# 1NC

## 1

Restrictions on production must mandate a decrease in the quantity produced

Anell 89

Chairman, WTO panel

"To examine, in the light of the relevant GATT provisions, the matter referred to the

CONTRACTING PARTIES by the United States in document L/6445 and to make such findings as will assist the CONTRACTING PARTIES in making the recommendations or in giving the rulings provided for in Article XXIII:2." 3. On 3 April 1989, the Council was informed that agreement had been reached on the following composition of the Panel (C/164): Composition Chairman: Mr. Lars E.R. Anell Members: Mr. Hugh W. Bartlett Mrs. Carmen Luz Guarda CANADA - IMPORT RESTRICTIONS ON ICE CREAM AND YOGHURT Report of the Panel adopted at the Forty-fifth Session of the CONTRACTING PARTIES on 5 December 1989 (L/6568 - 36S/68)

http://www.wto.org/english/tratop\_e/dispu\_e/88icecrm.pdf

The United States argued that Canada had failed to demonstrate that it effectively restricted domestic production of milk. The differentiation between "fluid" and "industrial" milk was an artificial one for administrative purposes; with regard to GATT obligations, the product at issue was raw milk from the cow, regardless of what further use was made of it. The use of the word "permitted" in Article XI:2(c)(i) required that there be a limitation on the total quantity of milk that domestic producers were authorized or allowed to produce or sell. The provincial controls on fluid milk did not restrict the quantities permitted to be produced; rather dairy farmers could produce and market as much milk as could be sold as beverage milk or table cream. There were no penalties for delivering more than a farmer's fluid milk quota, it was only if deliveries exceeded actual fluid milk usage or sales that it counted against his industrial milk quota. At least one province did not participate in this voluntary system, and another province had considered leaving it. Furthermore, Canada did not even prohibit the production or sale of milk that exceeded the Market Share Quota. The method used to calculate direct support payments on within-quota deliveries assured that most dairy farmers would completely recover all of their fixed and variable costs on their within-quota deliveries. The farmer was permitted to produce and market milk in excess of the quota, and perhaps had an economic incentive to do so. 27. The United States noted that in the past six years total industrial milk production had consistently exceeded the established Market Sharing Quota, and concluded that the Canadian system was a regulation of production but not a restriction of production. Proposals to amend Article XI:2(c)(i) to replace the word "restrict" with "regulate" had been defeated; what was required was the reduction of production. The results of the econometric analyses cited by Canada provided no indication of what would happen to milk production in the absence not only of the production quotas, but also of the accompanying high price guarantees which operated as incentives to produce. According to the official publication of the Canadian Dairy Commission, a key element of Canada's national dairy policy was to promote self-sufficiency in milk production. The effectiveness of the government supply controls had to be compared to what the situation would be in the absence of all government measures.

#### On is exclusively targeted

Dictionary.com No Date

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

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

Production means extraction of oil

Barrett, JD – University of Oklahoma College of Law, ‘93

(Beverly M., 46 Okla. L. Rev. 745)

In such a royalty clause, as a precondition of sale, the oil and gas must be physically removed from the ground. n93 In fact, the oil and gas industry and most courts define production in terms of physical severance of the minerals from the ground. n94 When a pipeline makes take-or-pay payments, unless recoupment gas is physically taken, there is no production and thus no royalty owed. Obviously it would be easier to seek royalty payments under a royalty clause in which the terms "produced" or "production" are not used. n95

#### Exon-Florio is not a restriction on production—it’s a regulation on foreign investment

Douglas William Nigh 98, associate professor of international business at the University of South Carolina, and Douglas P. Woodward, associate professor of economics at the University of South Carolina, Foreign Ownership and the Consequences of Direct Investment in the United States: Beyond Us and Them, 1998, p. 144

How did the U.S. government respond to the influx of FDI that dates from the 1970s? The answer is “favorably,” with only nominal institutional constraints on investment flows. At the federal level, the institution directly responsible for addressing issues relating to FDIUS is the Committee on Foreign Investment in the United States (CFIUS). Created by President Gerald Ford as an oversight body in 1975, CFIUS monitors and regulates FDIUS from the standpoint of protecting national security. It is an interagency body composed of officials from the Departments of State, Commerce, Defense, and Justice, the Office of the United States Trade Representative, the Office of Management and Budget, and the Council of Economic Advisers; it is usually chaired by a Treasury official.

#### Export restrictions are not production restrictions

Shih 9 Wen-chen Shih is an associate professor of law in the Department of International Trade at National Chengchi University, Taiwan. "ARTICLE: Energy Security, GATT/WTO, and Regional Agreements" Natural Resources Journal Spring, 2009 Natural Resources Journal 49 Nat. Resources J. 433 lexis

Such an argument has been questioned by others. Broome cautions that a material distinction remains between export restrictions and production restrictions. n91 He argues that oil in its natural state--oil still in the ground--cannot be characterized as a "product" within the meaning of Article XI, as it has not gone through a production process. n92 Only oil in commerce--oil that is extracted and produced for consumption can be regarded as falling under the GATT jurisdiction. n93 Therefore, only when OPEC countries restrict the quantity of oil in commerce made available for export to foreign consumers could they then violate Article XI:1. n94 He further points out that, while the jurisprudence tends to interpret Article XI:1 broadly, absurd and unintended consequences could arise if the panel or the Appellate Body does not pay attention to such differences; when a WTO Member took some measure to reduce domestic production in a particular industry, any WTO Member could complain that the country was violating Article XI:1 by influencing prices via supply restrictions. n95 In other words, "any measure that prevents an industry from operating at maximum capacity might constitute an export restriction." n96 Broome, thus, concludes that the production quotas maintained by OPEC countries should not constitute quantitative restrictions that contravene Article XI:1. n97

The plan changes how energy production is financed, rather than restricting how much energy is produced

This conflation ruins the topic:

Including regulations is a limits disaster

Doub 76

Energy Regulation: A Quagmire for Energy Policy

Annual Review of Energy

Vol. 1: 715-725 (Volume publication date November 1976)

DOI: 10.1146/annurev.eg.01.110176.003435LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW, Washington, DC 20036

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

Mr. Doub is a principal in the law firm of Doub and Muntzing, which he formed in 1977. Previously he was a partner in the law firm of LeBoeuf, Lamb, Leiby and MacRae. He was a member of the U.S. Atomic Energy Commission in 1971 - 1974. He served as a member of the Executive Advisory Committee to the Federal Power Commission in 1968 - 1971 and was appointed by the President of the United States to the President's Air Quality Advisory Board in 1970. He is a member of the American Bar Association, Maryland State Bar Association, and Federal Bar Association. He is immediate past Chairman of the U.S. National Committee of the World Energy Conference and a member of the Atomic Industrial Forum. He currently serves as a member of the nuclear export policy committees of both the Atomic Industrial Forum and the American Nuclear Energy Council. Mr. Doub graduated from Washington and Jefferson College (B.A., 1953) and the University of Maryland School of Law in 1956. He is married, has two children, and resides in Potomac, Md. He was born September 3, 1931, in Cumberland, Md.

FERS began with the recognition that federal energy policy must result from concerted efforts in all areas dealing with energy, not the least of which was the manner in which energy is regulated by the federal government. Energy selfsufficiency is improbable, if not impossible, without sensible regulatory processes, and effective regulation is necessary for public confidence. Thus, the President directed that "a comprehensive study be undertaken, in full consultation with Congress, to determine the best way to organize all energy-related regulatory activities of the government." An interagency task force was formed to study this question. With 19 different federal departments and agencies contributing, the task force spent seven months deciphering the present organizational makeup of the federal energy regulatory system, studying the need for organizational improvement, and evaluating alternatives. More than 40 agencies were found to be involved with making regulatory decisions on energy. Although only a few deal exclusively with energy, most of the 40 could significantly affect the availability and/or cost of energy. For example, in the field of gas transmission, there are five federal agencies that must act on siting and land-use issues, seven on emission and effluent issues, five on public safety issues, and one on worker health and safety issues-all before an onshore gas pipeline can be built. The complexity of energy regulation is also illustrated by the case of Standard Oil Company (Indiana), which reportedly must file about 1000 reports a year with 35 different federal agencies. Unfortunately, this example is the rule rather than the exception.

Precision: Only direct prohibition is a restriction – key to predictability

Sinha 6

<http://www.indiankanoon.org/doc/437310/>

Supreme Court of India Union Of India & Ors vs M/S. Asian Food Industries on 7 November, 2006 Author: S.B. Sinha Bench: S Sinha, Mark, E Katju CASE NO.: Writ Petition (civil) 4695 of 2006 PETITIONER: Union of India & Ors. RESPONDENT: M/s. Asian Food Industries DATE OF JUDGMENT: 07/11/2006 BENCH: S.B. Sinha & Markandey Katju JUDGMENT: J U D G M E N T [Arising out of S.L.P. (Civil) No. 17008 of 2006] WITH CIVIL APPEAL NO. 4696 OF 2006 [Arising out of S.L.P. (Civil) No. 17558 of 2006] S.B. SINHA, J :

We may, however, notice that this Court in State of U.P. and Others v. M/s. Hindustan Aluminium Corpn. and others [AIR 1979 SC 1459] stated the law thus:

"It appears that a distinction between regulation and restriction or prohibition has always been drawn, ever since Municipal Corporation of the City of Toronto v. Virgo. Regulation promotes the freedom or the facility which is required to be regulated in the interest of all concerned, whereas prohibition obstructs or shuts off, or denies it to those to whom it is applied. The Oxford English Dictionary does not define regulate to include prohibition so that if it had been the intention to prohibit the supply, distribution, consumption or use of energy, the legislature would not have contented itself with the use of the word regulating without using the word prohibiting or some such word, to bring out that effect."

## 2

#### The aff’s invocation of death impacts is necrophilia, a blind obsession with body counts that ends in extinction. Vote neg to reject death impacts—this is a gateway issue—if they win death impacts are good, the rest of the 1NC applies—we won’t cross-apply to prove links

Erich **Fromm 64**, PhD in sociology from Heidelberg in 1922, psychology prof at MSU in the 60’s, “Creators and Destroyers”, The Saturday Review, New York (04. January 1964), pp. 22-25

People are aware of the possibility of nuclear war; they are aware of the destruction such a war could bring with it--and yet they seemingly make no effort to avoid it. Most of us are puzzled by this behavior because we start out from the premise that people love life and fear death. Perhaps we should be less puzzled if we questioned this premise. Maybe there are many people who are indifferent to life and many others who do not love life but who do love death. There is an orientation which we may call love of life (biophilia); it is the normal orientation among healthy persons. But there is also to be found in others a deep attraction to death which, following Unamuno's classic speech made at the University of Salamanca (1938), I call necrophilia. It is the attitude which a Franco general, Millán Astray, expressed in the slogan "Long live death, thus provoking Unamuno’s protest against this "necrophilous and senseless cry." Who is a necrophilous person? He is one who is attracted to and fascinated by all that is not alive, to all that is dead; to corpses, to decay, to feces, to dirt. Necrophiles are those people who love to talk about sickness, burials, death. They come to life precisely when they can talk about death. A clear example of the pure necrophilous type was Hitler. He was fascinated by destruction, and the smell of death was sweet to him. While in the years of success it may have appeared that he wanted only to destroy those whom he considered his enemies, the days of the Götterdämmerung at the end showed that his deepest satisfaction lay in witnessing total and absolute destruction: that of the German people, of those around him, and of himself. The necrophilous dwell in the past, never in the future. Their feelings are essentially sentimental; that is, they nurse the memory of feelings which they had yesterday--or believe that they had. They are cold, distant, devotees of "law and order." Their values are precisely the reverse of the values we connect with normal life; not life, but death excites and satisfies them. If one wants to understand the influence of men like Hitler and Stalin, it lies precisely in their unlimited capacity and willingness to kill. For this they' were loved by the necrophiles. Of the rest, many were afraid of them and so preferred to admire, rather than to be aware of, their fear. Many others did not sense the necrophilous quality of these leaders and saw in them the builders, saviors, good fathers. If the necrophilous leaders had not pretended that they were builders and protectors, the number of people attracted to them would hardly have been sufficient to help them seize power, and the number of those repelled by them would probably soon have led to their downfall. While life is characterized by growth in a structured, functional manner, the necrophilous principle is all that which does not grow, that which is mechanical. The necrophilous person is driven by the desire to transform the organic into the inorganic, to approach life mechanically, as if all living persons were things. All living processes, feelings, and thoughts are transformed into things. Memory, rather than experience--having, rather than being--are what counts. The necrophilous person can relate to an object--a flower or a person--only if he possesses it; hence, a threat to his possession is a threat to himself; if he loses possession he loses contact with the world. That is why we find the paradoxical reaction that he would rather lose life than possession, even though, by losing life, he who possesses has ceased to exist. He loves control, and in the act of controlling he kills life. He is deeply afraid of life, because it is disorderly and uncontrollable by its very nature. The woman who wrongly claims to be the mother of the child in the story of Solomon's judgment is typical of this tendency; she would rather have a properly divided dead child than lose a living one. To the necrophilous person justice means correct division, and they are willing to kill or die for the sake of what they call, justice. "Law and order" for them are idols, and everything that threatens law and order is felt as a satanic attack against their supreme values. The necrophilous person is attracted to darkness and night. In mythology and poetry (as well as in dreams) he is attracted to caves, or to the depth of the ocean, or depicted as being blind. (The trolls in Ibsen's Peer Gynt are a good example.) All that is away from or directed against life attracts him. He wants to return to the darkness {23} of the womb, to the past of inorganic or subhuman existence. He is essentially oriented to the past, not to the future, which he hates and fears. Related to this is his craving for certainty. But life is never certain, never predictable, never controllable; in order to make life controllable, it must be transformed into death; death, indeed, is the only thing about life that is certain to him. The necrophilous person can often be recognized by his looks and his gestures. He is cold, his skin looks dead, and often he has an expression on his face as though he were smelling a bad odor. (This expression could be clearly seen in Hitler's face.) He is orderly and obsessive. This aspect of the necrophilous person has been demonstrated to the world in the figure of Eichmann. Eichmann was fascinated by order and death. His supreme values were obedience and the proper functioning of the organization. He transported Jews as he would have transported coal. That they were human beings was hardly within the field of his vision; hence, even the problem of his having hated or not hated his victims is irrelevant. He was the perfect bureaucrat who had transformed all life into the administration of things. But examples of the necrophilous character are by no means to be found only among the inquisitors, the Hitlers and the Eichmanns. There are any number of individuals who do not have the opportunity and the power to kill, vet whose necrophilia expresses itself in other and (superficially seen) more harmless ways. An example is the mother who will always be interested in her child's sickness, in his failures, in dark prognoses for the future; at the same time she will not be impressed by a favorable change nor respond to her child's joy, nor will she notice anything new that is growing within him. We might find that her dreams deal with sickness, death, corpses, blood. She does not harm the child in any obvious way, yet she may slowly strangle the child's joy of life, his faith--in growth, and eventually infect him with her own necrophilous orientation. My description may have given the impression that all the features mentioned here are necessarily found in the necrophilous person. It is true that such divergent features as the wish to kill, the worship of force, the attraction to death and dirt, sadism, the wish to transform the organic into the inorganic through "order" are all part of the same basic orientation. Yet so far as individuals are concerned, there are considerable differences with respect to the strength of these respective trends. Any one of the features mentioned here may be more pronounced in one person than in another. Furthermore, the degree to which a person is necrophilous in comparison with his biophilous aspects and the degree to which a person is aware of necrophilous tendencies and rationalizes them vary considerably from person to person. Yet the concept of the necrophilous type is by no means an abstraction or summary of various disparate behavior trends. Necrophilia constitutes a fundamental orientation; it is the one answer to life that is in complete opposition to life; it is the most morbid and the most dangerous among the orientations to life of which man is capable. It is true perversion; while living, not life but death is loved--not growth, but destruction. The necrophilous person, if he dares to be aware of what he feels, expresses the motto of his life when he says: "Long live death!" The opposite of the necrophilous orientation is the biophilous one; its essence is love of life in contrast to love of death. Like necrophilia, biophilia is not constituted by a single trait but represents a total orientation, an entire way of being. It is manifested in a person's bodily processes, in his emotions, in his thoughts, in his gestures; the biophilous orientation expresses itself in the whole man. The person who fully loves life is attracted by the process of life in all spheres. He prefers to construct, rather than to retain. He is capable of wondering, and he prefers to see something new to the security of finding the old confirmed. He loves the adventure of living more than he does certainty. His approach to life is functional rather than mechanical. He sees the whole rather than only the parts, structures rather than summations. He wants to mold and to influence by love, by reason, by his example--not by force, by cutting things apart, by the bureaucratic manner of administering people as if they were things. He enjoys life and all its manifestations, rather than mere excitement. Biophilic ethics has its own principle of good and evil. Good is all that serves life; evil is all that serves death. Good is reverence for life (this is the main thesis of Albert Schweitzer, one of the great representatives of the love of life--both in his writings and in his person), and all that enhances life. Evil is all that stifles life, narrows it down, {24} cuts it into pieces. Thus it is from the standpoint of life-ethics that the Bible mentions as the central sin of the Hebrews: "Because thou didst not serve thy Lord with joy and gladness of heart in the abundance of all things." The conscience of the biophilous person is not one of forcing oneself to refrain from evil and to do good. It is not the superego described by .Freud, a strict taskmaster employing sadism against oneself for the sake of virtue. The biophilous conscience is motivated by its attraction to life and joy; the moral effort consists in strengthening the life loving side in oneself. For this reasons the biophile does not dwell in remorse and guilt, which are, after all, only aspects of self-loathing and sadness. He turns quickly to life and attempts to do good. Spinoza's Ethics is a striking example of biophilic morality. "Pleasure," he says, "in itself is not bad but good; contrariwise, pain in itself is bad." And in the same spirit: "A free man thinks of death least of all things; and his wisdom is a meditation not of death but of life." Love of life underlies the various versions of humanistic philosophy. In various conceptual forms these philosophies are in the same vein as Spinoza's; they express the principle that the same man loves life; that man's aim in life is to be attracted by all that is alive and to separate himself from all that is dead and mechanical. The dichotomy of biophilia-necrophilia is the same as Freud's life-and-death instinct. I believe, as Freud did, that this is the most fundamental polarity that exists. However, there is one important difference. Freud assumes that the striving toward death and toward life are two biologically given tendencies inherent in all living substance that their respective strengths are relatively constant, and that there is only one alternative within the operation of the death instinct--namely, that it can be directed against the outside world or against oneself. In contrast to these assumptions I believe that necrophilia is not a normal biological tendency, but a pathological phenomenon--in fact, the most malignant pathology that exists in mail. What are we, the people of the United States today, with respect to necrophilia and biophilia? Undoubtedly our spiritual tradition is one of love of life. And not only this. Was there ever a culture with more love of "fun" and excitement, or with greater opportunities for the majority to enjoy fun and excitement? But even if this is so, fun and excitement is not the same as joy and love of life; perhaps underneath there is indifference to life, or attraction to death? To answer this question we must consider the nature of our bureaucratized, industrial, mass civilization. Our approach to life becomes increasingly mechanical. The aim of social efforts is to produce things, and. in the process of idolatry of things we transform ourselves into commodities. The question here is not whether they are treated nicely and are well fed (things, too, can be treated nicely); the question is whether people are things or living beings. People love mechanical gadgets more than living beings. The approach to man is intellectualabstract. One is interested in people as objects, in their common properties, in the statistical rules of mass behavior, not in living individuals. All this goes together with the increasing role of bureaucratic methods. In giant centers of production, giant cities, giant countries, men are administered as if they were things; men and their administrators are transformed into things, and they obey the law of things. In a bureaucratically organized and centralized industrialism, men's tastes are manipulated so that they consume maximally and in predictable and profitable directions. Their intelligence and character become standardized by the ever-increasing use of tests, which select the mediocre and unadventurous over the original and daring. Indeed, the bureaucratic-industrial civilization that has been victorious in Europe and North America has created a new type of man. He has been described as the "organization man" and as homo consumens. He is in addition the homo mechanicus. By this I mean a "gadget man," deeply attracted to all that is mechanical and inclined against all that is alive. It is, of course, true that man's biological and physiological equipment provides him with such strong sexual impulses that even the homo mechanicus still has sexual desires and looks for women. But there is no doubt that the gadget man's interest in women is diminishing. A New Yorker cartoon pointed to this very amusingly: a sales girl trying to sell a certain brand of perfume to a young female customer recommends it by remarking, "It smells like a new sports car." Indeed, any observer of men's behavior today will confirm that this cartoon is more than a clever joke. There are apparently a great number of men who are more interested in sports-cars, television and radio sets, space travel, and any number of gadgets than they are in women, love, nature, food; who are more stimulated by the manipulation of non-organic, mechanical things than by life. Their attitude toward a woman is like that toward a car: you push the button and watch it race. It is not even too farfetched to assume that homo mechanicus has more pride in and is more fascinated by, devices that can kill millions of people across a distance of several thousands of miles within minutes than he is frightened and depressed by the possibility of such mass destruction. Homo mechanicus still likes sex {25} and drink. But all these pleasures are sought for in the frame of reference of the mechanical and the unalive. He expects that there must be a button which, if pushed, brings happiness, love, pleasure. (Many go to a psychoanalyst under the illusion that he can teach them to find the button.) The homo mechanicus becomes more and more interested in the manipulation of machines, rather than in the participation in and response to life. Hence he becomes indifferent to life, fascinated by the mechanical, and eventually attracted by death and total destruction. This affinity between the love of destruction and the love of the mechanical may well have been expressed for the first time in Marinetti's Futurist Manifesto (1909). "A roaring motor-car, which looks as though running on a shrapnel is more beautiful than the Victory of Samothrace. … We wish to glorify war--the only health-giver of the world-militarism, patriotism, the destructive arm of the Anarchist, the beautiful Ideas that kill the contempt for woman." Briefly then, intellectualization, quantification, abstractification, bureaucratization, and reification--the very characteristics of modern industrial society--when applied to people rather than to things are not the principles of life but those of mechanics. People living in such a system must necessarily become indifferent to life, even attracted to death. They are not aware of this. They take the thrills of excitement for the joys of life and live under the illusion that they are very much alive when they only have many things to own and to use. The lack of protest against nuclear war and the discussion of our "atomologists" of the balance sheet of total or half-total destruction show how far we have already gone into the "valley of the shadow of death."1 To speak of the necrophilous quality of our industrial civilization does not imply that industrial production as such is necessarily contrary to the principles of life. The question is whether the principles of social organization and of life are subordinated to those of mechanization, or whether the principles of life are the dominant ones. Obviously, the industrialized world has not found thus far an answer, to the question posed here: How is it possible to create a humanist industrialism as against the bureaucratic mass industrialism that rules our lives today? The danger of nuclear war is so grave that man may arrive at a new barbarism before he has even a chance to find the road to a humanist industrialism. Yet not all hope is lost; hence we might ask ourselves whether the hypothesis developed here could in any way contribute to finding peaceful solutions. I believe it might be useful in several ways. First of all, an awareness of our pathological situation, while not yet a cure, is nevertheless a first step. If more people became aware of the difference between love of life and love of death, if they became aware that they themselves are already far gone in the direction of indifference or of necrophilia, this shock alone could produce new and healthy reactions. Furthermore, the sensitivity toward those who recommend death might be increased. Many might see through the pious rationalizations of the death lovers and change their admiration for them to disgust. Beyond this, our hypothesis would suggest one thing to those concerned with peace and survival: that every effort must be made to weaken the attraction of death and to strengthen the attraction of life. Why not declare that there is only one truly dangerous subversion, the subversion of life? Why do not those who represent the traditions of religion and humanism speak up and say that there is no deadlier sin than love for death and contempt for life? Why not encourage our best brains--scientists, artists, educators--to make suggestions on how to arouse and stimulate love for life as opposed to love for gadgets? I know love for gadgets brings profits to the corporations, while love for life requires fewer things and hence is less profitable. Maybe it is too late. Maybe the neutron bomb, which leaves entire cities intact, but without life, is to be the symbol of our civilization. But again, those of us who love life will not cease the struggle against necrophilia.

## 3

#### Obama win now by a decisive, but narrow margin

Mark Blumenthal, HuffPo, 10/1/12, New 2012 Polls Show Little Change In State Of Race , www.huffingtonpost.com/2012/10/01/2012-polls-obama-romney\_n\_1928472.html?utm\_hp\_ref=elections-2012

With attention turning to the first of three upcoming national debates, new polls show President Barack Obama continuing to hold a narrow lead over Republican nominee Mitt Romney, both nationwide and in the key battleground states that are likely to decide the election.

Two new national surveys released on Monday morning both show a slightly closer race than most other recent polls, although those new results are consistent with previous surveys from the same organizations, indicating that Obama's September lead is holding.

The new Washington Post/ABC News survey finds Obama leading by just 2 percentage points nationwide (49 percent to 47 percent) among the voters deemed most likely to vote. But that result was no different than their previous survey, taken just after the Democratic convention three weeks ago, which showed Obama with a 1-point edge (49 percent to 48 percent).

However, among all registered voters nationwide, the new Post/ABC poll shows Obama leading by 5 percentage points (49 percent to 44 percent), again the same margin as their survey found three weeks ago. The Post also reports that Obama's lead over Romney is larger (52 percent to 41 percent) among a subset of likely voters in swing states.

Similarly, a new Politico/George Washington University Battleground poll also finds Obama leading by 2 percentage points among likely voters (49 percent to 47 percent), a finding essentially unchanged from the 3-point Obama margin (50 percent to 47 percent) found in their previous survey.

The four results have been collectively more favorable to Romney than those produced by other recent national polls, and more importantly, they have shown no statistically meaningful trend in September. The HuffPost Pollster tracking model, which draws on all national and state-level polling and corrects for consistent "house effect" differences among pollsters, continues to give Obama a slightly larger, 4 percentage point lead over Romney.

Similarly, a handful of new statewide surveys released over the weekend shows results consistent with a 3- to 4-point Obama lead nationwide.

In Iowa, a new Des Moines Register Iowa poll found Obama leading by 4 percentage points (49 percent to 45 percent), exactly the same margin as the Pollster tracking model.

In Ohio, an automated recorded-voice survey by the Democratic-affiliated firm Public Policy Polling gives Obama a 4 percentage point advantage, while a new Columbus Dispatch mail-in survey gives Obama a 9-point lead. Not surprisingly, Obama's lead on the Pollster tracking model falls somewhere in between.

Finally, another new PPP poll from North Carolina shows a dead-even race, with each candidate at 48 percent -- again, consistent with a similarly close margin on HuffPost's tracking model. North Carolina has been the closest of the 50 states over the last three weeks.

Thus, the combination of national and statewide polling continues to show Obama leading Romney by statistically meaningful margins in all of the battleground states except North Carolina. Were he to carry all of the states where he is currently leading, Obama would win 332 electoral votes -- far more than the 270 needed to win. Romney currently leads in states accounting for 191 electoral votes.

Can Wednesday night's nationally televised debates between Obama and Romney, the first of three to be held between now and late October, be a "game changer" for Romney? Not likely, according to George Washington University political scientist John Sides.

"When it comes to shifting enough votes to decide the outcome of the election," Sides writes in the Washington Monthly, "presidential debates have rarely, if ever, mattered."

Sides cites research by political scientists Robert Erikson and Christopher Wlezien, who studied polling from every election from 1952 to 2008 and found that while debates sometimes nudge results, they rarely produce substantial changes in voter preferences. Erikson and Wlezien found that since 1960, the leader in the polling before the debates remained the leader after the debates.

The most significant before-and-after debate shift was toward Gerald Ford in his 1976 race against Jimmy Carter. However, as Erikson and Wlezien note, "Carter's support was in steady decline" during the final month of the race.

It is worth remembering that while Obama enjoys a statistically meaningful lead in national polling, his margin remains relatively modest compared to past elections. So while a "nudge" toward Romney on the order of what debates produced in 1980, 2000 or 2004 might not be enough to move Romney ahead, it could make for a much closer race.

#### Obama is using CIFUS now to appear strong on China now—plan makes Romney china-bashing attacks credible

Pete Kasperowicz, The Hill, 9/28/12, President Obama flexes on China, thehill.com/blogs/floor-action/energy-environment/259245-obama-blocks-chinese-investment-in-us-wind-farms

The Obama administration announced Friday that it would block an attempt by a Chinese-owned company to acquire four wind farm companies in the United States.

The Obama campaign is likely to use the decision to burnish Obama's credentials as a president who is "tough on China."

Obama and GOP presidential candidate Mitt Romney have been fighting for weeks over who can better protect the U.S. economy and its workers from China's economic expansion.

Romney has run ads in the battleground state of Ohio saying he would be tougher on China, and said Obama has not done enough to push back against China's undervalued currency. But Obama has responded by saying those ads aren't credible, and has charged Romney with supporting the outsourcing of jobs to China. Obama has also reminded voters that he imposed tariffs on tires imported from China.

In this case, a Chinese-owned company called the Ralls Corporation sought to buy four wind farms in Oregon, and had already acquired an interest in these companies. However, foreign investment in U.S. companies is reviewable by the Committee on Foreign Investment in the United States (CFIUS), which is chaired by the Treasury Department.

And on Friday, Treasury indicated that CFIUS recommended a denial of the investment from China because the wind farms are all within or near restricted air space at a naval training facility in Oregon, a recommendation that Obama accepted. The Foreign Investment and National Security Act allows for overseas investment to be denied when possible security risks are presented.

Specifically, Section 721 of the law lets the president block investment when "he finds that there is credible evidence that the foreign interest exercising control might take action that threatens to impair national security," Treasury's statement said.

#### Leads to a Romney win

Mei Jingya, Sina English, 8/24/12, China bashing good for winning votes, but bad for Sino-US relation , english.sina.com/china/2012/0824/499676.html

According to the latest Associated Press-GfK poll conducted Aug. 16-20, Mitt Romney now narrowly trails President Obama in national polls but has closed the gap or taken a slight lead in several of the dozen swing states. The poll shows registered voters favoring Obama over Romney ticket by 47 percent to 46 percent.

Since China has been “demonized” all these years by American media, China bashing is an old trick that never fails to win the affection of voters. The US has a long tradition of challengers using China to attack incumbents during presidential elections. This year is no exception.

#### Romney will have to follow through with more bashing – turns the whole case

Gerstein 11

(Josh, writer @ Politico, “The GOP's China syndrome”, 11/22/12, http://www.politico.com/news/stories/1111/68952.html)

Mitt Romney says America is at war with China — a “trade war” over its undervalued currency. “They’re stealing our jobs. And we’re gonna stand up to China,” the former Massachusetts governor declared in a recent Republican presidential debate, arguing that the United States should threaten to impose tariffs on Chinese imports. When Romney steps on stage tonight for another debate, this one devoted to foreign policy, that kind of China-bashing is likely to be a favorite theme. With a moribund economy and relatively little traction for other international issues, the threat posed by cheap Chinese imports and Chinese purchases of U.S. debt is an irresistible target. The problem, China experts are quick to point out, is that those attacks often fly in the face of the business interests Republicans have traditionally represented, not to mention the record many of the candidates have either supporting trade with China — or actively soliciting it. Just last year, for example, Romney slammed President Barack Obama for growth-killing protectionism after he put a 35 percent tariff on Chinese tires because of a surge of cheap imports. And, Romney wrote in his book, “No Apology: The Case for American Greatness,” “Protectionism stifles productivity.” And though Texas Gov. Rick Perry predicted at a debate this month that “the Chinese government will end up on the ash heap of history if they do not change their virtues,” a picture posted on the Internet shows a smiling Perry on a trade mission to Shanghai and Beijing posing with Chinese Foreign Minister Yang Jiechi after presenting him with a pair of cowboy boots. Nor has Perry been shy about encouraging Chinese investments in Texas: In October 2010, he appeared at the announcement of a new U.S. headquarters for Huawei Technologies to be located in Plano, Texas, despite lingering concerns among U.S. security officials that Huawei-made telecommunications equipment is designed to allow unauthorized access by the Chinese government. “There’s a certain pandering going on,” said Nicholas Lardy of the Peterson Institute for International Economics, who adds that the GOP rhetoric is squarely at odds with the views of the U.S. establishment, which believes a showdown with China over the trade issue “will make things worse, not better.” Not all of the 2012 GOP presidential hopefuls have taken to publicly pummeling Beijing. The only bona fide China expert in the group, former Ambassador to China Jon Huntsman, has criticized Romney for being cavalier and simplistic in his talk of tariffs. “You can give applause lines, and you can kind of pander here and there. You start a trade war if you start slapping tariffs randomly on Chinese products based on currency manipulation,” Huntsman said at a recent debate. “That doesn’t work.” Former Sen. Rick Santorum also rejected the idea of slapping tariffs on Beijing if it won’t buckle on the currency issue. “That just taxes you. I don’t want to tax you,” Santorum said. Newt Gingrich says he wants to bring a world of hurt down on Beijing for alleged Chinese cyberattacks on the U.S. and theft of intellectual property, though he’s vague about how. “We’re going to have to find ways to dramatically raise the pain level for the Chinese cheating,” the former house speaker declares. And Herman Cain talks of a threat from China, but says the answer is to promote growth in the U.S. “China’s economic dominance would represent a national security threat to the USA, and possibly to the rest of the world,” Cain wrote in May in the Daily Caller. “We can outgrow China because the USA is not a loser nation. We just need a winner in the White House.” Romney’s rhetoric has been **particularly harsh**. “It’s predatory pricing, it’s killing jobs in America,” he declared at the CNBC debate earlier this month, promising to make a formal complaint to the World Trade Organization about China’s currency manipulation. “I would apply, if necessary, tariffs to make sure that they understand we are willing to play at a level playing field.” The Romney campaign insists those tariffs are entirely distinguishable from the tire duties Obama imposed in 2009. “The distinction between Obama’s tire action and what Gov. Romney is proposing is simple,” said a Romney aide who did not want to be named. “President Obama is not getting tough with China or pushing them unilaterally, he is handing out political favors to union allies. [Romney’s] policy focuses on fostering competition by keeping markets open and the playing field level.” Romney, who helped set up investment bank Bain Capital, has long been a favorite of Wall Street, so his stridency on the China trade issue has taken some traditional conservatives — for whom free trade is a fundamental tenet — by surprise. National Review said Romney’s move “risk[ed] a trade war with China” **and was “a remarkably bad idea.”** In fact, many business leaders give Obama good marks for his China policy. “What the Obama administration has done in not labeling China as a ‘currency manipulator’ is correct,” said one U.S. business lobbyist who closely follows U.S.-China trade issues and asked not to be named. “We’re very leery of a tit-for-tat situation,” he added, while acknowledging that the anti-China rhetoric is “good politics.”

## 4

#### Deregulating energy policy produces a field of atomized, competitive political and social relations that reinforces the praxis of productionism

Read ‘9 (Jason, Professor of Philosophy at the University of Southern Maine, “A Genealogy of Homo-Economicus: Neoliberalism and the Production of Subjectivity,” Foucault Studies, No 6, pp. 25-36, February 2009, AM)

For Antonio Negri there is a direct relationship between real subsumption as a transformation of the capitalist mode of production and neoliberalism as a trans-formation of the presentation of capitalism. It is not simply that neoliberalism works to efface the fundamental division between worker and capitalist, between wages and capital, through the production of neo-liberal subjectivity. After all this opposi-tion, this antagonism has preexisted neoliberalism by centuries. Neoliberalism is a discourse and practice that is aimed to curtail the powers of labor that are distri-buted across all of society—at the exact moment in which all of social existence be-comes labor, or potential labor, neoliberalism constructs the image of a society of ca-pitalists, of entrepreneurs. As production moves from the closed space of the factory to become distributed across all of social space, encompassing all spheres of cultural and social existence, neoliberalism presents an image of society as a market, effacing production altogether.18 This underscores the difference between neoliberalism as a form of power and the disciplinary power at work in the closed spaces of the factory. If disciplinary power worked by confining and fixing bodies to the production appa-ratuses, neoliberal power works by dispersing bodies and individuals through pri-vatization and isolation. Deregulation, the central term and **political strategy of neo-liberalism**, **is not the absence of governing**, or regulating, but a form of governing through isolation and dispersion.19 As more and more wealth is produced by the col-lective social powers of society, neoliberalism presents us with an image of society made up of self-interested individuals. For Negri, neoliberalism and the idea of hu-man capital is a misrepresentation of the productive powers of society. “The only problem is that extreme liberalization of the economy reveals its opposite, namely that the social and productive environment is not made up of atomized individu-als…the real environment is made up of collective individuals.”20 In Negri’s analysis, the relation between neoliberalism and real subsumption takes on the characteristics of a Manichean opposition. We are all workers or we are all capitalists: either view society as an extension of labor across all social spheres, from the factory to the school to the home, and across all aspects of human existence, from the work of the hands to the mind, or view society as a logic of competition and investment that en-compasses all human relationships. While Negri’s presentation has an advantage over Foucault’s lectures in that it grasps the historical formation of neoliberalism against the backdrop of a specific transformation of capital, in some sense following Foucault’s tendency to present disciplinary power and biopower against the back-drop of specific changes in the economic organization of society, it does so by almost casting neoliberalism as an ideology in the pejorative sense of the term. It would ap-pear that for Negri real subsumption is the truth of society, and neoliberalism is only a misrepresentation of that truth. As Thomas Lemke has argued, Foucault’s idea of governmentality, is argued against such a division that posits actual material reality on one side and its ideological misrepresentation on the other. A governmentality is a particular mentality, a particular manner of governing, that is actualized in habits, perceptions, and subjectivity. Governmentality situates actions and conceptions on the same plane of immanence.21 Which is to say, that any criticism of neoliberalism as governmentality must not focus on its errors, on its myopic conception of social existence, but on its particular production of truth. For Foucault, we have to take se-riously the manner in which the fundamental understanding of individuals as go-verned by interest and competition is not just an ideology that can be refused and debunked, but is an intimate part of how our lives and subjectivity are structured. Despite Negri’s tendency to lapse back into an opposition between labor and ideology, his object raises important questions echoed by other critics of neoliberal-ism. What is lost in neoliberalism is the critical distance opened up between different spheres and representations of subjectivity, not only the difference between work and the market, as in Marxism, but also the difference between the citizen and the economic subject, as in classical liberalism. All of these differences are effaced as one relation; that of economic self-interest, or competition, replaces the multiple spaces and relations of worker, citizen, and economic subject of consumption. To put the problem in Foucault’s terms, what has disappeared in neoliberalism is the tactical polyvalence of discourse; everything is framed in terms of interests, freedoms and risks.22 As Wendy Brown argues, one can survey the quotidian effects or practices of governmentality in the manner in which individualized/market based solutions ap-pear in lieu of collective political solutions: gated communities for concerns about security and safety; bottled water for concerns about water purity; and private schools (or vouchers) for failing public schools, all of which offer the opportunity for individuals to **opt out rather than address political problems**.23 Privatization is not just neoliberalism’s strategy for dealing with the public sector, what David Harvey calls accumulation by dispossession, but a consistent element of its particular form of governmentality, its ethos, everything becomes privatized, institutions, structures, issues, and problems that used to constitute the public.24 It is privatization all the way down. For Brown, neoliberalism entails a massive de-democratization, as terms such as the public good, rights and debate, no longer have any meaning. “The model neoliberal citizen is one who strategizes for her or himself among various social, po-litical, and economic options, not one who strives with others to alter or organize these options.”25 Thus, while it is possible to argue that neoliberalism is a more flexi-ble, an open form of power as opposed to the closed spaces of disciplines, a form of power that operates on freedoms, on a constitutive multiplicity, it is in some sense all the more closed in that as a form of governmentality, as a political rationality, it is without an outside**.** It does not encounter any tension with a competing logic of worker or citizen, with a different articulation of subjectivity. States, corporations, individuals are all governed by the same logic, that of interest and competition.

#### The system’s unsustainable – only a shift from PRODUCTIONIST EMPIRE to MULTITUDES averts extinction

Shor 10

<http://www.stateofnature.org/locatingTheContemporary.html>

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Attributing the debilitation of the U.S. economy to a mortgage crisis or the collapse of the housing market misses the truly epochal crisis in the world economy and, indeed, in capitalism itself. As economist Michael Hudson contends, "the financial 'wealth creation' game is over. Economies emerged from World War II relatively free of debt, but the 60-year global run-up has run its course. Financial capitalism is in a state of collapse, and marginal palliatives cannot revive it." According to Hudson, among those palliatives is an ironic variant of the IMF strategies imposed on developing nations. "The new twist is a variant on the IMF 'stabilization' plans that lend money to central banks to support their currencies - for long enough to enable local oligarchs and foreign investors to move their savings and investments offshore at a good exchange rate." The continuity between these IMF plans and even the Obama administration's fealty to Wall Street can be seen in the person of Lawrence Summers, now the chief economic advisor to Obama. As further noted by Hudson, "the Obama bank bailout is arranged much like an IMF loan to support the exchange rate of foreign currency, but with the Treasury supporting financial asset prices for U.S. banks and other financial institutions ... Private-sector debt will be moved onto the U.S. Government balance sheet, where "taxpayers" will bear losses." [4] So, here we have another variation of the working poor getting sapped by the economic elite! In fact, one estimate of U.S. federal government support to the elite financial institutions is in the range of $10 trillion dollars, a heist of unimaginable proportions. [5] Given the massive indebtedness of the United States, its reliance of foreign support of that debt by countries like China, which has close to $2 trillion tied up in treasury bills and other investments, a long-term crisis of profitability, overproduction, and offshoring of essential manufacturing, it does not appear that the United States and, perhaps, even the capitalist system can avoid collapse. Certainly, there are Marxist economists and world-systems analysts who are convinced that the collapse is inevitable, albeit it may take several generations to complete. The question becomes whether a dying system can be resuscitated or, if something else can be put in its place. One of the most prominent world systems scholars, Immanuel Wallerstein, puts the long-term crisis of capitalism and the alternatives in the following perspective: Because the system we have known for 500 years is no longer able to guarantee long-term prospects of capital accumulation, we have entered a period of world chaos. Wild (and largely uncontrollable) swings in the economic, political, and military situations are leading to a systemic bifurcation, that is, to a world collective choice about the kind of new system the world will construct over the next fifty years. The new system will not be a capitalist system, but it could be one of two kinds: a different system that is equally or more hierarchical and inequalitarian, or one that is substantially democratic and equalitarian. [6] What Wallerstein overlooks is the possibility that a global crisis of capitalism with its continuous overexploitation and maldistribution of essential resources, such as water, could lead to a planetary catastrophe. [7] While Wallerstein and many of the Marxist critics of capitalism correctly identify the long-term structural crisis of capitalism and offer important insights into the need for more democratic and equalitarian systems, they often fail to realize other critical predicaments that have plagued human societies in the past and persist in even more life-threatening ways today. Among those predicaments are the power trips of civilization and environmental destructiveness. Such power trips can be seen through the sedimentation of power-over in the reign of patriarchal systems and an evolutionary selection for that power-over which contaminates society and social relationships. Certainly, many of those predicaments can also be attributed to a 5000 year history of the intersection of empire and civilization. Anthropologist Kajsa Ekholm Friedman analyzes that intersection and its impact in the Bronze Age as an "imperialist project..., dependent upon trade and ultimately upon war." [8] However, over the long rule of empire and especially within the last 500 years of the global aspirations of various empires, "no state or empire," observes historian Eric Hobsbawm, "has been large, rich, or powerful enough to maintain hegemony over the political world, let alone to establish political and military supremacy over the globe." [9] While war and trade still remain key components of the imperial project today and pretensions for global supremacy persist in the United States, what is just as threatening to the world as we know it is the overexploitation and abuse of environmental resources. Jared Diamond brilliantly reveals how habituated attitudes and values precluded the necessary recognition of environmental degradation which, in turn, led to the collapse of vastly different civilizations, societies, and cultures throughout recorded history. [10] He identifies twelve contemporary environmental challenges which pose grave dangers to the planet and its inhabitants. Among these are the destruction of natural habitats (rainforests, wetlands, etc.); species extinction; soil erosion; depletion of fossil fuels and underground water aquifers; toxic pollution; and climate change, especially attributable to the use of fossil fuels. [11] U.S. economic imperialism has played a direct role in environmental degradation, whether in McDonald's resource destruction of rainforests in Latin America, Coca-Cola's exploitation of underground water aquifers in India, or Union Carbide's toxic pollution in India. Beyond the links between empire and environmental destruction, unless we also clearly understand and combat the connections between empire and unending growth with its attendant "accumulation by dispossession", we may very well doom ourselves to extinction. According to James Gustave Speth, Dean of the Yale School of Forestry and Environmental Studies, the macro obsession with growth is also intimately related to our micro habituated ways of living. "Parallel to transcending our growth fetish," Speth argues, "we must move beyond our consumerism and hyperventilating lifestyles ... This reluctance to challenge consumption has been a big mistake, given the mounting environmental and social costs of American "affluenza," extravagance and wastefulness." [12] Of course, there are significant class and ethnic/racial differences in consumerism and lifestyle in the United States. However, even more vast differences and inequities obtain between the U.S. and the developing world. It is those inequities that lead Eduardo Galeano to conclude that "consumer society is a booby trap. Those at the controls feign ignorance, but anybody with eyes in his head can see that the great majority of people necessarily must consume not much, very little, or nothing at all in order to save the bit of nature we have left." [13] Finally, from Vandana Shiva's perspective, "unless worldviews and lifestyles are restructured ecologically, peace and justice will continue to be violated and, ultimately, the very survival of humanity will be threatened." [14] For Shiva and other global agents of resistance, the ecological and peace and justice imperatives require us to act in the here and now. Her vision of "Earth Democracy" with its emphasis on balancing authentic needs with a local ecology provides an essential guidepost to what we all can do to stop the ravaging of the environment and to salvage the planet. As she insists, "Earth Democracy is not just about the next protest or next World Social Forum; it is about what we do in between. It addresses the global in our everyday lives, our everyday realities, and creates change globally by making change locally." [15] The local, national, and transnational struggles and visions of change are further evidence that the imperial project is not only being contested but also being transformed on a daily basis. According to Mark Engler, "The powerful will abandon their strategies of control only when it grows too costly for them to do otherwise. It is the concerted efforts of people coming together in local communities and in movements spanning borders that will raise the costs. Empire becomes unsustainable ... when the people of the world resist." [16] Whether in the rural villages of Brazil or India, the jungles of Mexico or Ecuador, the city squares of Cochabama or Genoa, the streets of Seattle or Soweto, there has been, and continues to be, resistance around the globe to the imperial project. If the ruling elite and many of the citizens of the United States have not yet accepted the fact that the empire is dying and with it the concentric circles of economic, political, environmental, and civilizational crises, the global multitudes have been busy at work, digging its future grave and planting the seeds for another possible world. [17]

#### Energy debates should focus on CRITIQUE of broad structures INSTEAD of producitivist fixes. Our ROLE OF THE BALLOT is best EVEN IF they win some truth claims – we must SHIFT THE FRAME

Zehner 12

Green illusions,

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Since this book represents a critique of alternative energy, it may seem an unlikely manual for alternative-energy proponents. But it is. Building alternative-energy infrastructure atop America's present economic, social, and cultural landscape is akin to building a sandcastle in a rising tide. A taller sand castle won't help. The first steps in this book sketch a partial blueprint for making alternative-energy technologies relevant into the future. Technological development alone will do little to bring about a durable alternative-energy future. Reimagining the social conditions of energy use will. Ultimately, we have to ask ourselves if environmentalists should be involved in the business of energy production (of any sort) while so many more important issues remain vastly underserved. Over the next several decades, it's quite likely that our power production cocktail will look very much like the mix of today, save for a few adjustments in market share. Wind and biofuel generation will become more prevalent and the stage is set for nuclear power as well, despite recent catastrophes. Nevertheless, these changes will occur over time—they will seem slow. Every power production mechanism has side effects and limitations of its own, and a global shift to new forms of power production simply means that humanity will have to deal with new side effects and limitations in the future. This simple observation seems to have gotten lost in the cheerleading for alternative-energy technologies. The mainstream environmental movement should throw down the green energy pom-poms and pull out the bifocals. It is entirely reasonable for environmentalists to criticize fossil-fuel industries for the harms they instigate. It is, however, entirely unreasonable for environmentalists to become spokespeople for the next round of ecological disaster machines such as solar cells, ethanol, and battery-powered vehicles. Environmentalists pack the largest punch when they instead act as power production watchdogs (regardless of the production method); past environmentalist pressures have cleaned the air and made previously polluted waterways swimmable. This watchdog role will be vital in the future as biofuels, nuclear plants, alternative fossil fuels, solar cells, and other energy technologies import new harms and risks. Beyond a watchdog role, environmentalists yield the greatest progress when addressing our social fundamentals, whether by supporting human rights, cleaning up elections, imagining new economic structures, strengthening communities, revitalizing democracy, or imagining more prosperous modes of consumption. Unsustainable energy use is a symptom of suboptimal social conditions. Energy use will come down when we improve these conditions: consumption patterns that lead to debt and depression; commercials aimed at children; lonely seniors stuck in their homes because they can no longer drive; kids left to fend for themselves when it comes to mobility or sexuality; corporate influence trumping citizen representation; measurements of the nation's health in dollars rather than well-being; a media concerned with advertising over insight, and so on. These may not seem like environmental issues, and they certainly don't seem like energy policy issues, but in reality they are the most important energy and environmental issues of our day. Addressing them won't require sacrifice or social engineering. They are congruent with the interests of many Americans, which will make them easier to initiate and fulfill. They are entirely realistic (as many are already enjoyed by other societies on the planet). They are, in a sense, boring. In fact, the only thing shocking about them is the degree to which they have been underappreciated in contemporary environmental thought, sidelined in the media, and ignored by politicians. Even though these first steps don't represent a grand solution, they are necessary preconditions if we intend to democratically design and implement more comprehensive solutions in the future. Ultimately, clean energy is less energy. Alternative-energy alchemy has so greatly consumed the public imagination over recent decades that the most vital and durable environmental essentials remain overlooked and underfunded. Today energy executives hiss silver-tongued fairy tales about clean-coal technologies, safe nuclear reactors, and renewable sources such as solar, wind, and biofuels to quench growing energy demands, fostering the illusion that we can maintain our expanding patterns of energy consumption without consequence. At the same time, they claim that these technologies can be made environmentally, socially, and politically sound while ignoring a history that has repeatedly shown otherwise. If we give in to accepting their conceptual frames, such as those pitting production versus production, or if we parrot their terms such as clean coal, bridge fuels, peacetime atom, smart growth, and clean energy, then we have already lost. We forfeit our right to critical democratic engagement and instead allow the powers that be to regurgitate their own terms of debate into our open upstretched mouths. Alternative-energy technologies don't clean the air. They don't clean the water. They don't protect wildlife. They don't support human rights. They don't improve neighborhoods. They don't strengthen democracy. They don't regulate themselves. They don't lower atmospheric carbon dioxide. They don't reduce consumption. They produce power. That power can lead to durable benefits, but only given the appropriate context. Ultimately, it's not a question of whether American society possesses the technological prowess to construct an alternative-energy nation. The real question is the reverse. Do we have a society capable of being powered by alternative energy? The answer today is clearly no. But we can change that. Future environmentalists will drop solar, wind, biofuels, nuclear, hydrogen, and hybrids to focus instead on women's rights, consumer culture, walkable neighborhoods, military spending, zoning, health care, wealth disparities, citizen governance, economic reform, and democratic institutions. As environmentalists and global citizens, it's not enough to say that we would benefit by shifting our focus. Our very relevance depends on it.

## 5

#### The United States federal government should establish a Quadrennial Energy Review. In the Quadrennial Energy Review, the United States federal government should include a recommendation to exclude crude oil and natural gas production from Exon-Florio reviews.

CP solves:

#### Recommending plan mandates through a QER process solves—only the CP creates policy sustainability and private sector coordination that unlocks energy innovation

Moniz 12

Ernest Moniz, Cecil and Ida Green Professor of Physics and Engineering Systems and Director of the Energy Initiative at the Massachusetts Institute of Technology; Former Clinton Administration Under Secretary of the Department of Energy and as Associate Director for Science in the Office of Science and Technology Policy ; serves on the President’s Council of Advisors on Science and Technology, Spring 2012, Stimulating Energy Technology Innovation, Daedalus, Vol. 141, No. 2, Pages 81-93

It should come as no surprise that I do not have the answers for how the government should intersect the latter stages of the innovation process in a general sense. However, PCAST recommended a pragmatic approach to an integrated federal energy policy that would employ all the tools available to the government in a coherent way. Termed **the** Quadrennial Energy Review (**QER**), the process is necessarily complex, but **history suggests** that **anything short of a full multiagency effort is unlikely to provide a robust plan that accounts for the many threads of an energy policy**. Furthermore, a degree of analysis is required that has not been present in previous efforts.

Energy policy is derivative of many policies: environment, technology and competitiveness, diplomacy and security, natural resources, and land and food, among many others. Indeed, multiple agencies that are not labeled “energy” have major equities and long-held perspectives on key elements of energy policy. Often, the preferred policies for different agencies’ agendas conflict. Further, states and local governments play a strong role, for example with building codes, and their approaches can vary dramatically in different parts of the country; certainly, California’s energy policies have influenced the national market. The tools available to support innovation are also diverse, ranging from direct support of RD&D to a variety of economic incentives, regulation, standards, and federal procurement, among other instruments. Congress is equally fragmented: in the House of Representatives and Senate, many committees beyond those tasked with energy policy have equities that mirror those of the different executive agencies. **To overcome this fragmentation** of responsibilities and perspectives, and **especially if the goal is a plan that has staying power in advancing adoption and diffusion, PCAST recommended a QER process** to provide a multiyear roadmap that:

• lays out an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

• outlines **legislative proposals** to Congress;

• puts forward anticipated Executive actions (programmatic, regulatory, fiscal, and so on) coordinated across multiple agencies;

• **identifies resource requirements** for the RD&D programs **and** for innovation **incentive programs**; and, most important,

• provides a strong analytical base.14

This is a tall order intellectually and organizationally. Several process elements are essential to fostering a chance for success. First, the Executive Office of the President (eop) must use its convening power to ensure effective cooperation among the myriad relevant agencies. However, the capacity to carry out such an exercise and to sustain it does not (and should not) reside in the eop. The doe is the logical home for a substantial Executive Secretariat supporting the eop interagency process that would present decision recommendations to the president. However, the scope of the analytical capability needed does not currently reside at the doe or any other agency. The doe needs to build this capability, presumably supplemented by contractor support to gather data, develop and run models, and carry out analysis, such as independent energy-system engineering and economic analysis. Market trends and prices would be part of the analysis, including international markets and robust analyses of uncertainty. The Energy Information Administration can help with some data gathering and models, but its independence from the policy function needs to be preserved. The national laboratories also lack this range of functions, and tasking them with providing the analytical support to the policy process would be regarded as a conflict of interest; their focus is best directed at research, invention, and technology transfer. Building this analysis capacity is a large job that will take time.

For the QER to succeed, the government must seek substantial input from many quarters in a transparent way; certainly, ongoing dialogue with Congress and the energy industry are essential. The good news is that members of Congress have supported the development of the QER as a way to present a coherent **starting point for congressional action across many committees.** A hope is that **Congress could then use the QER as a basis for** a four or five-year **authorization that would provide the private sector with the increased confidence needed to make sound clean energy investment decisions**.

Given the magnitude of the task, PCAST recommended in 2011 that the doe carry out a Quadrennial Technology Review (qtr)–a first step centered in a single department and focused on technology. The qtr resulted in a rebalancing of the R&D portfolio toward the oil dependence challenge through advanced vehicle development, particularly transportation electrification. The key now will be to extend the processes developed for the qtr to the multiagency QER, involving the eop in a leadership role. Taking the next steps in 2012 will maintain momentum and establish the capabilities needed for the QER by early 2015, the time frame recommended by PCAST.

While some may view 2015 as a frustratingly long time away, the alternative is to rely on wishes rather than analysis while failing to gain multiple perspectives in a fair and open manner. **Rushing the process will result in a poorly done job that will not accomplish** any of the **key** QER **goals**. Certainly, **it will not bring together succeeding administrations and Congresses around a** reasonably **shared vision** and set of objectives **that can accelerate innovation in service of national competitiveness and environmental and security goals. Continuing with fragmented** and economically inefficient **policies, technologies “du jour,” and frequent shifts will complicate private-sector decisions rather than facilitate innovation**. The government unavoidably plays a strong role in the innovation process, even when this is unacknowledged in policy and political debates. The issue now is to present both a set of principles and fact-based analyses supporting coordinated government-wide actions that earn decent buy-in from major stakeholders.

[Note: PCAST = President’s Council of Advisors on Science and Technology]

## solvency

#### Plan isn't sufficient

Carroll, AFF Author, 09

James Carroll, Emory International Law Review, COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY, 23 Emory Int'l L. Rev. 167)

On July 26, 2007, President Bush signed FINSA into law. 120 The new legislation modified Exon-Florio in several aspects, most notably by broadening the definition of national security to encompass “homeland security,” and also by including critical infrastructure, energy assets, and critical technologies under the umbrella of FINSA. 121 FINSA added the Secretary of Energy as a voting member of the CFIUS 122 and made investigations mandatory when either an acquisition is made by an entity controlled by a foreign government or the transaction could result in the control of any critical infrastructure, including major energy assets, by a foreign business. 123 This requirement is excepted if the Secretary of the Treasury and the head of the lead agency jointly determine that the transaction will not impair national security. 124 Thus, the burden of proof to show that a controlling acquisition of “critical infrastructure” does not threaten national security has arguably shifted from the government to the companies. 125 FINSA does define critical infrastructure as “assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.” 126 But this definition still allows uncertainty, as the federal government has promulgated multiple evolving and expanding definitions of what constitutes critical infrastructure, 127 which could encompass more than a quarter of the national economy. 128 The Treasury regulations implementing FINSA do not attempt to define or limit the scope of critical infrastructure. 129 Such a broad grab of power for the CFIUS by Congress represents a major intervention into the economy with potentially negative consequences for foreign direct investment. 130 FINSA also includes a requirement that the CFIUS file a report with Congress at the completion of any 30-day review or 45-day investigation, 131 which increases transparency and the likelihood of congressional involvement. Taken together, the FINSA reforms represent a victory for Congress in the long-running struggle between congressional attempts to broaden Exon-Florio to include economic factors, and the executive efforts to limit the review to issues directly relating to national defense. 132 While there is no explicit economic security factor added to the national security determination in FINSA, Congress achieved nearly the same end insofar as critical infrastructure is a broad enough term that practically any industry could be covered by it. 133

#### They don't solve wind restrictions - kills solvency - newest ev

Forden 9/28

Sarah Forden, staff writer, San Francisco Chronicle, September 28, 2012, " Obama Blocks Chinese-Owned Company on Oregon Wind Farms ", http://www.sfgate.com/business/bloomberg/article/Obama-Blocks-Chinese-Owned-Company-on-Oregon-Wind-3903196.php

Sept. 28 (Bloomberg) -- President Barack Obama barred a Chinese-owned company from building wind farms near a U.S. Navy installation in Oregon, the first time in 22 years a president has blocked a transaction on national security grounds. “The president’s action demonstrates the administration’s commitment to protecting national security while maintaining the United States’ longstanding policy on open investment,” the U.S. Treasury said in a statement today. The ruling “is specific to this transaction and is not a precedent with regard to any other foreign direct investment from China or any other country.” Obama’s decision confirms an order handed down in July by the government’s Committee on Foreign Investment in the U.S., or CFIUS, which reviews acquisitions of domestic companies by non- U.S. entities. CFIUS referred the matter to the president after the Chinese-owned company, Ralls Corp., sued to overturn its ruling. “I thought this case would have been ripe for some sort of mitigation agreement, which would have limited access by the parties but still allow them to obtain the benefit of their purchase,” Greg Jacobs, a lawyer with Reed Smith LLP in Washington, said in an interview before the announcement. “Some will view this as a closed-door to Chinese investment.”

## trade

#### Trade doesn’t solve war

Martin et. al. 8(Phillipe, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, and Centre for Economic Policy Research; Thierry MAYER, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, CEPII, and Centre for Economic Policy Research, Mathias THOENIG, University of Geneva and Paris School of Economics, The Review of Economic Studies 75)

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

#### Zero risk of protectionism

**Ahearn 9** [Raymond, CRS Specialist in International Trade and Finance, “The Global Economic Downturn and Protectionism,” March 23, 2009, http://www.policyarchive.org/handle/10207/bitstreams/19395.pdf]

There are a number of reasons why the threat of a return to protectionist, beggar-thy-neighbor policies could be vastly overstated. Unlike the 1930s, today’s global economy has several strong firewalls to prevent governments from raising trade barriers that result in a cycle of retaliation and counter-retaliation. These firewalls include more institutionalized obstacles to protectionism built into the WTO system, more policy instruments to address the economic slowdown, and a more interdependent and open world economy than existed in the 1930s. In addition, some in today’s media may tend to overstate the threat of protectionism by not always distinguishing between protectionist actions and protectionist pressures and/or by equating legitimate forms of protection with protectionism. The fact that there is ample room for increases in trade measures and barriers that are consistent with the rules and obligations of the WTO often may go unappreciated in some press coverage. These trade measures and barriers include increases in applied tariffs to bound rates, and imposition of countervailing and antidumping duties, so-called ‘defensive’ trade measures.4 Protection for limited periods of time and under prescribed conditions is built into the rules of the WTO as a political safety valve and as a recognition of the human and social costs that are associated with the often wrenching adjustments that accompany increased trade competition. Firewalls Against Protectionism WTO rules today serve to keep a lid on trade barriers of its 153 members through an elaborate set of mutual obligations and dispute settlement procedures. Unlike the 1930s when countries could impose higher trade barriers unilaterally without violating any international agreements or anticipating a foreign reaction, under today’s rules members can take their disputes to the WTO for settlement rather than engaging in reciprocal retaliatory actions. The fact that countries violating WTO obligations can face WTO-sanctioned retaliation helps constrain outbreaks of unilateral actions that could be mutually harmful.5 Pressures for protection are also dampened by a world economy that is much more interdependent and integrated than in the 1930s.6 Leading producers have become so international in their production operations and supply chains that they have developed a vested interest in resisting protectionism.7 Many industries that have faced import competition in the past – such as televisions and semiconductors—have found that international diversification or joint ventures with foreign partners are a more profitable way of coping with global competition than blocking goods at the border. In addition, many domestic industries have less incentive to ask for import restrictions because foreign rivals now produce in the domestic market, eliminating the benefits of trade barriers for domestic firms.8 Unlike the early 1930s, when governments took little responsibility for propping up financial institutions and were unable to pursue expansionary monetary policies due to fixed exchange rates under the gold standard, policymakers around the world today are adopting expansionary fiscal and monetary policies. These expansionary policies, in turn, have the capability of dampening protectionist pressures and demands that stem from job losses and related economic hardship with lower interest rates and increased expenditures on unemployment benefits and health care benefits.9 A related consideration is that today’s world economy is much more open than the world economy of the 1930s. Average tariffs on world trade have come down from the 50% range in the 1930s, to the 25% range in the 1980s, and to less than 10% today.10 Under these circumstances, it would require tremendous increases in protection to get the world back to anywhere near the conditions of the 1930s, although a major increase in tariffs (e.g. a doubling) would be disruptive even if it left tariffs well below the 1930s levels. Scorecard of Protective Measures To Date Empirical support exists for the view that existing legal, economic, and political firewalls are restraining today’s protectionist pressures. Most importantly, Pascal Lamy, the WTO’s Director General, reported in January 2009 that most WTO members have successfully kept domestic protectionist pressures under control “with only limited evidence of increases in trade restricting or trade distorting measures” taken during the last six months of 2008. This assessment was based on the first report of the WTO secretariat on the trade effects of the global economic crisis. The report found only “limited evidence” of an increase in tariffs, non-tariff barriers or trade-remedy actions by member countries, but noted that the most significant actions taken in response to the global crisis have involved “financial support of one kind or another to banks and other financial institutions and to certain industries, notably the automobile industry.”11 The WTO report notes tariff increases on selected products being implemented by India, Russia, Ecuador, and Ukraine. Countries adopting non-tariff measures include Indonesia (port of entry barriers) and Argentina (import licensing requirements). Argentina was cited for measures that attempt to boost exports of selected products. But the report indicates that there has been “no dramatic increase” in antidumping investigations in the second half of 2008 compared to first half of 2008, but raised the possibility of increased trade remedy actions in 2009.12 The World Bank, which has also been monitoring trade restrictions proposed and adopted since the beginning of the financial crisis, reached a conclusion similar to that of the WTO. Its initial report determined that there have been 47 trade restrictive measures imposed since the financial crisis began last summer, including 17 from G-20 countries, but that “these measures have probably had only marginal effects on trade flows to date.” In addition to the measures cited by the WTO, the World Bank report cited China’s import ban on various food products from the EU, and export subsidies provided by the EU, China, and India. Contrary to the WTO report, the World Bank report determined that “the number of antidumping cases (both investigations initiated and imposition of duties) surged in 2008.”13

#### Alt causes:

#### WTO fights

Felsenthal 9/17/12

Mark Felsenthal and Tom Miles, Reuters staff writer, MSNBC, September 17, 2012, "China, U.S. issue tit-for-tat WTO trade complaints", http://www.msnbc.msn.com/id/49063033/ns/business-autos/t/china-us-issue-tit-for-tat-wto-trade-complaints/#.UGpxUk3A-So

WASHINGTON/GENEVA (Reuters) - China filed a trade complaint on Monday to challenge a new U.S. law allowing duties on subsidized goods from China in a tit-for-tat exchange with the United States after Washington said it would launch a complaint against Beijing's support for car exports. The two cases could shift the focus to President Barack Obama's management of the sometimes contentious U.S. relationship with China and his support for the auto industry in the final weeks before a close election. Beijing's complaint to the World Trade Organization about "countervailing duties", or tariffs intended to combat export-promoting subsidies, came a few hours after the White House said it would launch a trade complaint against China over what it says is Beijing's unfair backing of its auto industry. China's complaint potentially affects close to 30 products that have previously been targeted by U.S. duties, a trade official familiar with the case said. In a brief statement, the WTO said the products included steel, tires, magnets, chemicals, kitchen appliances, wood flooring and wind towers.

#### Don't solve China FDI

Marchick 12

David M. Marchick is a managing director at the Carlyle Group, where he is global head of external affairs. He is the author of U.S. National Security and Foreign Direct Investment. Daniel R. Bowles is an associate at the Carlyle Group and assisted in the preparation of this article, Council on Foreign Relations, February 2012, "Fostering Greater Chinese Investment in the United States", <http://www.cfr.org/china/fostering-greater-chinese-investment-united-states/p27310>

A number of hurdles to investment in the United States are internal to China. State-owned enterprises (SOEs) accounted for approximately 70 percent of China's global OFDI stock in 2009. Most SOEs are internally focused, risk-averse, and lack professional management capabilities to run complex international operations. SOEs also require government approval of specific overseas investments, a process in conflict with the frequent fast pace of bidding processes for companies. Outside of SOEs, many successful Chinese companies remain small. Their expansion plans are typically limited to neighboring cities or provinces, not distant continents. They have neither the wherewithal nor the desire to invest heavily in the United States.

#### Doesn’t restrict investment

Tyson 8/2

Laura Tyson, a former chair of the US President's Council of Economic Advisers, is a professor at the Haas School of Business at the University of California, Berkeley, Project Syndicate, August 2, 2012, "The Benefits of Chinese FDI", http://www.project-syndicate.org/commentary/the-benefits-of-chinese-fdi-by-laura-tyson

Many Chinese investors view the CFIUS screening process as protectionist and targeted at them, but there is no evidence of this. The United Kingdom, Canada, France, and Israel accounted for more than half of all CFIUS cases reviewed in 2008-2010, while China accounted for only about 5%. Only a small fraction of Chinese FDI in the US is subject to CFIUS review, and most of these projects, like most reviewed by CFIUS, are approved, sometimes with mitigation measures. CFIUS does not review greenfield investments, which account for about 50% of Chinese FDI in the US.

#### Decline doesn’t cause war

Morris Miller, Professor of Administration @ the University of Ottawa, ‘2K

(Interdisciplinary Science Review, v 25 n4 2000 p ingenta connect)

The question may be reformulated. Do wars spring from a popular reaction to a sudden economic crisis that exacerbates poverty and growing disparities in wealth and incomes? Perhaps one could argue, as some scholars do, that it is some dramatic event or sequence of such events leading to the exacerbation of poverty that, in turn, leads to this deplorable denouement. This exogenous factor might act as a catalyst for a violent reaction on the part of the people or on the part of the political leadership who would then possibly be tempted to seek a diversion by finding or, if need be, fabricating an enemy and setting in train the process leading to war. According to a study under- taken by Minxin Pei and Ariel Adesnik of the Carnegie Endowment for International Peace, there would not appear to be any merit in this hypothesis. After studying ninety-three episodes of economic crisis in twenty-two countries in Latin America and Asia in the years since the Second World War they concluded that:19 Much of the conventional wisdom about the political impact of economic crises may be wrong ... The severity of economic crisis – as measured in terms of inflation and negative growth – bore no relationship to the collapse of regimes ... (or, in democratic states, rarely) to an outbreak of violence ... In the cases of dictatorships and semi-democracies, the ruling elites responded to crises by increasing repression (thereby using one form of violence to abort another).

## iran

#### No iran prolif and the timeframe is huge

Colin H. **Kahl 12**, security studies prof at Georgetown, senior fellow at the Center for a New American Security, was Deputy Assistant Secretary of Defense for the Middle East, “Not Time to Attack Iran”, January 17, <http://www.foreignaffairs.com/articles/137031/colin-h-kahl/not-time-to-attack-iran?page=show>

Kroenig argues that there is an urgent need to attack Iran's nuclear infrastructure soon, since Tehran could "produce its first nuclear weapon within six months of deciding to do so." Yet that last phrase is crucial. The International Atomic Energy Agency (IAEA) has documented Iranian efforts to achieve the capacity to develop nuclear weapons at some point, but there is no hard evidence that Supreme Leader Ayatollah Ali Khamenei has yet made the final decision to develop them. In arguing for a six-month horizon, Kroenig also misleadingly conflates hypothetical timelines to produce weapons-grade uranium with the time actually required to construct a bomb. According to 2010 Senate testimony by James Cartwright, then vice chairman of the U.S. Joint Chiefs of Staff, and recent statements by the former heads of Israel's national intelligence and defense intelligence agencies, even if Iran could produce enough weapons-grade uranium for a bomb in six months, it would take it at least a year to produce a testable nuclear device and considerably longer to make a deliverable weapon. And David Albright, president of the Institute for Science and International Security (and the source of Kroenig's six-month estimate), recently told Agence France-Presse that there is a "low probability" that the Iranians would actually develop a bomb over the next year even if they had the capability to do so. Because there is no evidence that Iran has built additional covert enrichment plants since the Natanz and Qom sites were outed in 2002 and 2009, respectively, any near-term move by Tehran to produce weapons-grade uranium would have to rely on its declared facilities. The IAEA would thus detect such activity with sufficient time for the international community to mount a forceful response. As a result, the Iranians are unlikely to commit to building nuclear weapons until they can do so much more quickly or out of sight, which could be years off.

#### Sanctions now are sufficient

Murphy 10/1

Brian Murphy and Nasser Karimi, AP Staff writers, The Star, October 1, 2012, "Secret workers’ petition shows Iran sanctions’ bite", http://www.thestar.com/news/world/article/1264897--secret-workers-petition-shows-iran-sanctions-bite

TEHRAN, IRAN—For weeks, a manifesto complaining about Iran’s stumbling economy circulated in secret among factories and workshops. Organizers asked for signatures and the pages began to fill up. In the end, some 10,000 names were attached to the petition addressed to Iran’s labour minister in one of the most wide-reaching public outcries over the state of the country’s economy, which has received a double pounding from tightening western sanctions and alleged mismanagement by President Mahmoud Ahmadinejad’s government. The rare protest document — described to The Associated Press this week by labour activists and others — suggests growing anxiety among Iran’s vast and potentially powerful working class as the ruling system struggles with the latest sanctions, which have targeted critical oil exports and blackballed Iran from international banking networks. It also appears to reinforce the U.S. and European assertions that the economic squeeze is bringing increasing pressures on Iranian authorities. U.S. President Barack Obama and others argue that sanctions and diplomacy are the best way to wring concessions over Iran’s nuclear program even as Israeli Prime Minister Benjamin Netanyahu pushes for a “red line” declaration that could trigger military action. While Iran’s leadership still has broad-based public support in the nuclear standoff with the West, the petition and sporadic street demonstrations over the slumping economy suggest a growing distinction between the national pride of nuclear technology and the economic hardships from Tehran’s defiance. The Iranian currency, the rial, hit another all-time low against the dollar Monday, which is certain to further drive up prices of imported goods. Jafar Azimzadeh, a labour rights activist and gas-pipe fitter, warned of stronger fallout if the government does not find ways to prop up salaries and rein in prices. “Workers would not stay at the level of writing petitions,” he said. “They would go toward street gatherings and other actions.” Iranian officials have repeatedly said Iran can ride out the sanctions through measures such as keeping oil flowing to Asian markets that include China and India. But Ahmadinejad last month acknowledged that Iran faces “barriers” to sell oil and make international banking transfers critical to keep commerce flowing. In May, Ahmadinejad was cheered in the northeastern city of Mashhad as he promised to create 2.5 million new jobs and boost worker benefits. It was a welcome reception after facing mounting criticism for policies that include scattershot privatizations and allowing inflation to surge. But the petition sent to his labour minister, Abdolreza Sheikholeslami, offered a far more bleak assessment of a country burdened by rising prices and increasing economic isolation. “A staggering increase in prices has been biting over the past year as wages of workers have only increased 13 per cent this year,” said the petition, whose full text was not made available to the AP, although selected parts were viewed. It added: “Millions of workers cannot afford their monthly housing costs.”

#### Containment solves

Alexandre **Debs and** Nuno P. **Monteiro 12**, poli sci profs at Yale, “The Flawed Logic of Striking Iran”, January 17, <http://www.foreignaffairs.com/articles/137036/alexandre-debs-and-nuno-p-monteiro/the-flawed-logic-of-striking-iran?page=show>

Taking the long view, Kroenig's argument reveals an unwarranted skepticism about Washington's ability to contain a nuclear Iran. This skepticism is all the more surprising considering Kroenig's work on the benefits of U.S. nuclear superiority. Existing U.S. security guarantees, based on current capabilities, give allies little incentive to nuclearize. Egypt and Saudi Arabia are among the largest recipients of U.S. military support, and Turkey is a member of NATO. Reinforcing U.S. ties with friends in the region would be easier, cheaper, and less risky than attacking the Iranian nuclear program. Instead, the United States should heed the lessons of the North Korean nuclearization. Not so long ago, Washington had to face an aggressive regime in Pyongyang intent on developing nuclear weapons. The United States rejected a preventive strike in 1994 for fear that the outcome would be worse than its target's nuclear acquisition. This was the right decision. After North Korea acquired nuclear weapons, none of the consequences that Kroenig's argument would predict materialized. U.S. security guarantees contained Pyongyang and persuaded South Korea and Japan not to acquire nuclear weapons. Nobody believes that the world is better off with a bomb in North Korea -- but the record shows that it hasn't brought the end of the world, either. Military action against Iran would be a profound strategic miscalculation. For all the talk of retrenchment, the U.S. military might remains the most powerful in the world, and it can successfully minimize consequences of an Iranian bomb, should one come to pass, by containing Tehran's ambitions, dissuading regional proliferation, and providing security assurances to its allies.

#### China will never get on board for sanctions

Maloney 11

Suzanne Maloney, Brookings Saban Center Middle East Policy Senior Fellow, Nov 2011, The Self-Limiting Success of Iran Sanctions , www.brookings.edu/research/articles/2011/11/iran-sanctions-maloney-takeyh

Few countries other than the United States have consistently treated the Islamic Republic as a pariah state; on the contrary, important international actors such as China and Russia have invested significantly in developing a deep relationship with a country viewed by many as the region’s natural powerhouse. And while energy interests and other economic enticements, including Iran’s role as a market for Russian arms, have proved powerful binding forces, dismissing international resistance to sanctions as purely mercenary is overly simplistic. In Moscow, Beijing and other capitals, Iran remains a useful interlocutor in a critical region of the world, and these countries are loath to jeopardize their relationship with this important agent. They also share a resentment of American prerogatives and a mistrust of Washington’s intentions.

Achieving international consensus on tough sanctions is further complicated by divergent perspectives on the likely consequences. Traditionally, Washington has argued that increasing the costs of Iranian malfeasance can alter the regime’s policy calculus and dissuade it from adopting problematic policies. This view of sanctions as an instrument that can affect a recalcitrant regime is not widely shared within the international community. In particular, Moscow and Beijing have repeatedly raised concerns that, rather than inducing moderation, sanctions might provoke further Iranian radicalization and retaliation, either via direct actions against governments that adhere to any boycott or by accelerating their nuclear activities and withdrawing from the Nuclear Non-Proliferation Treaty. **Moscow’s and Beijing’s reluctance to follow the US line** is also informed by their long memories of their own countries’ experiences with sanctions and other forms of western economic pressure.

In recent years, Russia and China have drawn the lion’s share of attention and recriminations for hindering progress on sanctions, and yet ambivalence runs deep throughout much of the rest of the international community. Even within many European polities, the legacy of three decades of ‘constructive engagement’—an approach that endeavoured to moderate Iranian policies by drawing the regime into a more mutually beneficial network of relationships—has left a residue of discomfort among some leaders with sanctions as the primary policy instrument. In addition, Iran’s neighbours in the Persian Gulf region, who revile the Shi’i theocracy and would prefer almost any outcome to a nuclear-capable Iran, remain somewhat ambivalent about directly confronting the Islamic Republic with anything short of devastating force.15 Their trepidation is based on fears of Iranian retaliation and concerns about preserving their own economic stability in the midst of profound global uncertainty.

In any negotiations involving multiple parties and interests, a single, influential hedger can dissuade other fence-sitters from signing up to an agreement. Such selfreinforcing mistrust within the international community persistently undercuts efforts to achieve a comprehensive sanctions regime. Today, European companies grumble about pressure to forfeit opportunities to their Chinese competitors, who will quickly take their places with impunity. Tehran has exploited this dynamic, seeking to expand its economic ties in ways that complicate any prospects for western leverage. Iranian leaders have also used the opportunities afforded by the rise of ambitious new powers on the international scene, through mechanisms such as the May 2010 ‘Trilateral Declaration’ with Brazil and Turkey that sought to undercut progress on the latest round of UN sanctions.

#### No Israeli strike

Shai Feldman, Judith and Sidney Swartz Director of the Crown Center for Middle East Studies at Brandeis University and is a Senior Fellow at the Harvard Kennedy School's Belfer Center for Science and International Affairs, 8/20/12, The Israeli debate on attacking Iran is over, mideast.foreignpolicy.com/posts/2012/08/20/the\_israeli\_debate\_on\_attacking\_iran\_is\_over

For all practical purposes this weekend ended the Israeli debate on attacking Iran. What tipped the scales were two developments. The first was the decision of the country's president, Shimon Peres, to make his opposition to a military strike public. The second was an interview given by a former key defense advisor of Defense Minister Ehud Barak, questioning for the first time publically whether his former superior and Prime Minister Benjamin Netanyahu are fit to lead Israel in time of war.

Using every possible media outlet on the occasion of his 89th birthday, President Peres made clear last Thursday that "going it alone" -- attacking Iran without a clear understanding with the United States -- would be catastrophic. Peres did a great service to his country by focusing the debate away from some of the weaker arguments offered by opponents of a strike. Thus, the supposedly limited time that would be gained by such a strike was never convincing because in both previous experiences with such preventive action -- against Iraq's nuclear reactor in 1981 and against the Syrian reactor in 2007 -- Israel ended up gaining more time than even the most optimistic proponents of these strikes had anticipated.

Similarly, the warnings that an attack on Iran's nuclear installations would ignite a regional war were not persuasive in the absence of Arab states volunteering to join such a war. Iran's only regional state ally is Syria, but President Bashar al-Assad would not be able to direct his armed forces to attack Israel when these forces are mired in a civil war and barely control a third of the country's territory.

Hezbollah, Iran's principle non-state ally, might react to an Israeli strike by launching its rockets against Israel, but with Iran weakened from the attack and Syria unable to protect it, such an assault would be suicidal. Certainly none of the region's Sunni Arab countries -- Egypt, Jordan, Saudi Arabia, and the smaller Gulf Cooperation Council (GCC) states -- will come to Iran's aid. None of these countries uttered a word when in 2007 Israel destroyed the nuclear reactor of Sunni-Arab Syria. Why the same countries would be expected to ignite the region in the event that the nuclear facilities of a Shiite Persian country would be attacked, was never clear.

Avoiding repetition of these weak arguments, Peres clarified what is really at stake in the event of an attack on Iran's nuclear facilities in the next few months: Israel's relations with the United States. The basic divide is not the two countries' different time constraints due to very different capacities to deal militarily with Iran's nuclear installations. Instead, it has to do with two issues. The first is the U.S. electoral timetable. The presidential election creates an imperative for U.S. President Barack Obama to avoid any unexpected fallouts -- economic or otherwise -- of a military strike against Iran. Peres understands that ignoring Obama's concerns and instead banking on a victory by Republican candidate Mitt Romney in November, as Netanyahu seems to have done, is very risky if not irresponsible.

The second issue concerns the timeline for the drawdown of U.S. forces in the region. Clearly, the Joint Chiefs are worried about the prospects of becoming embroiled in a military conflict with another Muslim country as long as U.S. forces continue to be deployed in Afghanistan and hence exposed to Iranian retaliation. By going public Peres gave expression to what almost every former and presently serving Israeli defense chief understands: namely, since the Obama White House has accommodated Israel's defense needs above and beyond all previous U.S. administrations, and given the intimate relations between the Israeli and U.S. defense communities, Israel simply cannot take action that would be framed in Washington as "putting American lives at risk."

The second important development of this past weekend was an interview given by the former Israel Defense Forces (IDF) Director of Military Intelligence General Uri Sagi. A highly regarded senior military officer who served in various capacities under Barak when he was IDF chief of staff and prime minister, Sagi went beyond the questions that many of his former colleagues have already raised about the wisdom of attacking Iran.

Sagi questioned, for the first time publicly, whether Israel can rely on the judgment and mental stability of its current leaders to guide it in time of war. Listing a number of past strategic errors made by Barak and hinting at Netanyahu's ascribed tendency to traverse rapidly between euphoria and panic, Sagi expressed grave doubts whether Israel's current leaders can take the pressures and stress entailed in managing a major military confrontation.

Despite being a regional power Israel is a small country operating within narrow security confines. It has done wonders when operating within a national consensus as during the 1948 and 1967 wars. But after the 1973 war it was torn by the debate about the wisdom of fighting the Egyptians along the Suez Canal and after 1982 it was divided over the war in Lebanon.

Contrary to what many think, Netanyahu and Barak never bluffed -- they did not threaten war simply to extort an American commitment to take care of the problem. They genuinely believe that a nuclear Iran poses Israel with untold threats that should be avoided at almost any cost. They did not bluff, but they were defeated. With President Peres publicly joining the many formidable opponents of a military strike and General Sagi raising questions about the competence of Israel's current leaders, Israel now lacks the minimal consensus required for a demanding military campaign to destroy Iran's nuclear installations. The debate has been settled. At least for now.

#### Prefer our ev—their authors continuously inflate threats

Innocent, foreign policy analyst – Cato, member – IISS, 12/7/’11

(Malou, <http://www.cato-at-liberty.org/ignore-the-hawks-on-iran-too/>)

More credible voices suggest otherwise. The nonprofit Arms Control Association (ACA) observed that the most-recent IAEA report suggests “[I]t remains apparent that a nuclear-armed Iran is still not imminent nor is it inevitable.” Iran was engaged in nuclear weapons development activities until it stopped in 2003, and as Cato’s Justin Logan observes, the IAEA’s own report shows there is no definitive evidence of Iran’s diversion of fissile material.

When Pletka was called out for her “less than a year” prediction, she turned up her nose and snapped:

Quibblers will suggest that there are important “ifs” in both these assessments. And yes, the key “if” is “if” Iran decides to build a bomb. So, I suppose when I said “less than a year away from having a nuclear weapon,” I should have added, “if they want one.” But… isn’t that the point? Do we want to leave this decision up to Khamenei?

Confronted with ambiguous information, and forced to infer intentions, hawks evince the very same arrogance and overconfidence that helped open the door for Iranian influence in the region in the first place by toppling Saddam Hussein’s regime (Pletka advocated repeatedly for this leading up to the 2003 invasion). Pletka and others who years ago had the gall to argue that Iraq “will end when it ends” are today worthy of being ignored on Iran.

## china gas

#### Hostility to China is structural—causes backlash and global war

Petras 3/6/12

<http://petras.lahaine.org/?p=1890>

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China has been growing at about 9% per annum and its goods and services are rapidly rising in quality and value. In contrast, the US and Europe have wallowed around 0% growth from 2007-2012. China’s innovative techno-scientific establishment routinely assimilates the latest inventions from the West (and Japan) and improves them, thereby decreasing the cost of production. China has replaced the US and European controlled “international financial institutions” (the IMF, World Bank, the Inter-American Development Bank) as the principle lender in Latin America. China continues to lead as the prime investor in African energy and mineral resources. China has replaced the US as the principle market for Saudi Arabian, Sudanese and Iranian petroleum and it will soon replace the US as the principle market for Venezuela petroleum products. Today China is the world’s biggest manufacturer and exporter, dominating even the US market, while playing the role of financial life line as it holds over $1.3 trillion in US Treasury notes. Under growing pressure from its workers, farmers and peasants, China’s rulers have been developing the domestic market by increasing wages and social spending to rebalance the economy and avoid the specter of social instability. In contrast, US wages, salaries and vital public services have sharply declined in absolute and relative terms. Given the current historical trends it is clear that China will replace the US as the leading world economic power, over the next decade, if the US empire does not strike back and if China’s profound class inequalities do not lead to a major social upheaval. Modern China’s rise to global power faces serious challenges. In contrast to China’s historical ascent on the world stage, modern Chinese global economic power is not accompanied by any imperialist undertakings. China has seriously lagged behind the US and Europe in aggressive war-making capacity. This may have allowed China to direct public resources to maximize economic growth, but it has left China vulnerable to US military superiority in terms of its massive arsenal, its string of forward bases and strategic geo-military positions right off the Chinese coast and in adjoining territories. In the nineteenth century British imperialism demolished China’s global position with its military superiority, seizing China’s ports – because of China’s reliance on ‘mercantile superiority’. The conquest of India, Burma and most of Asia allowed Britain to establish colonial bases and recruit local mercenary armies. The British and its mercenary allies encircled and isolated China, setting the stage for the disruption of China’s markets and the imposition of the brutal terms of trade. The British Empire’s armed presence dictated what China imported (with opium accounting for over 50% of British exports in the 1850s) while undermining China’s competitive advantages via tariff policies. Today the US is pursuing similar policies: US naval fleet patrols and controls China’s commercial shipping lanes and off-shore oil resources via its overseas bases. The Obama-Clinton White House is in the process of developing a rapid military response involving bases in Australia, Philippines and elsewhere in Asia. The US is intensifying its efforts to undermine Chinese overseas access to strategic resources while backing ‘grass roots’ separatists and ‘insurgents’ in West China, Tibet, Sudan, Burma, Iran, Libya, Syria and elsewhere. The US military agreements with India and the installation of a pliable puppet regime in Pakistan have advanced its strategy of isolating China. While China upholds its policy of “harmonious development” and “non-interference in the internal affairs of other countries”, it has stepped aside as US and European military imperialism have attacked a host of China’s trading partners to essentially reverse China’s peaceful commercial expansion. China’s lack of a political and ideological strategy capable of protecting its overseas economic interests has been an invitation for the US and NATO to set-up regimes hostile to China. The most striking example is Libya where US and NATO intervened to overthrow an independent government led by President Gadhafi, with whom China had signed multi-billion dollar trade and investments agreements. The NATO bombardment of Libyan cities, ports and oil installation forced the Chinese to withdraw 35,000 Chinese oil engineers and construction workers in a matter of days. The same thing happened in Sudan where China had invested billions to develop its oil industry. The US, Israel and Europe armed the South Sudanese rebels to disrupt the flow of oil and attack Chinese oil workers[6]. In both cases China passively allowed the US and European military imperialists to attack its trade partners and undermine its investments.

#### US imperial decline makes lashout at China inevitable

Shor 11

http://www.stateofnature.org/decliningUsHegemony.html

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While U.S. hegemony, according to Samir Amin, "rests far more on its excessive military power than on the advantages of its economic system," [29] both elements are in deep trouble, especially in the aftermath of the financial crisis of 2008. From a particular perspective, the geopolitical role of the United States, operating under the disciplinary regime of military neo-imperialism, may be seen as an effort to shore up fading economic hegemony. While it is true to a certain extent that transnational capital performs global functions unbound by the nation state, the calculus by which Washington attempts to exercise global dominance and hegemony is firmly rooted in the practice of military neo-imperialism. In fact, as some level, once could agree with the formulation by Emmanuel Todd that the United States "is battling to maintain its status as the world's financial center by making a symbolic show of its military might in the heart of Eurasia, thereby hoping to forget and have others ignore America's industrial weakness, its financial need, and its predatory character." [30] As the domestic analogue of military neo-imperialism, the national security state apparatus, created as part of the Cold War, has persisted and expanded into an institutionalized massive surveillance bureaucracy, even in the absence of the original rationale, the Soviet Union. In fact, what has occurred is the morphing of that enemy-other into another supposed global challenge - Islamic jihadists. Indeed, as argued by Jan Nederveen Pieterse, "the war on terrorism instills a regime of fear and creates an enemy narrative that serves as a successor to the Cold War and does everything the Cold War did. It upholds executive power, sustains the national security state, consolidates secrecy, instills patriotism, dims criticism, cements alliances and creates a discursive and ideological framework." [31] Whether China will supplant this most recent iteration of the enemy other is an open matter. Certainly, the effort to cast Wen Ho Lee as a nuclear spy was an instance, albeit a failed one, of constructing an internal Chinese enemy. Still, the machinery of the national security state, as the domestic representation of U.S. imperial policy, remains intact. Moreover, as argued by Mahmood Mamdani, "Humanity is now left with a challenge: how to subdue and hold accountable the awesome power that the United States built up during the Cold War." [32] While it remains unclear what the ultimate outcome might be of growing competition and conflict between the United States and China, it is very clear that the U.S. is a dying empire with declining hegemonic power in the world. Whether that hegemonic power is replaced is an open question. There are those who see the emergence of a multi-polar world where China and other regional powers supersede U.S. global hegemony. [33] In this scenario, Washington, recognizing the detrimental domestic and foreign effects of imperial overstretch, accommodates itself to such a multi-polar world. Along with others, however, I cannot envision any tendency within the political governing elite who would be prepared to eschew continuing U.S. global dominance and measuring U.S. geopolitics in the discourse and practice of the "necessity" of "strategic alliances." [34] Certainly, there are divisions in the governing political elite over geostrategic operations. However, as Gary Dorrien's study of neoconservative political forces demonstrates, there are underlying delusions and imperatives, shared by rulers and ruled alike of various ideological tendencies, about U.S. exceptionalism and the essential deployment of military neo-imperialism. [35] In effect, unless and until there are radical changes in how the U.S. is governed and how it operates militarily in the world, permanent war and geopolitical conflict, including at some level with China, will be a defining feature of the global role of the United States.

#### Chinese shale is a pipedream – and U.S. expertise won’t help

Ngo 5/11/12

http://energyinasiablog.com/2012/05/11/3-reasons-why-shale-gas-is-a-pipe-dream-in-china-part1/

Diana Ngo holds a Masters in International Affairs from the Graduate Institute of International and Development Studies (IHEID) in Geneva, Switzerland and a Double Bachelors in Political Science and Global Studies from the University of California- Los Angeles (UCLA). As an Energy Analyst with the U.S. Department of Energy- Beijing in the Winter of 2010-2011, Diana directed a project analyzing China’s future energy supply and demand, the country’s current energy security strategies, and potential opportunities for foreign governments and companies. This project was considered by the U.S. Embassy in Beijing as a theme for bilateral talks and is now being used as the “China Energy Primer” for the U.S. Department of the State and the U.S. Department of Energy. As the Energy and Environmental Analyst with UNESCO- Bangkok in the Summer of 2010, Diana identified public policy challenges and options to increase energy equity and environmental security to developing countries in Southeast Asia. Her work lead her to speak at the Fifth UNESCO Asia-Pacific School of Ethics Roundtable entitled “Mundialization, Bioethics, and Policy” in Singapore, where her research was well-received by academics, government officials, and climate change experts. Her interest in energy stems from her need to uncover the political, geographical, environmental and diplomatic constraints that limited resources bring to the global economy. While her passion in Asia stems from a lifelong interest in the cultures, languages, and cuisines of the region. Currently living in Beijing, Diana hopes to meet like-minded individuals and explore exciting new opportunities.

3 Reasons Why Shale Gas is a Pipe Dream in China China dreams of energy independence via shale gas, but challenges abound due to geography, infrastructure, and water. In recent years, much attention has been paid to shale gas, an unconventional natural gas that was traditionally found to be too expensive to extract. But with rising fossil fuel costs and technological innovation, the United States has made shale gas into a serious game-changer for the future trade of natural gas around the world. Countries, such as China, are now finding ways to tap into this resource to boost their national energy security. But how accessible is Chinese shale gas and what problems does the production of this unconventional gas face in the People’s Republic of China? n April 2011, the U.S. Department of Energy’s Energy Information Administration (EIA) released estimates on the world’s technically recoverable shale gas reserves. The report garnered mixed reviews as it placed China as the leading holder of shale gas reserves in the world with “36 trillion cubic meters,” while the United States followed closely behind at “23.4 trillion cubic meters.” But can China actually dominate the shale gas market? EIA’s claims were unfounded as China was only beginning to identify and explore domestic shale rock basins. Since then, however, Beijing has been able to suggest that 2 out of the country’s 7 shale rock basins (Tarim and Sichuan Basins) could be commercially produced. With the help of joint ventures with BP (Sinopec), Total (CNPC), and Royal Dutch Shell (PetroChina), China began exploratory drilling in Sichuan in 2010. These joint ventures have found “major shale gas reserves in… [the]western Sichuan region” and have helped Chinese energy companies practice shale gas technologies. More importantly, these initial drillings have helped the government, specifically the Ministry of Land and Resources (MLR), survey China’s actual recoverable shale gas reserves. MLR now believes China holds “25 trillion cubic meters” of exploitable onshore shale gas. This is 11 trillion cubic meters less than the estimate EIA had proposed earlier, dropping China’s abilty to meet demand (at current rate of consumption) from about 400 to 300 years. Difficulties in Commercially Developing Shale Gas in China Faced with criticism to reduce carbon emission and reduce dependence on foreign fossil fuels, the Chinese government is set to move ahead with shale gas exploration and production. Earlier this year, the government has set targets for “developing 6.5 bcm of shale gas per year by 2015” and moving exponentially “up to 60-100 bcm by 2020.” However, are these targets practical? More important, what difficulties does China face in making shale gas commercially available in the near future? Difficulties in Geography The production of shale gas is technologically challenging since “water, sand, and chemicals” are used to blast deep into wells to allow shale gas to come to the surface. This technology, also known as hydraulic fracking, is the key element that has drastically changed the unconventional natural gas industry in the U.S. However, unlike the U.S., China’s shale rock is much more geographically challenging. Chinese shale gas is found in much rougher terrain and is found much deeper underground than American shale gas. American shale gas can be typically found within “two to six kilometers deep, whereas in China some key deposits are found six kilometers deep.” To developers, this means that experiences learned in the U.S. may not be readily applied to China as the geographical challenge will require more experienced personnel, additional equipment, technological innovation, and increased costs. This will be especially the case when exploring and developing Sichuan Province, an area prone to earthquakes. The quality of the shale rock and gas in China is also different than the U.S. The shale rock, for instance, is “non-marine” and contains much larger amounts of clay than its North American counterpart. This means that it is “more difficult to be fractured” and will require much more energy and highly skilled human capital to produce the same amount of gas. Chinese shale gas is also inferior to American shale as it contains much more “non-hydrocarbon gasses.” The lower quality gas may be costly in the long-term as China may be forced to develop ways in which to refine the gas into a more usable state. Lack of Infrastructure Many of China’s shale gas reserves are located in rural areas that lack basic infrastructure such as roads, railways, electricity, and gas pipelines. Without these transportation features, each level of shale gas development will be stalled. For example, without substantial roads, developers will be unable to carry in the necessary vehicles, sand, chemicals, and steel needed to create exploratory wells. China also faces a bottleneck in transporting shale gas as the country lacks an extensive gas pipeline network. More pipelines or liquefied natural gas centers will need to be built near shale gas wells in order to make the unconventional gas more commercially viable. In addition, China will need to adopt or develop infrastructure that can safely dispose of the contaminated material used to “frack” the shale rock. This will protect the environment, as well as help reclaim land that was used to drill into the earth. These factors are important as they will reduce costs caused by environmental damage and the chances of earthquakes occurring in the future. Moreover, these precautionary steps will also help China exponentially speed up their well development timeline (PetroChina took 11 months to complete the country’s first horizontal well). Water Shortages and Suitability One of the larger problems facing shale gas development in China is the shortage of water. Water is a necessary component in the process of hydraulic fracking, with no other alternative at the moment. In shale gas rich Sichuan Basin, this is of extreme concern due to the region’s agricultural heritage which provides the country with about “7 percent of China’s rice, wheat, and other grains.” Diverting water from the agricultural sector to shale gas could be devastating, especially if the contaminated water also contaminates China’s farmlands. For other shale gas basins in Tarim, Xinjiang, and Inner Mongolia, water shortage is a real challenge due to the arid and hot climate. Shale gas development will require water to be transported from other parts of the country, a feat that is expensive as it is momentarily impossible.

#### U.S. investors will go to Argentina, not to China – the plan doesn’t change unfriendly Chinese policies

KPMG Global Energy Institute, a worldwide knowledge-sharing forum on current and emerging industry issues, 2012

(“Shale Gas: Global M&A Trends Focus on Argentina, China and United States,” http://www.kpmg.com/Global/en/IssuesAndInsights/ArticlesPublications/shale-gas/Documents/global-m-and-a-trendsv2.pdf)

So where will these investors place their bets? **Based on our survey of** primarily **U.S. industry executives**, **more eyes are on opportunities in South American countries like Argentina than in the Asia Pacific and Europe**. While industry executives in other countries may have alternative geographic targets, investment dollars typically tend to flow to more investor-friendly locations, and so they are most likely to invest in countries that compete by creating the right conditions to attract investment.

**Compared to other locations**, China appears less open to foreign investment in shale gas development. **Before placing** their **bets here**, **investors will likely wait to see what shale gas pricing policies and government support mechanisms are put in place**. Investors seem similarly wary of European shale gas opportunities due to environmental issues and uncertainty over how the industry will be regulated.

On the other hand, Argentina has **actively promoted foreign investment in its shale gas industry and offered enthusiastic government support**. Early indications suggest that the country is already drawing a larger share of shale gas investment. While the shale gas industry will continue to create opportunities in the U.S., China and around the world, Argentina seems set to emulate the U.S.’ shale gas success in the near term

#### Europe solves

Zhang, Analyst, International Market & Strategy Analysis Group, Institute of Energy Economics, Japan, June 2010

(Yue, “The Shale Gas Boom Shift to China,” http://eneken.ieej.or.jp/data/3179.pdf)

Besides the US, recently, **European majors** seeing shale gas exploration positively **are** also **working** together **actively in Chinese companies to develop shale** gas reserves **in China**. After Shell and PetroChina signed an agreement on shale gas development in the Sichuan area last December, since the beginning of this year, **BP and Sinopec have been discussing developing shale** gas reserves **in Guizhou** province **and Jiangsu** province as well.

# 2NC

## T

## at: we meet

#### They regulate exports

Greidinger, 91 [Volume 6 | Issue 2 Article, American University International Law ReviewThe Exon-Florio Amendment: A Solution in Search of a Problem, <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1553&context=auilr>]

B. EXPORT RESTRICTIONS¶ The Export Administration Act 178 and the Arms Export Control¶ Act 177 require validated licenses to export certain categories of technological¶ information, equipment, arms and munitions abroad. Depending¶ on the sensitivity of the information involved, these restrictions may¶ apply to allies of the United States, as well as to proscribed destinations¶ such as the Soviet Union.1 78¶ An "export" may occur not only when there is a physical transfer of¶ technical data over national frontiers, but also at any time there is a¶ transfer of technical data, equipment, or materials to a foreign national¶ with the intent to export.1 79 Companies must have licenses in order to¶ transfer controlled technology to a foreign parent.180 During the acquisition¶ process, therefore, the statutes may require a company to sequester¶ its technical operations from the foreign parent.¶ These export restrictions, together with the sectoral controls outlined¶ below, are sufficient to inhibit the most damaging transfers of technol-¶ 172. 50 U.S.C. app. § 2170(d)(2) (1988).¶ 173. 15 U.S.C. § 18 (1988).¶ 174. 50 U.S.C. app. § 2170(d)(2) (1988).¶ 175. Id. §§ 2158-70. Some scholars (suggest that use of Exon-Florio in this manner¶ would cause OECD member states and other foreign countries to accuse the United¶ States of maintaining a double standard in antitrust law to prevent¶ foreign investment.).¶ 176. 50 U.S.C. app. §§ 2401-13 (1988).¶ 177. 22 U.S.C. § 2778 (1988). The government enforces this Act pursuant to the¶ International Traffic In Arms Regulations. 22 C.F.R. §§ 120.1-.25 (1989).¶ 178. Id.¶ 179. Id.¶ 180. 50 U.S.C. app. § 2404(e) (1988).¶ [VOL. 6:111¶ EXON-FLORIO AMENDMENT¶ ogy and materials.181 The mere existence of a legal prohibition, however,¶ may be insufficient to prevent acquisitions designed to facilitate¶ diversions of technologies critical to the military. Foreigners' efforts to¶ gain technological intelligence include the establishment of "front"¶ companies in non-communist countries that divert high technology¶ goods to proscribed destinations.1 82 Exon-Florio may provide a useful¶ tool to prevent the use of acquired companies by foreign governments¶ for intelligence purposes, and a means for the United States to gather¶ information about foreign intelligence operations.

## at: IEFL

#### evidence says that there are NO legal guidelines for reviews and there is no clear criteria for what constitutes a violation—proves the aff is hard to debate

IEFL Inside Energy with Federal Lands 4/12/2010 (Herman Wang, HEADLINE: Foreign energy investments spark security concerns)

Foreign firms appear to be increasingly interested in investing in US oil companies, electric utilities and other parts of the US energy infrastructure, as they are seeking to profit from America's appetite for oil, coal and other commodities, as well as the Obama administration's emphasis on renewable power. But with those deals will come scrutiny from a little-known federal panel that has the power to block the transactions for national security reasons, through a review process that industry insiders say is sometimes inconsistent, politically driven and opaque. The Committee on Foreign Investment in the United States is an inter-agency panel that gave the Energy Department a permanent seat in 2007 to help it investigate business transactions in which foreign governments or companies seek to acquire "major energy assets" in the US. But some experts say CFIUS does not offer enough up-front guidance to US companies that are being acquired by foreign interests, wasting time and money. "We face situations where we tell our clients we see no security risk," said Billy Vigdor, a Washington-based partner with law firm Vinson & Elkins. "And then we spend hours trying to figure out whether we should file [a disclosure] because the government might think it is, in fact, a security risk. The last thing you want is to have a contract in place, and you think you're going to close in 30 days, and then CFIUS calls and says you need a filing." Companies being acquired by a foreign-owned firm can voluntarily notify CFIUS of the transaction, but the committee also has the power to investigate all transactions it sees fit to review. Representatives from 16 federal departments and agencies, headed by the Treasury Department, comprise the committee. Those investigations can leave foreign companies feeling unfairly targeted, potentially discouraging needed foreign investment in US energy infrastructure, said Al Troner, president of Houston-based Asia Pacific Energy Consulting. Troner said CFIUS' rulings on what constitutes a security threat can be arbitrary and inconsistent. Even when the committee determines there is no security risk for a transaction, politics can sometimes trump the ruling, Troner said. Troner cited CFIUS' approval in 2006 of a deal by a Dubai-based company to manage several US ports, only to have the company back out after many lawmakers cried foul due to fears of terrorism. "We want investment, but we want 'safe' investments, even though we can't define what is safe," Troner said. "So a big problem in all this is uncertainty, which makes this a funny market to invest in. [Foreign firms] don't feel treated fairly as to what the criteria are for energy security. If you don't know what you're getting into, at a certain point, you ask if this is worth it." Steven Cuevas, who was DOE's director of investment security in 2007 when the department gained a seat on CFIUS, said the committee makes its decisions apolitically. CFIUS, originally established in 1975, received a legislative mandate in 2007 to tighten its oversight of foreign transactions, including defining critical infrastructure as an asset so vital that its incapacity or destruction would severely impact national security. A bill signed by then-President George W. Bush, sparked in large part because of the uproar over the Dubai Ports World deal, formalized CFIUS' review process, which until then had been loosely defined and applied. That same bill also gave DOE its seat on CFIUS. The committee reviews about 150 to 200 foreign business deals a year. "We left politics at the door," Cuevas said. "As with any national security program, you really need to look at the issues in national security and not worry about politics. It's not a situation where there's a bright-line rule. You have to look at each transaction by itself. The standard is, does this transaction, by itself, pose a risk to national security?" Richard Oehler, a Seattle-based partner with law firm Perkins Cole, said prior to the 2007 legislation, CFIUS primarily concerned itself with defense contracting and other issues related to defense and intelligence. The legislation, however, with its definition of critical infrastructure, put an increased focus on US energy assets. "They were not focused on energy, until the politicians redefined [CFIUS]," Oehler said. Cuevas, now a renewable-energy lobbyist with French-owned nuclear company Areva, was a Bush administration political appointee assigned the task of setting up DOE's new role on CFIUS. He said he could not disclose, for confidentiality reasons, how many transactions DOE reviewed during his time working on the committee. Cuevas left his DOE post in 2009 with inauguration of the Obama administration. "When we started the CFIUS program at DOE, we had no processes in place," he said. "There was no record keeping. I spent the last year and a half with the department trying to standardize those steps of review, who signs off on transaction, who tracks them. We were simply trying to keep up with the transactions. We set the foundation, and the folks that are there now are fleshing it out." Last month, DOE issued a draft policy outlining its role on CFIUS that is similar to the Bush administration's policy. The policy, signed by DOE Deputy Secretary Daniel Poneman, prescribes that the department's risk analyses must consider the "criticality and/or vulnerability of the US assets being acquired" and "the threat to those assets posed by the acquiring entity and the consequences to national security if the threat is realized." Each transaction must also be reviewed on whether it involves critical infrastructure and technology, as well as how the transaction would impact long-term projections of US energy consumption. In addition, if a foreign government-owned entity is involved in the transaction, DOE will assess "the adherence of the subject country to nonproliferation control regimes, including treaties and multilateral supply guidelines," the draft policy states. After the review, DOE can clear the transaction with no further action; refer it to CFIUS for a 45-day national security investigation; clear the case conditionally, pending the creation of a "mitigation" plan to resolve security concerns; or recommend to the president to block the deal. Energy Secretary Steven Chu is DOE's primary representative to CFIUS, but much of the department's responsibilities on the committee are delegated to Jonathan Elkind, DOE's principal deputy assistant secretary for policy and international affairs. Elkin was not available for comment. Cliff Vrielink, a Houston-based partner with Vinson & Elkins, said CFIUS can sometimes give US companies pause when seeking to be acquired by a foreign firm. "CFIUS presents a hurdle for a foreign buyer that a domestic buyer doesn't have," Vrielink said. "When someone as an asset they want to sell, and they have an auction where multiple companies have put in bids, the foreign buyer has the uncertain timing of a CFIUS filing, which can be a significant factor." Complicating matters for foreign companies is the fact that CFIUS reviews are not based on a clear set of guidelines and regulations outlining, for instance, how much of a US company a foreign firm can acquire without triggering an investigation. "We, as Americans, are fortunate in that in so many areas, we have bright-letter law, and I think that's one thing that's always been an attraction for foreign investment, that we have the sanctity of contracts and bright-letter law," Vrielink said. "But what a lot of foreign investors find a little frustrating is that that's not what they see [with CFIUS reviews]."

## at: vinson and elkins

#### Vinson and Elkins is clearly referring to a definition from the CHINESE GOVERNMENT

Vinson and Elkins LLP 12 (VandE China Practice Update E-communication, “China Amends Foreign Investment Policy: New Foreign Investment Industry Guidance Catalogue,” January 13, http://www.velaw.com/resources/pub\_detail.aspx?id=20405)

On December 24, 2011, China’s National Development and Reform Commission (NDRC) and Ministry of Commerce (MOC) jointly issued a new, revised version of its Foreign Investment Industries Guidance Catalogue (the “Catalogue”). The Catalogue will become effective January 30, 2012, and will replace the existing version of the guidance catalogue promulgated in late 2007. Background China first published the Catalogue in 1995 in order to regulate the inflow of foreign investment in a manner consistent with the central government’s economic development objectives. Over the years, the Catalogue has subsequently been revised several times to conform with China’s commitments under its Protocol of Accession to the World Trade Organization (WTO) and to reflect China’s continued economic and social development. The latest amendments to the Catalogue reflect China’s current emphasis on improving the quality of foreign investment to promote the development of high and new technology, valued-added manufacturing, efficient use of resources, and environmental sustainability. \*\*\*THEIR CARD BEGINS\*\*\*The Catalogue classifies foreign direct investments in the various Chinese industry sectors as “encouraged,” “restricted,” “permitted,” or “prohibited,” and sets out specific industries in which foreign investment is either “encouraged,” “restricted,” or “prohibited.” Activities not listed are, in the absence of other rules to the contrary, considered to be “permitted” for foreign investments. Foreign investment in “encouraged” industries may enjoy certain tax benefits and is often subject to less strict administrative requirements from approval authorities. The “restricted” category includes industries into which foreign investment is subject to a higher level of scrutiny, stricter administrative requirements, and may be denied at the discretion of the approval authorities. Foreign investment is not permitted in industries categorized as “prohibited.”\*\*\*THEIR CARD ENDS\*\*\*

## at: ci—qualification

#### Conditions and restrictions are distinct—key to predictability

Pashman, justice – New Jersey Supreme Court, 3/25/’63

(Morris, “ISIDORE FELDMAN, PLAINTIFF AND THIRD-PARTY PLAINTIFF, v. URBAN COMMERCIAL, INC., AND OTHERS, DEFENDANT,” 78 N.J. Super. 520; 189 A.2d 467; 1963 N.J. Super. LEXIS 479)

HN3A title insurance policy "is subject to the same rules of construction as are other insurance policies." Sandler v. N.J. Realty Title Ins. Co., supra, at [\*\*\*11] p. 479. It is within these rules of construction that this policy must be construed.

Defendant contends that plaintiff's loss was occasioned by restrictions excepted from coverage in Schedule B of the title policy. The question is whether the provision in the deed to Developers that redevelopment had to be completed [\*528] within 32 months is a "restriction." Judge HN4 Kilkenny held that this provision was a "condition" and "more than a mere covenant." 64 N.J. Super., at p. 378. The word "restriction" as used in the title policy cannot be said to be synonymous with a "condition." A "restriction" generally refers to "a limitation of the manner in which one may use his own lands, and may or may not involve a grant." Kutschinski v. Thompson, 101 N.J. Eq. 649, 656 (Ch. 1927). See also Bertrand v. Jones, 58 N.J. Super. 273 (App. Div. 1959), certification denied 31 N.J. 553 (1960); Freedman v. Lieberman, 2 N.J. Super. 537 (Ch. Div. 1949); Riverton Country Club v. Thomas, 141 N.J. Eq. 435 (Ch. 1948), affirmed per curiam, 1 N.J. 508 (1948). It would not be inappropriate to say that the word "restrictions," as used [\*\*\*12] by defendant insurers, is ambiguous. The rules of construction heretofore announced must guide us in an interpretation of this policy. I find that the word "restrictions" in Schedule B of defendant's title policy does not encompass the provision in the deed to Developers which refers to the completion [\*\*472] of redevelopment work within 32 months because (1) the word is used ambiguously and must be strictly construed against defendant insurer, and (2) the provision does not refer to the use to which the land may be put. As the court stated in Riverton Country Club v. Thomas, supra, at p. 440, "HN5equity will not aid one man to restrict another in the uses to which he may put his land unless the right to such aid is clear, and that restrictive provisions in a deed are to be construed most strictly against the person or persons seeking to enforce them." (Emphasis added)

#### Anell defines ‘restriction on production’—they don’t—key to predictability

Haneman, justice – Superior Court of New Jersey, Appellate Division, 12/4/’59

(J.A.D., “RUSSELL S. BERTRAND, ET AL., PLAINTIFFS-RESPONDENTS, v. DONALD T. JONES, ET AL., DEFENDANTS-APPELLANTS,” 58 N.J. Super. 273; 156 A.2d 161; 1959 N.J. Super. LEXIS 569)

HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.

HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word is known from its associates. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

Regulation is how you go about doing the thing, restriction is whether or not you can do it

Schackleford, justice – Supreme Court of Florida, 3/12/’17

(J., “ATLANTIC COAST LINE RAILROAD COMPANY, A CORPORATION, *et al., Plaintiff in Error,* v. THE STATE OF FLORIDA, *Defendant in Error,”* 73 Fla. 609; 74 So. 595; 1917 Fla. LEXIS 487)

There would seem to be no occasion to discuss whether or not the Railroad Commissioners had the power and authority to make the order, requiring the three specified railroads running into the City of Tampa to erect a union passenger station in such city, which is set out in the declaration in the instant case and which we have copied above. [\*\*\*29] It is sufficient to say that under the reasoning and the authorities cited in State v. Atlantic Coast Line R. Co., 67 Fla. 441, 458, 63 South. Rep. 729, 65 South. Rep. 654, and State v. Jacksonville Terminal [\*631] Co., supra, it would seem that HN14the Commissioners had power and authority. The point which we are required to determine is whether or not the Commissioners were given the authority to impose the fine or penalty upon the three railroads for the recovery of which this action is brought. In order to decide this question we must examine Section 2908 of the General Statutes of 1906, which we have copied above, in the light of the authorities which we have cited and from some of which we have quoted. It will be observed that the declaration alleges that the penalty imposed upon the three railroads was for the violation of what is designated as "Order No. 282," which is set out and which required such railroads to erect and complete a union depot at Tampa within a certain specified time. If the Commissioners had the authority to make such order, it necessarily follows that they could enforce a compliance with the same by appropriate proceedings in the courts, but [\*\*\*30] it does not necessarily follow that they had the power and authority to penalize the roads for a failure to comply therewith. That is a different matter. HN15Section 2908 of the General Statutes of 1906, which originally formed Section 12 of Chapter 4700 of the Laws of Florida, (Acts of 1899, p. 86), expressly authorizes the imposition of a penalty by the Commissioners upon "any railroad, railroad company or other common carrier doing business in this State," for "a violation or disregard of any rate, schedule, rule or regulation, provided or prescribed by said commission," or for failure "to make any report required to be made under the provisions of this Chapter," or for the violation of "any provision of this Chapter." It will be observed that the word "Order" is not mentioned in such section. Are the other words used therein sufficiently comprehensive to embrace an order made by the Commissioners, such as the one now under consideration? [\*632] It could not successfully be contended, nor is such contention attempted, that this order is covered by or embraced within the words "rate," "schedule" or "any report,' therefore we may dismiss these terms from our consideration and [\*\*\*31] direct our attention to the words "rule or regulation." As is frankly stated in the brief filed by the defendant in error: "It is admitted that an order for the erection of a depot is not a 'rate' or 'schedule' and if it is not a 'rule' or 'regulation' then there is no power in the Commissioners to enforce it by the imposition of a penalty." It is earnestly insisted that the words "rule or regulation" are sufficiently comprehensive to embrace such an order and to authorize the penalty imposed, and in support of this contention the following authorities are cited: Black's Law Dictionary, defining regulation and order; Rapalje & Lawrence's Law Dictionary, defining rule; Abbott's Law Dictionary, defining rule; Bouvier's Law Dictionary, defining order and rule [\*\*602] of court; Webster's New International Dictionary, defining regulation; Curry v. Marvin, 2 Fla. 411, text 515; In re Leasing of State Lands, 18 Colo. 359, 32 Pac. Rep. 986; Betts v. Commissioners of the Land Office, 27 Okl. 64, 110 Pac. Rep. 766; Carter V. Louisiana Purchase Exposition Co., 124 Mo. App. 530, 102 S.W. Rep. 6, text 9; 34 Cyc. 1031. We have examined all of these authorities, as well as those cited by the [\*\*\*32] plaintiffs in error and a number of others, but shall not undertake an analysis and discussion of all of them. While it is undoubtedly true that the words, rule, regulation and order are frequently used as synonyms, as the dictionaries, both English and law, and the dictionaries of synonyms, such as Soule's show, it does not follow that these words always mean the same thing or are interchangeable at will. It is well known that the same word used in different contexts may mean a different thing by virtue of the coloring which the word [\*633] takes on both from what precedes it in the context and what follows after. Thus in discussing the proper constructions to be placed upon the words "restrictions and regulations" as used in the Constitution of this State, then in force, Chap. 4, Sec. 2, No. 1, of Thompson's Digest, page 50, this court in Curry v. Marvin, 2 Fla. 411, text 415, which case is cited to us and relied upon by both the parties litigant, makes the following statement: "The word restriction is defined by the best lexicographers to mean limitation, confinement within bounds, and would seem, as used in the constitution, to apply to the amount and to the time [\*\*\*33] within which an appeal might to be taken, or a writ of error sued out. The word regulation has a different signification -- it means method, and is defined by Webster in his Dictionary, folio 31, page 929, to be 'a rule or order prescribed by a superior for the management of some business, or for the government of a company or society.' This more properly perhaps applies to the mode and form of proceeding in taking and prosecuting appeals and writs of error. By the use of both of those terms, we think that something more was intended than merely regulating the mode and form of proceedings in such cases." Thus, in Carter v. Louisiana Purchase Exposition Co., 124 Mo. App. 530, text 538, 102 S.W. Rep. 6, text 9, it is said, "The definition of a rule or order, which are synonymous terms, include commands to lower courts or court officials to do ministerial acts." In support of this proposition is cited 24 Amer. & Eng. Ency. of Law 1016, which is evidently an erroneous citation, whether the first or second edition is meant. See the definition of regulate and rule, 24 amer. & Eng. Ency. of Law (2nd Ed.) pages 243 to 246 and 1010, and it will be seen that the two words are not always [\*\*\*34] synonymous, much necessarily depending upon the context and the sense in which the words are used. Also see the discussion [\*634] of the word regulation in 34 Cyc. 1031. We would call especial attention to Morris v. Board of Pilot Commissioners, 7 Del. chan. 136, 30 Atl. Rep. 667, text 669, wherein the following statement is made by the court: "These words 'rule' and the 'order,' when used in a statute, have a definite signification. They are different in their nature and extent. A rule, to be valid, must be general in its scope, and undiscriminating in its application; an order is specific and not limited in its application. The function of an order relates more particularly to the execution or enforcement of a rule previously made." Also see 7 Words & Phrases 6271 and 6272, and 4 Words & Phrases (2nd Ser.) 419, 420. As we held in City of Los Angeles v. Gager, 10 Cal. App. 378, 102 Pac. Rep. 17, "The meaning of the word 'rules' is of wide and varied significance, depending upon the context; in a legal sense it is synonymous with 'laws.'" If Section 2908 had contained the word order, or had authorized the Commissioners to impose a penalty for the violation of any order [\*\*\*35] made by them, there would be no room for construction. The Georgia statute, Acts of 1905, p. 120, generally known as the "Steed Bill," entitled "An act to further extend the powers of the Railroad Commission of this State, and to confer upon the commission the power to regulate the time and manner within which the several railroads in this State shall receive, receipt for, forward and deliver to its destination all freight of every character, which may be tendered or received by them for transportation; to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said commission in the execution of these powers, and for other purposes," expressly authorized the Railroad Commissioners "to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said Commision." [\*635] See Pennington v. Douglas, A. & G. Ry. Co., 3 Ga. App. 665, 60 S.E. Rep. 485, which we cited with approval in State v. Atlantic Coast Line R. Co., 56 fla. 617, text 651, 47 South. Rep. 969, 32 L.R.A. (N.S.) 639. Under the reasoning in the cited authorities, especially State v. Atlantic Coast Line R. Co., [\*\*\*36] supra, and Morris v. Board of Pilot Commissioners, we are constrained to hold that the fourth and eighth grounds of the demurrer are well founded and that HN16the Railroad Commissioners were not empowered or authorized to impose a penalty upon the three railroads for failure to comply with the order for the erection of a union depot.

## at: reasonability

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

Resnick, assistant professor of political science – Yeshiva University, ‘1

(Evan, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2)

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

## Solvency

## 2NC - Not Sufficient

Empirically causes protectionism and restricts FDI

Carroll, AFF Author, 09

James Carroll, Emory International Law Review, COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY, 23 Emory Int'l L. Rev. 167)

Senator Charles Schumer’s call to investigate the Borse Company’s purchase of a 20% interest in Nasdaq demonstrates the broad nature of the FINSA review. 134 Although the Borse Company is a holding company owned by the Emir of Dubai, 135 at first glance, there appears to be no conceivable relation between a Nasdaq purchase and national security. Critics of the Unocal deal claimed that the United States military uses oil, 136 and critics of the Dubai Ports acquisition claimed that terrorists could infiltrate United States ports through the U.A.E. company. 137 Schumer does not seem to have proof of any plausible threat of terrorism due to the purchase, and Nasdaq has no apparent relationship to the defense industrial base. The only conceivable portion of Exon-Florio that a partial Nasdaq acquisition could fall under is the critical infrastructure provision added in FINSA. Of course, if an electronic stock trading company can constitute critical infrastructure, then nearly any portion of the U.S. economy could qualify as such, and by extension, the vast majority of foreign direct investment within the United States would be potentially vulnerable to similar scrutiny.

They don't solve – tons of restrictions on non-energy

Jackson 11

James K. Jackson, Specialist in International Trade and Finance, Congressional Research Service, March 30, 2011, "The Exon-Florio National Security Test for Foreign Investment", http://www.fas.org/sgp/crs/natsec/RL33312.pdf

This broad definition is enhanced to some degree by other provisions of the act, which identify certain sectors of the economy that are likely candidates for consideration as components of the national critical infrastructure. These sectors include telecommunications, energy, financial services, water, transportation sectors, 28 and the “cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.” 29 The following year, Congress adopted the language in the Patriot Act on critical infrastructure into The Homeland Security Act of 2002. 30

#### They don’t even solve a broad interpretation of ‘energy assets’—oil and gas are a small part

Clark 10

Harry Clark is a partner with Dewey & LeBoeuf LLP in Washington, DC, Jonathan Ware is an associate with Freshfields Bruckhaus Deringer US LLP, also in Washington, DC, TEXAS JOURNAL OF OIL, GAS, AND ENERGY LAW, 2010, "LIMITS ON INTERNATIONAL BUSINESS IN THE PETROLEUM SECTOR: CFIUS INVESTMENT SCREENING, ECONOMIC SANCTIONS, ANTI-BRIBERY RULES, AND OTHER MEASURES", Volume 6, http://tjogel.org/wp-content/uploads/2012/05/ware\_final1.pdf

In December 2008 CFIUS published guidance on the types of transactions that it has reviewed that involved national security considerations. 25 In general CFIUS assesses the “national security risk” of a covered transaction, which is a function of the threat (capability or intent) to exploit or cause harm posed by the foreign person and the vulnerability of national security. 26 In particular CFIUS identified as presenting national security considerations: “major energy assets” and, more broadly, “the energy sector at various stages of the value chain— the exploitation of natural resources, the transportation of these resources (e.g. by pipeline), the conversion of these resources to power, and the provision of power to U.S. Government and civilian customers.” 27 Although not required by its regulations, CFIUS welcomes any additional information on the involvement by the U.S. business in any natural resources or energy function. 28

Even changing definitions isn't enough

1. approval process kills solvency

Carroll, AFF Author, 09

James Carroll, Emory International Law Review, COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY, 23 Emory Int'l L. Rev. 167)

FINSA mandates that the CFIUS conduct a 45-day investigation any time the foreign investor is controlled by, or acting on behalf of, a foreign government, unless the Secretary of the Treasury and the head of the relevant agency both agree that there is no threat to national security and waive the investigation. 183 This provision shifts the burden of proof away from the U.S. government and to the foreign state-owned business in these transactions. 184 To foreign governments, however, FINSA may appear to discourage investment because of political enmity. 185 As such, continual politicized investigations of foreign direct investment in American infrastructure may alienate our allies and isolate America even further. 186

#### congress and public would find back-door routes to shut down FDI

MATTHEW R. Byrne 6, J.D., The Ohio State University Moritz College of Law, expected 2007, Protecting National Security and Promoting Foreign Investment: Maintaining the Exon-Florio Balance, OHIO STATE LAW JOURNAL, 2006, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/67.4.byrne\_.pdf

CNOOC’s attempt to acquire Unocal occurred in the summer of 2005. After a much-publicized bidding and public relations war for control of Unocal between CNOOC and another major U.S. oil company, Chevron, Inc., CNOOC’s bid was ultimately defeated by political pressure applied by the United States Congress.8 Many members of Congress had publicly and forcefully expressed grave reservations about the possible national security repercussions if China’s state-owned company gained control of Unocal’s oil reserves.9 This debate led to discussion of not only national security, but also economic security.10 **Even though CFIUS never initiated a review** of the CNOOC transaction, let alone gave the transaction its approval, numerous members of Congress who feared that the Committee would not block the transaction began to suggest that changes to the Exon-Florio statute were in order as a means to address these concerns.11 This debate over changes to Exon-Florio resumed in early 2006, when DPW attempted to purchase Peninsular and Oriental Steam Navigation Co. (“P&O”), a British firm, in a $6.8 billion deal.12 With the acquisition of P&O, the Dubai-based company would have acquired operational control of certain terminals at six U.S. ports.13 The revelation that CFIUS had approved the deal set off a firestorm of criticism on Capitol Hill as members and leaders of both political parties in Congress denounced the merger.14 Though DPW and the Bush Administration agreed to conduct an additional fortyfive- day investigation under the CFIUS statute, the House Appropriations Committee voted 62–2 **to effectively block the transaction**, and under intense political pressure DPW agreed to transfer its U.S. ports interests to an American buyer.15 In the midst of the ports controversy, legislation was proposed in Congress not only to block the deal, but also to make substantial changes to the Exon-Florio statute in an attempt to strengthen the CFIUS review process.16 As of the time this Note goes to publication, committees in both the House and Senate have approved legislation that would modify the Exon-Florio statute.17 The full bodies have not yet approved these bills, their significant differences have not been reconciled in a conference committee, and the President has not signed a bill. Therefore, these bills’ proposed changes to the statute are still mere possibilities, not certainties.

## Shale

## china ov

#### Alt ensures a smooth transition—allows sustainable trade with China

Petras 10

<http://www.globalresearch.ca/war-with-china-the-dangers-of-a-global-conflagration/>

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If the US imperial elite at present is at a loss as to how it can contain China’s rise to world power, the mass of the US working class is at a loss as to how it can move from a military driven empire toward a productive republic. The economic decay and the entrenched political and social elites have effectively depoliticized discontent; systemic economic crises have been converted into private individual maladies. Over the long run, something will have to break; militarism and Zionist power will so bleed and isolate the United States that necessity will induce a forceful response… The longer it takes the more violent the rebirth of the republic. Empires do not die peacefully; nor do financial elites embedded in extraordinary wealth and power surrender their privileged positions peacefully. Only time will tell how long the American people will endure the dispossession of homes, employer servitude, fifth column colonization and military driven empire building based on domestic decay.

#### Chinese buy-in to global capitalism dooms it to collapse

Petras 3/6/12

<http://petras.lahaine.org/?p=1890>

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China’s rapid accumulation of wealth and capital was made possible through the intense exploitation of its workers who were stripped of their previous social safety net and regulated work conditions guaranteed under Communism. Millions of Chinese households are being dispossessed in order to promote real estate developer/speculators who then build high rise offices and the luxury apartments for the domestic and foreign elite. These brutal features of ascendant Chinese capitalism have created a fusion of workplace and living space mass struggle which is growing every year. The developer/speculators’ slogan “to get rich is wonderful” has lost its power to deceive the people. In 2011 there were over 200,000 popular encompassing urban coastal factories and rural villages. The next step, which is sure to come, will be the unification of these struggles into new national social movements with a class-based agenda demanding the restoration of health and educational services enjoyed under the Communists as well as a greater share of China’s wealth. Current demands for greater wages can turn to demands for greater work place democracy. To answer these popular demands China’s new compradore-Westernized liberals cannot point to their ‘model’ in the US empire where American workers are in the process of being stripped of the very benefits Chinese workers are struggling to regain. China, torn by deepening class and political conflict, cannot sustain its drive toward global economic leadership. China’s elite cannot confront the rising global imperial military threat from the US with its comprador allies among the internal liberal elite while the country is a deeply divided society with an increasingly hostile working class. The time of unbridled exploitation of China’s labor has to end in order to face the US military encirclement of China and economic disruption of its overseas markets. China possesses enormous resources. With over $1.5 trillion dollars in reserves China can finance a comprehensive national health and educational program throughout the country. China can afford to pursue an intensive ‘public housing program’ for the 250 million migrant workers currently living in urban squalor. China can impose a system of progressive income taxes on its new billionaires and millionaires and finance small family farmer co-operatives and rural industries to rebalance the economy. Their program of developing alternative energy sources, such as solar panels and wind farms – are a promising start to addressing their serious environmental pollution. Degradation of the environment and related health issues already engage the concern of tens of millions. Ultimately China’s best defense against imperial encroachments is a stable regime based on social justice for the hundreds of millions and a foreign policy of supporting overseas anti-imperialist movements and regimes – whose independence are in China’s vital interest. What is needed is a pro-active policy based on mutually beneficial joint ventures including military and diplomatic solidarity. Already a small, but influential, group of Chinese intellectuals have raised the issue of the growing US military threat and are “saying no to gunboat diplomacy”.[9]

## at “we resolve us china – US gets nicer”

#### Pro-engagement voices get overwhelmed

Shor 11

http://www.stateofnature.org/decliningUsHegemony.html

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Certainly, there are efforts under Obama to rebrand the role of the USA and appear to be more conciliatory towards certain regional powers and realignments. Indeed, there are even some Pentagon officials, from Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, on down, who, while committed to maintaining and even expanding U.S. presence in the Pacific, consider China's rise as part of a regional alignment that can be managed. Of course, there are others, more numerous, such as President Obama's National Security Advisor Tom Donilon, who are worried about China's "unchecked influence in the region." [17]

## no shale

#### Even if they solve—shale gas production creates a bubble—proves over-financialization makes collapse inevitable

Webber 12

<http://www.nakedcapitalism.com/2012/05/shale-gas-hype-subprime-2-0.html>

principal of Aurora Advisors, Inc., a management consulting firm. Webber authors the blog under a pen name, Yves Smith. The blog deals with finance and economic news and analysis, with a focus on legal and ethical issues of the banking industry and the mortgage foreclosure process.[1] The blog reports on the worldwide effects of the Banking crisis of 2008, the 2007–2012 global financial crisis, and the aftermath of all related events.

The problem is that the good part of this story is largely wrong. Shale gas supplies are overestimated, and it is not as cheap as it has been touted to be. The big reason is that shale gas wells, unlike oil wells, peter out really quickly. The result is that the viability of shale gas as a solution to America’s high energy consumption level is only on an interim basis. Shale gas is more likely to be a stopgap, a 25 year solution rather than a 100 one. As with the housing bubble, analysts and journalists who understand the economics are giving clear warnings, but they don’t seem to be getting much of an audience. For instance, Jeff Goodell in Rolling Stone wrote in March: At the same time, scientists began to conclude that America’s reserves of natural gas have been overhyped. In January, the Energy Department cut its estimate of the amount of gas available in the Marcellus Shale by nearly 70 percent, and a group affiliated with the Colorado School of Mines warns that there may be only 23 years’ worth of economically recoverable gas left nationwide. Even worse, new studies suggest that because of fugitive emissions of methane from wellheads and pipelines, natural gas may actually be no better than coal when it comes to global warming. In February, no doubt annoyed by Obama’s State of the Union claim of 100 years of shale gas, aeberman of The Oil Drum wrote a detailed post explaining in some detail what the supply side looks like. One key fact: the US is already at the point where it is drilling less productive wells: In 2001, the U.S. natural gas decline rate was about 23% and the annual replacement requirement was 12 Bcf/d when total consumption was 54 Bcf/d. Today, the decline rate is estimated to be 32% and increased consumption of gas means that approximately 22 Bcf/d must be replaced each year. And the broader implications: The shale revolution did not begin because producing oil and gas from shale was a good idea but because more attractive opportunities were largely exhausted. Initial production rates from shale are high but expensive drilling and completion costs make economics challenging… Shale plays have produced a land grab business model in which hundreds of thousands of acres are acquired by each company. Unprecedented lease costs have become the norm often based on limited information and science. Operators have indulged in over-drilling these plays for many reasons but adding reserves, holding leases and company growth are among the main factors particularly with the low cost of capital. The inevitable result has been the collapse of prices as supply exceeded demand. Most analysts forecast that the future will be much like the present, and that natural gas will be abundant and cheap for decades to come. There are, however, strong and consistent indicators that natural gas supply may be less certain than most observers believe and require a higher price to be developed economically. Natural gas demand is growing as fuel switching for electric power generation continues, and will be increased by environmental regulation in the coming years. The U.S. will shift more of its future energy needs to natural gas in many sectors of the economy. The best justification, in fact, for the land grab and over-drilling spree is expectation of higher prices. Those companies that grabbed the land and held it by production will profit greatly once the true supply and cost of shale gas is recognized. In March, Wolf Richter also explained why the super low shale gas prices ($2.28/MMBtu) were not a sign of a great new energy source, but lack of producer discipline: Natural gas is dirt cheap, hovering at a 10-year low. In the US, that is. In other parts of the world, natural gas is four, five times more expensive—a rare discrepancy in a globalized economy… But there is a problem: price. Natural gas is too cheap…drilling activity is collapsing. In 2008, the peak of the drilling bubble, there were at one point over 1,600 rigs drilling for natural gas in the US. During the financial crisis, the rig count fell off a cliff, then recovered a bit, but now is in free fall again. Last year at this time, there were 882 rigs drilling for gas. Two weeks ago, the count was down to 691. Last week it was down to 670 rigs (Baker Hughes). Fracking has turned into a massacre for producers…at current prices, drilling activity will continue to shrink while production at wells drilled over the last two years is plunging. At some point, the massive amount of gas in storage will be drawn down below a normal level. But production can’t be cranked up from one week to the next. Perceived or real shortages will drive up the price, but not to an equilibrium where producers barely break even and consumers enjoy low-cost energy. It will be a spike. We’ve been through this before. But why the comparison to subprime? The biggest producers are more land/lease speculators than energy companies, in terms of how they seek to make money. And they’ve been speculating in a highly leveraged manner. Per John Dizard of the Financial Times: Even before the most recent gas price crash, the shale gas producers were spending two, three, four, and even five times their operating cash flow to fund their land, drilling, and completion programmes. The widely accepted claims of huge volumes of cheaply produced energy did not square with this deficit financing… Too much money was borrowed, on complex and demanding terms. Wall Street should have provided reality checks to the shale gas people; instead, they just provided cashier’s cheques with lots of zeroes at the end….Prices will have to adjust upwards, a lot, to cover not only past debts but realistic costs of production. There is an echo of the late residential real estate financing bubble in the shale gas story. Consider the parallels. Institutional investors sought to capture excess return while “hedging away”, or simply avoiding, classic sectoral risks (whole loan default risk, dry hole and gas price risk). The ultimate effect is their assumption of larger, less initially visible, and less manageable risks (securitisations backed by unenforceable foreclosures, very large, quickly-depleting, high cost shale operations). The same institutional investors could not find enough “investment grade” risk to fill those baskets in their portfolios (triple A or double A operating company bond issuers, investment grade energy company equity). In the case of the energy industry, the rise of national oil companies reduced the opportunities for integrated majors or even conventional-prospect-oriented smaller public companies. US national policy tilted the capital markets’ risk/reward calculation to a favoured set of investments (subprime/ “non-traditional” mortgages, gas substitution for coal, or gas-fired backup for renewables). The promoters had a “story” for institutions (home mortgages have a low historic default rate/ shale gas fields have little, if any, dry hole risk, and are a way to ‘manufacture’ gas). The lead companies in the industry devised complex structured products, often priced by OTC derivatives (tranched home equity asset-backed securities, impenetrable joint venture agreements and scantily disclosed hydrocarbon hedges). The issuers’ apparent risk mitigation was validated by expert opinion (rating agencies/ sellside geology consultants). The sad bit isn’t just that we seem to be playing the same tired scripts over and over, but that finance now seems to be based on deeply flawed incentives and risk sharing that encourage the manufacture of bad loans. I focused on current readings to contrast them with the hype, but consider: Dizard (not an energy expert, he’s only as good as his sources) was issuing warnings in 2010. As he points out, journalists, again in a parallel to the housing bubble, have been as remiss as the promoters.

#### Their Mandel ev doesn’t say US assistance key—it concludes that Chinese experts don’t know whether they’ll push gas at all

Chinese shale interests, including both government and industry players, are undecided on how to move forward and how much to focus on domestic development versus lower-cost production overseas. "I don't think they have reached a conclusion one way or the other," he said. As a result, the country pursues "a two legs walking approach -- on the one side they want to explore domestic possibilities, on the other they want to explore possibilities with lower ... prices" elsewhere. That likely means a timeline of a decade, at a minimum, before Chinese shale gas resources are well-understood and a clear path to their development emerges, and potentially as long as two decades, observers say. In the meantime, the Chinese will continue to pursue contracts for natural gas imports to satisfy the strong and growing demand.

#### Forbes doesn’t say that US experience is critical to Chinese production—just that is provides some lessons

#### She agrees with our argument: most of what is needed to develop any oil or gas play is local “know-how,”

#### Their Wu card IS NOT ABOUT GAS—it’s about clean energy

#### Tons of obstacles to Chinese shale – and U.S. expertise doesn’t translate

KPMG Global Energy Institute 2012

(“Shale Gas: Global M&A Trends Focus on Argentina, China and United States,” http://www.kpmg.com/Global/en/IssuesAndInsights/ArticlesPublications/shale-gas/Documents/global-m-and-a-trendsv2.pdf)

With shale gas development still in its early stages, the success and speed of growth of this market within China **depends on a series of unknowns**, both below and above the ground. Below the ground, **shale gas has been identified in many locations in China but little is known about its gas composition**. Early findings have revealed potential extraction issues that could prove time-consuming and costly.

• Gas reserves in the Sichuan basin tend to contain high amounts of corrosive and potentially lethal hydrogen sulphide, and levels of carbon dioxide and nitrogen could also be high.

• Some of China’s shale gas reserves are buried twice as deep as those in the United States, which could hinder drilling and increase its expense as **techniques used in the** United States **may not be appropriate** at these sites.

• The country’s key gas fields are situated in mountainous regions, making drilling a challenge and increasing the cost of building roads, bridges, pipelines and other infrastructure supports.

• China’s key reserves are located in areas with high tectonic activity, which could prevent the use of existing extraction techniques.

Above the ground, **water availability may be an issue**. The hydraulic fracturing process consumes water in large quantities, but water is scarce around some of China’s larger reserves. Other reserves located in areas such as Sichuan have water in abundance; however, China relies on these areas to grow much of its food supplies, including rice, which is also water-intensive.

**China’s gas infrastructure is less developed than other countries with large shale gas reserves**. Some analysts have suggested its pipelines will not be able to handle the capacity if targeted output is reached. Costly, large-scale pipelines may need to be built to convey product from the major gas fields, which presents a barrier to entry for smaller exploration and production firms.

In addition, **the Chinese government has not issued legislation or set any clear guidance for shale gas exploration**, **market application**, **and strategic planning**. Even though shale gas development is part of China’s current 5 year strategic plan, detailed guidance has not been provided.

#### Energy substitution fails – it only encourages increased productionism

**Zehner 12**

Green illusions,

Ozzie Zehner is the author of Green Illusions and a visiting scholar at the University of California, Berkeley. His recent publications include public science pieces in Christian Science Monitor, The American Scholar, Bulletin of the Atomic Scientists, The Humanist, The Futurist, and Women’s Studies Quarterly. He has appeared on PBS, BBC, CNN, MSNBC, and regularly guest lectures at universities. Zehner’s research and projects have been covered by The Sunday Times, USA Today, WIRED, The Washington Post, Business Week and numerous other media outlets. He also serves on the editorial board of Critical Environmentalism.

Zehner primarily researches the social, political and economic conditions influencing energy policy priorities and project outcomes. His work also incorporates symbolic roles that energy technologies play within political and environmental movements. His other research interests include consumerism, urban policy, environmental governance, international human rights, and forgeries.

Zehner attended Kettering University (BS -Engineering) and The University of Amsterdam (MS/Drs – Science and Technology Studies). His research was awarded with honors at both institutions. He lives in San Francisco.

If we were gunslingers, we'd be in trouble. Several sinister energy challenges are staring us down, but the productivists are asking us to choose our weapon from a rack of **toy guns**. The alternative-energy project's fundamental weakness lies in its failure to engage with obvious cultural factors such as **consumerism, corporatism, and middle-class desires.** Instead, we allow pundits to frame energy challenges as technological problems requiring a **technological fix.** Every day, media troupes relay news snippets touting the latest bio-eco-green energy sources—all designed to jury-rig a mode of life that is not optimal, desirable, or even affordable for most of the world's communities. The "energy crisis" is more cultural than technological in nature and the failure to recognize this has led to policies that have brought us no closer to an alternative-energy future today than we were in the 1960s when the notion was first envisaged.1 In fact, since the 1960s , humanity has become quite adept at intensifying large-scale risks through a variety of productivist pursuits. We've built neighborhoods deep in forests that are bound to catch on fire, we've built our cities right up to the banks of constricted rivers prone to flooding, we've erected tall buildings atop triggered faults, and so it's really no surprise that we've constructed an energy system pressed right up against the very limits of power production.2 Attempting to push these limits back by creating more power through alternative means is a **futile** endeavor, at least in the current sociopolitical environment of the United States. A growing population insisting on greater affluence will quickly fill any vacancy such maneuvers might pry open. This would not only expand overall energy risks but also increase the number of souls in danger when energy supplies inevitably waver again. This is what I call **the boomerang effect.** Energy Boomerang Effect A central project of this book is to interrogate the assumption that alternative energy is a viable path to prosperity. I have not only outlined the many side effects, drawbacks, risks, and limitations of alternative technologies but have also indicated that we cannot assume that shifting to them will lower our fossil-fuel use. Alternative-energy production expands energy supplies, placing downward pressure on prices, which spurs demand, entrenches energy-intensive modes of living, and finally brings us right back to where we started: high demand and so-called insufficient supply.3 In short, we create an **energy boomerang**—the harder we throw, the harder it will come back to hit us on the head. More efficient solar cells, taller wind turbines, and advanced biofuels are all just ways of throwing harder. Humans have been subject to the flight pattern of this boomerang for quite some time and there is no reason to suppose we have escaped its whirling trajectory today. In the existing American context, increasing alternative-energy production will not displace fossil-fuel side effects but will instead simply add more side effects to the mix (and as we have seen, there are plenty of alternative-energy side effects to be wary of). So instead of a world with just the dreadful side effects of fossil fuels, we will enter into a future world with the dreadful side effects of fossil fuel plus the dreadful side effects of alternative-energy technologies—hardly a durable formula for community or environmental prosperity. If we had different political, legal, and economic structures and backstops to assure that alternative-energy production would directly offset fossil-fuel use, these technologies might make more sense. But it will take years to institute such vital changes. Focusing our efforts on **alternative-energy production** now only serves to distract us from the **real job** that needs to be done. Worse yet, if fundamental economic, social, and cultural upgrades are not instituted, the project of alternative energy is bound to **fail,** which would likely lead to crippling levels of public cynicism toward future efforts to produce cleaner forms of power. As it stands now, even if alternative-energy schemes were **free,** they might still be too **expensive** given their extreme social costs and striking inability to displace fossil-fuel use. But as it turns out, they aren't free at all—they're enormously expensive.

## Econ

## 2nc no solve war

#### Trade is small—not key to economies

John **Mearsheimer 1**, American professor of Political Science at the University of Chicago, Tragedy of Great Power Politics, 370-371

There are problems with this perspective, too." In particular, there is always the possibility that a serious economic crisis in some important region, or in the world at large, will undermine the prosperity that this theory needs to work. For example, it is widely believed that Asia's "economic miracle" worked to dampen security competition in that region before 1997, but that the 1997-98 financial crisis in Asia helped foster a "new geopolitics."24 It is also worth noting that although the United States led a successful effort to contain that financial crisis, it was a close call, and there is no guarantee that the next crisis will not spread across the globe. But even in the absence of a major economic crisis, one or more states might not prosper; such a state would have little to lose economically, and maybe even something to gain, by starting a war. A key reason that Iraqi dictator Saddam Hussein invaded Kuwait in August 1990 was that Kuwait was exceeding its oil production quotas (set by the Organization of Petroleum Exporting Countries, or OPEC) and driving down Iraq's oil profits, which the Iraqi economy could ill-afford.25 There are two other reasons to doubt the claim that economic interdependence makes great-power war unlikely. States usually go to war against a single rival, and they aim to win a quick and decisive victory. Also, they invariably seek to discourage other states from joining with the other side in the fight. But a war against one or even two opponents is unlikely to do much damage to a state's economy, because typically only a tiny percentage of a state's wealth is tied up in economic intercourse with any other state. It is even possible, as discussed in Chapter 5, that conquest will produce significant economic benefits. Finally, an important historical case contradicts this perspective. As noted above, there was probably about as much economic interdependence in Europe between 1900 and 1914 as there is today. Those were also prosperous years for the European great powers. Yet World War I broke out in 1914. Thus a highly interdependent world economy does not make great-power war more or less likely. Great powers must be forever vigilant and never subordinate survival to any other goal, including prosperity.

#### More trade = pre-emptive strikes

**Morrow 99** (James, Hoover Institution, Stanford University, “ How Could Trade Affect Conflict?” Journal of Peace Research 1999 36: 481)

It is also possible that this argument may predict other variations in the pattern of interstate conflict beyond the probability of war. If higher trade flows reduce resolve, they could lead to fewer disputes being resolved through uncoerced negotiations. Because both sides are less willing to escalate to war when trade flows are higher, the temptation to use force pre-emptively rises. The side that uses force first would intimidate the other side into granting it the stakes of the crisis without fighting back. Consequently, higher trade flows may be correlated with more disputes being resolved through the unilateral use of force short of war. Of course, specific predictions of the patterns of dispute resolution depend on the precise model of crises. This particular observation might not be applicable to all conceivable models of conflict. In summary, current theory on the initiation and escalation of disputes casts doubt on the idea that trade prevents international conflict. If higher interdependence reduces a nation’s resolve for war with its trading partners, the effect of interdependence on conflict is interdeterminate. It could make the initiation and escalation of disputes more or less likely. Trade makes war less attractive to both parties, but the target’s lower willingness to fight makes coercion of the target easier and more attractive to the initiator. There are important qualifications to this argument. Higher levels of trade could reduce the chance of escalation by providing a richer menu of costly signals for states to use during a crisis.

#### No escalation

Joseph **Nye 96**, assistant secretary of defense for international security affairs, Washington Quarterly, Winter, 1996

The low likelihood of direct great power clashes does not mean that there will be no tensions between them. Disagreements are likely to continue over regional conflicts, like those that have arisen over how to deal with the conflict in the former Yugoslavia. Efforts to stop the spread of weapons of mass destruction and means of their delivery are another source of friction, as is the case over Russian and Chinese nuclear cooperation with Iran, which the United States steadfastly opposes. The sharing of burdens and responsibilities for maintaining international security and protecting the natural environment are a further subject of debate among the great powers. Furthermore, in contrast to the views of classical Liberals, increased trade and economic interdependence can increase as well as decrease conflict and competition among trading partners. The main point, however, is that such disagreements are very unlikely to escalate to military conflicts.

#### Best models

**Martin et al 7**, Mayer and Thoenig, [Philippe, Thierry, Mathias, University of Paris 1 Pantheon-Sorbonne, Paris School of Economics and CEPR, University of Paris 1 Pantheon-Sorbonne, Paris School of Economics, CEPII and CEPR, University of Geneva, Paris School of Economics and CEPR April 23, 2007 “ Make Trade not War?,” http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.139.647&rep=rep1&type=pdf]

Our paper is the first, to our knowledge, to highlight the opposite effects of bilateral and multilateral trade on the probability of war and to base the empirical analysis on testable predictions generated by a theoretical model. Our results are somewhat pessimistic on the impact of trade and more generally of globalization on the prevalence and the nature of war. We have shown that even in a model where trade increases welfare and war is Pareto dominated by peace, higher trade flows may not lead to more peaceful relations. The intuition that trade promotes peace is only partially right: bilateral trade, because it increases the opportunity cost of bilateral war indeed deters bilateral war. However, multilateral trade openness, because it reduces this opportunity cost with any given country, weakens the incentive to make concessions during negotiations to avert escalation and therefore increases the probability of war between any given pair of country. From this point of view, an increase in trade between two countries pacifies relations between these two countries but increases the probability of conflict with other countries. Trade globalization also affects the nature of war: multilateral trade openness increases the probability of local wars but deters global conflicts. This last point is important: our paper should not be interpreted as suggesting that trade globalization leads to war. Given that World Wars are certainly the most costly in terms of human welfare, this is not a small achievement. We interpret more our paper as a word of caution and a possible explanation of the changing nature of wars.

## no war

#### No diversionary wars – prefer our evidence

Fravel, Associate Prof Poli Sci, Security Studies Program – MIT, ‘10

(M. Taylor, “The Limits of Diversion: Rethinking Internal and External Conflict,” *Security Studies*, 19:2, 307 – 341)

Yet despite two decades of renewed research, cumulative knowledge on diversion remains elusive. Quantitative studies contain mixed and often contradictory empirical results regarding the relationship between internal and external conflict. Some studies find a positive relationship between indicators of domestic dissatisfaction and threats or uses of force in analysis of u.s. behavior7 and in cross-national studies.8 By contrast, other research identifies a weak or nonexistent relationship between these same variables.9 Indeed, the gap between the intuition underlying diversion as a motive for conflict and existing quantitative research that Jack Levy noted in 1989 continues to characterize this research program today.10

Given the mixed empirical results in recent quantitative research, this article offers a different type of test of the diversionary hypothesis. In particular, I extend efforts to employ case study methods to test the hypothesis systematically and against alternative explanations in specific episodes of historical interest.11 Adopting a modified “most likely” approach to theory testing pioneered by Harry Eckstein, I examine two cases that should be easy for diversionary theory to explain: Argentina's 1982 seizure of the Falkland (Malvinas) Islands and Turkey's 1974 invasion of Cyprus. In these episodes, high levels of domestic political unrest preceded the escalation of salient disputes that leaders could manipulate to rally public support or demonstrate their competence as statesmen.

These cases should be homeruns for the diversionary hypothesis, but they are in fact quite difficult for it to explain. In these cases, the relationship between domestic political conflict and dispute escalation is weak at best, as the onset and magnitude of social unrest was only linked loosely with decisions to use force. Leaders' statements and reasoning provide little evidence for diversion as a central motivation for escalation. Instead, a standard realist model of international politics and the dynamics of coercive diplomacy offer a more compelling explanation of Argentine and Turkish decision making.12 Leaders in both states chose force in response to external threats to national interests, not internal threats to their political survival.

#### No incentive for diversionary wars

Fravel, Associate Prof Poli Sci, Security Studies Program – MIT, ‘10

(M. Taylor, “The Limits of Diversion: Rethinking Internal and External Conflict,” *Security Studies*, 19:2, 307 – 341)

The lack of support for diversion raises a simple but important question: why is diversion less frequent than commonly believed, despite its plausible intuition? Although further research is required, several factors should be considered. First, the rally effect that leaders enjoy from an international crisis is generally brief in duration and unlikely to change permanently a public's overall satisfaction with its leaders.128 George H. W. Bush, for example, lost his reelection bid after successful prosecution of the 1991 Gulf War. Winston Churchill fared no better after the Allied victory in World War II.129 Leaders have little reason to conclude that a short-term rally will address what are usually structural sources of domestic dissatisfaction.

Second, a selection effect may prevent embattled leaders from choosing diversion. Diversionary action should produce the largest rally effect against the most powerful target because such action would reflect a leader's skills through coercing a superior opponent. At the same time, leaders should often be deterred from challenging stronger targets, as the imbalance of military forces increases the risk of defeat and thus the probability of losing office at home. Although the odds of victory increase when targeting weaker states, success should have a much more muted effect on domestic support, if any, because victory would have been expected.130

Third, weak or embattled leaders can choose from a wide range of policy options to strengthen their standing at home. Although scholars such as Gelpi and Oakes have noted that embattled leaders can choose repression or economic development in addition to diversionary action, the range of options is even greater and carries less risk than the failure of diversion. Weak leaders can also seek to deepen cooperation with other states if they believe it will strengthen their position at home. Other studies, for example, have demonstrated that political unrest facilitated dtente among the superpowers in the early 1970s, China's concessions in its many territorial disputes, support for international financial liberalization, and the formation of regional organizations such as the Association of Southeast Asian Nations and the Gulf Cooperation Council.131

#### Recent empirics prove

Barnett, senior managing director of Enterra Solutions LLC, contributing editor/online columnist for Esquire, 8/25/’9

(Thomas P.M, “The New Rules: Security Remains Stable Amid Financial Crisis,” Aprodex, Asset Protection Index, <http://www.aprodex.com/the-new-rules--security-remains-stable-amid-financial-crisis-398-bl.aspx>)

When the global financial crisis struck roughly a year ago, the blogosphere was ablaze with all sorts of scary predictions of, and commentary regarding, ensuing conflict and wars -- a rerun of the Great Depression leading to world war, as it were. Now, as global economic news brightens and recovery -- surprisingly led by China and emerging markets -- is the talk of the day, it's interesting to look back over the past year and realize how globalization's first truly worldwide recession has had virtually no impact whatsoever on the international security landscape.

None of the more than three-dozen ongoing conflicts listed by GlobalSecurity.org can be clearly attributed to the global recession. Indeed, the last new entry (civil conflict between Hamas and Fatah in the Palestine) predates the economic crisis by a year, and three quarters of the chronic struggles began in the last century. Ditto for the 15 low-intensity conflicts listed by Wikipedia (where the latest entry is the Mexican "drug war" begun in 2006). Certainly, the Russia-Georgia conflict last August was specifically timed, but by most accounts the opening ceremony of the Beijing Olympics was the most important external trigger (followed by the U.S. presidential campaign) for that sudden spike in an almost two-decade long struggle between Georgia and its two breakaway regions.

Looking over the various databases, then, we see a most familiar picture: the usual mix of civil conflicts, insurgencies, and liberation-themed terrorist movements. Besides the recent Russia-Georgia dust-up, the only two potential state-on-state wars (North v. South Korea, Israel v. Iran) are both tied to one side acquiring a nuclear weapon capacity -- a process wholly unrelated to global economic trends.

And with the United States effectively tied down by its two ongoing major interventions (Iraq and Afghanistan-bleeding-into-Pakistan), our involvement elsewhere around the planet has been quite modest, both leading up to and following the onset of the economic crisis: e.g., the usual counter-drug efforts in Latin America, the usual military exercises with allies across Asia, mixing it up with pirates off Somalia's coast). Everywhere else we find serious instability we pretty much let it burn, occasionally pressing the Chinese -- unsuccessfully -- to do something. Our new Africa Command, for example, hasn't led us to anything beyond advising and training local forces.

## econ link

#### Their econ impact justifies imperialist lashout to remake the world in the image of market liberalization

Lipschutz ‘95, Professor of Politics at UC Santa Cruz, On Security, pg 15-17)

Consider, then, the consequences of the intersection of security policy and economics during and after the Cold War. In order to establish a “secure” global system, the United States advocated, and put into place, a global system of economic liberalism. It then underwrote, with dollars and other aid, the growth of this system.43 One consequence, of this project was the globalizations of a particular mode of production and accumulation, which relied on the re-creation, throughout the world, of the domestic political and economic environment and preferences of the United States. That such a project cannot be accomplished under conditions of really-existing capitalism is not important: the idea was that economic and political liberalism would reproduce the American self around the world.44 This would make the world safe and secure for the Untited States inasmuch as it would all be the self, so to speak. The joker in this particular deck was that efforts to reproduce some version of American society abroad, in order to make the world more secure for Americans, came to threaten the cultures and societies of the countries being transformed, making their citizens less secure. The process thereby **transformed them into the very enemies we feared so greatly**. In Iran, for example, the Shah’s efforts to create a Westernized society engendered so much domestic resistance that not only did it bring down his empire but so, for a time, seemed to pose a mortal threat to the American Empire based on Persian Gulf oil. Islamic “fundamentalism,” now characterized by some as the enemy that will replace Communism, seems to be U.S. policymakers’ worst nightmares made real,45 although without the United States to interfere in the Middle East and elsewhere, the Islamic movements might never have acquired the domestic power they now have in those countries and regions that seem so essential to American “security.” The ways in which the **framing of threats** is influenced by a changing global economy is seen nowhere more clearly than in recent debates over competitiveness and “economic security.” What does it mean to be competitive? Is a national industrial policy consistent with global economic liberalization? How is the security component of this issue socially constructed? Beverly Crawford (Chapter 6: “Hawks, Doves, but no Owls: The New Security Dilemma Under International Economic Interdependence”) shows how strategic economic interdependence – a consequence of the growing liberalization of the global economic system, the increasing availability of advanced technologies through commercial markets, and the ever-increasing velocity of the product cycle – undermines the ability of states to control those technologies that, it is often argued, are critical to economic strength and military might. Not only can others acquire these technologies, they might also seek to restrict access to them. Both contingencies could be threatening. (Note, however, that by and large the only such restrictions that *have* been imposed in recent years have all come at the behest of the United States, which is most fearful of its supposed vulnerability in this respect.) What, then, is the solution to this “new security dilemma,” as Crawford has stylzed it? How can a state generate the conditions for legitimizing various forms of intervention into this process? Clearly, it is not enough to invoke the mantra of “competitiveness”; competition *with* someone is also critical. In Europe, notwithstanding budgetary stringencies, state sponsorship of cutting-edge technological R&D retains a certain, albeit declining, legitimacy in the United States, absent a persuasive threat, this is much less the case (although the discourse of the Clinton Administration suggests that such ideological restraints could be broken). Thus, it is the hyperrealism of Clyde Prestowitz, Karel Van Wolferen, and Michael Crichton, imagining a Japan resurgent and bent anew on (non) Pacific conquest, that provides the cultural materials for new economic policies. Can new industrialized enemies be conjured into existence so as to **justify new cold wars** and the remobilization of capital, under state direction, that must follow? Or has the world changed too much for this to happen again?

# 1NR

## death

#### Libertarianism is totalitarianism

Robert **Locke**, writer for the American Conservative, March 14, **2005**, Marxism of the Right

**Empirically, most people don’t actually want absolute freedom, which is why democracies don’t elect libertarian governments**. Irony of ironies, **people don’t choose** absolute **freedom**. But this refutes libertarianism by its own premise, as libertarianism defines the good as the freely chosen, yet people do not choose it. Paradoxically, **people exercise their freedom not to be libertarians**. The political corollary of this is that since no electorate will support libertarianism, **a libertarian government could never be achieved democratically but would have to be imposed by some kind of authoritarian state, which** rather **puts the lie to libertarians’ claim that under any other philosophy, busybodies** who claim to know what’s best for other people **impose their values on the rest of us. Libertarianism itself** is based on the conviction that it is the one true political philosophy and all others are false. It **entails imposing a certain kind of society**, with all its attendant pluses and minuses, **which the inhabitants thereof will not be free to opt out of** except by leaving.

#### Their conception of rights is incoherent

**Amy 7,** professor of Politics at Mount Holyoke College, (Douglas, “More Government Does Not Mean Less Freedom,” Government is Good, <http://governmentisgood.com/articles.php?aid=18&print=1>)

The minimal-government crowd uses this “more government = less freedom” formula to make all sorts of alarmist claims. For example, **some suggest that every increase in government power is a step down the road to totalitarianism and repression.** This is a favorite argument of many conservatives and they use it to oppose even small and seemingly reasonable increases in government programs or regulations. For example, they argue is that if we allow the government to insist on background checks to buy guns, this will lead to mandatory gun registration, which will eventually lead to confiscation of guns, and this will put the government in a position to repress a disarmed and helpless citizenry. Or they suggest that legalizing assisted-suicide for terminally ill patients will only set the stage for government euthanasia programs aimed at the handicapped and others. Or they fear that mandating non-smoking areas is merely a step toward outlawing cigarettes altogether. Or they contend that if we allow environmental regulations to restrict how an owner deals with wetlands on their property, we are going down a road in which property rights will eventually be meaningless because the state will control all property. This seems to be the view of the conservative judge Janice Rogers – one of George W. Bush’s appointees to the federal judiciary. In one of her opinions, she railed against local restrictions on the rights of real estate developers in California and concluded that “Private property, already an endangered species in California, is now entirely extinct in San Francisco."6

In his book, Defending Government, Max Nieman has labeled this argument the “Big Brother Road to Dictatorship.” It suggests that the expansion of government powers in the U.S. during the last 75 years has been inevitably leading us down the path toward totalitarianism. But as he has noted, **there is really no valid evidence for this theory. If we look at how modern dictatorships have come about, they have not been the product of gradually increasing social programs and regulations over property and business.** As Neiman explains:

It is common among conservative critics of public sector activism to characterize government growth in the arena of social welfare, environment, consumer and worker protection, and income security as steps toward the loss of liberty and even totalitarianism. Many critics of the emergence of the modern social welfare state … have tried to convey the sense that the road to totalitarian hell is paved with the good intentions of the social democratic program. …There is no record, however, of any oppressive regime having taken power by advancing on the social welfare front.Lenin and Stalin, Mussolini, Mao Tse-tung, Fidel Castro, and Chile’s Pinochet did not consolidate power by gradually increasing social welfare programs, taxes, and regulation of the environment or workplace. **Rather, these assaults on personal freedom and democratic governance involved limitation on civil rights and political rights, the legitimization of oppression and discrimination against disfavored or unpopular groups, and the centralization and expansion of military and policy forces. Hitler did not become the supreme ruler of the Nazi state by first taking over the health department**.7

## overview

#### Neolib triggers war in the Middle East

Smith 8

PhD Johns Hopkins 1982; Dist Prof) Political economy, urban social theory, space, nature-culture, history and theory of geography (nsmith@gc.cuny.edu) Prof. SmithNeil Smith was trained as a geographer and his research explores the broad intersection between space, nature, social theory and history. He teaches in urban anthropology, cultural anthropology and environmental anthropology, and directs the Center for Place Culture and Politics. His environmental work is largely theoretical, focusing on questions of the production of nature. His urban interests include long term research on gentrification, including empirical work in North America and Europe and a series of theoretical papers emphasizing the importance of patterns of investment and disinvestment in the the real estate market. He also writes more broadly on New York City, focusing especially on the "revanchist city" which has filled the vacuum left in the wake of liberal urban theory.

The point is not that geopolitics is somehow obsolete—one look at newspaper headlines and a glance at U.S. behavior in the Middle East would assuage any such concern. Rather, however much geopolitics remains a tactical arsenal for global conflict—and the Israel-Palestine-Syria-Iraq-Iran nexus is a superb example—the underlying rationale for conflict today increasingly conforms to a geoeconomic more than geopolitical logic. This is not to say that war in Iraq, or more broadly in the Middle East, has been simply about oil. Such an assumption represents an elemental mistake by the political left, assuming a geopolitical as much as geoeconomic rationale. Rather, war in the Middle East is very much about completing the strategy of globalization by attempting to bring the last major recalcitrant region into line with U.S. global ambition. That most of the world's oil supplies lie there is not at all coincidental, but it is not the only, and probably not even the central, question. To the extent that the political left sees Middle East strife as a war for oil, it remains stuck in an obsolescent geopolitical mindset. Having said this, it seems clear that as we head into the second decade of the twenty-first century, geopolitical calculation is likely to be very much on the front page of newspapers, perhaps as testimony to the failure of the third moment—after Wilson, after Roosevelt—in the U.S. ambition to get beyond geography and create a flat global world. Geopolitics, and the resort to a largely self-inflicted nationalism, were the downfall of global ambition in these earlier moments and they seem on track to repeat the fiasco. Quite how that undoing will happen is not clear but the 2007 crisis in the global financial markets of the United States and Europe, rooted appropriately in a long history of speculative mortgage investments, suggests that the crisis of 1997-98 has migrated economically and geographically. That crisis manifested itself first in the overproduction of semiconductors in Thailand, eventually effecting the value of Thai currency, the baht, and spreading from there. Ten years later, the crisis seems to emanate from the belly of the beast, its most cherished right, the U.S. mortgage. That it has not remained in the mortgage sector but become generalized is precisely the nature of a globalized capitalism. And that powerful state intervention, up to and including bank nationalization, was required to deal with the crisis, completely contradicts the dogmas of neoliberalism.

#### The system kills agency and value to life

Giroux 11

Henry A. Giroux English and Cultural Studies Department, McMaster University, Hamilton, Canada, 2011 "Neoliberalism and the death of the social state: remembering Walter Benjamin's Angel of History," Social Identities, Vol. 17, No. 4, July 2011, 587-601

As history is erased and economics becomes the driving force for all aspects of political, cultural, and social life, those institutional and political forces that hold the reins of power now become the purveyors of social death, comfortably ensconced in a political imaginary that wreaks human misery on the planet as the rich and powerful reap huge financial gains for themselves. The principal players of casino capitalism live in the highly circumscribed time of short-term investments and financial gains and are more than willing to close their eyes to the carnage and suffering all around them while they are sucked into the black hole of the future. As the social state is eviscerated by an all-embracing market fundamentalism, society increasingly becomes a machine for destroying the power of civic culture and civic life, proliferating the ideologies and technologies of what is increasingly and unequivocally becoming a punishing state. And, quoting Achille Mbembe (2003), politics becomes a form of social death in which 'the future is collapsed into the present' (p. 37).

## rob

#### Fighting for government change is suicidal in the energy system – our position as academics must prioritize SOCIAL ANALYSIS above PRAGMATISM

Byrne and Toly 6

<http://seedconsortium.pbworks.com/w/file/fetch/45925604/Byrne_etal.pdf>

Center for Energy and Environmental Policy Established in 1980 at the University of Delaware, the Center is a leading institution for interdisciplinary graduate education, research, and advocacy in energy and environmental policy. CEEP is led by Dr. John Byrne, Distinguished Professor of Energy & Climate Policy at the University. For his contributions to Working Group III of the Intergovernmental Panel on Climate Change (IPCC) since 1992, he shares the 2007 Nobel Peace Prize with the Panel's authors and review editors.

Democratic Authoritarian Impulses and Uncritical Capitalist Assumptions When measured in social and political-economic terms, the current energy discourse appears impoverished. Many of its leading voices proclaim great things will issue from the adoption of their strategies (conventional or sustainable), yet inquiry into the social and political-economic interests that power promises of greatness by either camp is mostly absent. In reply, some participants may petition for a progressive middle ground, acknowledging that energy regimes are only part of larger institutional formations that organize political and economic power. It is true that the political economy of energy is only a component of systemic power in the modern order, but it hardly follows that pragmatism toward energy policy and politics is the reasonable social response. Advocates of energy strategies associate their contributions with distinct pathways of social development and define the choice of energy strategy as central to the types of future(s) that can unfold. Therefore, acceptance of appeals for pragmatist assessments of energy proposals, that hardly envision incremental consequences, would indulge a form of selfdeception rather than represent a serious discursive position. An extensive social analysis of energy regimes of the type that Mumford (1934; 1966; 1970), Nye (1999), and others have envisioned is overdue. The preceding examinations of the two strategies potentiate conclusions about both the governance ideology and the political economy of modernist energy transitions that, by design, leave modernism undisturbed (except, perhaps, for its environmental performance).

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#### Only risk of a link turn—tech fixes create scientific authoritarianism—only the alt enables deliberative citizenship

Byrne and Toly 6

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The Technique of Modern Energy Governance While moderns usually declare strong preferences for democratic governance, their preoccupation with technique and efficiency may preclude the achievement of such ambitions, or require changes in the meaning of democracy that are so extensive as to raise doubts about its coherence. A veneration of technical monuments typifies both conventional and sustainable energy strategies and reflects a shared belief in technological advance as commensurate with, and even a cause of, contemporary social progress. The modern proclivity to search for human destiny in the march of scientific discovery has led some to warn of a technological politics (Ellul, 1997a, 1997b, 1997c; Winner, 1977, 1986) in which social values are sublimated by the objective norms of technical success (e.g., the celebration of efficiency in all things). In this politics, technology and its use become the end of society and members have the responsibility, as rational beings, to learn from the technical milieu what should be valorized. An encroaching autonomy of technique (Ellul, 1964: 133 – 146) replaces critical thinking about modern life with an awed sense and acceptance of its inevitable reality. From dreams of endless energy provided by Green Fossil Fuels and Giant Power, to the utopian promises of Big Wind and Small-Is-Beautiful Solar, technical excellence powers modernist energy transitions. Refinement of technical accomplishments and/or technological revolutions are conceived to drive social transformation, despite the unending inequality that has accompanied two centuries of modern energy’s social project. As one observer has noted (Roszak, 1972: 479), the “great paradox of the technological mystique [is] its remarkable ability to grow strong by chronic failure. While the treachery of our technology may provide many occasions for disenchantment, the sum total of failures has the effect of increasing dependence on technical expertise.” Even the vanguard of a sustainable energy transition seems swayed by the magnetism of technical acumen, leading to the result that enthusiast and critic alike embrace a strain of technological politics. Necessarily, the elevation of technique in both strategies to authoritative status vests political power in experts most familiar with energy technologies and systems. Such a governance structure derives from the democratic-authoritarian bargain described by Mumford (1964). Governance “by the people” consists of authorizing qualified experts to assist political leaders in finding the efficient, modern solution. In the narratives of both conventional and sustainable energy, citizens are empowered to consume the products of the energy regime while largely divesting themselves of authority to govern its operations. Indeed, systems of the sort envisioned by advocates of conventional and sustainable strategies are not governable in a democratic manner. Mumford suggests (1964: 1) that the classical idea of democracy includes “a group of related ideas and practices... [including] communal self-government... unimpeded access to the common store of knowledge, protection against arbitrary external controls, and a sense of moral responsibility for behavior that affects the whole community.” Modern conventional and sustainable energy strategies invest in external controls, authorize abstract, depersonalized interactions of suppliers and demanders, and celebrate economic growth and technical excellence without end. Their social consequences are relegated in both paradigms to the status of problems-to-be-solved, rather than being recognized as the emblems of modernist politics. As a result, modernist democratic practice becomes imbued with an authoritarian quality, which “deliberately eliminates the whole human personality, ignores the historic process, [and] overplays the role of abstract intelligence, and makes control over physical nature, ultimately control over man himself, the chief purpose of existence” (Mumford, 1964: 5). Meaningful democratic governance is willingly sacrificed for an energy transition that is regarded as scientifically and technologically unassailable.

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#### Increasing energy production is the exact opposite of democratizing energy debates—any link is enough

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<http://bst.sagepub.com/content/29/2/81.full.pdf+html>

Paradigm Shift Shedding the institutions that created the prospect of climate change will not happen on the watch of the green titans or extra large nuclear power. The modern cornucopian political economy fueled by abundant, carbon-free energy machines will, in fact, risk the possibility of climate change continually because of the core properties of the modern institutional design. Although the abundant energy machine originated and matured in the United States and industrial Europe, the logic of unending growth built into the modern model has promoted its global spread. Today, both extra-large nuclear power and industrial-scale renewables are at the forefront of the trillion dollar clean energy technology development and transfer process envisioned for the globe (International Energy Agency, 2006). Nuclear energy is seen as offering unlimited potential for rapid development in India and China, while large-scale renewables seamlessly fit into existing international financial aid schemes. A burgeoning renewables industry boasts economic opportunities in standardization and certification for delivering green titans to developing countries. If institutional change is to occur, if energy-society relations are to be transformed, and if the threat of global warming is to be earnestly addressed, we will have to design and experiment with alternatives other than these. Given the global character of the challenge, cookie cutter counter-strategies are certain to fail. Often, outside the box alternatives may not be sensible in the modern context. Like a paradigm shift, we need ideas, and actions guided by them, which fail in one context (here, specifically, the context of energy obesity) in order hopefully to support the appearance of a new context. The concept and practice of a sustainable energy utility is offered in this spirit.11 The sustainable energy utility (SEU) involves the creation of an institution with the explicit purpose of enabling communities to reduce and eventually eliminate use of obese energy resources and reliance on obese energy organizations. It is formed as a nonprofit organization to support commons energy development and management. Unlike its for-profit contemporaries, it has no financial or other interest in commodification of energy, ecological, or social relations; its success lies wholly in the creation of shared benefits and responsibilities. The SEU is not a panacea nor is it a blueprint for fixing our energy-carbon problems. It is a strategy to change energy-ecology-society relations. It may not work, but we believe it is worth the effort to invent and pursue the possibility. There should be little doubt about the difficulty of the task. Regimes develop through the interplay of technology and society over time, rather than through prescribed programs. They alter history and then seek to prevent its change, except in ways that bolster regime power. Of specific importance here, obese utilities will not simply cede political and economic success to an antithetical institution—the SEU. That is why change is so hard to realize. Shifting a society towards a new energy regime requires diverse actors working in tandem, across all areas of regime influence. Economic models, political will, social norm development, all these things must be shifted, rather than pulled, from the current paradigm. The SEU constructs energy–ecology-society relations as phenomena of a commons governance regime. It explicitly reframes the preeminent obese energy regime organization—the energy utility—in the antithetical context of using less energy. And, when energy use is needed, it relies on renewable sources available to and therefore governable by the community of users (rather than the titan technology approach of governance by producers). In contrast to the cornucopian strategy of expanding inputs in an effort to endlessly feed the obese regime, the SEU focuses on techniques and social arrangements which can serve the aims of sustainability and equity. It combines political and economic change for the purpose of building a postmodern energy commons; that is, a form of political economy that relies on commons, rather than commodity, relations for its evolution. Specifically, it uses the ideas of a commonwealth economy and a community trust to achieve the goal of postmodern energy sustainability.