialogue between the United States and Japan has been a byproduct of a desire to coax North Korea out of its self-imposed isolation. The United States, Japan, and the Republic of Korea all concur that close cooperation and unity of purpose offer the most effective strategy to deal with Pyongyang. This record of diffidence, uncertainty, and indirection has no single father, nor does it support an oversimplified laying of blame. Rather, it demands a recognition that the time has arrived for renewed attention to improving, reinvigorating, and refocusing the U.S.-Japan alliance. **Both the U**nited **S**tates **and Japan face an uncertain security environment in Asia at a time of political transition and important change in both countries--for the U**nited **S**tates, **a new national leadership, and for Japan, a continuing process of economic, political, and social transformation. At the same time, political and economic uncertainties in China and Russia, the fragile nature of detente on the Korean peninsula, and the prospect of protracted instability in Indonesia--all pose shared challenges. For those who argue that Japan is a pasting asset in irreversible decline, it might be useful to recall that it has been only a decade since it was taken as an article of faith that American power was ebbing on the international scene. It would be foolhardy to underestimate the enduring dimensions of Japanese power, much as it was unwise for some Japanese to dismiss the latent and enduring qualities of American power in the 1980s and 1990s.** Politics Over the past decade, the ruling Liberal Democratic Party (LDP), faced with internal divisions, a clash of traditional interest group agendas, and a growing split among key constituencies, has focused primarily on hanging on to its dwindling power. At the same time, the political opposition has failed to produce credible, well-conceived policy proposals. The net effect is an LDP struggling to maintain its grip on the reins of government, an opposition unable to provide a governing alternative, and a Japanese public, faced with a lack of credible alternative leadership, reluctantly returning the LDP to office. The result has been a government stuck in neutral, incapable of more than muddling through. Nevertheless, the necessity of economic reform and restructuring, driven by the pressures of a relentless globalization of the international economy, are likely to lead to political change. These economic forces are breaking apart the monopoly power of the so-called Iron Triangle--the heretofore collusive relationships among politicians, business, and the bureaucracies-- and making power more diffuse. The Japanese political order is experiencing protracted change. Political changes in Japan could lead to unprecedented opportunities to reinvigorate the U.S.-Japan relationship--as well as test it further. The end of bipolar ideological confrontation in Japanese politics and the emergence of a new pragmatism about security affairs among a younger generation of elected officials provide fertile soil for creative new approaches to leadership. It would be unrealistic to expect the current leadership suddenly to embrace reform or to assume a higher profile on the global stage. The demands of Japan's parliamentary system make it difficult to implement policies, that require short-term pain in exchange for long-term gain. The political system is risk-averse. But the successor generations of politicians and the public at- large also recognize that economic power alone will no longer be enough to secure Japan's future. Moreover, the Japanese public, by giving official standing to the national flag and anthem, and in focusing on such territorial claims as the Senkaku islands, has evidenced a new respect for the sovereignty and integrity of the nation state. The implications for the U.S.-Japan relationship stemming from these changes are profound. A similar process is at work in the United States. The growing role of Congress as a force in foreign policy, the rising influence of state and local governments, and the dramatic transformation of the private sector as the initiator of economic change--driven by technology and the empowerment of the individual--are altering the influence of once-central foreign policymaking institutions. But, just as Japan's risk-averse political leadership has held back the nation's economic transformation, the lack of clear direction from Washington also has taken a toll. Episodic executive branch leadership has failed to produce a well-conceived game plan for America's relationship with Japan. This, in turn, has accelerated the erosion of political support and popular understanding of the importance of the alliance. In short, the political, economic, and social changes underway in the United States put an even greater premium on executive branch leadership in foreign affairs. **If the U**nited **S**tates **can exercise leadership--that is to say, excellence without arrogance--in its relations with Japan, the two countries will be better able to realize the full potential for cooperation nurtured during the past 50 years. If the changes underway in Japan ultimately produce a stronger, more responsive political and economic system, the synergy in U.S.- Japan relations will enhance our abilities to play an engaged, mutually supportive, and fundamentally constructive role in regional and global arenas in the years to come. Because the stakes are so high in Asia, it is urgent that the U**nited **S**tates **and Japan develop a common perception and approach regarding their relationship in the 21st century. The potential for conflict in Asia is lowered dramatically by a visible and real U.S.- Japan defense relationship. The use of bases granted by Japan allows the U.S. to affect the security environment from the Pacific to the Persian Gulf.**

**Restarting nuclear reactors key to broadening the US-Japan alliance**

**Itoh**, Senior Analyst in the Strategy Research Unit at the The Institute of Energy Economics, **March, ’13**

[Shoichi Itoh, Energy Security in Northeast Asia: A Pivotal Moment for the U.S.-Japan Alliance, March 12th 2013, www.brookings.edu/research/opinions/2013/03/12-energy-security-itoh?rssid=energy+and+environment&utm\_source=feedburner&utm\_medium=feed&utm\_campaign=Feed%3A+BrookingsRSS%2Ftopics%2Fenergyandenvironment+%28Brookings+Topics+-+Energy+and+Environment%29]

Amid this broad range of issues, **energy security is a key issue that the United States and Japan must emphasize in reconsolidating and broadening their alliance beyond mere bilateral issues. The construction of a U.S.-Japan energy security alliance based on** the two pillars of **nuclear power generation** in Japan, and exports of U.S. LNG to Japan, **could be used as a model for reducing volatility in energy markets and even helping to ensure geopolitical stability in the Asia-Pacific region. Nuclear Power** as **a lynchpin of the alliance** Given rapid changes in the international energy landscape, Tokyo can not waste any more time in clarifying its post-Fukushima energy strategy. Japan is the world’s third biggest oil consumer and tops the list of LNG importers; it depends almost completely on imports to meet its hydrocarbon consumption needs. **The rapid increase of LNG imports following the post-Fukushima nuclear reactor shutdowns led to dramatic increases in natural gas prices in Asia**. LNG import prices in Asia are indexed to oil prices, but do not benefit from the trend of decreasing prices elsewhere―including North America―that is a feature of the shale gas revolution. Therefore, in Asia imported gas prices basically hover at high rates in accordance with high oil prices while in North America gas prices are set competitively as supplies come from numerous domestic sources. **Therefore, the energy policy choices Tokyo makes will have major consequences not just for the domestic economy, but also for international energy markets. Given its extremely low energy self-sufficiency rate of four percent (without nuclear power), Japan’s policy options for ensuring its future energy security are limited. Simply put, Japan must restart nuclear reactors, and it must also introduce and enforce stricter safety regulations.** In order to do so, the government must make a clear political decision to end the endless ideological and emotional debate about nuclear power. **The “mythification” of nuclear safety before Fukushima was an important lesson the whole population obviously learned from the tragedy; people will and should now be more skeptical**. Some **activists argue that nuclear reactors should restart only after their** “perfect **safety” can be assured**; obviously, it is an illusion to think that humankind could ever create perfect safely in its literal sense. However cautious we may be; complete mastery over nature, science, and the future is not possible. **Only strong political leadership can put an end to this pointless debate; the government should identify, at the earliest stage and in light of international experience, a set of yardsticks to satisfy legal requirements for nuclear restarts** even if we must recognize that it will be a learn-by-doing process. **This is Japan’s inescapable responsibility for its own economic life, the U.S.-Japan alliance, and the international community.** **Postponing nuclear reactor restarts have drained Japan’s national wealth considerably. It became a trade-deficit nation for the first time in more than three decades.** **A major factor in this development is the jump in LNG imports** due to replacement of nuclear power generation by gas-fired thermal plants. Imports grew from 70 million tons from 2010 to 78.5 million tons in 2011 and 87.3 million tons in 2012 – an increase of almost 25 percent in two years. However, during the same period, the total value of LNG purchases increased by more than 70 percent from about 3.5 trillion yen in 2010 to 6 trillion yen in 2012 due to the sharp increases in LNG prices per million Btu (British thermal unit) destined for Japan: the average LNG import prices for Japan increased by about 55 percent from approximately $11 per million Btu in 2010 to approximately $17 per million Btu in 2012. **The increase in Japan’s LNG imports accounted for the predominant chunk of its trade deficit** of about 6.9 trillion yen in 2012. **Nuclear restarts would result in huge savings in domestic fuel costs**. Moreover, **it would help stabilize the global LNG markets; the Northeast Asian natural gas market is most seriously affected with Japan consuming about one-thirds of the world’s LNG demand.** It also must be emphasized that **Japan’s nuclear future will directly affect the range of U.S.-Japan cooperation which goes by far beyond mere energy issues**. The Japanese and U.S. nuclear industries have developed as “twin brothers” for more than a half century. Today, Hitachi and GE, as well as Toshiba and Westinghouse, have nuclear power joint ventures. Japanese nuclear vendors have made significant contributions to make up for the declining of the nuclear industry in the United States after the Three Mile Island accident in 1979, by developing high-tech nuclear products for civilian use and producing a large number of the world’s top-class engineers. A phase-out of nuclear power in Japan would also have an adverse impact on the global non-proliferation regime. While shale gas causes natural gas prices to remain low, there is increased uncertainty in the United States about introducing new nuclear power plants. Ironically, this has increased the importance of sustaining high standards for nuclear technologies against the background of diffusion of nuclear power for civilian use in the world. This diffusion is irreversible, regardless of U.S. and Japanese domestic nuclear policies, in order to meet drastic rises in energy demand in emerging economies. The loss of Japanese nuclear vendors’ international competitiveness would jeopardize the bilateral alliance’s presence in global nuclear markets, which would in turn weaken Washington’s and Tokyo’s voices in the future non-proliferation regime. Japan needs to rediscover its role as one of the most serious advocates for reinforcement of global efforts on non-proliferation. Maintaining a certain amount of nuclear power in the energy mix is also important from a climate change perspective. Tokyo must realistically readjust the over-ambitious target of cutting greenhouse gas (GHG) emissions by 25 percent below 1990 levels that was announced by then-DPJ Prime Minister Hatoyama at the United Nations Summit on Climate Change in September 2009, which received little support from the domestic business community. But Japan should continue to play its own roles to combat climate change as long as a principle of fairness of international burden-sharing is guaranteed. A nuclear restart is an indispensable way to reduce a certain amount of GHG emissions, given that too many uncertainties await dramatic expansion of renewable sources in the energy mix at least in the foreseeable future, due in part to high costs.

**Restarts also lead to an effective international framework to engage China**

**Itoh**, Senior Analyst in the Strategy Research Unit at the The Institute of Energy Economics, **March, ’13**

[Shoichi Itoh, Energy Security in Northeast Asia: A Pivotal Moment for the U.S.-Japan Alliance, March 12th 2013, www.brookings.edu/research/opinions/2013/03/12-energy-security-itoh?rssid=energy+and+environment&utm\_source=feedburner&utm\_medium=feed&utm\_campaign=Feed%3A+BrookingsRSS%2Ftopics%2Fenergyandenvironment+%28Brookings+Topics+-+Energy+and+Environment%29]

The ongoing debate about diplomatic implications of U.S. energy independence within the next decade by and large tends to focus on the question of how it would affect the U.S. military presence in the Middle East. However, a blueprint for placing energy independence in the context of the so-called U.S. “pivot to Asia” has yet to emerge. New roles and functions for the U.S.-Japan alliance should be designed in the context of U.S. energy independence. Today **in Northeast Asia, the energy security environment is rapidly changing with impending new challenges for the U.S.-Japan alliance to tackle.** First, **the rise of China with its surging energy demand has raised concerns about its impact on the global energy market.** According to estimates published by the International Energy Agency in its November 2012 World Energy Outlook 2012, China is forecasted to account for more than half of increases in global oil demand by 2030; its dependence on imported oil will increase from 54 percent in 2011 to 77 percent in 2030. Likewise, China is projected to account for about 28 percent of increases in global demand for natural gas with its import dependence to rise from 14 percent in 2010 to 44 percent in 2030. Its impact on global oil prices and thus on the growth of the world economy would be considerable. Furthermore, **Beijing’s anxiety about ensuring stable access to energy resources may stimulate the expansion of Peoples’ Liberation Army Navy’s power projection capabilities, as a means to increase and secure access to overseas oil and natural gas supplies.** The deepening of China’s economic interdependence with both the United States and Japan is unstoppable in the foreseeable future. Steady growth of the Chinese economy, which requires finding a solution to the upsurge in China’s energy demand, is of great significance to the United States and Japan. In this regard, **the two allies should explore possibilities for strengthening cooperation with China in a number of areas, especially** energy efficiency, clean energy, and **nuclear power generation**. Outside (or **uninformed**) **observers of Sino-Japanese relations tend to be overwhelmed by the contemporary geopolitical dispute and rising nationalism that fill the headlines, and overlook the fact that Beijing and Tokyo have developed extensive cooperation in the energy sector, including on energy conservation and clean energy technologies, for more than three decades. Japan can share its rich experiences in energy and environmental projects in China with the United States to capitalize on the recent success of Sino-U.S. clean energy cooperation. Beyond the business benefits,** **such collaboration could have invaluable political implications. If the three biggest energy consumers in the world could find a joint flagship project it could help create a new international framework for engaging China.** From the standpoint of reducing hydrocarbon consumption and carbon dioxide emissions, the U.S.-Japan “nuclear twins” should pursue nuclear cooperation with China, which has 18 nuclear power plants currently in operation. The nuclear stakes in China are about to get much bigger: there are about 30 reactors under construction and more than 50 in the planning stage. This expansion is of global importance. Successful growth in nuclear power generation would reduce China’s hydrocarbon consumption and GHG emissions, and operational safety of the plants amidst such a rush of construction is an obvious concern. **Secondly, Russia has devoted every effort to enhance its presence in the Asia-Pacific region**, taking advantage of hosting the 2012 APEC Summit in Vladivostok last September. **Moscow is anxious to accelerate the development of untapped hydrocarbon resources in the eastern regions of the country as a way to gain new business opportunities while enhancing its geopolitical influence in Northeast Asia.** The 4700 km crude oil pipeline from Eastern Siberia to the Pacific Ocean (ESPO) was completed in December 2012. Russia currently exports about 0.6 million barrels per day by the ESPO pipeline, but aims to increase the volume as much as possible. The U.S. shale gas revolution came as a harsh blow to Moscow, given that Russia is frustrated by the gradual decreases of its natural gas exports to Europe as consumption there declines and the EU seeks diversification of natural gas supply routes. The Sakhalin-2 is the only LNG project in Russia, as of today, with a maximum capacity of exporting 9.6 million tons per year; a new LNG plant in Vladivostok is in the planning stages. **In recent months Russia has aggressively approached Japan, China, and the Republic of Korea to strengthen partnerships in oil and gas sectors.** Meanwhile, the United States already has a bastion in the energy landscape of Northeast Asia, with ExxonMobil as the operator of the Sakhalin-1 project. The destination of natural gas exports from the project has remained undecided due to conflicts of interest between ExxonMobil and Russia’s state-owned gas company, Gazprom, which has monopolized Russia’s natural gas exports to date. Yet, while President Putin has recently disclosed a plan to liberalize the natural gas export market, the state-owned oil company, Rosneft, has galvanized itself to find new foreign partners. It has expanded agreements with ExxonMobil, addressing new oil and gas projects in Russia’s Far Eastern and Arctic regions, and has acquired a stake in Exxon’s gas project in Alaska. **However, Russia does not yet seem to have emerged as a factor in the U.S. pivot to Asia. Especially since the collapse of the former Soviet Union and the demise of the Soviet military threat in the Asia-Pacific, Washington’s approach to Russia has been overwhelmingly Euro-centric. Russia’s aggressive move to the Asia-Pacific region in the energy sector should be taken into account, when we imagine diplomatic implications of U.S. energy independence for this region. Obviously, one of the impetuses of Russia’s rapid move to the east is Moscow’s concern about the rise of China.** Notwithstanding the economic benefit of the drastic increase in oil trade volumes with China, **voices among the Russian power elite are gradually emerging to alarm that Russia might become a “resource appendage” to its neighboring geopolitical rival. It should be noted, however, that increasing hydrocarbon exports from Russia’s eastern regions would also be one of the ways in which the impact of China’s explosive energy needs upon the global energy market can be reduced peacefully. U.S. and Japanese policymakers should consider this point when they discuss Russia’s role as a big energy supplier in the context of energy security in the Asia-Pacific region.** **Energy security in the Asia-Pacific region entails numerous uncertainties in both energy markets and geopolitical dynamism. The robust U.S.-Japan alliance must be anchored in solving energy challenges, but this requires clarification of Tokyo’s post-Fukushima energy policies** including an internationally responsible political decision on **restarting Japan’s nuclear power plants. Wisdom and long-term perspectives are needed to reduce the economic and security costs of ensuring regional stability in the years to come. It is high time for the United States and Japan to begin to design a roadmap for an international framework of energy security in which** other **regional key players such as China and Russia are effectively engaged.**

**Unipolar management of China will inevitable fail – Only engagement with regional institutions in Asia can allow for effective Chinese integration**

**Nye et al.,** Former Deputy Secretary of State, **’07**

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**As the U**nited **S**tates **considers the evolving structure of international relations in Asia in 2020, there are scenarios we should seek to avoid. In particular, with the rising power, influence, nationalism, and resource needs of Asia’s major powers, it is clear that a unipolar U.S. management of Asia is not attainable, and its pursuit could prove counterproductive to adjusting the U.S. role in the region to emerging realities. For some, a condominium between the U**nited **S**tates **and China seems the logical future structure for the region.** However, **as long as the U**nited **S**tates **and China have different value systems, and absent a clear understanding of our respective interests both regionally and globally, it is our view that such an accommodation overestimates the potential of U.S.-China relations**. A condominium with China would put at risk the quality of relations with friends and allies across the region who are wary, if accepting, of China’s growing weight and value to the United States, in part as key to achieving strategic balance in the region. **At the same time, however, a bipolar structure with only the U**nited **S**tates **and Japan facing China would be ineffective, because it would force other regional powers to choose between two competing poles. Some might side with the U**nited **S**tates **and Japan, but most regional powers would choose strict neutrality or align with China. Ultimately, this would weaken the powerful example of American and Japanese democracy and return the region to a Cold War or nineteenth century balance-of-power logic that does not favor stability in the region or contribute to China’s potential for positive change. Stability in East Asia will rest on the quality of U.S.-Japan-China relations**, and even though the United States is closely allied with Japan, Washington should encourage good relations among all three. **The best structure for Asia rests on sustained U.S. strength, commitment, and leadership in the region, combined with proactive participation in regional affairs by Asia’s other successful powers. An open structure in which Japan, India, Australia, Singapore, and others are leading by example, based on partnerships with the U**nited **S**tates **and shared democratic values, is the most effective way to realize an agenda for Asia that emphasizes free markets, continued prosperity based on the rule of law, and increasing political freedom**. The United States and Japan should also seek to build relationships with countries such as Vietnam, which has a growing interest in being a part of Asia’s trading life, and New Zealand, which shares our values. **All these efforts should be coupled with measures to expand areas of cooperation with China, while being candid with Beijing about areas of disagreement. Working within Asia in this manner, we believe, will be key to positively influencing the growth and direction of all of Asia, including China, thereby “getting Asia right.”**

**That’s key to maintain a peaceful Chinese rise – the alternative to integration is an aggressive, nationalist China**

**Nye et al.,** Former Deputy Secretary of State, **’07**

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**A profound transformation has been unfolding in China, one that points to the possibility of China emerging as the dominant regional power. Even factoring in the possibility of disruption, China will continue to be an engine of regional growth and global dynamism**. China’s growing comprehensive national power is already well reflected in its assertive diplomacy aimed at shaping the strategic environment around its borders. **One key question for the United States, Japan, and all of Asia is: how will China use its newfound capabilities and resources as it matures as an economic and military power?** Since our October 2000 report was issued, perhaps the most significant event in the Pacific has been the explosive economic growth of China. China’s trade-to- GDP ratio has nearly doubled in the past 10 years, making it much more reliant on the external sector—U.S. and Asian markets in particular and raw materials from Australia, North America, and increasingly the Middle East. While China’s economic success presents opportunities for all, there are also emerging costs, such as a drawing away of capital and jobs that would have otherwise gone to its Asian neighbors—those of the Association of Southeast Asian Nations (ASEAN) especially. China will grow, but its growth will not necessarily be a linear “rise” without complications. **China has massive internal challenges that include an aging society, a weak social safety net, large and growing disparities in development, and systemic corruption—all of which have resulted in social unease**. China’s leaders also are faced with growing labor unrest, a weak banking and financial system, lingering ethnic disputes, environmental problems almost unimaginable to Westerners, and vulnerability to epidemic disease. Together, these challenges have caused Chinese leaders to focus internally, thereby putting a premium on external stability. **China seeks a stable, peaceful international environment in which to develop its comprehensive national power. China needs to avoid any disruption of its access to national resources** (particularly oil and gas) and foreign investment, and it can ill afford major diversions of resources to causes unrelated to the objectives of economic growth and public welfare. **That said, nationalism is growing in China, as elsewhere in the region. Among China’s leaders, nationalism is likely viewed as a useful tool to muster support for the Communist Party, particularly should economic growth falter. Although reliance on nationalism poses risks for the regime, Chinese leaders will likely continue to tap into nationalist sentiment to bolster their own legitimacy**. This may place limitations on the quality of interactions the United States and Japan can expect with China for the foreseeable future. Also limiting the quality of interactions are differences in values. **The most profound of these relate to differences over human rights, religious freedoms, and political systems. The values gap matters in the most consequential form because it gives rise to a “trust deficit.” In the case of China, there is a growing body of evidence suggesting that the nexus between values and foreign policy could negatively affect U.S. interests.** This is manifest in China’s behavior toward countries like Iran, Sudan, Venezuela, Zimbabwe, and Uzbekistan. It is evident that China is engaged in relationship building, which may enable continued irresponsible behavior on the part of other governments. One of the key features of Chinese foreign policy is a requirement to establish secure, reliable access to energy resources that lay beyond China’s borders. Its large and rising energy deficit and lingering distrust of free markets foster a perception among Chinese leaders that increasing reliance on foreign energy creates vulnerabilities. In the hope of securing the energy required to support China’s domestic demand, especially Persian Gulf oil to meet future transportation demands, China has embarked on an effort to promote supply diversification as well as overseas equity investment. The United States, Japan, and others will be further affected by China’s surging demand for energy and raw materials. Some of the consequences will likely be negative: higher prices for foreign crude, increasing environmental degradation, and competition over disputed maritime boundaries. But there will also be new opportunities for cooperation on energy efficiency, “clean-coal technology,” and nuclear power. It may also be the case that China’s increasing reliance on the outside world will present the United States and its friends with foreign policy opportunities. The spectacular economic growth of China has allowed it to make major investments in the military. **China’s intensive military modernization efforts are focused on preparing for a possible conflict with Taiwan, and its efforts are paying off. China is developing the ability to fight a high-tech war along its periphery. China has**, for example, **developed remarkable coordination among critical military communities—those that do acquisition, training, logistics, doctrine/strategy, etc. Historically, such coordination has proven to be a formula for militaries to improve their capabilities quickly.** China has also begun to break down some of the barriers between its services, although it has not yet developed the ability to conduct truly joint military operations. **As China continues to expand its military capabilities, it is likely to place greater emphasis on the development of a blue-water navy. This flows in part from the perception that it needs to protect energy sources and sea lanes. The modernization and growth of China will insure its power and affluence, but the direction it takes remains an open question. In 2020, China could be a responsible stakeholder, with increased political freedoms and liberal institutions that support economic openness and make for more responsible treatment of its people and its neighbors. On the other hand, China’s conduct could be marked by mercantilism, with illiberal institutions, chauvinistic nationalism, and corruption that distort international norms and threaten neighbors. China will continue to face discrete decision points in the global arena. In such instances, it is important that China has incentives to make those choices that lead it down a path of peaceful integration and benign competition.**

**And, that causes Chinese invasion of Taiwan**

**Copley News Service, ’05**

[Copley News Service, “Daily Editorials: Bombs and Butter,” July 24th 2005]

**As China gains** economic **clout, its government's brand of touchy, saber-rattling nationalism becomes more worrisome. That touchiness is rooted in the memory of humiliation inflicted by foreigners, from the Western colonial concessions of the 19th century, and** it is rooted in the more recent memory of **Japanese atrocities during** the **World War II** occupation. That wounded pride explains the orchestrated national spleen-venting over Japanese textbooks, the 2001 U.S. spy plane collision and the mistaken U.S. bombing of China's embassy during the Kosovo campaign. **It has much to do with China's oft-repeated threats to attack Taiwan, which seem extreme to everyone except the Chinese. As China gains power, that nationalism becomes more worrisome. China's authoritarian government lacks the natural restraint of voters or of dissenters free to challenge government assumptions that can lead to war.** The Pentagon recently reported that **China is rapidly building its military with a goal of extending its influence across Asia.** In the future, **its leaders "may be tempted to resort to force or coercion more quickly to press diplomatic advantage, advance security interests or resolve disputes**," the report concluded. **If more muscle combined with nationalist passions tempt Chinese leaders to attack Taiwan, the U**nited **S**tates **and the world would be faced with a crisis more serious than** any since at least **the** 1962 **Cuban missile crisis** with the Soviet Union. **The U**nited **S**tates **would feel compelled to come to Taiwan's aid**, **resulting in a war between heavily armed countries that possess nuclear arsenals.**

**Major Powers will get involved – escalates globally**

**Hunkovic,** IR Prof @ American Military University, **’09**

[Lee J. Hunkovic, Professor @ The American Military University, “The Chinese-Taiwanese Conflict¶ Possible Futures of a Confrontation between China, Taiwan and the United States of America,” 2009, <http://www.lamp-method.org/eCommons/Hunkovic.pdf>]

**A war between China, Taiwan and the United States has the potential to escalate into a nuclear conflict and a third world war**, therefore, **many countries** other than the primary actors **could be affected by such a conflict, including Japan, both Koreas, Russia, Australia, India and Great** **Britain, if they were drawn into the war, as well as all other countries in the world that participate in the global economy, in which the U**nited **S**tates **and China are the** two **most dominant** members. **If China were** able **to** successfully **annex Taiwan**, **the possibility exists that they could then plan to attack Japan and begin a policy of aggressive expansionism** **in East and Southeast Asia, as well as the Pacific and even into India, which could in** **turn create an international standoff and deployment of military forces to contain the threat**. In any case, **if China and the U**nited **S**tates engage **in a full-scale conflict, there are few countries in the world that will not be** economically and/or militarily **affected** by it. However, China, Taiwan and United States are the primary actors in this scenario, whose actions will determine its eventual outcome, therefore, other countries will not be considered in this study.

# 2AC

### AT: T Restriction = Prohibition

**a) Restrictions include limiting conditions**

**Plummer 29** J., Court Justice, MAX ZLOZOWER, Respondent, v. SAM LINDENBAUM et al., Appellants Civ. No. 3724COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT100 Cal. App. 766; 281 P. 102; 1929 Cal. App. LEXIS 404September 26, 1929, Decided, lexis

**The word "restriction**," when used in connection with the grant of interest in real property, **is construed as being the legal equivalent of "condition**." **Either term may be used to denote a limitation** upon the full and unqualified enjoyment of the right or estate granted. The words "terms" and "conditions" are often used synonymously when relating to legal rights. "**Conditions and restrictions" are that which limits** or modifies the **existence or character of something; a restriction or qualification**. **It is a restriction or limitation modifying or destroying the original act with which it is connected**, or defeating, terminating or enlarging an estate granted; something which defeats or qualifies an estate; a modus or quality annexed by him that hath an estate, or interest or right to the same, whereby an estate may be either defeated, enlarged, or created upon an uncertain event; a quality annexed to land whereby an estate may be defeated; a qualification or restriction annexed to a deed or device, by virtue of which an estate is made to vest, to be enlarged or defeated upon the happening or not happening of a particular event, **or the performance or nonperformance of a particular act.**

**b. That limitation has to be legally imposed – includes regulation**

Gerald N. **Hill** and Kathleen T. Hill – **2005**, the Free Dictionary, http://legal-dictionary.thefreedictionary.com/Restrictions

**restriction** n. **any limitation on activity, by statute, regulation or contract provision.** In multi-unit real estate developments, condominium and cooperative housing projects, managed by homeowners' associations or similar organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions," intended to enhance the use of common facilities and property, recorded and incorporated into the title of each owner.

#### Examples: 1) safety-related siting restrictions and 2) restrictions on pollution from nuclear power production

Sheldon L. Trubatch - Managing Member, The Regulatory Strategy Group, L.L.C.; Adjunct Professor, University of Arizona James E. Rogers College of Law – 10/4/12, How, Why, and When the U.S. Supreme Court Supports Nuclear Power, <http://www.ajelp.com/articles/how-why-and-when-the-u-s-supreme-court-supports-nuclear-power/>

In Northern Indiana Public Service Co. v. Porter County Chapter of Izaak Walton League of America, Inc. (1975), the Supreme Court reviewed the Seventh Circuit’s reversal of the AEC’s approval of a CP because of an alleged failure by the AEC to follow its own siting rules on the minimum allowable population center distance to the plant.[40] The AEC had relied on actual boundaries of population densities instead of political boundaries.[41] The Court reversed per curiam, finding the AEC’s interpretation to be reasonable and, thus, controlling.[42] This decision reflects the actual safety issue, which focuses on how far the plant is from the population centers that might be exposed to radiation as a result of an accident.[43] Legally, the decision was another step on the Court’s road to substantial deference to the AEC’s and NRC’s interpretations of their governing regulations. For the residents of northern Indiana who live near and recreate in the Indiana Dunes National Lakeshore, the decision was immaterial because the plant proposed for construction on the nearby shores of Lake Michigan was never built.[44] It became uneconomical as the plant’s cost rose from $100 million to $1 billion.[45] B. Environmental Issues As safety issues were beingresolved by the late 1960s, the environmental movement gained strength and public attention turned to the environmental impacts of nuclear power. The states and federal government responded with environmental laws, such as Minnesota’s creation of the Minnesota Pollution Control Agency in 1967 and President Nixon’s creation of the Environmental Protection Agency (EPA) through Reorganization Plan No. 2, signed on July 9, 1969. In December 1969, Congress enacted the National Environmental Policy Act (NEPA). April 22, 1970, saw the first Earth Day. This public awakening to environmental issues also brought nuclear power environmental concerns to the Supreme Court. In Northern States Power Co. v. Minnesota (1972), Northern States Power challenged Minnesota’s regulations on radioactive effluents from the Prairie Island nuclear power plant.[46] In a two-to-one decision, the Eighth Circuit decided for federal preemption under Article VI, Clause 2, and against states’ rights under the Tenth Amendment.[47] The Supreme Court affirmed without an opinion. Because there was no explicit federal preemption in the AEA and no impossibility of dual compliance with state and federal effluent regulations, the Eighth Circuit found that Congress’s intent to preempt the field in the licensing and regulation of nuclear reactors to the exclusion of the states was controlling in any decision on preemption.[48] Congressional intent, as expressed in the AEA, was found to establish federal regulation in the national interest.[49] Moreover, the 1959 amendments to the AEA established only limited AEC discontinuance of authority to let states enter into agreements with the AEC to regulate in specific areas.[50] The Eighth Circuit found the 1959 amendments to imply Congress’s belief that the AEC had exclusive regulatory authority over radiation hazards from nuclear plants—a position substantially supported by the legislative history and contemporaneous AEC interpretation of those amendments.[51] Finally, consistent with the Court’s determination not to interfere with Congress’s intent to promote nuclear power, the Eighth Circuit expressed its concern that the state’s control of radioactive effluents would interfere with Congress’s intent to promote atomic energy to raise the standard of living.[52] This decision can also be seen as consistent with the nascent state of concern about environmental pollution in 1971. The dissent doubted that adverse economic impact would result if the state regulated radioactive effluents, and focused instead on federal preemption law.

### 2AC Courts CP

#### 3) Doesn’t solve preemption – Congress key

Garvey, Legislative Attorney, 11

(State Authority to Regulate Nuclear Power: Federal Preemption Under the Atomic Energy Act, https://www.hsdl.org/?view&did=718958)

Although preemption is a constitutional principle arising from the Supremacy Clause, the extent to which state laws are preempted is a matter of congressional intent. Therefore, Congress retains the authority to define the preemptive scope of a statute. If Congress is unhappy with a court’s interpretation of a given statute, Congress is free to amend the statute to make the statute’s preemptive effects clear. Likewise, if Congress disagrees with the degree to which a state is regulating in an area, Congress is free to either restrict or enlarge that freedom. It is “up to Congress to determine whether a state has misused the authority left in its hands.” Courts have struggled to define the precise borders of the preemptive field emanating from the NRC’s exclusive authority over radiological safety aspects of the construction and operation of nuclear power plants. Given the uncertainties associated with field preemption generally, it is not surprising that the AEA has been subject to a number of conflicting interpretations, which have, in turn, given rise to conflicting case law. Congress, however, is free to adjust or clarify those preemptive boundaries by amending the AEA. The Supreme Court expressly invited Congress to adjust the separation of authority between the states and the federal government if it felt state laws like the California moratorium infringed on federal authority to encourage the development of nuclear power. In Pacific Gas, the Court noted that “it is for Congress to rethink the division of regulatory authority in light of its possible exercise by the States to undercut a federal objective. The courts should not assume the role which our system assigns to Congress.” If Congress believes that courts have interpreted the AEA in a way that provides states with too much freedom in slowing or preventing the development of nuclear power; or, conversely, that courts have interpreted the AEA in a way that excessively restricts a state’s ability to regulate nuclear power within its borders; or if Congress simply seeks to mitigate the uncertainty associated with defining the scope of field preemption under the AEA, then Congress is free to expressly adjust the preemptive field of the AEA accordingly. Preemption is, at its core, controlled by Congress.

#### 4) Congress will circumvent Court preemption decisions even if they agree

Buzbee, Professor of Law at Emory, 09

(Congress’s Authority to Correct the Courts’ Preemption Decisions, www.progressivereform.org/articles/CPR\_Cong\_Power\_Preemption\_905.pdf)

Federal courts’ preemption decisions crystallize the difficult policy implications of Congress’s preemption choices and provide an opportunity to focus Congress’s attention on clarifying its true preemptive intent. Like its power to create preemption policies in the first instance, Congress’s power to amend statutes to supersede courts’ preemption decisions is broad. Courts’ decisions in these cases are, in essence, statutory interpretation decisions since their goal is to discern what Congress’s intent was or would have been had Congress considered the issue before the court. Unlike constitutional interpretation decisions, which can only be overturned by means of a constitutional amendment, statutory interpretation decisions invite congressional critique. As with any judicial interpretation of a statute with which Congress disagrees, Congress may amend the statute to make its intent clearer. Even if Congress does not disagree with the court’s interpretation of the original statute’s preemptive effect, it may decide that it wishes to change the law’s preemptive effect.

#### 5) This congress is particularly reactive to court intrusion – Roberts won’t let the court fight back

Pelosi, House Rep, 12

(4/19, Respecting the Constitution and the role of the Supreme Court, articles.chicagotribune.com/2012-04-19/news/ct-perspec-0419-pelosi-20120419\_1\_judicial-review-federal-courts-supreme-court)

Indeed, for all of their professed adherence to the Constitution, it is striking that House Republicans have led repeated efforts to prohibit federal courts — including the Supreme Court — from conducting reviews, including reviewing the constitutionality of a law. They have gone so far as to pass extreme bills to bypass judicial review and deny Americans the right to challenge the constitutionality of a statute. This concept, known as "court stripping," was long considered radical — even by many conservatives. In the 1980s, William French Smith, President Ronald Reagan's attorney general; Arizona Sen. Barry Goldwater; and Justice Department official Ted Olson all publicly opposed these efforts, and proposed court-stripping legislation failed to pass the Senate. However, it is important to note that John Roberts, now the chief justice of the Supreme Court, wrote at the time: "It is argued that divesting the Supreme Court of jurisdiction over a particular class of cases would undermine the constitutional role of the court as the ultimate arbiter of constitutional questions. The Constitution, however, does not accord such a role to the court." Former Republican Majority Leader Tom DeLay led the effort in the House of Representatives to embrace court stripping. The Republican House, on a largely party-line vote, passed the Marriage Protection Act of 2004, which barred federal courts from considering the constitutionality of the Defense of Marriage Act. The House also passed the Pledge Protection Act twice to bar federal courts from considering the constitutionality of the Pledge of Allegiance. House Republicans have asserted that the Supreme Court is not the ultimate arbiter of the Constitution. Rep. John Hostettler, R-Ind., a member of the House Judiciary Committee and the chief sponsor of the Marriage Protection Act, claimed that Marbury v. Madison was "wrongly decided" and that "the notion of an independent judiciary… just does not bear out actually in the Constitution."

### AT QER CP

#### No implementation

Barlas, ’12

Stephen, Columnist @ Financial Executive, 1/1, Lexis

But it is highly unlikely that Obama's blueprint will lead to a firmer footing for U.S. energy security than past so-called blueprints from other presidents, or perhaps more importantly, whether a print is even necessary. Obama's policy is a loosely knit set of policies that focus on producing more oil at home and reducing dependence on foreign oil by developing cleaner alternative fuels and greater efficiency. The Obama plan is not the result of any particular deep thinking or strategy. The President's Council of Advisors on Science and Technology (PCAST) called for the development of such a strategy in its November 2010 Report to the President on Accelerating the Pace of Change in Energy Technologies. Through an Integrated Federal Energy Policy. PCAST called for a Quadrennial Technology Review (QTR) as the first step in preparing a Quadrennial Energy Review. DOE completed the QTR in November 2011, six months after Obama published his blueprint. Steven E. Koonin, former undersecretary of Energy for Science, says QTR is limited in scope and all DOE felt it could get done given budget and time. "Technology development absent an understanding and shaping of policy and market context in which it gets deployed is not a productive exercise," he says. At this point there is no indication that DOE will even undertake the much more important QER, much less complete it any time soon. The larger reality is that any energy independence plan proposed by any U.S, president--whether based on a QER or not--has as much a chance of coming to fruition as Washington's football Redskins have of getting into the Super Bowl. But regardless of the rhetoric of president after president, maybe the U.S. doesn't even need an energy independence or energy security policy. Natural Gas Making Inroads The biggest energy input for industrial and commercial business users is natural gas. Natural gas prices are incredibly important, both because the fuel is used directly to run industrial processes, heat facilities and commercial buildings and make products such as fertilizers, pharmaceuticals, plastics and other advanced materials. Thanks to the shale revolution, EIA forecasts natural gas prices will stay low for the foreseeable future, rising to $4.66 m/BTU in 2015 and $5.05 m/BTU in 2020. That is good news for the owners of 15,000 to 17,000 industrial boilers in this country, most of which use natural gas (and many of those who still use coal are switching to natural gas). In addition, companies such as Dow Chemical Co. are restarting operations at facilities idled during the recession, Bayer AG is in talks with companies interested in building new ethane crackers at its two industrial parks in West Virginia and Chevron Phillips Chemical Co. and LyondellBasell Co., are considering expanding operations in the United States. Fracking has also had a much less remarked-upon effect on petroleum prices, which are important to businesses with transportation fleets. New oil sources are spurting from the Bakken (stretching from Canada to North Dakota and Montana) and Eagles Ford (South Texas) shale plays. U.S. oil prices have fallen from $133.88 a barrel of Texas intermediate crude in June 2008 to around $86.07. EIA predicts oil prices will rise to $94.58/bbl in 2015 and $108.10/bbl in 2020. Beyond the flood of natural gas washing over them, U.S. companies are also benefitting from three decades of investments--most of which were made without federal subsidies, or support--into facility energy efficiency. Ralph Cavanagh, co-director of the Energy Program at the Natural Resources Defense Council and a member of the Electricity Advisory Board at DOE, says the most important single solution for U.S. businesses worried about energy prices and access is aggressive energy efficiency. "Energy independence is the wrong issue," Cavanagh says. "It is reducing the cost of energy services and improving energy security. "U.S. business has done a tremendous job in energy efficiency over the past three decades," he adds. "It takes less than one-half of a unit of energy to create $1 of economic value than it did in 1973. Industry has done that by upgrading the efficiency of process equipment and upgrading lighting." Others may well argue that the U.S. needs, and has always needed, an energy policy, but one narrowly targeted. Kenneth B Medlock III, deputy director, Energy Forum at the James A Baker III Institute for Public Policy at Rice University, notes that DOE and the Gas Research Institute helped develop, with federal funding, the horizontal drilling (i.e. fracking) technology that Mitchell Energy and Development Corp. (now a part of Devon Energy Corp.) pioneered. "Government ought to be focused on research and development," Med-lock notes. He also is a supporter of loan guarantees to promote investment activity in frontier technologies, and argues that as long as there are more good bets than bad bets in that kind of portfolio, the funds committed in total are a good investment. But spectacular failures of energy companies such as Solyndra Corp., the Chapter 11 filing of Beacon Power Corp. and other less publicized busts reduce, if not kill, the prospect of any additional congressional funding for energy loan guarantees of any kind. That is true even when legislation has bipartisan support, which is the case for the Energy Savings and Industrial Competitiveness Act of 2011 (S. 1000), which would, among other things, provide grants for a revolving loan program designed to develop energy-saving technologies for industrial and commercial use. The bill passed the Senate Energy Committee by a vote of 18-3 in July. However, the Congressional Budget Office has pegged the cost of the bill's provisions at $1.2 billion over five years. That is a serious barrier to passage. And in any case, even if it did pass, the bill would simply authorize funding. Congressional appropriations committees would have to approve the money as part of DOE's budget, which would be highly unlikely, Solyndra aside, since similar programs authorized by the 2005 and 2007 energy bills are still begging for appropriations. Besides impact on the federal deficit, politics, too, often impede progress on otherwise sensible policies. Politics apparently have clogged up the proposed Keystone XL oil pipeline extension from Canada. Environmentalists, a Democratic constituency, oppose the project, arguing it would create more greenhouse gas emissions than necessary and pose a potential drinking water danger for Nebraska residents because it passed over the Ogallala Aquifer. That view is shared by Nebraska's Republican Gov. Dave Heineman, whose views are opposite those of all the can presidential candidates, each of whom supported U.S. approval of Keystone XL. Labor unions, another key Democratic constituency, support the project that TransCanada, the project sponsor, says will bring more than 11 8,000 person-years of employment to workers in the states of Montana, South Dakota and Nebraska. If the Keystone debate features Democrats versus Democrats and Republicans versus Republicans, efforts to substitute domestic natural gas for foreign petroleum features business versus business.

#### CP requires congressional and presidential involvement – links to politics

PCAST, ’10

President’s Council of Advisors on Science and Technology (PCAST), Executive Office of the President, Co-Chaired by John P. Holdren, Assistant to the President for Science and Technology Director, Office of Science and Technology Policy, and Eric Lander, President, Broad Institute of Harvard and MIT, Nov 2010, REPORT TO THE PRESIDENT ON ACCELERATING THE PACE OF CHANGE IN ENERGY TECHNOLOGIES THROUGH AN INTEGRATED FEDERAL ENERGY POLICY, www.whitehouse.gov/sites/default/files/microsites/ostp/pcast-energy-tech-report.pdf

A QER process would, in some sense, formulate an integrated energy policy for the twenty­first century. It will span mission and vision definition, strategy, and tactics. The QER and the process leading to it would provide an effective tool for Administration­wide coherence on energy and for effective dialog with Congress on a coordinated legislative agenda. Presidential interest and engagement will be a necessary ingredient for success. While the QER will be a product of the Administration, substantial input from the Congress, the energy industry, academia, state and local governments, nongovernmental organizations, and consumers will be essential throughout the process. Transparency in the process of gathering input for the QER will be key to the development of a sound product that can gain wide support.

### AT: Japan LNG CP

#### Perm do both

#### No net benefit

#### Can’t solve the China impact – nuclear restarts key to create a regional energy alliance with other powers instead of sole US management – key to prevent conflict

#### US natural gas tanks the Japanese economy

Reuters 3/26/13 (“U.S. shale no panacea for Japan's crippling energy bills” [http://www.reuters.com/article/2013/03/25/japan-shale-idUSL3N0CA15620130325](http://www.reuters.com/article/2013/03/25/japan-shale-idUSL3N0CA156201303250))

U.S. shale gas may not be the panacea being touted by Japan's politicians and companies to sharply reduce the country's crippling energy bills.¶ Japan's government last month said it will provide loan guarantees of 1 trillion yen ($10.47 billion) for investments in shale gas, which the Nikkei business daily has said could cut imported gas costs by as much as 40 percent.¶ But the advantage is eroded to as little as 10 percent once shipping and other costs are accounted for, according to a Reuters survey of estimates.¶ "The shale gas revolution is an illusion," said Toshinori Ito, president of Ito Research and Advisory, an independent energy research company based in Tokyo.¶ Japanese utilities such as Tokyo Electric Power Co, Tokyo Gas Co and trading houses including Mitsui & Co are signing contracts and building extra facilities to import U.S. shale gas.¶ They are being encouraged by a government alarmed at a trade deficit that surged to a record after the March 2011 Fukushima nuclear crisis shut most of the country's atomic power stations, pushing up utilities' annual fuel cost by 3 trillion yen.¶ The government is also considering offering insurance to companies planning to import U.S. gas, the Nikkei reported in February.¶ The yen's 20 percent fall against the dollar this year has added to the urgency as it increases the cost of imported fuel for a country that already buys a third of the world's liquefied natural gas.¶ Japan's energy imports account for 7 percent of gross national product and the cost of natural gas has risen more than 77 percent in yen terms since January 2011, according to Eurotechnology Japan KK.¶ COST COMPARISON¶ But it's not clear U.S. shale can deliver the hoped for cost benefits.¶ U.S. producers are likely to charge a premium of as high as 30 percent over market quotes for piped gas, according to one estimate.

**US gas exports collapse the Russian economy**

Mead, Professor of Foreign Affairs at Bard, 12

(North American Shale Gas Gives Russia Serious Headache, blogs.the-american-interest.com/wrm/2012/04/25/north-american-shale-gas-gives-russia-serious-headache/)

North America’s shale gas boom is chipping away at the market for gas producers like Russia. What’s more, if the United States becomes a gas exporter, Russia’s customers (especially in Europe) could decide to cancel expensive contracts with Gazprom in favor of cheaper American natural gas. “If the US starts exporting LNG to Europe and Asia, it gives [customers there] an argument to renegotiate their prices with Gazprom and Qatar, and they will do it,” says Jean Abiteboul, head of Cheniere supply & marketing. Gazprom supplied 27 percent of Europe’s natural gas in 2011. While American gas is trading below $2 per MMBTU (million British thermal units), Gazprom’s prices are tied to crude oil markets, and its long-term contracts charge customers roughly $13 per MMBTU, says the FT. European customers would love to reduce their dependence on Gazprom and start to import American gas. Already Gazprom has had to make concessions to its three biggest customers, and others are increasingly dissatisfied with their contracts. Worse, from Russia’s point of view: evidence that western and central Europe contain substantial shale gas reserves of their own. Fracking is unpopular in thickly populated, eco-friendly Europe, but so are high gas prices. All this ought to give Russia serious heartburn. Eroding Gazprom’s dominance of the European energy market would be a major check on Russian economic growth and political influence.

#### Extinction

Filger, columnist and founder of GlobalEconomicCrisis.com, 09

(Russian Economy Faces Disastrous Free Fall Contraction, www.huffingtonpost.com/sheldon-filger/russian-economy-faces-dis\_b\_201147.html)

In Russia, historically, economic health and political stability are intertwined to a degree that is rarely encountered in other major industrialized economies. It was the economic stagnation of the former Soviet Union that led to its political downfall. Similarly, Medvedev and Putin, both intimately acquainted with their nation's history, are unquestionably alarmed at the prospect that Russia's economic crisis will endanger the nation's political stability, achieved at great cost after years of chaos following the demise of the Soviet Union. Already, strikes and protests are occurring among rank and file workers facing unemployment or non-payment of their salaries. Recent polling demonstrates that the once supreme popularity ratings of Putin and Medvedev are eroding rapidly. Beyond the political elites are the financial oligarchs, who have been forced to deleverage, even unloading their yachts and executive jets in a desperate attempt to raise cash. Should the Russian economy deteriorate to the point where economic collapse is not out of the question, the impact will go far beyond the obvious accelerant such an outcome would be for the Global Economic Crisis. There is a geopolitical dimension that is even more relevant then the economic context. Despite its economic vulnerabilities and perceived decline from superpower status, Russia remains one of only two nations on earth with a nuclear arsenal of sufficient scope and capability to destroy the world as we know it. For that reason, it is not only President Medvedev and Prime Minister Putin who will be lying awake at nights over the prospect that a national economic crisis can transform itself into a virulent and destabilizing social and political upheaval. It just may be possible that U.S. President Barack Obama's national security team has already briefed him about the consequences of a major economic meltdown in Russia for the peace of the world. After all, the most recent national intelligence estimates put out by the U.S. intelligence community have already concluded that the Global Economic Crisis represents the greatest national security threat to the United States, due to its facilitating political instability in the world. During the years Boris Yeltsin ruled Russia, security forces responsible for guarding the nation's nuclear arsenal went without pay for months at a time, leading to fears that desperate personnel would illicitly sell nuclear weapons to terrorist organizations. If the current economic crisis in Russia were to deteriorate much further, how secure would the Russian nuclear arsenal remain? It may be that the financial impact of the Global Economic Crisis is its least dangerous consequence.

### AT: Immigration PTX (Short)

#### Decline doesn’t cause war

Geller and Singer, ’99

[\*Chair of the Department of Political Science @ Wayne State University (Daniel S and Joel David, Nations at war: a scientific study of international conflict, p. 116-117)]

Hopf (1991) and Levy (1984) examine the frequency, magnitude and severity of wars using polarity (Hopf) and “system size” (Levy) as predictors. Hopf’s database includes warfare in the European subsystems for the restricted temporal period of 1495–1559. The system is classified as multipolar for the years 1495–1520 and as bipolar for the years 1521–1559. Hopf reports that the amount of warfare during those two periods was essentially equivalent. He concludes that polarity has little relationship to patterns of war for the historical period under examination. Levy (1984) explores a possible linear association between the number of great powers (system size) and war for the extended temporal span of 1495 – 1974. His findings coincide with those of Hopf; he reports that the frequency, magnitude and severity of war in the international system is unrelated to the number of major powers in the system.

#### Lack of measuring stick for border security will prevent reform

McLaughlin, 3/27 (Seth, 3/27/2013, Washington Times, “Napolitano says border is secure but lacks proof; No clear measure could scuttle immigration talks,” Factiva))

Department of Homeland Security Secretary Janet A. Napolitano said Tuesday that the border is as secure as ever, but that there is no single way to prove it - an admission that could jeopardize the immigration talks on Capitol Hill, where Republican lawmakers say border security is their top priority. Ms. Napolitano said her department has not developed the "border condition index" that it planned to put in place after it tossed out the previous yardstick - miles of the border under "operational control" - three years ago. "That is a very difficult thing to do in any kind of statistically significant way," Ms. Napolitano told reporters at a breakfast hosted by The Christian Science Monitor. The lack of a clear measuring stick could trip up the bipartisan coalitions in each chamber that are working to come up with bills that would give a legal status to some or all of the estimated 11 million illegal immigrants now in the U.S. and reshape the rest of the immigration system. As part of those talks, Republican lawmakers are demanding that certain benchmarks - or triggers - be met in areas such as border security before they push forward with plans to allow illegal immigrants to receive a legal status or a pathway to citizenship. "It's no secret that the administration doesn't want real border security triggers in immigration reform," said Alex Conant, spokesman for Sen. Marco Rubio, Florida Republican and a member of a "Gang of Eight" senators negotiating the most high-profile bill. "But the senators working on a bill agreed in January to have measurable security triggers, and the legislation will include real border triggers using measurable metrics. Sen. Rubio will not support any legislation that does not include real security triggers to make sure our borders are secured," Mr. Conant said. The issue of border security helped sink a comprehensive immigration reform bill in 2007, and since then, the George W. Bush and Obama administrations dumped manpower, technology and infrastructure into the Southwest border. Ms. Napolitano shrugged off the notion, embraced by many Republicans, that the nation will not have a clear grasp of whether the border is more secure until it adopts an official yardstick. "We are confident that the border is as secure as it has ever been, but there is no one number that captures that," Ms. Napolitano said Tuesday. "That is the problem if you are looking for just one number. Border security encompasses a lot of different things, but as we look at managing the border what we are looking for is the ability to detect illegal persons and contraband coming across the border and ability to intercede." White House press secretary Jay Carney told reporters at the daily briefing Tuesday that Mr. Obama agrees that there are "a variety of metrics by which you can measure, and we do measure progress on border security." "Border security is one of the key principles that the president has put forward that has to be part of comprehensive immigration reform," Mr. Carney said. Rep. Candice S. Miller, Michigan Republican and chairwoman of the House's border security subcommittee, said that the need for Homeland Security to come up with an official yardstick is long overdue. "The American people understand the need to overhaul our broken immigration system and are demanding that border security be a part of any solution," Mrs. Miller said. "The Department needs to stop telling the American people that the border is more secure than ever without the verifiable data to back it up, because its failure to provide a standard that the American people trust could scuttle the efforts of reform that we need."

Their link is a link turn **– nuclear opponents want regulatory authority transferred from the federal government to the states**

**Barker**, Environmental reporter for the Idaho Statesman, **11**

(States rights versus nuclear power in Idaho, voices.idahostatesman.com/2011/01/19/rockybarker/states\_rights\_versus\_nuclear\_power\_idaho

**The clash of values over the role of government in American life is turned on its head when the issue of nuclear power comes up.** States rights advocates and rugged individualists turn into big government backers when they talk about nuclear power. And centralized planning supporters seek the refuge of states rights when they talk about nuclear waste. Nuclear power is a technology that depends on a strong central government to thrive. It needs the federal government to pick up some of the risks in the form of insurance and loan guarantees. The huge infrastructure needed to manage waste products with thousands of years of half life doesn’t fit with the relatively short time line of private businesses or individuals. So **one of the most effective methods of challenging this bureaucratic-heavy industry is to decentralize power and empower states** and local governments **to have their say in nuclear power decisions**. No where has this been more apparent than in Idaho. Republicans and Democrats in the state have long both been strong supporters of nuclear power. Ever since the Idaho National Laboratory was opened in the state in 1949 for the development of nuclear technology it was clear the INL’s future and the economic future of the state were intertwined. But when fires at the Rocky Flats plant in Colorado forced the Atomic Energy Commission to dramatically increase its shipments of plutonium-contaminated waste to Idaho in 1969, the messy byproduct of the economic engine was revealed. The federal government was burying this nuclear garbage on top of the aquifer that serves as drinking water for most of southern Idaho. Democrats like Frank Church and Cecil Andrus immediately challenged the practice. Republicans, much more tied to the contractors at the INL, tended to buy into their arguments that there was nothing to worry about. Even when scientists revealed in the 1980s that contractors had pumped radioactive material directly into the aquifer, INL supporters and the political leaders that back them said look the other way. **A new political force, anti-nuclear folks** in Boise, the Wood River Valley and Twin Falls, **began challenging the federal government and urging the state to force a change**. It was Democratic Gov. John Evans who finally got the federal government to stop injecting waste into the aquifer. When Andrus returned as governor in 1986 he saw that the federal government was still years away from shipping the Rocky Flats waste out as Dixie Lee Ray, then the head of the Atomic Energy Commission, promised in 1972. So with a wink and nod with INL officials at the time, he decided to bring the issue to a head by using the one choke point he could muster, states rights. He stood at the border and stopped trains bringing spent nuclear fuel rods to the state for processing. Since the processing created jobs at the INL this was a touchy business. And the legal standing was by no means certain. But U.S. District Judge Edward Lodge backed Andrus. Meanwhile in the 1980s Idaho Republican U.S. Sen. James McClure, worked out a bipartisan national solution to disposing the spent fuel rods from commercial and government reactors – send them to an underground storage site in Nevada. Yucca Mountain was seen as the long term national solution that the nuclear power industry needed to move forward. But the national solution was to come at the expense of Nevada. There a bipartisan coalition rejected the idea that they had to become the national nuclear waste dump. In Idaho this ideological paradox was bridged by a brilliant agreement negotiated by Gov. Phil Batt in 1995. Batt quickly corrected, when he ignored Andrus’ advice and the power of Lodge’s ruling and allowed the Navy to ship some spent fuel to Idaho shortly after he was elected. He used Lodge’s ruling to force the 1995 nuclear agreement that gave Idahoans what they really wanted, nuclear jobs today as the waste flowed in, and nuclear jobs tomorrow processing the material to send it out. Andrus backed him when Snake River Alliance members and other tried to overturn the agreement with a statewide initiative in 1996. But when nuclear power and the economic health of the INL clash with states rights, the state’s Republican leaders astutely, from a political standpoint, go with the INL. That was the case this month with Idaho Gov. Butch Otter relaxed the ban on commercial spent fuel shipments to aid the INL nuclear power mission. With Yucca Flats itself on the waste heap, despite billions in spending, the future of spend fuel disposal is once again up in the air. On the issue of the immediate threat to the public both Energy Department scientists and the Snake River Alliance agree – the dry casks that hold the waste at the INL and next to reactors across the country, are safe. But as many experts said 25 years ago, the spent fuel is increasingly recognized not as waste but as a resource to be recycled. The uranium and plutonium can be recovered to operate new reactors and the INL may be in the vanguard of developing these new systems. The possibility that the waste may stay in Idaho long after 2035 as Andrus fears is real. But instead of it being stored passively, it may be the basis for a new nuclear fuel industry, experts suggest. That means the tension between states rights to protect its own interests and the national interests will continue. Republicans will be watching out for the national interest of nuclear power while **Democrats and anti-nuclear activists will be pushing for the state’s rights to control its own nuclear destiny.**

**Republicans will love the plan – they are waging war on federal agency regulation**

**The Hill 3/22**

(13, Dozens of Amendments Demonstrate GOP ire over regulations, thehill.com/blogs/regwatch/pending-regs/289925-dozens-of-amendments-demonstrate-gop-ire-over-regulations

Senate **Republicans filed** more than 30 budget **amendments attacking federal regulations in a legislative burst that underscores the GOP’s heightening opposition to** the Obama administration’s use of **executive action** to pursue policy goals. The measures were among some 400 amendments introduced as part of consideration of the fiscal 2014 budget resolution. Few would get a vote as negotiators whittled down the list to a manageable number, and they would not be binding even if approved, since budget resolutions do not carry the force of law. **Their authors**, rather, **sought to build support for a wide range of efforts to rein in agencies’ rulemaking powers**. **The amendments included proposals to block** forthcoming **regulations on** greenhouse gas emissions from **power plants**, prohibit the federal government from regulating soda sizes **and implement new restrictions on agencies on several fronts.**

#### Obama’s political capital is depleted now – only a win can reverse the tide

Parnes and Sink, 3/20 (Amie Parnes and Justin Sink, 3/20/2013, “Obama honeymoon may be over,” <http://thehill.com/homenews/administration/289179-obama-honeymoon-may-be-over>)

The second-term honeymoon for President Obama is beginning to look like it is over.¶ Obama, who was riding high after his reelection win in November, has seen his poll numbers take a precipitous fall in recent weeks. ¶ A CNN poll released Tuesday showed Obama’s favorability rating underwater, with 47 percent approving and 50 percent disapproving of Obama’s handling of his job. ¶ Much of the president’s agenda is stuck, with climate change regulations delayed, immigration reform mired in committee negotiations and prospects for a grand bargain budget deal in limbo at best. **¶** On Tuesday, in a decision that underscored Obama’s depleting political capital , the White House watched as Senate Majority Leader Harry Reid (D-Nev.) announced only a watered-down version of Obama’s gun control proposals would be considered on the Senate floor. ¶ Republicans, sensing the sea change, are licking their chops. They point to the lack of movement on Obama’s signature issues, noting the contrast to the ambitious plans outlined in the early weeks of his second term.¶ “The president set very high goals for himself during his State of the Union, but the reality is very little of his agenda is actually moving,” Republican strategist Ron Bonjean said. “He allowed himself to get caught up in the legislative quicksand, [and] the cement is beginning to harden. ““**History isn’t on Obama’s side. ¶ The last four presidents who won a second term all saw their poll numbers slide by mid-March with the exception of** Bill **Clinton**, whose numbers improved in the four months following his reelection.¶ **Clinton may have only been delaying the inevitable**. His numbers dropped 5 points in April 1994. **Even** Ronald **Reagan, buoyed by a dominant performance** over Walter Mondale in the 1984 election, **saw a double-digit erosion by this point in his second term**.¶ **Obama has yet to complete the first 100 days of his second term. But without a signature achievement since his reelection, he faces a crossroads that could define the remainder of his presidency**. ¶ White House aides maintain that the 24-hour news cycle makes comparisons to previous presidents difficult.¶ “I think the nature of our politics now is different than Ronald Reagan’s honeymoon,” one senior administration official said. “The ebb and flow of politics doesn’t follow that model anymore.”¶ But **observers say a drop in popularity is typical for second-termers**.¶ “There may be some typical second-term honeymoon fade happening,” said Martin Sweet, an assistant visiting professor of political science at Northwestern University. “Honeymoon periods for incumbents are a bit more ephemeral.”¶ But like most other presidents, Sweet added, “Obama’s fate is tied to the economy.”¶ “Continuing economic progress would ultimately strengthen the president but if we are hit with a double-dip recession, then Obama’s numbers will crater,” he said.¶ The White House disputes any notion that Obama has lost any political capital in recent weeks.¶ “The president set out an ambitious agenda and he’s doing big things that are not easy, from immigration to gun control,” the senior administration official said. “Those are policies you can’t rack up easily, and no one here is naive about that.”¶ The White House is aware that the clock is ticking to push its hefty agenda, but the official added, “The clock is not ticking because of president’s political capital. The clock is ticking because there’s a timetable in achieving all of this. [Lawmakers] are not going to sign on because the president’s popular.” ¶ And administration officials believe they still have the leverage.¶ “There’s a decent amount of momentum behind all of this,” the official said. “It looks like immigration is closer [to passage] than ever before.”¶ Republican strategist Ken Lundberg argued that current budget fights “have cut short the president’s second-term honeymoon.” ¶ He said this could also hurt the president’s party, warning “the lower the president’s approval rating, the bigger the consequence for vulnerable Democrats.”¶ “Voters want solutions, and if they see the president headed down the wrong path, lockstep lawmakers will be punished in 2014,” he said.¶ Democratic strategist Chris Kofinis maintained that as long as he’s president, Obama still has the leverage.¶ “Immigration reform doesn’t get impacted by whether Obama’s poll numbers are 55 or 45,” Kofinis said. “Does it make certain things a little more difficult? Possibly. But while his numbers may have fallen, he’s still more likeable than the Republicans are on their best day.”¶ Kofinis said the real question for Obama is what kind of emphasis he’s going to place on his second term because the public will have less patience than they did during his first.¶ “The challenge in a second term is the American people look at certain things and have a higher tolerance in a second term,” he said. “When they know you’re not running for reelection again, they hold you to a higher standard.” ¶ Bonjean and other **Republicans are aware that Obama could potentially bounce back from his latest slip in the polls and regain his footing**.¶ **“He has the opportunity to take minor legislative victories and blow them up into major accomplishments** – meaning if he got something on gun control, **he can tout that that was part of his agenda and the work isn’t over.** If he were able to strike a grand bargain with Republicans, that’d be a legacy issue.”¶ **Still**, Bonjean added, **“It’s not looking so good right now.”**

### AT: Security K 2AC

#### Absent these questions shifts in knowledge production are useless – governments’ obey institutional logics that exist independently of individuals and constrain decisionmaking – that’s true regardless of this debate

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50

One important aspect of this relational ontology is that these relations constitute our identity as social actors. According to this relational model of societies, one is what one is, by virtue of the relations within which one is embedded. A worker is only a worker by virtue of his/her relationship to his/her employer and vice versa. ‘Our social being is constituted by relations and our social acts presuppose them.’ At any particular moment in time an individual may be implicated in all manner of relations, each exerting its own peculiar causal effects. This ‘lattice-work’ of relations constitutes the structure of particular societies and endures despite changes in the individuals occupying them. Thus, the relations, the structures, are ontologically distinct from the individuals who enter into them. At a minimum, the social sciences are concerned with two distinct, although mutually interdependent, strata. There is an ontological difference between people and structures: ‘people are not relations, societies are not conscious agents’. Any attempt to explain one in terms of the other should be rejected. If there is an ontological difference between society and people, however, we need to elaborate on the relationship between them. Bhaskar argues that we need a system of mediating concepts, encompassing both aspects of the duality of praxis into which active subjects must fit in order to reproduce it: that is, a system of concepts designating the ‘point of contact’ between human agency and social structures. This is known as a ‘positioned practice’ system. In many respects, the idea of ‘positioned practice’ is very similar to Pierre Bourdieu’s notion of *habitus*. Bourdieu is primarily concerned with what individuals do in their daily lives. He is keen to refute the idea that social activity can be understood solely in terms of individual decision-making, or as determined by surpa-individual objective structures. Bourdieu’s notion of the *habitus* can be viewed as a bridge-building exercise across the explanatory gap between two extremes. Importantly, the notion of a habitus can only be understood in relation to the concept of a ‘social field’. According to Bourdieu, a social field is ‘a network, or a configuration, of objective relations between positions objectively defined’. A social field, then, refers to a structured system of social positions occupied by individuals and/or institutions – the nature of which defines the situation for their occupants. This is a social field whose form is constituted in terms of the relations which define it as a field of a certain type. A *habitus* (positioned practices) is a mediating link between individuals’ subjective worlds and the socio-cultural world into which they are born and which they share with others. The power of the habitus derives from the thoughtlessness of habit and habituation, rather than consciously learned rules. The habitus is imprinted and encoded in a socializing process that commences during early childhood. It is inculcated more by experience than by explicit teaching. Socially competent performances are produced as a matter of routine, without explicit reference to a body of codified knowledge, and without the actors necessarily knowing what they are doing (in the sense of being able adequately to explain what they are doing). As such, the *habitus* can be seen as the site of ‘internalization of reality and the externalization of internality.’ Thus social practices are produced in, and by, the encounter between: (1) the *habitus* and its dispositions; (2) the constraints and demands of the socio-cultural field to which the habitus is appropriate or within; and (3) the dispositions of the individual agents located within both the socio-cultural field and the *habitus*. When placed within Bhaskar’s stratified complex social ontology the model we have is as depicted in Figure 1. The explanation of practices will require all three levels. Society, as field of relations, exists prior to, and is independent of, individual and collective understandings at any particular moment in time; that is, social action requires the conditions for action. Likewise, given that behavior is seemingly recurrent, patterned, ordered, institutionalised, and displays a degree of stability over time, there must be sets of relations and rules that govern it. Contrary to individualist theory, these relations, rules and roles are not dependent upon either knowledge of them by particular individuals, or the existence of actions by particular individuals; that is, their explanation cannot be reduced to consciousness or to the attributes of individuals. These emergent social forms must possess emergent powers. This leads on to arguments for the reality of society based on a causal criterion. Society, as opposed to the individuals that constitute it, is, as Foucault has put it, ‘a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibility of disturbance. This new reality is society…It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables’.

#### This is particularly true for the aff – deterrence is an institutional logic that shapes IR independent of individual knowledge production – evaluate their alts effectiveness through the lens of inter-state threat perception – this argument also proves IR predictions are possible

Moore ’04

Dir. Center for Security Law @ University of Virginia, 7-time Presidential appointee, & Honorary Editor of the American Journal of International Law, Solving the War Puzzle: Beyond the Democratic Peace, John Norton Moore, page 27-31.

As so broadly conceived, there is strong evidence that deterrence, that is, the effect of external factors on the decision to go to war, is the missing link in the war/peace equation. In my War/Peace Seminar, I have undertaken to examine the level of deterrence before the principal wars of the twentieth century.10 This examination has led me to believe that in every case the potential aggressor made a rational calculation that the war would be won, and won promptly.11 In fact, the longest period of time calculated for victory through conventional attack seems to be the roughly six reeks predicted by the German General Staff as the time necessary ) prevail on the Western front in World War I under the Schlieffen Plan. Hitler believed in his attack on Poland that Britain and France could not take the occasion to go to war with him. And he believed his 1941 Operation Barbarossa against the Soviet Union that “[w]e have only to kick in the door and the whole rotten structure will come crashing down."12 In contrast, following Hermann Goering's failure to obtain air superiority in the Battle of Britain, Hitler called off the invasion of Britain and shifted strategy to the nighttime bombing of population centers, which became known as the Blitz, in a mistaken effort to compel Britain to sue for peace. Calculations in the North Korean attack on South Korea and Hussein’s attack on Kuwait were that the operations would be completed in a matter of days.

 Indeed, virtually all principal wars in the twentieth century, at least those involving conventional invasion, were preceded by what I refer to as a "double deterrence absence." That is, the potential aggressor believed that they had the military force in place to prevail promptly and that nations that might have the military or diplomatic power to prevent this were not dined to intervene.  This analysis has also shown that many of the perceptions we have about the origins of particular wars are flatly wrong. Anyone who seriously believes that World War I was begun by competing alliances drawing tighter should examine the al historical record of British unwillingness to enter a clear military alliance with the French or to so inform the Kaiser! Indeed, this pre-World War I absence of effective alliance and resultant war contrasts sharply with the laterrobust NATO alliance and absence of World War III.14 Considerable other evidence seems to support this historical analysis as to the importance of deterrence. Of particular note, Yale Professor Donald Kagan, a preeminent United States historian who has long taught a seminar on war, published in 1995 a superb book On the Origins of War and the Preservation of Peace.15 In this book heconducts a detailed examination of the Peloponnesian War, World War I, Hannibal's War, and World War II, among other case studies. A careful reading of these studies suggests that each war could have been prevented by achievable deterrence and that each occurred in the absence of such deterrence.16 Game theory seems to offer yet further support for the proposition that appropriate deterrence can prevent war. For example, Robert Axelrod's famous 1980s experiment in an iterated prisoner's dilemma, which is a reasonably close proxy for many conflict settings in international relations, repeatedly showed the effectiveness of a simple tit for tat strategy.17Such a strategy is at core simply a basic deterrent strategy of influencing behavior through incentives. Similarly, much of the game-theoretic work on crisis bargaining (and danger of asymmetric information) in relation to war and the democratic peace assumes the importance of deterrence through communication of incentives.18 The well-known correlation between war and territorial contiguity seems also to underscore the importance of deterrence and is likely principally a proxy for levels of perceived profit and military achievability of aggression in many such settings. It should further be noted that the democratic peace is not the only significant correlation with respect to war and peace, although it seems to be the most robust. Professors Russett and Oneal, in recently exploring the other elements of the Kantian proposal for "Perpetual Peace," have also shown a strong and statistically significant correlation between economically important bilateral trade between two nations and a reduction in the risk of war between them. Contrary to the arguments of "dependency theorists," such economically important trade seems to reduce the risk of war regardless of the size relationship or asymmetry in the trade balance between the two states. In addition, there is a statistically significant association between economic openness generally and reduction in the risk of war, although this association is not as strong as the effect of an economically important bilateral trade relationship.° Russett and Oneal also show a modest independent correlation between reduction in the risk of war and higher levels of common membership in international organizations.20 And they show that a large imbalance of power between two states significantly lessens the risk of major war between them.21 All of these empirical findings about war also seem to directly reflect incentives; that is, a higher level of trade would, if foregone in war, impose higher costs in the aggregate than without such trade,22 though we know that not all wars terminate trade. Moreover, with respect to trade, a, classic study, Economic Interdependence and War, suggests that the historic record shows that it is not simply aggregate levels of bilateral trade that matters, but expectations as to the level of trade into the future.23 This directly implicates expectations of the war decision maker as does incentive theory, and it importantly adds to the general finding about trade and war that even with existing high levels of bilateral trade, changing expectations from trade sanctions or other factors affecting the flow of trade can directly affect incentives and influence for or against war. A large imbalance of power in a relationship rather obviously impacts deterrence and incentives. Similarly, one might incur higher costs with high levels of common membership in international organizations through foregoing some of the heightened benefits of such participation or otherwise being presented with different options through the actions or effects of such organizations. These external deterrence elements may also be yet another reason why democracies have a lower risk of war with one another. For their freer markets, trade, commerce, and international engagement may place them in a position where their generally higher level of interaction means that aggression will incur substantial opportunity costs. Thus, the "mechanism" of the democratic peace may be an aggregate of factors affecting incentives, both external as well as internal factors. Because of the underlying truth in the relationship between higher levels of trade and lower levels of war, it is not surprising that theorists throughout human history, including Baron de Montesquieu in 1748, Thomas Paine in 1792, John Stuart Mill in 1848, and, most recently, the founders of the European Union, have argued that increasing commerce and interactions among nations would end war. Though by themselves these arguments have been overoptimistic, it may well be that some level of "globalization" may make the costs of war and the gains of peace so high as to powerfully predispose to peace. Indeed, a 1989 book by John Mueller, Retreat From Doomsday,24 postulates the obsolescence of major war between developed nations (at least those nations within the "first and second worlds") as they become increasingly conscious of the rising costs of war and the rising gains of peace. In assessing levels of democracy, there are indexes readily available, for example, the Polity III25 and Freedom House 26 indexes. I am unaware of any comparable index with respect to levels of deterrence that might be used to test the importance of deterrence in war avoidance?' Absent such an accepted index, discussion about the importance of deterrence is subject to the skeptical observation that one simply defines effective deterrence by whether a war did or did not occur. In order to begin to deal with this objection and encourage a more objective methodology for assessing deterrence, I encouraged a project to seek to develop a rough but objective measure of deterrence with a scale from minus ten to plus ten based on a large variety of contextual features that would be given relative weighting in a complex deterrence equation before applying the scaling to different war and nonwar settings.28 On the disincentive side of the scale, the methodology used a weighted calculation of local deterrence, including the chance to prevent a short- and intermediate-term military victory, and economic and political disincentives; extended deterrence with these same elements; and contextual communication and credibility multipliers. On the incentive side of the scale, the methodology also used a weighted calculation of perceived military, economic, and political benefits. The scales were then combined into an overall deterrence score, including, an estimate for any effect of prospect theory where applicable.2 This innovative first effort uniformly showed high deterrence scores in settings where war did not, in fact, occur. Deterring a Soviet first strike in the Cuban Missile Crisis produced a score of +8.5 and preventing a Soviet attack against NATO produced a score of +6. War settings, however, produced scores ranging from -2.29 (Saddam Hussein's decision to invade Kuwait in the Gulf War), -2.18 (North Korea's decision to invade South Korea in the Korean War), -1.85 (Hitler's decision to invade Poland in World War II), -1.54 (North Vietnam's decision to invade South Vietnam following the Paris Accords), -0.65 (Milosevic's decision to defy NATO in Kosovo), +0.5 (the Japanese decision to attack Pearl Harbor), +1.25 (the Austrian decision, egged on by Germany, to attack Serbia, which was the real beginning of World War I), to +1.75 (the German decision to invade Belgium and France in World War I). As a further effort at scaling and as a point of comparison, I undertook to simply provide an impressionistic rating based on my study of each pre-crisis setting. That produced high positive scores of +9 for both deterring a Soviet first strike during the Cuban Missile Crisis and NATO's deterrence of a Warsaw Pact attack and even lower scores than the more objective effort in settings where wars had occurred. Thus, I scored North Vietnam's decision to invade South Vietnam following the Paris Accords and the German decision to invade Poland at the beginning of World War II as -6; the North Korean/Stalin decision to invade South Korea in the Korean War as -5; the Iraqi decision to invade the State of Kuwait as -4; Milosevic's decision to defy NATO in Kosovo and the German decision to invade Belgium and France in World War I as -2; and the Austrian decision to attack Serbia and the Japanese decision to attack Pearl Harbor as -1. Certainly even knowledgeable experts would be likely to differ in their impressionistic scores on such pre-crisis settings, and the effort at a more objective methodology for scoring deterrence leaves much to be desired. Nevertheless, both exercises did seem to suggest that deterrence matters and that high levels of deterrence can prevent future war. Following up on this initial effort to produce a more objective measure of deterrence, two years later I encouraged another project to undertake the same effort, building on what had been learned in the first iteration. The result was a second project that developed a modified scoring system, also incorporating local deterrence, extended deterrence, and communication of intent and credibility multipliers on one side of a scale, and weighing these factors against a potential aggressor's overall subjective incentives for action on the other side of the scale.3° The result, with a potential range of -5.5 to +10, produced no score higher than +2.5 for eighteen major wars studied between 1939 and the 1990 Gulf War.31 Twelve of the eighteen wars produced a score of zero or below, with the 1950-53 Korean War at -3.94, the 1965-75 Vietnam War at -0.25, the 1980-88 Iran-Iraq War at -1.53, and the 1990-91 Gulf War at -3.83. The study concluded that in more than fifty years of conflict there was "no situation in which a regime elite/decision making body subjectively faced substantial disincentives to aggressive military action and yet attacked."32 Yet another piece of the puzzle, which may clarify the extent of deterrence necessary in certain settings, may also assist in building a broader hypothesis about war. In fact, it has been incorporated into the just-discussed efforts at scoring deterrence. That is, newer studies of human behavior from cognitive psychology are increasingly showing that certain perceptions of decision makers can influence the level of risk they may be willing to undertake, or otherwise affect their decisions.33 It now seems likely that a number of such insights about human behavior in decision making may be useful in considering and fashioning deterrence strategies. Perhaps of greatest relevance is the insight of "prospect theory," which posits that individuals evaluate outcomes with respect to deviations from a reference point and that they may be more risk averse in settings posing potential gain than in settings posing potential loss.34 The evidence of this "cognitive bias," whether in gambling, trading, or, as is increasingly being argued, foreign policy decisions generally, is significant. Because of the newness of efforts to apply a laboratory based "prospect theory" to the complex foreign policy process generally, and particularly ambiguities and uncertainties in framing such complex events, our consideration of it in the war/peace process should certainly be cautious. It does, however, seem to elucidate some of the case studies. In the war/peace setting, "prospect theory" suggests that deterrence may not need to be as strong to prevent aggressive action leading to perceived gain. For example, there is credible evidence that even an informal warning to Kaiser Wilhelm II from British Foreign Secretary Sir Edward Grey, if it had come early in the crisis before events had moved too far, might have averted World War I. And even a modicum of deterrence in Kuwait, as was provided by a small British contingent when Kuwait was earlier threatened by an irredentist Iraqi government in 1961, might have been sufficient to deter Saddam Hussein from his 1990 attack on Kuwait. Similarly, even a clear United States pledge for the defense of South Korea before the attack might have prevented the Korean War. Conversely, following the July 28 Austrian mobilization and declaration of war against Serbia in World War I, the issue for Austria may have begun to be perceived as loss avoidance, thus requiring much higher levels of deterrence to avoid the resulting war. Similarly, the Rambouillet Agreement may have been perceived by Milosevic as risking loss of Kosovo and his continued rule of Serbia and, as a result, may have required higher levels of NA-TO deterrence to have prevented Milosevic's actions in defiance. Certainly NATO's previous hesitant responses in 1995 against Milosevic in the Bosnia phase of the Yugoslav crisis and in 1998-99 in early attempts to deal with Kosovo did not create a high level of deterrence.35 One can only surmise whether the killing in Kosovo could have been avoided had NATO taken a different tack, both structuring the issue less as loss avoidance for Milosevic and considerably enhancing deterrence. Suppose, for example, NATO had emphasized that it had no interest in intervening in Serbia's civil conflict with the KLA but that it would emphatically take action to punish massive "ethnic cleansing" and other humanitarian outrages, as had been practiced in Bosnia. And on the deterrence side, it made clear in advance the severity of any NATO bombardment, the potential for introduction of ground troops if necessary, that in any assault it would pursue a "Leadership Strategy" focused on targets of importance to Milosevic and his principal henchmen (including their hold on power), and that it would immediately, unlike as earlier in Bosnia, seek to generate war crime indictments of all top Serbian leaders implicated in any atrocities. The point here is not to second-guess NATO's actions in Kosovo but to suggest that taking into account potential "cognitive bias," such as "prospect theory," may be useful in fashioning effective deterrence. "Prospect theory" may also have relevance in predicting that it may be easier to deter (that is, lower levels are necessary) an aggression than to undo that aggression. Thus, much higher levels of deterrence were probably required to compel Saddam Hussein to leave Kuwait than to prevent him initially from invading that state. In fact, not even the presence of a powerful Desert Storm military force and a Security Council Resolution directing him to leave caused Hussein to voluntarily withdraw. As this real-world example illustrates, there is considerable experimental evidence in "prospect theory" of an almost instant renormalization of reference point after a gain; that is, relatively quickly after Saddam Hussein took Kuwait, a withdrawal was framed as a loss setting, which he would take high risk to avoid. Indeed, we tend to think of such settings as settings of compellance, requiring higher levels of incentive to achieve compulsion producing an action, rather than deterrence needed for prevention. One should also be careful not to overstate the effect of "prospect theory" or to fail to assess a threat in its complete context. We should remember that a belated pledge of Great Britain to defend Poland before the Nazi attack did not deter Hitler, who believed under the circumstances that the British pledge would not be honored. It is also possible that the greater relative wealth of democracies, which have less to gain in all out war, is yet another internal factor contributing to the "democratic peace."36 In turn, this also supports the extraordinary tenacity and general record of success of democracies fighting in defensive settings as they may also have more to lose. In assessing adequacy of deterrence to prevent war, we might also want to consider whether extreme ideology, strongly at odds with reality, may be a factor requiring higher levels of deterrence for effectiveness. One example may be the extreme ideology of Pol Pot leading him to falsely believe that his Khmer Rouge forces could defeat Vietnam.37 He apparently acted on that belief in a series of border incursions against Vietnam that ultimately produced a losing war for him. Similarly, Osama bin Laden's 9/11 attack against America, hopelessly at odds with the reality of his defeating the Western World and producing for him a strategic disaster, seems to have been prompted by his extreme ideology rooted in a distorted concept of Islam at war with the enlightenment. The continuing suicide bombings against Israel, encouraged by radical rejectionists and leading to less and less for the Palestinians, may be another example. If extreme ideology is a factor to be considered in assessing levels of deterrence, it does not mean that deterrence is doomed to fail in such settings but only that it must be at higher levels (and properly targeted on the relevant decision elites behind the specific attacks) to be effective, as is also true in perceived loss or compellance settings.38 Even if major war in the modern world is predominantly a result of aggression by nondemocratic regimes, it does not mean that all nondemocracies pose a risk of war all, or even some, of the time. Salazar's Portugal did not commit aggression. Nor today do Singapore or Bahrain or countless other nondemocracies pose a threat. That is, today nondemocracy comes close to a necessary condition in generating the high risk behavior leading to major interstate war. But it is, by itself, not a sufficient condition for war. The many reasons for this, of course, include a plethora of internal factors, such as differences in leadership perspectives and values, size of military, and relative degree of the rule of law, as well as levels of external deterrence.39 But where an aggressive nondemocraticregime is present and poses a credible military threat, then it is the totality of external factors, that is, deterrence, that become crucial.

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## Politics

### Uniqueness

#### GOP won’t really cooperate – they are still committed to an enforcement first focus

Jones, 3/24 (Mike, Associate Editor, 3/24/2013, Tulsa World, “What is secure? ; Don't fall for double-talk in immigration reform,” Factiva))

It's too soon to get too optimistic, but it looks as if the Republicans just might be moving toward serious immigration reform discussion. There are, however, some warning signs. I'm not convinced that what we're hearing is either sincere or workable, especially within the Republican Party.Both the U.S. Senate and House have selected bipartisan teams of eight to present plans for immigration reform. Those plans are expected this month. Notable Republicans, especially those who look to be running for the Republican nomination for president in 2016, are presenting their own plans. Among those are Sen. Marco Rubio of Florida and Sen. Rand Paul of Kentucky. Rubio told CNN last week that "there's a growing consensus that something needs to be done about immigration. But it needs to be done in a way that's responsible." Huh? But his words are clouded and he, like other Republicans when discussing the issue, are never completely clear. "I'm saying," he told CNN, "that all we do is that we allow people to earn, to basically apply for and, if they qualify, receive a legal status. And then at some point in the future, when some time has elapsed and the security measures are in place, then the only thing people would get is the opportunity to apply for a green card." So, maybe they can apply for a green card and maybe they will get a green card and sometime in the future they might be allowed to apply for citizenship and they might get that at some time in the future. Sure, that's clear. As mud. Paul, a tea party favorite, made quite a splash last week when he addressed the United States Hispanic Chamber of Commerce and laid out his position on reform. "I think the conversation needs to start by acknowledging we aren't going to deport 12 million illegal immigrants," Paul told the Chamber. Well, that's encouraging. But, read on. Despite all the back- slapping over his apparent proposal for understanding and compassion, most of his speech was all icing and no cake. "In order to bring conservatives to this cause," he said, "those who work for reform must understand that a real solution must ensure that our borders are secure." There's that border security caveat again. "We also must treat those who are already here with understanding and compassion, without also unduly rewarding them for coming illegally." Be compassionate but no unnecessary rewards. Like, say, citizenship? Paul also said that a report from the Border Patrol and an investigator general (appointed by whom?) would have to certify that the borders were secure. Does this also include the Canadian border? Vote needed Then, Paul said, the report would be voted on by Congress before his immigration plan could proceed. Anyone want to guess, with the current makeup of the House, how that vote might turn out? Secure borders will depend on exactly what the Border Patrol, an investigator general and 435 members of the House of Representatives think the definition of "secure" is. The U.S.-Mexico border is 1,933 miles long, the bulk of that in Texas. Securing more than 1,900 miles of border with fences, ditches, drones, armed guards or a combination of those is all but impossible if secure means no one getting across at no time. Now, if we're securing borders how about the U.S.-Canada border? This is often thrown in by the anti-immigration crowd to prove that they are not simply targeting Hispanics (wink, wink, nudge, nudge). The U.S-Canada border is 5,525 miles long, some of it in some pretty remote areas. Yes, I know that's longer than the entire length of the United States. But, remember Alaska? It shares a 1,538- mile border with Canada. That would have to be secured also. You see, there is no way to guarantee the security of our borders. Those set on defeating any vote in Congress could simply point out that the U.S.-Canada border doesn't have a fence and, therefore, is not secure. Watch out It is doubtful that President Obama would sign any immigration reform bill coming out of Congress that does not include a path to citizenship. If the compromise to the path to citizenship is a secure borders clause, watch out.The immigration issue has been politicized by both parties. It was a key to Obama's first election and his re-election last fall. The Republicans are trying their best to convince Hispanics, and all minorities, that they are the party for them. They know that without that vote, the Democrats are likely to establish a long residence in the White House. Democrats still control the high ground. They have been the more inclusive party for more than 50 years. Within the next 30 years or so, Hispanics and other minorities will become the majority in the U.S. The Republicans have some work to do and time is running out. They had better drop the double-talk and be sincere. And what's your definition of "secure?"

## Kritik

### AT: Enviro Security

#### Environmental securitization broadens the term to include human security – solves the impact

-the affirmative also *is* dealing with human security, not with militarization proper

Barnett 1 – Researcher @ Canterbury

Jon, Barnett, researcher at University of Canterbury, 2001, The Meaning of Environmental Security: Ecological politics and policy in the new security era p. 138

The worst outcome would be if the state ceased to use the concept of environmental security, heralding an end to the contest and requiring that the interests of peace and the environment be advocated through alternative discourses. This is perhaps the only real failure that is likely to ensue from the project of environmental security. The whole question of securitisation hinges of course on the meaning of security. The security component of environmental security as understood here is human-centered as opposed to nation-centered. Indeed, it directly contests the legitimacy of national security by challenging notions of threats and risks, and by questioning who is at risk. In this sense environmental security is as much about contesting a defining feature modernity (national security) as it is about posing a new concept for dealing with environmental problems. Yet although this contest is a crucial function of environmental security, this book’s reformulation of the concept also seeks to serve as a genuine alternative to understanding and addressing environmental problems. A human-centered (as opposed to state-centered) concept of environmental security is consistent with the general direction of critical approaches to security. The consistency arises from the shared understanding that security is intuitively about the stable provision of basic needs – needs which state and the system of states have hitherto failed to provide. A strong, human-centered concept of environmental security can better contest the meaning of security in a way that, despite the concerns of critics, stands to gain much by highlighting the inherent contradictions of national security, yet stands to lose little from a failure to succeed in this venture. It may also serve as a valuable alternative concept to sustainable development and sustainability by highlighting the political aspects of environmental problems and their solutions, and by re-emphasizing that environmental problems are very much problems of human vulnerability.

### AT: Pan

China sees U.S. containment policy as a threat

Schmitt & Blumenthal, ’05

[Gary Schmitt, Executive Director of The Project for the New American Century, Dan Blumenthal, Resident fellow in Asian studies @ The American Enterprise Institute, Weekly Standard, August 8, 2005, p. http://www.newamericancentury.org/china20050808.htm]

In reality, it is more accurate to say that the United States is at a strategic crossroads when it comes to China. With our plate full around the globe, we are understandably reluctant to raise publicly the prospect of a new great power competition. Nevertheless, the administration is doing quite a bit to contain Chinese military power--our upgraded relations with Japan, India, Vietnam, Singapore, and Australia are cases in point. But our reluctance to admit this publicly to ourselves or to our allies, and our rosy rhetoric about our "constructive" relationship with Beijing, leave us at a disadvantage as China ratchets up the competition. As a practical matter, this attitude often leaves us a day late and a dollar short when it comes to matching new Chinese initiatives. Nor is our position sustainable. Beijing is not blind to our reaching out to the powers in the region. For it, the competition has already begun. The Pentagon's report provides ample evidence that this is the case, but then ducks the obvious conclusion. Preparing the Congress and the public for that competition should be a priority of the administration. Unfortunately, this year's report, for all its substantive merit, fails the test.

### AT: Epistemology

#### Their epistemology K is flawed – social constructions are knowable – they pre-exist individuals and constrain action in predictable ways – prefer the specificity of the aff to broad philosophical indictments

Fluck, PhD in International Politics from Aberystwyth, ’10 (Matthew, November, “Truth, Values and the Value of Truth in Critical International Relations Theory” Millennium Journal of International Studies, Vol 39 No 2, SagePub)

Critical Realists arrive at their understanding of truth by inverting the post-positivist attitude; rather than asking what knowledge is like and structuring their account of the world accordingly, they assume that knowledge is possible and ask what the world must be like for that to be the case. 36 This position has its roots in the realist philosophy of science, where it is argued that scientists must assume that the theoretical entities they describe – atoms, gravity, bacteria and so on – are real, that they exist independently of thoughts or discourse. 37 Whereas positivists identify causal laws with recurrent phenomena, realists believe they are real tendencies and mechanisms. They argue that the only plausible explanation for the remarkable success of science is that theories refer to these real entities and mechanisms which exist independently of human experience. 38 Against this background, the Critical Realist philosopher Roy Bhaskar has argued that truth must have a dual aspect. On the one hand, it must refer to epistemic conditions and activities such as ‘reporting judgements’ and ‘assigning values’. On the other hand, it has an inescapably ontic aspect which involves ‘designating the states of affairs expressed and in virtue of which judgements are assigned the value “true’’’. In many respects the epistemic aspect must dominate; we can only identify truth through certain epistemic procedures and from within certain social contexts. Nevertheless, these procedures are oriented towards independent reality. The status of the conclusions they lead us to is not dependent on epistemic factors alone, but also on independently existing states of affairs. For this reason, Bhaskar argues that truth has a ‘genuinely ontological’ use. 39 Post-positivists would, of course, reply that whilst such an understanding of truth might be unproblematic in the natural sciences, in the social sciences the knower is part of the object known. This being the case, there cannot be an ontic aspect to the truths identified. Critical Realists accept that in social science there is interaction between subject and object; social structures involve the actions and ideas of social actors. 40 They add, however, that it does not follow that the structures in question are the creations of social scientists or that they are simply constituted through the ideas shared within society at a given moment. 41 According to Bhaskar, since we are born into a world of structures which precede us, we can ascribe independent existence to social structures on the basis of their pre-existence. We can recognise that they are real on the basis of their causal power – they have a constraining effect on our activity. 42 Critical Realists are happy to agree to an ‘epistemological relativism’ according to which knowledge is a social product created from a pre-existing set of beliefs, 43 but they maintain that the reality of social structures means that our beliefs about them can be more or less accurate – we must distinguish between the way things appear to us and the way they really are. There are procedures which enable us to rationally choose between accounts of reality and thereby arrive at more accurate understandings; epistemological relativism does not preclude judgemental rationalism. 44 It therefore remains possible to pursue the truth about social reality.