# 1NC

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### No Regulations – 1NC

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.

1. Including regulations is a limits disaster

Doub 76

 Energy Regulation: A Quagmire for Energy Policy

Annual Review of Energy

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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.

2. 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."

## elections

#### Obama will win but Romney is in striking distance – best new poll confirms three day trend

Selyukh, writer for Reuters, 10/7/2012

(Alina, “Romney close behind Obama after debate, jobs report,” <http://www.reuters.com/article/2012/10/07/us-usa-campaign-poll-idUSBRE8931E420121007>)

Republican presidential candidate Mitt **Romney stayed within striking distance of** President Barack **Obama in a Reuters/Ipsos poll on Sunday**, coming in two points behind the Democrat **for the third straight day** after winning last week's debate in Denver.

The online survey found 47 percent of likely voters saying they would vote for Obama and 45 percent for Romney if the November 6 election were held now. That solidifies an improvement by the Republican who had trailed his opponent by six points in the same daily poll going into the debate.

"Romney's performance in the debate I think has improved his share of the vote for now ... It's a significant change from where we were a couple of weeks ago," said Ipsos pollster Julia Clark.

But the upside for Romney from the debate, the first of three with Obama this month, appears limited.

"I would say that **if the debate was a game-changer**, we would see Romney continue to make gains," she said. "**He's narrowed the race but he doesn't seem to be overtaking Obama**."

Additional renewables spending draws attention to Solyndra

Sandoval, 7-27

Michael Sandoval, an investigative reporter with The Heritage Foundation, 7-27-2012, “Abound Solar: Doomed to Fail Because of Election-Year Politics, Investor Says,” http://blog.heritage.org/2012/07/27/abound-solar-doomed-to-fail-because-of-election-year-politics-investor-says/

“After Solyndra, the Department of Energy was balking and not releasing any more money under the loan guarantee because they didn’t want to be embarrassed in an election year,” he told MarketWatch.

Hill met with Colorado Democrats like Gov. John Hickenlooper and Sen. Michael Bennet, but could not prevail upon them to act.

“None of these guys would touch it. They said ‘Solyndra is a poisonous issue,’” according to Hill.

The Department of Energy, which had granted Abound its $400 million loan guarantee, suddenly began to enforce many of the stringent benchmarks that precluded access to drawing down additional loan funds, something it only did in the wake of the Solyndra news, Hill said.

Solyndra secures undecided, disillusioned voters for Romney

Restuccia et al., 9-6

Andrew Restuccia, Darren Samuelsohn, Darren Goode, staff writer, Politico.com, “Who wins Solyndra message war?” lexis

Meanwhile, evidence is scant on how much mileage the Republicans are getting out of all their Solyndra messaging -- though their persistence is a sign that GOP strategists see promise there. And conservative groups have certainly spent big bucks promoting the message.

Luke Frans, executive director of the GOP-aligned polling firm Resurgent Republic, said the issue hits home when people in focus groups hear about Solyndra's price tag and a version of how the Energy Department approved the company's $535 million loan guarantee. He said it's especially damaging for the president among swing voters.

"Solyndra is an issue that puts President Obama in the context of being just another politician, instead of the transformative, post-partisan figure introduced to the electorate in 2008," said Frans, a former George W. Bush White House aide.

"If you're a disillusioned Obama voter, this is an issue that reminds you why you're disillusioned," he added.

But Frans acknowledged that Solyndra is not the top issue going into November. "It's not going to knock the economy off the top of the voting ballot," he said.

Americans for Prosperity President Tim Phillips, whose group has spent at least $13.5 million on ads attacking Solyndra and the Obama stimulus, says the criticisms work best in context with the broader stimulus effort. "Solyndra is just an example," he said.

After hosting focus groups, Phillips said he came away thinking that the goal isn't to get viewers to follow every detail of the Solyndra deal.

"What you're hoping to do is give them a sense of a theme or just one information data point that rings true with something already in their mind, that confirms a broader belief," Phillips said.

Jennifer Duffy, senior editor at the Cook Political Report, agreed that Solyndra doesn't work as a standalone issue. "Instead it's a symptom of what Republicans call 'Obama's failed economic policy.' It is one concrete example for voters that the stimulus/loan guarantees didn't work," she said.

Romney aides say they have Republican National Committee testing that shows the Solyndra attacks work when boiled down to a one- to two-sentence message about the money lost and the company's connections to Obama donors.

"It was the single, No. 1 most potent hit" among about 25 messages, including the growing national debt and a lack of "shovel ready job projects," a Romney aide said. "It even beat health care."

Romney pollster Neil Newhouse, partner and co-founder of Public Opinion Strategies, said Solyndra represents "the poster child for wasted stimulus money. Americans thought it would go to job creation and it was essentially flushed down the toilet."\

#### Romney win causes China-bashing – causes a trade war

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.”

#### That goes nuclear

Taaffe 5

(Peter Taaffe, general secretary of the Socialist Party of England and Wales, “China, A New Superpower?,” Socialist Alternative.org, Nov 1, 2005, pg. <http://www.socialistalternative.org/news/article11.php?id=30>)

While this conflict is unresolved, the shadow of a trade war looms. Some commentators, like Henry C.K. Liu in the Asia Times, go further and warn that "trade wars can lead to shooting wars." China is not the Japan of the 21st century. Japan in the 1980s relied on the U.S. military and particularly its nuclear umbrella against China, and was therefore subject to the pressure and blackmail of the U.S. ruling class. The fear of the U.S., and the capitalists of the "first world" as a whole, is that China may in time "out-compete" the advanced nations for hi-tech jobs while holding on to the stranglehold it now seems to have in labor-intensive industries. As the OECD commented recently: "In the five-year period to 2003, the number of students joining higher education courses has risen by three and a half times, with a strong emphasis on technical subjects." The number of patents and engineers produced by China has also significantly grown. At the same time, an increasingly capitalist China - most wealth is now produced in the private sector but the majority of the urban labor force is still in state industries - and the urgency for greater energy resources in particular to maintain its spectacular growth rate has brought it into collision on a world scale with other imperialist powers, particularly the U.S. In a new worldwide version of the "Great Game" - the clash for control of central Asia's resources in the nineteenth century - the U.S. and China have increasingly come up against and buffeted one another. Up to now, the U.S. has held sway worldwide due to its economic dominance buttressed by a colossal war machine accounting for 47% of total world arms spending. But Iraq has dramatically shown the limits of this: "A country that cannot control Iraq can hardly remake the globe on its own." (Financial Times) But no privileged group disappears from the scene of history without a struggle. Donald Rumsfeld, U.S. defense secretary, has stated: "Since no nation threatens China, one must wonder: why this growing [arms] investment? Why these continuing large and expanding arms purchases?" China could ask the same question of the U.S. In order to maintain its position, the U.S. keeps six nuclear battle fleets permanently at sea, supported by an unparalleled network of bases. As Will Hutton in The Observer has commented, this is not because of "irrational chauvinism or the needs of the military-industrial complex, but because of the pressure they place on upstart countries like China." In turn, the Chinese elite has responded in kind. For instance, in the continuing clash over Taiwan, a major-general in the People's Liberation Army baldly stated that if China was attacked "by Washington during a confrontation over Taiwan... I think we would have to respond with nuclear weapons." He added: "We Chinese will prepare ourselves for the destruction of all of the cities east of Xian. Of course, the Americans would have to be prepared that hundreds... of cities would be destroyed by the Chinese." This bellicose nuclear arms rattling shows the contempt of the so-called great powers for the ordinary working-class and peasant peoples of China and the people of the U.S. when their interests are at stake.

## politics

#### Fiscal cliff negotiations will succeed now, but pre-election groundwork key

Jonathan Weisman, NYTimes, 10/1/12, Leaders at Work on Plan to Avert Mandatory Cuts, www.nytimes.com/2012/10/02/us/senate-leaders-at-work-on-plan-to-avert-fiscal-cliff.html?\_r=2&hp&&pagewanted=all

Senate leaders are closing in on a path for dealing with the “fiscal cliff” facing the country in January, opting to try to use a postelection session of Congress to reach agreement on a comprehensive deficit reduction deal rather than a short-term solution.

Senate Democrats and Republicans remain far apart on the details, and House Republicans continue to resist any discussion of tax increases. But lawmakers and aides say that a bipartisan group of senators is coalescing around an ambitious three-step process to avert a series of automatic tax increases and deep spending cuts.

#### Plan kills Obama

Petroleum Intelligence Weekly, 1/9/12, Obama Plays Safe on Energy Policy, Lexis

With less than a year to go until he faces re-election, US President Barack Obama is trying to avoid controversial energy policy decisions, postponing the finalization of restrictions on oil refinery and power plant emissions and delaying the approval of a major crude pipeline project. The president’s caution will prolong the status quo on issues where the industry both opposes and supports the administration’s plans, and also illustrates what's at stake for energy policy depending on whether or not Obama is given another four years in office. Most of Obama's original campaign pledges on promoting alternatives to fossil fuels and tackling climate change have not passed muster with Congress, most notably an ambitious plan for national carbon controls, a subsequent toned-down clean energy standard floated after the carbon legislation failed, and repeated efforts to repeal $30 billion-$40 billion worth of oil industry tax deductions over 10 years ( PIW May9'11 ). The one exception has been the passage of $90 billion in clean energy funding as part of an economic stimulus bill passed early in Obama's term, but the White House has been unable to repeat this success in other energy policy areas ( PIW Feb.23'09 ).

#### Presidential leadership is key to a compromise – the alternative is the collapse of hegemony, a double-dip recession, and war in the Middle East

Hutchison, U.S. Senator from the great state of Texas, 9/21/2012

(Kay Bailey, “A Looming Threat to National Security,” States News Service, Lexis)

Despite warnings of the **dire consequences**, **America is teetering at the edge of a fiscal cliff**, with January 1st, 2013 as the tipping point. On that date, **unless Congress and the White House can reach agreement** on how to cut the federal deficit, all taxpayers will be hit with higher taxes and deep cuts - called "sequestration" - will occur in almost all government spending, disrupting our already weak economy and putting our national security at risk.

According to the House Armed Services Committee, if sequestration goes into effect, it would put us on course for more than $1 trillion in defense cuts over the next 10 years. What would that mean? A huge hit to our military personnel and their families; devastating cuts in funding for critical military equipment and supplies for our soldiers; and **a** potentially **catastrophic blow to our** national defense and **security capabilities** in a time of increasing violence and danger.

All Americans feel a debt of gratitude to our men and women who serve in uniform. But Texas in particular has a culture that not only reveres the commitment and sacrifice they make to protect our freedom, we send a disproportionate number of our sons and daughters to serve.

The burden is not borne solely by those who continue to answer the call of duty, but by their families as well, as they endure separation and the anxiety of a loved one going off to war. These Americans have made tremendous sacrifices. They deserve better than to face threats to their financial security and increased risks to their loved ones in uniform, purely for political gamesmanship.

Sequestration would also place an additional burden on our economy. In the industries that support national defense, as many as 1 million skilled workers could be laid off. With 43 straight months of unemployment above 8 percent, it is beyond comprehension to add a virtual army to the 23 million Americans who are already out of work or under-employed. **Government and private economic forecasters warn that sequestration will push the country back into recession next year**.

The recent murder of our Ambassador to Libya and members of his staff, attacks on US embassies and consulates and continued riots across the Middle East and North Africa are stark reminders that great portions of the world remain volatile and hostile to the US. **We have the mantle of responsibility that being the world's lone super-power brings**. **In the absence of U.S. military leadership**, **upheaval in the Middle East would be worse**. **As any student of history can attest**, **instability does not confine itself to national borders**. **Strife that starts in one country can spread like wildfire across a region**.

Sequestration's cuts would reduce an additional 100,000 airmen, Marines, sailors and soldiers. That would leave us with the smallest ground force since 1940, the smallest naval fleet since 1915 and the smallest tactical fighter force in the Air Force's history. With the destabilization in the Middle East and other areas tenuous, we would be left with a crippled military, **a diminished stature internationally and a loss of technological** research, development and **advantage** - just as actors across the globe are increasing their capabilities.

Sequestration can still be avoided. **But that will require** leadership from the President that has thus far been missing. Congress and the White House must reach a long-term agreement to reduce $1 trillion annual budget deficits, without the harsh tax increases that could stall economic growth and punish working families.

#### Middle East goes nuclear

James A. **Russell,** Senior Lecturer, National Security Affairs, Naval Postgraduate School, ‘9 (Spring) “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” IFRI, Proliferation Papers, #26, http://www.ifri.org/downloads/PP26\_Russell\_2009.pdf

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

## qer

#### 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 end Title V of the Energy Policy Act of 2005 Section 3504 restrictions which state that Tribes must enter into a Tribal Energy Resource Agreement with the Secretary of the Interior in order to produce wind and/or solar energy.

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]

## states – regs

The 50 states and territories should establish an interstate compact. The states and territories should pass resolutions declaring Title V of the Energy Policy Act of 2005 Section 3504 restrictions which state that Tribes must enter into a Tribal Energy Resource Agreement with the Secretary of the Interior in order to produce wind and/or solar energy to be an area of state jurisdiction and not enforce those restrictions.

Interstate compacts allow states to carve out exemptions to existing federal regulations that supersede national law

Cruz, 10

(Sr. Fellow-Center for Tenth Amendment Studies, Shield of Federalism: Interstate Compacts in Our Constitution, December, http://www.texaspolicy.com/center/tenth-amendment/reports/shield-federalism-interstate-compacts-our-constitution)

The American Republic is facing one of the greatest challenges of our history. In Washington, Republicans and Democrats alike have indulged the runaway spending and regulatory overreach of a federal government that continues to expand the scope of its powers unabated. The Patient Protection and Affordable Care Act (“ObamaCare”) marks a dramatic new milestone in that expansion. Americans are starting to realize that restoring and protecting self-government requires a return to our founding principles of limited government and local control. As this nationwide movement gathers momentum, Americans are searching for tools to restore the Constitution’s founding principles. Among the most promising is the interstate compact. Its power as a constitutional device to regulate a multitude of regional issues has already been demonstrated: More than 200 interstate compacts are currently in force. And yet, as this paper shows, that power remains largely unexploited. Under our Constitution, interstate compacts that regulate matters within the enumerated powers of the federal government require congressional consent. **That consent can be** express (an affirmative majority vote in Congress) or even **implied by congressional acquiescence**. In the case of express congressional consent, historically that has been accomplished through either a bill or a resolution that typically has been presented to the President for his signature into law. Critically, once Congress consents to an interstate compact, **the compact carries the force of federal law**, **trumping all prior federal and state law.** Few issues have energized citizens nationally more than the recent federal health care legislation—seen by many as a federal power-grab at the expense of state authority and individual liberty. An interstate health care compact would present a powerful vehicle for the States to confront Obama Care directly. Two insights give force to this Policy Perspective, a legal insight and a political insight. First, legally, the problem confronted by most state efforts against federal health care legislation is that, under the Supremacy Clause, federal law preempts state law. However, with congressional consent, an interstate compact is federal law. Hence, it can supersede all prior federal law—including ObamaCare. Second, politically, if States enter into an interstate compact, it becomes very difficult for their elected congressional representatives to deny them consent. It is one thing to vote in the abstract for federal legislation; it is quite another to tell your home-state constituents that you will not respect their views and expressed desire not to be bound by ObamaCare. More broadly, in the decades ahead, interstate compacts could gain **increasing use as a shield against federal overreach**. With congressional consent, federalized **interstate compacts could shield entire areas of state regulation from the power of the federal government.** This paper explores the history and law of interstate compacts, with particular focus on federalized interstate compacts.

Empirically solves on energy policy and requires no federal involvement

Pincus, 9

(JD Columbia & Articles Editor-Columbia Journal of Law and Social Problems, “When Should Interstate Compacts Require Congressional Consent?”, http://www.columbia.edu/cu/jlsp/pdf/Summer2009/02Pincus.42.4.pdf)

B.THE CONTEMPORARY USES OF INTERSTATE COMPACTS AND PROPOSALS FOR FUTURE COMPACTS

The approximately 200 interstate compacts now in effect cover a broad range of issues, from water allocation and conservation (thirty-seven compacts) to energy and low-level radioactive waste disposal (fifteen compacts). n37 Numerous compacts also address crime control (eighteen compacts), education (thirteen compacts), and child welfare (five compacts). n38 One of the most prominent compacts to have gone into effect in the last decade is the Master Settlement Agreement ("MSA"), under which forty-six states agreed to end their litigation against the four largest tobacco companies in 1998. n39 Shortly after this agreement went into effect, Star Scientific, a tobacco company that did not participate in the agreement, brought an unsuccessful but widely noted suit to have the MSA invalidated as unconstitutional under the Compact [\*520] Clause since it had never been approved by Congress. n40 The MSA's enactment in 1998 and the subsequent court challenges to it brought interstate compacts back onto the radar of legal scholarship and were at least partially responsible for the conception of new possible roles for the interstate compact. The last few years have seen ambitious efforts to utilize interstate compacts to address particularly tough national issues. In the environmental arena, the Regional Greenhouse Gas Initiative ("RGGI"), which came into effect in September of 2008, n41 originated as a response to federal inaction in the face of rising greenhouse gas levels. n42 The RGGI obliges signatory states to implement a cap and trade arrangement for carbon dioxide emissions from power plants. States will freeze emissions at approximately current levels and reduce them over the following decade while allowing power plants to trade emissions credits among themselves. n43 Currently, ten states have joined the RGGI. n44 It seems likely that, **under the current U.S. Steel test, the RGGI would not be found to require congressional approval.** n45 The interstate compact that has generated the most publicity over the last few years is the National Popular Vote ("NPV") compact. Originating in suggestions by Robert W. Bennett, n46 as well as by Akhil Reed Amar and Vikram David Amar, n47 this proposal was explicitly presented as an alternative to Constitutional [\*521] amendment through the process outlined in Article V. n48 The motivating force behind the compact is dissatisfaction with the current method of electing a president, particularly with the way the Electoral College system disincentivizes candidates from collecting votes in states that are either clearly sympathetic or obviously hostile. n49 Because of the impossibility of changing this system through legislation, and because of the significant hurdles involved in enacting a constitutional amendment, the compact presents a feasible way to achieve an otherwise impossible result. The NPV's proponents emphasize that Congressional consent is not required for the compact to be found valid by the courts. n50 If backers of the compact needed to secure its validation in Congress, which they could not accomplish simply by securing support of the legislatures of a handful of populous states, the compact would represent a less attractive way to effect change. As of January 5, 2009, the NPV compact was signed into law in four states, Hawaii, Illinois, New Jersey and Maryland, n51 and had been approved by both houses of the Michigan, Rhode Island and Massachusetts legislatures. n52 Both the RGGI and the NPV compacts exploit the slackness of the U.S. Steel test in order to **transform the interstate compact from a device for addressing local issues into an alternative to federal legislation**. Both proposals are attractive to their proponents precisely because they are viewed as free from the requirement of congressional assent. Supporters attempt to utilize the interstate compact device in a way that appears pretextual and designed to accomplish goals that they think they would be unable to accomplish by constitutional amendment or by federal legislation. Increased activity in areas where states have not previously formed compacts is likely in the coming years. A recently released handbook published by the American Bar Association, [\*522] Evolving Use and Changing Role of Interstate Compacts: A Practitioner's Guide, identifies insurance regulation, prescription drug purchasing and election administration as likely topics for future compact formation. n53 While the NPV is the most dramatic recent proposal to utilize the device of the interstate compact to create an extreme change on a national level, future compacts aiming towards the same goal of national action are possible. This is especially true if commentators or courts find that the NPV does not require congressional consent. In view of the possibility of new and currently unidentified uses of interstate compacts on the horizon, the need to reevaluate the current criteria for when such agreements require the consent of Congress is all the more pressing.

## neolib

#### The affirmative’s call for renewables for Native Americans is neoliberal green-washing—the program is a ruse for corporate access to energy resources—turns the case

Awehali ‘6 (Brian, Free-lance journalist specializing in capitalism, published in dozens of magazines, “NATIVE ENERGY FUTURES: Renewable Energy & the New Rush on Indian Lands,” http://loudcanary.com/2006/06/05/native-energy-futures/, AM)

It all started with a single 750kW wind turbine built by the Rosebud Sioux in South Dakota in 2003. At the time, the Business Journal called the turbine “a four-way transcontinental deal in which everyone makes money while fighting global warming, generating clean electricity and helping Native Americans.” In other words, the Journal gushed, **the wind project was “a ‘green capitalist’s’ dream**.” The editors at the Business Journal might have been a tad hyperbolic in their assessment, but energy on Indian land is certainly big business. In 2004, some $400 million was split between 41 tribes for the sale of oil, gas, and coal on their lands. According to the Indigenous Environmental Network, 35% of the fossil fuel resources in the US are within Indian country; The Department of the Interior estimates that Indian lands hold undiscovered reserves of almost 54 billion tons of coal, 38 trillion cubic feet of natural gas, and 5.4 billion barrels of oil. Indian lands also contain enormous amounts of alternative energy: “Wind blowing through Indian reservations in just four northern Great Plains states could support almost 200,000 megawatts of wind power,” Winona LaDuke told Indian Country Today in March 2005. “[And] tribal landholdings in the southwestern US…could generate enough power to eradicate all fossil fuel burning power plants in the US.” Now imagine, if you can, that you run a US-based energy company at a time when increasing resistance to US imperialism, coupled with rising business costs related to political instability, has made getting the oil, coal, and gas from foreign sources more difficult. Imagine that you’re savvy enough to know that your fossil fuel-based business model is about to get dramatically less lucrative. If you didn’t already have them, you’d probably want to start setting up operations in the more business-friendly, less regulated Wild West of Indian Country. If you were really devious—or maybe just smart—**you might want to have your cake and eat it too, by getting tax subsidies and favorable terms for developing your next business model while greenwashing your ongoing fossil fuel operations.** Wouldn’t you? “Consistent with the President’s National Energy Policy to secure America’s energy future,” testified Theresa Rosier, Counselor to the Assistant Secretary for Indian Affairs, “increased energy development in Indian and Alaska Native communities could help the Nation have more reliable home-grown energy supplies. [The Native American Energy Development and Self-Determination Act of 2003] promotes increased and efficient energy development and production in an environmentally sound manner.” The bill did not ultimately pass, but the idea that “America’s energy future” should be linked to having “more reliable home-grown energy supplies” can be found in other native energy-specific legislation that has passed into law. What this line of thinking fails to take into consideration is that Native America is not actually USAmerica, and that the “supplies” in question **belong to sovereign nations**, not to the United States or its energy sector. Rosier’s statement conveys quite a lot about how the government and the energy sector intend to market the growing shift away from dependence on foreign energy, and how they plan to deregulate (by using “efficiency” as a selling point) and step up their exploitation (“development”) of “domestic” native energy resources: **by spinning it as a way to produce clean energy while helping Native Americans gain greater economic and tribal sovereignty**. Of course, if large companies can establish lucrative partnerships with tribes, largely free of regulation and federal oversight, then so much the better. In this regard, a look at the Alaska Native “communities” Rosier mentioned is instructive. In 1971, Alaskan tribal companies were set up by Congress with roughly $1 billion and 44 million acres of land to divide. Although the real reason for establishing these companies had to do with breaking down largely unified tribal opposition to the construction of an oil pipeline, **they were pitched at the time as a way to help stimulate tribal economies and mitigate the scale of poverty on tribal lands**. “Tribal companies [can] be considered small businesses even after winning billions of dollars in contracts, and there is no limit to the size of the no-bid awards they can win,” reported Michael Scherer in an excellent 2005 Mother Jones article entitled “US: Little Big Companies.” The Alaska tribal companies have, according to Scherer, “become a way for large corporations with no Native American ownership to receive no-bid contracts, an avenue for federal officials to steer work to favored companies, **and a device for speeding privatization**.” Evidence for this assertion abounds. From 2002 through the end of 2004, the Olgoonik Corporation, owned by the Inupiat Eskimo tribe, garnered revenues in excess of $225 million for construction work on US military bases around the world. Because of its tribal status, Olgoonik procured this work without having to bid against others for it. It then subcontracted most of the work to the infamous multinational corporation Halliburton. A November 2004 article in The News & Observer (UK) further reported that “Procurement rules allow native American-owned company, Alutiiq, to provide favored entrée to government contracts and then outsource them to British-owned multinational, Wackenhut.” The article also went on to note that the Chugach Alaska Corp., owned by 1,900 Alaska natives, “was ranked ahead of IBM, Motorola, Goodrich, Goodyear and AT&T in total value of defense contracts in 2003.” Apologists and professional flak catchers, of course, claim that this state of affairs is nothing more than an unfortunate, and unforeseen accident. But Michael Brown, a major player in the formation of Alaskan tribal companies and the so-called “godfather of tribal contracting,” told Mother Jones that this explosion in federal work was “exactly what he hoped for” when he went to work as the chief executive for a subsidiary of the Arctic Slope Regional Corporation in 1982 and pioneered such practices. Arctic Slope is the state’s largest tribal corporation, and the single largest company in Alaska.

#### The affirmative’s move to deregulate [ ] by [ ] produces a field of atomized, competitive political and social relations that reinforce neoliberal governmentality.

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 – debt, offshoring, financialization, eco – only shift from 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]

#### Reject the aff’s neoliberal ideology – 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.

## case

#### Their conception of violence is reductive and can’t be solved

Boulding 77

 Twelve Friendly Quarrels with Johan Galtung

Author(s): Kenneth E. BouldingReviewed work(s):Source: Journal of Peace Research, Vol. 14, No. 1 (1977), pp. 75-86Published

 Kenneth Ewart Boulding (January 18, 1910 – March 18, 1993) was an economist, educator, peace activist, poet, religious mystic, devoted Quaker, systems scientist, and interdisciplinary philosopher.[1][2] He was cofounder of General Systems Theory and founder of numerous ongoing intellectual projects in economics and social science.

 He graduated from Oxford University, and was granted United States citizenship in 1948. During the years 1949 to 1967, he was a faculty member of the University of Michigan. In 1967, he joined the faculty of the University of Colorado at Boulder, where he remained until his retirement.

 Finally, we come to the great Galtung metaphors of 'structural violence' 'and 'positive peace'. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is 'like' a thug beating up the victim and 'taking his money away from him in the street, or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in 'the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galitung's metaphor of structural violence as he has used it has diverted attention from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some 'threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent 'breaks' in the systenm rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its 'strength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is Ithe increase in the strength of the system, 'the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these 'things which enable a system to stand lincreasing strain without breaking down into violence. The strains on the system 'are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflicts of interest 'are only part 'of the strain on a system, and not always the most important part. It is very hard for people ito know their interests, and misperceptions of 'interest take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between percepti'on and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined 'by one unkind commenltator as anything that Galitung doesn't like) was originally defined as any unnecessarily low expectation of life, on that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all 'the problems of poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to 'the structures whi'ch produce violence. This is not rto say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are cultures of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics lof poverty and the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a service in calling attention to a problem, it may have d'one a disservice in preventing us from finding the answer.

#### Biopower doesn’t result in extermination

**Dickinson**, associate professor of history – UC Davis, **‘4**

(Edward, Central European History, 37.1)

In short, the continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakable. Both are instances of the “disciplinary society” and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. And it is certainly fruitful to view them from this very broad perspective. **But that analysis can easily become superficial and misleading**, because it obfuscates the **profoundly different** strategic and local dynamics of power in the two kinds of regimes. Clearly the democratic welfare state is not only formally but also substantively **quite different from totalitarianism.** Above all, again, it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder. Again, there is always the potential for such a discursive regime to generate coercive policies. In those cases in which the regime of rights does not successfully produce “health,” such a system can —and historically does— create compulsory programs to enforce it. But again, there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is **functionally incompatible** with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly **narrow limits on coercive policies**, and to have generated a “logic” or imperative of increasing liberalization. Despite limitations imposed by political context and the slow pace of discursive change, I think this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.90

Of course it is not yet clear whether this is an irreversible dynamic of such systems. Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufé cient numbers of people that I think it becomes useful to conceive of them as productive of a strategic coné guration of power relations that might fruitfully be analyzed as a condition of “liberty,” just as much as they are productive of constraint, oppression, or manipulation. At the very least, **totalitarianism cannot be the sole orientation point** for our understanding of biopolitics, the only end point of the logic of social engineering.

**This notion is not at all at odds with the core of Foucauldian** (and Peukertian) **theory.** Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states; these systems are not “opposites,” in the sense that they are two alternative ways of organizing the same thing. But they are two very different ways of organizing it. The concept “power” should not be read as a universal stiè ing night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively “the same.” Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is, as Foucault argued, “tactically polyvalent.” Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate. The varying possible constellations of power in modern societies create “multiple modernities,” modern societies with quite **radically differing potentials.**91

#### Evaluate consequences

Weiss, Prof Poli Sci – CUNY Grad Center, ‘99

(Thomas G, “Principles, Politics, and Humanitarian Action,” *Ethics and International Affairs* 13.1)

Scholars and practitioners frequently employ the term “dilemma” to describe painful decision making but “quandary” would be more apt.27A dilemma involves two or more alternative courses of action with unintended but unavoidable and equally undesirable consequences. If consequences are equally unpalatable, then remaining inactive on the sidelines is an option rather than entering the serum on the field. A quandary, on the other hand, entails tough choices among unattractive options with better or worse possible outcomes. While humanitarians are perplexed, they are not and should not be immobilized. The solution is not indifference or withdrawal but rather appropriate engagement. The key lies in making a good faith effort to analyze the advantages and disadvantages of different alloys of politics and humanitarianism, and then to choose what often amounts to the lesser of evils.

Thoughtful humanitarianism is more appropriate than rigid ideological responses, for four reasons: goals of humanitarian action often conflict, good intentions can have catastrophic consequences; there are alternative ways to achieve ends; and even if none of the choices is ideal, victims still require decisions about outside help. What Myron Wiener has called “instrumental humanitarianism” would resemble just war doctrine because contextual analyses and not formulas are required. Rather than resorting to knee-jerk reactions to help, it is necessary to weigh options and make decisions about choices that are far from optimal.

Many humanitarian decisions in northern Iraq, Somalia, Bosnia, and Rwanda—and especially those involving economic or military sanctions— required selecting least-bad options. Thomas Nagle advises that “given the limitations on human action, it is naive to suppose that there is a solution to every moral problem. “29 Action-oriented institutions and staff are required in order to contextualized their work rather than apply preconceived notions of what is right or wrong. Nonetheless, classicists continue to insist on Pictet’s “indivisible whole” because humanitarian principles “are interlocking, overlapping and mutually supportive. . . . It is hard to accept the logic of one without also accepting the others. “30

The process of making decisions in war zones could be compared to that pursued by “clinical ethical review teams” whose members are on call to make painful decisions about life-and-death matters in hospitals.sl The sanctity of life is complicated by new technologies, but urgent decisions cannot be finessed. It is impermissible to long for another era or to pretend that the bases for decisions are unchanged. However emotionally wrenching, finding solutions is an operational imperative that is challenging but intellectually doable. Humanitarians who cannot stand the heat generated by situational ethics should stay out of the post-Cold War humanitarian kitchen.

Principles in an Unprincipled World

Why are humanitarians in such a state of moral and operational disrepair? In many ways Western liberal values over the last few centuries have been moving toward interpreting moral obligations as going beyond a family and intimate networks, beyond a tribe, and beyond a nation. The impalpable moral ideal is concern about the fate of other people, no matter how far away.szThe evaporation of distance with advances in technology and media coverage, along with a willingness to intervene in a variety of post–Cold War crises, however, has produced situations in which humanitarians are damned if they do and if they don’t. Engagement by outsiders does not necessarily make things better, and it may even create a “moral hazard by altering the payoffs to combatants in such a way as to encourage more intensive fighting.“33

This new terrain requires analysts and practitioners to admit ignorance and question orthodoxies. There is no comfortable theoretical framework or world vision to function as a compass to steer between integration and fragmentation, globalization and insularity. Michael Ignatieff observes, “The world is not becoming more chaotic or violent, although our failure to understand and act makes it seem so. “34Gwyn Prins has pointed to the “scary humility of admitting one’s ignorance” because “the new vogue for ‘complex emergencies’ is too often a means of concealing from oneself that one does not know what is going on. “3sTo make matters more frustrating, never before has there been such a bombardment of data and instant analysis; the challenge of distilling such jumbled and seemingly contradictory information adds to the frustration of trying to do something appropriate fast.

International discourse is not condemned to follow North American fashions and adapt sound bites and slogans. It is essential to struggle with and even embrace the ambiguities that permeate international responses to wars, but without the illusion of a one-size-fits-all solution. The trick is to grapple with complexities, to tease out the general without ignoring the particular, and still to be inspired enough to engage actively in trying to make a difference.

Because more and more staff of aid agencies, their governing boards, and their financial backers have come to value reflection, an earlier policy prescription by Larry Minear and me no longer appears bizarre: “Don’t just do something, stand there! “3sThis advice represented our conviction about the payoffs from thoughtful analyses and our growing distaste for the stereotypical, yet often accurate, image of a bevy of humanitarian actors flitting from one emergency to the next.

#### Util

Harries, 94 – Editor @ The National Interest

(Owen, Power and Civilization, The National Interest, Spring, lexis)

Performance is the test. Asked directly by a Western interviewer, “In principle, do you believe in one standard of human rights and free expression?”, Lee immediately answers, “Look, it is not a matter of principle but of practice.” This might appear to represent a simple and rather crude pragmatism. But in its context it might also be interpreted as an appreciation of the fundamental point made by Max Weber that, in politics, it is “the ethic of responsibility” rather than “the ethic of absolute ends” that is appropriate. While an individual is free to treat human rights as absolute, to be observed whatever the cost, governments must always weigh consequences and the competing claims of other ends. So once they enter the realm of politics, human rights have to take their place in a hierarchy of interests, including such basic things as national security and the promotion of prosperity. Their place in that hierarchy will vary with circumstances, but no responsible government will ever be able to put them always at the top and treat them as inviolable and over-riding. The cost of implementing and promoting them will always have to be considered.

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

**Cummisky, 96** (David, professor of philosophy at Bates, Kantian Consequentialism, p. 131)

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

## 1NC—Can’t Ban Restrictions

Reduce does not mean eliminate

Words and Phrases 2

(vol 36B, p. 80)

Mass. 1905.  Rev.Laws, c.203, § 9, provides that, if two or more cases are tried together in the superior court, the presiding judge may “reduce” the witness fees and other costs, but “not less than the ordinary witness fees, and other costs recoverable in one of the cases” which are so tried together shall be allowed.  Held that, in reducing the costs, the amount in all the cases together is to be considered and reduced, providing that there must be left in the aggregate an amount not less than the largest sum recoverable in any of the cases.  **The word “reduce**,” in its ordinary signification, **does not mean to cancel**, destroy, **or bring to naught, but to** diminish, **lower**, or bring to an inferior state.—Green v. Sklar, 74 N.E. 595, 188 Mass. 363.

Vote negative---they make the topic huge—allow both quantitative reductions of and outright elimination of restrictions. Their interpretation ignores the plain meaning of the term ‘reduce,’ which determined how we researched the topic.

## 1NC-Plural

Restrictions and incentives are plural count nouns in the resolution—can’t just do one

LinguaLinks, 3

(Ed. Eugene Loos-International Linguistic Consultant with the Summer Institute of Linguistics. Ph. D.-UT Austin, http://www.sil.org/LINGUISTICS/GlossaryOfLinguisticTerms/WhatIsACountNoun.htm)
**A count noun is a noun whose possible referents are thought of as separate entities**.
**It** thus **has the ability**
\* **to take a plural form**
\* to occur with distinctive determiners (such as a/an, many), and
\* to occur with cardinal numerals.
It does not have the ability, however, to occur with a determiner such as much.

Vote negative---Just removing a single restriction or adding an incentive isn’t topical---our interpretation limits the topic to comprehensive reforms and is the only way the resolution makes grammatical sense—foundation for predictability.

## 1NC-Throughout U.S.

The term ‘In’ means throughout

Words and Phrases 8

(Permanent Edition, vol. 20a, p. 207)

Colo. 1887. In the Act of 1861 providing that justices of the peace shall have jurisdiction “in” their respective counties to hear and determine all complaints, **the word “in” should be construed to mean “throughout”** such counties. Reynolds v. Larkin, 14, p. 114, 117, 10 Colo. 126.

That means they have to effect every state—energy specific definitions

EPA 6

(EPA, US Environmental Protection Agency Terminology Reference System, 2-1-2006, http://iaspub.epa.gov/trs/trs\_proc\_qry.alphabet?p\_term\_nm=U)

**United States” When used in the geographic sense, means all of the States**. Office of Pollution Prevention and Toxics : Commercial Chemical Control Rules Term Detail

It is impossible for the aff to be in all the states---they only deal with….

Vote Negative—Our interpretation forces the aff to deal with truly national energy policies—their interpretation allows tiny affs about cities or a single oil well. Vote for the most limiting interpretation to encourage in-depth clash and research.

## 1NC-Production Not Use

Energy production is distinct from consumption

Ristinen, professor of physics – University of Colorado, and Kraushaar, professor of physics – University of Colorado, ‘99

(Robert A. and Jack J., Energy and the environment, p. 21)

The history of consumption and product of energy in the United States since 1950 is shown in Figure 1.8. In this figure, and elsewhere in this text, energy *production* refers to the mining of coal and the bringing of oil and natural gas to the earth’s surface, or to the making of useful energy by nuclear power, hydroelectric power, geothermal power, biomass fuel, solar collectors, and other means. **Energy *consumption* occurs when the fossil fuel is burned or when energy is put to use by the consumer.**

Restriction is a direct limitation

IMF, 10

Prepared by the Legal Department of the IMF, 12/31, http://www.imf.org/external/pubs/ft/sd/index.asp?decision=1034-%2860/27%29

The guiding principle in ascertaining whether a measure is a restriction on payments and transfers for current transactions under Article VIII, Section 2, is whether it involves a **direct governmental limitation** on the availability or use of exchange as such.

The aff is about a restriction on the way that energy consumed---it doesn’t effect energy production

# 2NC

## 2nc ov

#### 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.

## 2nc links

Kronk 12—Assistant Professor, Texas Tech University School of Law (Elizabeth, Tribal Energy Resource Agreements: The Unintended "Great Mischief for Indian Energy Development" and the Resulting Need for Reform, 29 Pace Envtl. L. Rev. 811)

On May 7, 2012, a representative of the Bureau of Indian Affairs confirmed that "to date the Secretary has received no TERA applications and no TERAs have been approved." n124 Moreover, the stated purpose of Title V of the Energy Policy Act, which contains the TERA provisions, was to attract energy development to Indian country, n125 but it has failed to do so. As exemplified by the [\*846] legislative history detailed above, it appears that tribes may have declined to enter into TERAs because of concerns associated with the federally-mandated environmental review program and the potential impact of the waiver of federal government liability, n126 which in turn may have implications related to the federal trust relationship.¶ The waiver of federal liability is itself somewhat of a conundrum, as the Secretary is directed to "act in accordance with the trust responsibility" and "act in good faith and in the best interests of the Indian tribes." n127 The Act provides that nothing contained within it "shall absolve the United States from any responsibility to Indians or Indian tribes." n128 Yet, at the same time, the provisions state that "the United States shall not be liable to any party (including any Indian tribe) for any negotiated term of, or any loss resulting from the negotiated terms" of an agreement entered into under the tribe's TERA. n129 Although perhaps not directly contradictory, these provisions are not entirely consistent with one another, as demonstrated by many of the comments highlighted above. As was explained by President Joe Shirley, Jr. of the Navajo Nation, the general waiver provisions of TERA are inconsistent with the federal trust responsibility and "is an abdication of the federal trust responsibility that is patently unfair to tribes."

#### It’s a condition

Kronk 12—Assistant Professor, Texas Tech University School of Law (Elizabeth, Tribal Energy Resource Agreements: The Unintended "Great Mischief for Indian Energy Development" and the Resulting Need for Reform, 29 Pace Envtl. L. Rev. 811)

the federal government should remove some or all federal "conditions" on such development

#### Their Unger card

Removing the “inherently Federal functions” provision will help shift the presumption from the federal government retaining control over resource development to tribes taking over that control.¶ Second, the environmental review requirements in the Indian Energy Act should be revised to allow tribes more discretion in how they approach environmental issues. Where the TERA framework requires more stringent review than would apply under NEPA, 259 it should be altered to allow tribes greater flexibility. Congress created the TERA environmental review requirements because of concern that tribes would not protect the environment as well as the federal government would under NEPA. 260

## 2nc ci

#### Not T

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.

Regulation is strictly distinct from restriction of production

Qureshi 46

Indian representative at the United Nations Social and Economic council

<http://www.wto.org/gatt_docs/English/SULPDF/90220091.pdf>

Mr. Chairman, I would like to point out that in Article 47, Paragraph 1, the regulation of production should not mean restriction of production, otherwise the whole aim of raising the standard of living will be defeated; nor should it mean to discourage the production of certain commodities if certain countries find it necessary to do so and to expand their production in the interests of their country.

## Limits – Link 2NC

Federal Energy regs are FIVE MILLION RESEARCH HOURS

Tugwell 88

 The Energy Crisis and the American Political Economy:

Politics and Markets in the Management of Natural Resources

 Previously, Dr. Tugwell was the executive director of the Heinz Endowments of Pittsburgh, the founder and president of the Environment Enterprises Assistance Fund, and as a senior consultant for International Projects and Programs at PG&E Enterprises. He served as a deputy assistant administrator at USAID (1980-1981) and as a senior analyst for the energy program at the U.S. Office of Technology Assessment (1979-1980). Dr. Tugwell was also a professor at Pomona College and an adjunct distinguished professor at the Heinz School of Carnegie Mellon University. Additionally, he serves on the Advisory Board and International Committee of the American Council on Renewable Energy and on the Joint Board of Councilors of the China-U.S. Center for Sustainable Development. He also serves on the Board of Eucord (European Cooperative for International Development). Dr. Tugwell received a PhD in political science from Columbia University.

 Finally, administering energy regulations proved a costly and cumbersome endeavor, exacting a price all citizens had to pay. As the energy specialist Paul MacAvoy has noted: "More than 300,000 firms were required to respond to controls, ranging from the three dozen major refining companies to a quarter of a million retailers of petroleum products. The respondents had to file more than half a million reports each year, which probably took more than five mil- lion man-hours to prepare, at an estimated cost alone of $80 mil- lion."64 To these expenditures must be added the additional costs to the government of collecting and processing these reports, monitor- ing compliance, and managing the complex process associated with setting forth new regulations and adjudicating disputes. All to- gether, it seems likely that the administrative costs, private and public, directly attributable to the regulatory process also exceeded $1 billion a year from 1974 to 1980.^

All energy regulation is too big – it’s torture

Edwards 80

 JUDGES: Before EDWARDS, LEAR and WATKINS, JJ. OPINION BY: EDWARDS

 AYOU BOUILLON CORPORATION, ET AL. v. ATLANTIC RICHFIELD COMPANY

 No. 13229 Court of Appeal of Louisiana, First Circuit 385 So. 2d 834; 1980 La. App. LEXIS 3972; 67 Oil & Gas Rep. 240 May 5, 1980 PRIOR HISTORY: [\*\*1] ON APPEAL FROM THE 18TH JUDICIAL DISTRICT COURT, PARISH OF IBERVILLE, HONORABLE EDWARD N. ENGOLIO, JUDGE.

 Comprehending the applicability and complexity of federal energy regulation necessitates both a stroll down the tortuous legislative path and a review of legal challenges so numerous as to require the establishment of a Temporary Emergency Court of Appeals.

Cracks THE CURRICULUM – too much MATERIAL to do it all

Stafford 83

<http://felj.org/elj/Energy%20Journals/Vol6_No2_1985_Book_Review2.pdf>

 Associate, Ross, Marsh & Foster, Washington, D.C. The assistance of David L. Wallace, a third

year student at the Georgetown University Law Center, in the preparation of this review is greatly

appreciated.

 FEDERAL REGULATION OF ENERGY by William F. Fox, Jr. Shepard'slMcGraw-Hill, 1983, 846 pages Reviewed by G. William Stafford\* It may safely be said that any effort to catalogue "the entire spectrum of federal regulation of energy"' in a single volume certainly requires an enterprising effort on the part of the author. In this regard, Mr. Willam F. Fox, Jr., an Associate Professor of Law at Catholic University of America, has undertaken an examination of a vital aspect of United States policy in Federal Regulation of Energy, published in 1983 with an annual pocket supplement available. Despite the complex nature of the subject of his work, Mr. Fox has prepared a text that provides a significant description of many aspects of federal energy regulatory policy. Initially, the book's title may prove somewhat misleading in that it approaches the subject from an historical perspective focused more on substantive than procedural issues. Although a reader gets the impression that the author at time has tried to do too much -at least frotn the standpoint of the energy practitioner- the historical and technical insights it offers the student of federal energy relation are valuable. Moreovel; its detailed explanations of the methods used to tneet federal energy goals are useful for those in the position of initiating energy policy. This strength notwithstanding, it appears unlikely that an energy law practitioner would benefit significantly from its use, other than from its historical point of view. A general impression is that the author may have been overly ambitious in his effort to undertake the monumental task of evaluating laws, regulations, and significant judicial decisions in a single work.

## at: ci—financial inducment

Restrictions must be a formal prohibition, not an INDUCEMENT

Groves 97

GROVES 97

Sourcebook on Intellectual Property Law

 Dr Peter J Groves, LLB, MA, PhD, MITMA, Solicitor

 Then I come to the word 'restrict', A person though not prohibited is restricted from using something if he is permitted to use it to a certain extent or subject to certain conditions but otherwise obliged not to use it, but I do not think that a person is properly said to be restricted from using something by a condition the effect of which is to offer him some inducement not to use it, or in some other way to influence his choice. To my mind, the more natural meaning here is restriction of the licensee's right to use the article and I am fortified in that opinion by two considerations. If I am right in thinking that 'require' and 'prohibit' refer to legal obligations to buy or not to use, I see nothing to suggest that 'restrict' is used in quite a different sense which has nothing to do with legal obligation but which relates to financial disadvantage. And, second, to say that the effect will be to restrict seems to me much more appropriate if restriction refers to restriction of the licensee's right to use than it would be if restriction refers to an inducement not to use. The legality of the condition has to be determined at the time when the licence is granted and if the terms of the conditions are such as to restrict the licensee's right to use an article in certain circumstances then it can properly be said that its effect will be to restrict him from using it. But if, as in the present case, all that can be said is that the effect of the condition in some circumstances will be to offer a financial advantage, which may be considerable or may be small, if the licensee uses the licensor's goods, I do not see how it can be said that its effect will be to restrict the licensee from using other goods. The licensee may be influenced by this financial advantage or he may, perhaps for good reason, choose to disregard it; it is impossible to say in advance what the effect will be.

## 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.

## case

#### War turns structural violence

Bulloch 8

Millennium - Journal of International Studies *May 2008 vol. 36 no. 3 575-595*

 Douglas Bulloch, IR Department, London School of Economics and Political Science.

 He is currently completing his PhD in International Relations at the London School of Economics, during which time he spent a year editing Millennium: Journal of International Studies

 But the idea that poverty and peace are directly related presupposes that wealth inequalities are – in and of themselves – unjust, and that the solution to the problem of war is to alleviate the injustice that inspires conflict, namely poverty. However, it also suggests that poverty is a legitimate inspiration for violence, otherwise there would be no reason to alleviate it in the interests of peace. It has become such a commonplace to suggest that poverty and conflict are linked that it rarely suffers any examination. To suggest that war causes poverty is to utter an obvious truth, but to suggest the opposite is – on reflection – quite hard to believe. War is an expensive business in the twenty-first century, even asymmetrically. And just to examine Bangladesh for a moment is enough at least to raise the question concerning the actual connection between peace and poverty. The government of Bangladesh is a threat only to itself, and despite 30 years of the Grameen Bank, Bangladesh remains in a state of incipient civil strife. So although Muhammad Yunus should be applauded for his work in demonstrating the efficacy of micro-credit strategies in a context of development, it is not at all clear that this has anything to do with resolving the social and political crisis in Bangladesh, nor is it clear that this has anything to do with resolving the problem of peace and war in our times. It does speak to the Western liberal mindset – as Geir Lundestad acknowledges – but then perhaps this exposes the extent to which the Peace Prize itself has simply become an award that reflects a degree of Western liberal wish-fulfilment. It is perhaps comforting to believe that poverty causes violence, as it serves to endorse a particular kind of concern for the developing world that in turn regards all problems as fundamentally economic rather than deeply – and potentially radically – political.

#### Nuclear war comes before ‘structural’ iniquity – the alternative is meaningless

Quester 89

 International-Security Criticisms of Peace ResearchAuthor(s): George H. QuesterReviewed work(s):Source: Annals of the American Academy of Political and Social Science, Vol. 504, PeaceStudies: Past and Future (Jul., 1989), pp. 98-105Published

 George H. Quester is the J.B. and Maurice C. Shapiro Visiting Professor of International Affairs at The George Washington University's Elliott School of International Affairs. He is one of the most distinguished scholars in the field of international security studies, having published a dozen single-authored books and ten edited books and textbooks over the course of his career. He is especially noted for his work on nuclear weapons and arms control. Professor Quester has held appointments at Harvard University, Cornell University, the National War College, the United States Naval Academy, and the Center for Advanced Study in the Behavioral Sciences at Stanford University. Most recently, he was Professor of Government and Politics at the University of Maryland in College Park. Professor Quester's publications include: Deterrence Before Hiroshima (1966, reissued 1986), The Politics of Nuclear Proliferation (1973), The Future of Nuclear Deterrence (1986), Nuclear Monopoly (2000), Offense and Defense in the International System (2003, 3rd ed.), Nuclear First Strike: Consequences of a Broken Taboo (2005), and Preemption, Prevention and Proliferation: the Threat and Use of Weapons In History (2009). He is currently working on a book project, The Last Time We Were at Global-Zero, funded by the Smith Richardson Foundation for 2010-11

 MISSPECIFICATIONS OF PEACE A third major problem to be raised about some forms of peace research and peace studies, again related to what we have already discussed, arises in the tendency to define peace as much more than an absence of the organized violence of warfare, to define it indeed as the elimination also of poverty and injustice and of prejudice and tyranny, and so on-namely, to define peace simply as a synonym for what is good, for what an economist would call utility. Sometimes we are thus told that an opposition to violence must include an opposition to "structural violence,"7 with the latter phrase presumably meaning any organizational or power relationships that violate the moral standards of the beholder, or we **are also told that we** must be in favor of "positive peace," which will include all of these good things, accomplished somehow simultaneously, rather than being content with a "negative peace," limited merely to an absence of warfare. Surely there is a great deal that is lost from all of these definitional innovations, but what is there to be gained? If someone assumed, as noted previously, that consciousnesses somehow have to be raised, then it may well seem important. as an educational and motivational vehicle, to insist that peace includes an end to poverty or racism. If one assumes that there can never be an avoidance of war unless one simultaneously has an avoidance of poverty. Such an approach can apparently be traced to Johan Galtung. See his Peace and Social Structure (Copenhagen: Christian Eljiers, 1978). erty or racism or other social evils, then this causal link will also suggest a definitional link. But, if there is indeed no such one-to-one link in causal relationships and if motivation is not the entirety of the problem of war and peace, then we surely will have thrown away a great deal of clarity if we insist on calling everything bad "war" or "violence" and if we insist on referring to everything we favor as "peace." This would be a little like telling the American Cancer Society that every disease now has to be referred to as "cancer," including heart disease and cholera and meningitis. Can medicine make any progress at all if it is not allowed to use different words for different ailments? Is it really true that to use different words for war and dictatorship and poverty is to weaken our motivation or to accept the inevitability of some evils or actually to favor the existence of such evils? If one goes far enough in accepting the definitional innovations produced by some peace studies curricula, it becomes possible then to define violent attacks as peaceful, as long as they are intended to eliminate racism or injustice, because these attacks are to oppose "structural violence." At the worst, – is kind of redefinition is deliberately misleading, as war and violence are defined as being inappropriate for any cause except one's own ()

th. At a less duplicitous level, we simply have some needless confusion brought into the process, by some relatively honest and well-meaning people. THE SEARCH FOR ULTIMATE SOLUTIONS Advocates of peace research sometimes justify their approach by asserting that they alone are addressing the ultimate or root causes of conflict. Unless one eliminates injustice or racism or prejudice or tyranny, they contend, there can never be a real peace or positive peace. This argument runs the risk, however, of becoming a play on words. Real peace can mean that we approve of every step of the causal chain, going back as far as it can be traced, which might indeed be ideal; but this might hardly be so essential for someone caught in the crossfire of Beirut**, someone who is merely pleading and** praying that the shooting might stop. To imply that a termination of conventional war and an avoidance of nuclear war and an abatement of terrorism are not somehow real would be to blur our understanding of a great deal of what most men and women indeed care about. Similarly, to refer to such an absence of warfare as "negative peace"-as compared with something more positive in "positive peace"-is to use these words of our English language in a manner that substantially underrates the human priority of eliminating warfare, whatever its causes and whatever the remedy. Critics of peace studies would thus come back to argue that these ultimate and genuine reforms of human arrangements for which peace researchers claim such priority are all well and good, but that these may not be capable of being attained in anything less than several centuries. Rather than eliminating all ideological suspicions between Marxists and non-Marxists or eliminating all ethnic dislikes between Greeks and Turks, would it not be a major accomplishment in the meantime to eliminate those kinds of weapons that tend to make wars between such contending factions more likely, and to stress instead the defensive types that discourage military forces from launching attacks? Peace researchers then often reply that any such resignation to intermediate and proximate improvements implies a welcoming of permanent conflict or even a relishing of it or at least an assumption that conflict and hostility are in the natural order of things. But the real issue is surely much more one of whether certain kinds of improvements can be made over certain ranges of time.

## at: pounder

#### DOD energy programs don’t link---conservative won’t oppose

Davenport 12

Coral Davenport, energy and environment correspondent for National Journal. Prior to joining National Journal in 2010, Davenport covered energy and environment for Politico, and before that, for Congressional Quarterly. In 2010, she was a fellow with the Metcalf Institute for Marine and Environmental Reporting. From 2001 to 2004, Davenport worked in Athens, Greece, as a correspondent for numerous publications, including the Christian Science Monitor and USA Today, covering politics, economics, international relations and terrorism in southeastern Europe. She also covered the 2004 Olympic Games in Athens, and was a contributing writer to the Fodor’s, Time Out, Eyewitness and Funseekers’ guidebook series. Davenport started her journalism career at the Daily Hampshire Gazette in Northampton, Massachusetts, after graduating from Smith College with a degree in English literature. National Journal, 2/10/12, White House Budget to Expand Clean-Energy Programs Through Pentagon, ProQuest

The White House believes it has figured out how to get more money for clean-energy programs touted by President Obama without having it become political roadkill in the wake of the Solyndra controversy: **Put it in the Pentagon**. While details are thin on the ground, lawmakers who work on both energy- and defense-spending policy believe the fiscal 2013 budget request to be delivered to Congress on Monday probably won't include big increases for wind and solar power through the Energy Department, a major target for Republicans since solar-panel maker Solyndra defaulted last year on a $535 million loan guarantee. But they do expect to see increases in spending on alternative energy in the Defense Department, such as programs to replace traditional jet fuel with biofuels, supply troops on the front lines with solar-powered electronic equipment, build hybrid-engine tanks and aircraft carriers, and increase renewable-energy use on military bases. While Republicans will instantly shoot down requests for fresh spending on Energy Department programs that could be likened to the one that funded Solyndra, many support alternative-energy programs for the military. "I do expect to see the spending," said Rep. Jack Kingston, R-Ga., a member of the House Defense Appropriations Subcommittee, when asked about increased investment in alternative-energy programs at the Pentagon. "I think in the past three to five years this has been going on, but that it has grown as a culture and a practice - and it's a good thing." "If Israel attacks Iran, and we have to go to war - and the Straits of Hormuz are closed for a week or a month and the price of fuel is going to be high," Kingston said, "the question is, in the military, what do you replace it with? It's not something you just do for the ozone. It's strategic." Sen. Lindsey Graham, R-S.C., who sits on both the Senate Armed Services Committee and the Defense Appropriations Subcommittee, said, "I don't see what they're doing in DOD as being Solyndra." "We're not talking about putting $500 million into a goofy idea," Graham told National Journal . "We're talking about taking applications of technologies that work and expanding them. I wouldn't be for DOD having a bunch of money to play around with renewable technologies that have no hope. But from what I understand, there are renewables out there that already work." A senior House Democrat noted that this wouldn't be the first time that the **Pentagon has been utilized to advance policies that wouldn't otherwise be supported**. "They did it in the '90s with medical research," said Rep. Henry Waxman, D-Calif., ranking member of the House Energy and Commerce Committee. In 1993, when funding was frozen for breast-cancer research programs in the National Institutes of Health, Congress boosted the Pentagon's budget for breast-cancer research - to more than double that of the health agency's funding in that area. **Politically, the strategy makes sense**. Republicans are ready to fire at the first sign of any pet Obama program, and renewable programs at the Energy Department are an exceptionally ripe target. That's because of Solyndra, but also because, in the last two years, the Energy Department received a massive $40 billion infusion in funding for clean-energy programs from the stimulus law, a signature Obama policy. When that money runs out this year, a request for more on top of it would be met with flat-out derision from most congressional Republicans. Increasing renewable-energy initiatives at the Pentagon can also help Obama advance his broader, national goals for transitioning the U.S. economy from fossil fuels to alternative sources. As the largest industrial consumer of energy in the world, the U.S. military can have a significant impact on energy markets - if it demands significant amounts of energy from alternative sources, it could help scale up production and ramp down prices for clean energy on the commercial market. Obama acknowledged those impacts in a speech last month at the Buckley Air Force Base in Colorado. "The Navy is going to purchase enough clean-energy capacity to power a quarter of a million homes a year. And it won't cost taxpayers a dime," Obama said. "What does it mean? It means that the world's largest consumer of energy - the Department of Defense - is making one of the largest commitments to clean energy in history," the president added. "That will grow this market, it will strengthen our energy security." Experts also hope that Pentagon engagement in clean-energy technology could help yield breakthroughs with commercial applications. Kingston acknowledged that the upfront costs for alternative fuels are higher than for conventional oil and gasoline. For example, the Air Force has pursued contracts to purchase biofuels made from algae and camelina, a grass-like plant, but those fuels can cost up to $150 a barrel, compared to oil, which is lately going for around $100 a barrel. Fuel-efficient hybrid tanks can cost $1 million more than conventional tanks - although in the long run they can help lessen the military's oil dependence, Kingston said Republicans recognize that the up-front cost can yield a payoff later. "It wouldn't be dead on arrival. But we'd need to see a two- to three-year payoff on the investment," Kingston said. Military officials - particularly Navy Secretary Ray Mabus, who has made alternative energy a cornerstone of his tenure - have been telling Congress for years that the military's dependence on fossil fuels puts the troops - and the nation's security - at risk. Mabus has focused on meeting an ambitious mandate from a 2007 law to supply 25 percent of the military's electricity from renewable power sources by 2025. (Obama has tried and failed to pass a similar national mandate.) Last June, the DOD rolled out its first department-wide energy policy to coalesce alternative and energy-efficient initiatives across the military services. In January, the department announced that a study of military installations in the western United States found four California desert bases suitable to produce enough solar energy - 7,000 megawatts - to match seven nuclear power plants. And so far, those **moves have met with approval from congressional Republicans**. Even so, any request for new Pentagon spending will be met with greater scrutiny this year. The Pentagon's budget is already under a microscope, due to $500 billion in automatic cuts to defense spending slated to take effect in 2013. But even with those challenges, clean-energy spending probably won't stand out as much in the military budget as it would in the Energy Department budget. Despite its name, the Energy Department has traditionally had little to do with energy policy - its chief portfolio is maintaining the nation's nuclear weapons arsenal. Without the stimulus money, last year only $1.9 billion of Energy's $32 billion budget went to clean-energy programs. A spending increase of just $1 billion would make a big difference in the agency's bottom line. But it would probably be easier to tuck another $1 billion or $2 billion on clean-energy spending into the Pentagon's $518 billion budget. Last year, the Pentagon spent about $1 billion on renewable energy and energy-efficiency programs across its departments.

## Impact ov

#### Highest probability—spike in relations causes war

Miller, assistant professor of international security studies – National Defense University, 12/16/’11

(Paul, <http://shadow.foreignpolicy.com/posts/2011/12/16/how_dangerous_is_the_world_part_ii>)

China in 2011 is even more clearly a danger equal to or greater than the danger it posed during the Cold War.  We went through two phases with China:  from 1950 to 1972 the United States and China were declared enemies and fought to a very bloody stalemate in the Sino-America battles of the Korean War, but the overt hostility was less dangerous because of China's crippling economic weakness.  From 1972 to 1989, the U.S. and China lessened their hostility considerably, but China's power also began to grow quickly as it liberalized its economy and modernized its armed forces.  In other words, in phase one, China was hostile but weak; in phase two, more friendly but also more powerful. We have never faced a China that was both powerful and hostile.

That is exactly the scenario that may be shaping up.  China's economic and military modernization has clearly made it one of the great powers of the world today, including nuclear weapons, a ballistic-missile capability, and aspirations for a blue-water navy.  At the same time, Chinese policymakers, like their Russian counterparts, continue to talk openly about their intent to oppose American unipolarity, revise the global order, and command a greater share of global prestige and influence.  There are several flashpoints where their revisionist aims might lead to conflict:  Taiwan, the Korean Peninsula, the South China Sea, etc.  And U.S. relations with China are prone to regular downward spikes (as during the Tiananmen Square Massacre in 1989, the 1996 cross-straits crisis, the accidental embassy bombing in 1999, the EP3 incident in 2001, the anti-satellite missile test in 2007, and the current trade and currency dispute, to say nothing of our annual weapons sales to Taiwan).  A militarized conflict with China is more likely today, with greater consequences, than at almost any point since the Korean War.

## XT – Romney Bashes China

#### Causes a trade war

Palmer 12

(Doug, Romney would squeeze China on currency manipulation-adviser, , 3/27/2012 p. http://www.reuters.com/article/2012/03/28/us-usa-romney-china-idUSBRE82Q0ZS20120328)

Republican presidential candidate Mitt Romney is looking at ways to increase pressure on China over what he sees as currency manipulation and unfair subsidy practices, a Romney campaign adviser said on Tuesday. "I think he wants to maximize the pressure," Grant Aldonas, a former undersecretary of commerce for international trade, said at a symposium on the future of U.S. manufacturing. Aldonas served at the Commerce Department under Republican President George W. Bush. Romney, the front-runner in the Republican race to challenge President Barack Obama for the White House in November, has promised if elected he would quickly label China a currency manipulator, something the Obama administration has six times declined to do. That would set the stage, under Romney's plan, for the United States to impose countervailing duties on Chinese goods to offset the advantage of what many consider to be China's undervalued currency. Last year, the Democratic-controlled Senate passed legislation to do essentially the same thing. However, the measure has stalled in the Republican-controlled House of Representatives, where leaders say they fear it could start a trade war, and the Obama administration has not pushed for a House vote on the currency bill. The U.S. Treasury Department on April 15 faces a semi-annual deadline to declare whether any country is manipulating its currency for an unfair trade advantage. The department, under both Democratic and Republican administrations, has not cited any country since 1994, when China was last named. Asked if Romney was serious about declaring China a currency manipulator, Aldonas answered: "He is."

#### Worst trade war ever!

Shedlock 12

(Mish, a registered investment advisor representative for SitkaPacific Capital Management. Sitka Pacific is an asset management firm whose goal is strong performance and low volatility, regardless of market direction, interviewed by James Stafford @ OilPrice, “Is Global Trade About To Collapse? Where are Oil Prices Headed? A Chat with Mish” Wed, 25 July 2012, http://oilprice.com/Interviews/Global-Trade-Likely-to-Collapse-if-Romney-Wins-Interview-with-Mike-Shedlock.html)

Oilprice.com: In regards to presidential elections, how do you think energy will fare under Obama and under Romney? Which sectors will benefit, and which will suffer?

Mish: Mitt Romney has declared that if he’s elected he is going to label China a currency manipulator and increase tariffs on China across the board. That's something that I believe he might be able to do by mandate. If he's elected and he does follow through, I think the result will be a global trade war the likes of which we have not seen since the infamous Smoot-Hawley Tariff Act compounded problems during the Great Depression. Simply put, I think that global trade will collapse if Romney wins and he follows through on his campaign promises.

#### Vowed for the first day in office

Hon 12

(Chua Chin – US Bureau Chief, “No repeat of Nixon's audacious state visit; Few believe US, Chinese leaders have latitude to stage similar move today” February 20, 2012, The Straits Times)

In the US, the growing partisan rancour over China policy was captured in a perfect 'split-screen moment' when Mr Xi was feted last Tuesday by the Obama administration, only to be attacked the next day by a ferocious broadside from Republican presidential hopeful Mitt Romney. 'We must forthrightly confront the fact that the Chinese government continues to deny its people basic political freedoms and human rights... A nation that represses its own people cannot ultimately be a trusted partner in an international system based on economic and political freedom,' Mr Romney wrote in an op-ed that appeared on the Wall Street Journal's website last Wednesday night. The article came just hours after the Chinese leader addressed top lawmakers and businessmen in Washington. A day earlier, Mr Xi had also met President Barack Obama and his top Cabinet officials in the White House. Mr Romney went as far as to call Mr Obama 'a near supplicant to Beijing' and warned that a China 'that is a prosperous tyranny will increasingly pose problems'. Over-the-top rhetoric on China is nothing new in American politics. What is striking about the latest criticisms is that they did not emerge from the political fringe but came instead from a mainstream political figure like Mr Romney, whose background as a highly successful venture capitalist and former governor of Massachusetts puts him firmly in the centre of the American establishment. The Obama administration was much more restrained, but did not shy away from publicly criticising China amid the diplomatic niceties either. As the cameras rolled to record their first-ever meeting in the Oval Office last Tuesday, Mr Obama pointedly reminded Mr Xi that Beijing must play by the rules of the road in global trade and economics. Hours later at a formal luncheon held at the State Department in Mr Xi's honour, US Vice-President Joe Biden raised eyebrows by launching into a strongly worded critique of China's 'deteriorating' human rights record and its recent decision to veto a United Nations resolution against Syria. 'If an American vice-president went to China and had been treated to that kind of lecture, the White House press corps would have forced him to say something in response and it would have been a spiral downward,' said Mr Douglas Paal, a veteran Asia hand who has served in several US administrations. Mr Xi chose to bite his tongue, with conventional wisdom here suggesting that the Chinese leaders are sufficiently familiar with the election-year demands on American politicians to know when to ignore the heated rhetoric. While there is an element of truth to that, such reasoning runs the risk of underestimating the genuine anger and frustration with China that has been brewing in the US political and business establishment in recent years. For instance, US legislation aimed at punishing China for its currency policy - long dismissed as political theatre - has been clearing one notable threshold after another. Last October, the Senate passed such a currency Bill with a 63-35 margin, marking the first time such legislation has cleared the upper Chamber. Though the Bill has since languished in the lower legislative Chamber, a Romney victory in November could well revive it**. The Republican presidential front runner has vowed to label China a currency manipulator on** his first day in office **if he wins the White House.** 'There are some US-China issues in the campaign rhetoric **that are real.** This is not just people trying to get votes,' noted Mr Richard Bush, director of the Centre for North-east Asian Policy Studies at the Brookings Institution. 'There is a dimension of it where candidates **are raising serious** concerns about China's behaviour.' For now, there is no way to tell how Mr Xi feels about his treatment in the US, or how it might affect the way he handles bilateral ties in the future when he has fully assumed power. In fact, little is known about his personal views on the broad range of issues surrounding US-China ties. In his public comments in the US, he has mostly stuck to Beijing's standard talking points. He also steered well clear of the American media, avoiding even the established public affairs programmes that would have given him a serious platform to talk about the state of bilateral relations and where things are headed. The few occasions where he tried to show a personal side occurred at tightly scripted events that were unlikely to register with a general audience. For instance, his attempt at recounting a story about how he helped an elderly American widow reconnect with the Chinese childhood home of her late husband took place in the staid surroundings of a hotel ballroom filled with businessmen and officials. The tight leash on Mr Xi stems from the murky rules surrounding elite Chinese Communist Party politics, where the uncertainties surrounding leadership succession and the obsession with political precedence keep younger leaders like him under wraps for impractically long periods of time. For instance, it has been apparent to political observers since late 2007 that Mr Xi will be the one to eventually succeed current Chinese President Hu Jintao at a major party congress later this year. But the lack of official recognition of this impending change, plus the constant chatter about ongoing power struggles, meant that the younger leader could not be put on a plane to Washington in the intervening years. By all accounts, Mr Xi's visit was strictly bound by the precedence set by Mr Hu a decade ago when a similar leadership transition was percolating in Beijing. Back in 2002, months before Mr Hu was due to take over from outgoing leader Jiang Zemin, he made a trip to the US that outsiders saw as a 'final confirmation' of his imminent ascension. Mr Xi appears to be following in the exact same steps, even though the demands on US-China relations and the stakes involved have vastly grown. As Dr Henry Kissinger, the elder US statesman who played a pivotal role in opening relations with China, put it in a recent speech: 'If we work together, common solutions will emerge. If we differ, the world will be forced to choose between conflicting approaches, **which can only undermine the need for a cooperative relationship**.' Experts like Mr Bush of Brookings say Beijing has to find a way to get younger leaders like Mr Xi to engage with the US and other powers at an earlier stage. But there are no signs that such changes are on the cards any time soon, to say nothing of a repeat of the audacious move 40 years ago that shook the world.

#### First day

Drezner 12

(Daniel, professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, “Romney: Year One” MAY 25, 2012, http://www.foreignpolicy.com/articles/2012/05/25/romney\_year\_one?page=full)

Just for fun, however, what if all those campaign words did matter? What if President Romney had to implement every foreign policy campaign promise he's ever made in every foreign-policy white paper, op-ed, campaign statement, or random utterance that came from his campaign? What would the first year of a Romney presidency look like when it met the real world?

The editors of Foreign Policy thought that would be a fun little thought experiment, and they've been keenly aware that I have paid close attention to Romney's foreign policy musings. So, at their request, here's what the first year of a Romney administration would look like for world affairs.

DAY 1: The first day of a Romney presidency brings two major shifts in foreign policy. First, Romney announces that he has "designated [China] as a currency manipulator" and demands that China play by the trade rules. Second, he reinstates the Mexico City policy. Combining these two policies, he also "cut[s] off funding for the United Nations Population Fund, which supports China's barbaric One Child Policy."

## uq 2nc

#### Obama will win now, but its tight

Nate Silver, 10/1/12, Sept. 30: Romney Down a Touchdown?, fivethirtyeight.blogs.nytimes.com/2012/10/01/sept-30-romney-down-a-touchdown/

We’ve probably already been in the fourth quarter for a week or so, because we’ve already passed the point when a convention bounce (if it was indeed a bounce and not a permanent shift in the conditions) might be expected to wear off. And we’ll reach a fourth-quarter landmark on Wednesday, when President Obama and Mitt Romney hold their first of three debates. Every now and then, the game goes into overtime — in which case things like turnout and the Electoral College math suddenly begin to matter a great deal. But let’s not get ahead of ourselves: it’s early in the fourth quarter and Mitt Romney finds himself down in the race. The question is how far behind he is, and what he’ll have to do to make up his deficit with Mr. Obama. According to the win probability calculator at AdvancedNFLStats.com, an N.F.L. team down by field goal with 10 minutes left to play in the fourth quarter has a 34 percent probability of winning the game. A team down by a touchdown wins just 16 percent of the time. (A technical note for sports geeks: these cases assume that the trailing team has possession of the football with first down and 10 yards to go at its own 20 yard line.) If you look at our estimate of Mitt Romney’s chances of winning the Electoral College, which are about 15 percent right now in the FiveThirtyEight forecast, the touchdown analogy works best: Mr. Romney has about as much chance of winning as an N.F.L. team does when it trails by a touchdown early in the fourth quarter. It might be surprising that a team down by just a touchdown — a close game, by any common description of it — winds up winning so rarely. But there are a few things to consider. First, a field goal alone won’t be enough for the team to come back. It needs something big to happen — or it needs to score at least twice. Second, although there’s still enough time in the game for the trailing team to have multiple opportunities to score, there is also enough time for the opponents to score as well and extend their lead. So the team still has to play defense — it’s not purely a two-minute drill. A third and often overlooked (if completely obvious) point: if the trailing team does score a clutch touchdown, it only ties the game. There are a lot of cases in which it will later lose anyway. Right now, our forecast says that Mr. Romney has only about a 15 percent chance of winning. But that does not mean that he only has a 15 percent chance of tightening the race — or of making it come down to the wire. But there are plenty of circumstances in which Mr. Romney has some good things happen, makes the race very close, and then loses — whether because he loses Ohio, or because his turnout operation isn’t much good, or because the polls turn out to be slightly biased toward him rather than against him. As for what might happen this week: the first debate alone will probably not provide an opportunity for Mr. Romney to score a touchdown. Historically, the largest shifts in the polls after the first debate have been about three points in either direction — smaller than Mr. Romney’s current deficit in most polls. This would be the equivalent of a field goal.

#### Obama win still decisively, but Romney is perilously close—events could flip the election

Harry Enten, Guardian election expert, 10/4/12, If Mitt Romney won the debate, will he win the election?, www.guardian.co.uk/commentisfree/2012/oct/04/mitt-romney-won-debate-win-election

Romney gains on an increasingly vulnerable Obama, but the president still leads.

First, general election debates are not primary debates. If you took a polling chart of the 2012 Republican primary, it would look like a w's and m's. Candidate preferences were so flexible that Herman Cain – a man never elected to political office who would leave the campaign because of a sexual harassment charge – led the contest a year ago. The reason Cain took the lead was because he looked good in the debates. When policy differences are small, as they are in primaries, personality matters.

Personality isn't anywhere near as important in general elections. Voters can decide on the issues because there are true substantive differences. That's why most voters have already locked in their choice. President Obama has seemingly held a small, but consistent lead most of this election.

We cannot expect that this or any one debate will turn an Obama edge into a large Romney lead. Romney is down by about 3 percentage points in the Real Clear Politics average. Only 5% of the electorate is truly undecided. Most of these undecided voters weren't watching the debate and probably won't make their choice until election day.

Second, history tells us that debates probably matter under certain circumstances. Thomas Holbrook crunched the numbers since 1988 and found that the margin between the two leading candidates changed by an average of about 4 percentage points between before the first and after the last debate. The margin between Romney and Obama was less than that heading into Wednesday night's debate.

Now, it's awfully difficult to figure out whether it's a debate that is moving polling data or some other event(s) over the course of the debates season. Obama, for instance, gained ground over John McCain in 2008 partly because of the debates, but more because of a financial crisis from which we still haven't fully recovered.

Candidates seem to gain when they were already gaining before the debate or when they are underperforming the "fundamentals". Bush picked up steam in the 1988 debates – ,continuing his rise pre-debates. Bob Dole was vastly underperforming the fundamentals in 1996: he should have been showing behind, but not by 20 points. So, it was not a huge surprise that his polling numbers improved after the debates.

That's why I think Mitt Romney will make up some ground. Though the 5% of undecided voters may be unreachable, there's another 5% of "soft" support. Many of these had been leaning towards Obama or saying they were "undecided" since the conventions: Obama's one-time 1.5-point edge among likely voters doubled or even close to tripled at times during the last few weeks. Those voters are likely to come home to Romney. If they don't, they likely never will.

Romney's also underperforming Jacob Montgomery et al's ensemble forecast from all the fundamental models. These models take into everything from the economy to incumbency to primary season performance. The ensemble has Romney losing, but only by 0.6 percentage points.

Another plus for Romney is that he looked to have been picking up a little steam before the debates began. Obama's lead in the Real Clear average has shrunk from a lead close to 4.5 points back down to 3.

Third, underlying voter sentiment may not change, but enthusiasm probably will and that could change polls. You can go on Twitter and see dejection among many Democrats. Many likely voter models rely upon some level of voter interest or enthusiasm in the election. During the 2000 campaign, Gallup's likely voter model went absolutely bonkers because of enthusiasm differences. One day, Republican enthusiasm was up because of the debates and the next, Democratic excitement went through the roof.

The registered voter numbers, however, didn't move anywhere near as much. With Republicans potentially gaining back the enthusiasm edge they held earlier in the cycle, don't be surprised if an already ridiculously wide likely/registered voter gap actually expands.

Fourth, and most importantly, any president whose approval rating is less than his disapproval rating remains vulnerable. This, folks, is a key point and remains tied to point four. If you read Real Clear Politics, you'll notice that many polls that ask about the president's approval are among adults or registered voters. Those polls are fine when enthusiasm ratings between Democrats and Republicans are near equal. They are not an accurate representation of the electorate if Republicans make a surprisingly large share of the voters come November.

I would not be surprised if a likely voter model average at this point had Obama's approval rating below his disapproval, given the large likely voter/registered voter gap. That's a problem for Obama because no president has won re-election with an approval rating below 50% among the voting (a smaller group than adult) electorate.

The question, then, is whether or not Romney can yank up his favorable rating above his unfavorable. If he can't, Obama's going to win. You don't trade in the bad steak that doesn't make you ill for a bad steak that may give you food poisoning. If Romney can present himself as a viable alternative, then a lot of us might be surprised by the final result.

At this point, however, my belief is that we'll return somewhere close to where we were before the conventions: a small Obama lead of about 1.5 points. There just aren't that many minds that Romney can change at this point. Democrats can also take heart that Republican excitement eventually rebounded a few weeks following President Bush's 2004 debate debacle.

Still, my confidence in an Obama victory is at least somewhat shaken right now. Obama's lead is probably not big enough for him to play the super-cautious game he did on Wednesday.

#### Debate didn’t flip uniqueness, but it proves the brink—new info, like the plan, key

Nate Cohn, New Republic Election Expert, Part-Time Georgetown Coach -- his articles go through a TNR editing process and are available for all on his blog, He has been profiled on New York Magazine and MSNBC…he does not care about us…for realz, 10/4/12, Romney Won the Debate. But Will It Be Enough?, www.tnr.com/blog/electionate/108124/did-romney-reshape-the-race

It looks like Romney has been declared the winner of the first presidential debate. But will it be the turning point he needs. Romney’s performance was very strong, but the debates have not tended to fundamentally reshape past presidential elections, so the burden on Romney was quite high. For that same reason, a good performance by Romney might not have been good enough.

While Romney was on the offensive and Obama was listless, the president did not commit any gaffes and Romney did not level any blows that are likely to reverberate for the next few days. The president did not appear incapable or incompetent as much as he was simply out-debated. If you tend to believe that elections are about the incumbent, this matters. Forty-nine percent of voters have already made it clear that they're willing to reelect the president, so the question is whether tonight's debate introduced new information that might change their minds. If so, it would have to come from changing perceptions of Romney, not the president.

There’s no question that Romney came across as knowledgeable and substantive; to the extent that voters were unsure about his ability to handle the office, he certainly made real gains. But it’s unclear whether Romney made progress toward redressing his fundamental problem: low favorability ratings. It could be the case that Romney’s energy and interest in policy could help him address the “does Romney care” problem in an indirect way, even if it doesn't necessarily proven that he cares about the middle class. On the other hand, though, Romney didn’t go out of his way to stress a message oriented toward the middle class and he didn’t seem unusually empathetic. If anything, his quick pace might have left voters missing his message, even if they were impressed by his performance.

None of this is to say that Romney didn’t win the debate decisively, or even that voters won’t perceive that Romney won decisively. This analysis is just as nit-picky as it sounds, but with good reason: The threshold for assessing that Romney might have reshaped the race is quite high, so it’s worth questioning whether Romney’s good performance was good enough. History suggests that the answer is probably no, but it's not assured and we'll see over the next week or two.

## 2NC Link Wall

Prefer our evidence; it relies on focus groups, not just polls

Brannon, no date

Brad Bannon, president of Bannon Communications Research which for 20 years has designed poll driven messages for Democrats, labor unions and issue groups, “Use Polls and Focus Groups in Political Campaigns,” Winning Campaigns, http://www.winningcampaigns.org/Winning-Campaigns-Archive-Articles/Polls-Focus-Groups-in-Political-Campaigns.html

Survey research is more than numbers; it is about words and feelings. For this reason, survey research should be about focus groups and not just polls.

In political research, polling and focus groups should go together like a horse and carriage. But, often the only kind of research that campaigns conduct is a poll. Polls serve an important need in politics but they are rigid, structured and formal.

If a political campaign is an effort to build a candidate and win an election, the information from the poll would provide the skeleton and the focus groups would supply the skin. Conducting a poll without doing focus groups is a lot like having an ice cream sundae without the whipped cream topping.

But, what are focus groups and what do they do? Focus groups are in depth discussions with ten to twelve voters for a period of one and a half to two hours that deal with candidates, issues and verbiage. They are meetings with voters selected at random by phone within defined demographic parameters.that offer in-depth information that mold the campaign into a being.

Political insiders like to believe that they know everything about the issues and images that surround a campaign but the focus groups give voters an unfiltered chance to tell us what they think is important. In this period of political discontent, anytime you give voters the chance to sound off, the better you will be to understand a hostile political environment.

A professional moderator guides the discussion to acquire the information that the campaign requires. The time you have to talk to voters in focus groups is an important part of the process. There is just so much information that you can get from voters in a 20 minute baseline survey.

The discussion in a focus group gives the researcher the luxury to probe in some detail the nuances of an issue that you can not begin to deal with in a 20 minute baseline telephone survey.

It’s sufficient to flip the election –the belief that Obama’s an ordinary politician underpins his ability to overcome the weak economy

Rutenberg, 8-30

“Emotional Ties to Obama May Be Central to the Election,” New York Times, http://www.nytimes.com/2012/08/31/us/politics/romney-battles-americans-attachment-to-obama.html?pagewanted=all

TAMPA, Fla. — Through three nights of gauzy videos, sentimental testimonials and, finally, his own address to the nation Thursday, Mitt Romney worked hard to show he has a heart.

But he still needs to tackle the much harder job of convincing those Americans who so emotionally invested their hearts in President Obama four years ago that it is time to accept that his presidency did not work, let go of him and move on.

Not even Mr. Romney’s own strategists are pretending that is going to be simple. And even before leaving the nominating convention here, they were beginning a delicate 10-week campaign aimed at those voters who are disappointed in Mr. Obama but just can’t yet bring themselves to quit him.

After month after month of disappointing job numbers, poll after poll showing dissatisfaction in his economic performance and hundreds of millions of dollars in negative advertisements, a large portion of wavering voters maintain a personal attachment to Mr. Obama, and a tentative willingness to give him more time to get it right, top strategists with both campaigns agree.

Solyndra makes Obama look like a wasteful spender

Belogolova, 2012

Olga Belogolova, staff writer for the National Journal, 6-6-2012, “Insiders: Romney Wins on Clean-Energy Messaging,” National Journal, http://www.nationaljournal.com/energy/insiders-romney-wins-on-clean-energy-messaging-20120606

“In a deeply anti-Washington political environment colored by never-ending discussions on tax and spending policy, Solyndra will continue to have traction. The public's response to the GSA's antics drive the point.”

“The election will be a referendum on the president's record and the decisions he has made. Solyndra is example A of the president's failed policies.”

“The Obama issue is based on 'facts' while the Romney issue is based on perception”

“With the recession headed towards a double dip, voters want affordable energy and jobs - not expensive renewables that appear to be more bust than boom.”

 “Playing the China card rarely translates into votes.”

“What, will Obama argue we didn't give enough money to Solyndra?”

“Solyndra is a powerful symbol of wasteful spending, yawning federal deficits, and ineffective stimulus - the charge that Romney wants to surrender to China does not wash."

That makes the plan electoral suicide

Schoen, 2010

Douglas Schoen, pollster for President Bill Clinton, 7-11-2012, NY Daily News, http://articles.nydailynews.com/2010-07-11/news/29438716\_1\_fiscal-discipline-swing-voters-president-obama

What Bam can learn from Bill: President Clinton's ex pollster tells Obama how to win independents The news for President Obama is bad. Very bad. This week's Gallup tracking poll indicates that public support for Obama has fallen to a record low - with his job approval rating dropping to 45% among all voters and 38% among Independents. With ratings this low, the President and his party will almost certainly be unable to avoid devastating losses in the fall midterm elections. The only hope is a fundamental midcourse correction. What then should the President do? The independent swing voters who hold the fate of the Democratic Party in their hands are looking for candidates and parties that champion fiscal discipline, limited government, deficit reduction and a free market, pro-growth agenda. They respect leadership that bucks the Washington establishment and the special interests. Above all else, these swing voters will not tolerate any lack of focus on the most pressing economic concerns: reigniting the economy and creating jobs while simultaneously slashing the deficit and exhibiting fiscal discipline. Some say these are mutually exclusive objectives. They are not. I should know. When I first met with former President Bill Clinton privately in late 1994, jobs and the deficit were major concerns. In the aftermath of that year's devastating mid-term elections when the Republicans gained control of Congress for the first time since 1954, I emphasized that unless Clinton simultaneously **stressed fiscal** discipline and economic growth, he simply could not be reelected in 1996. By adopting a bold new agenda that included a balanced budget, frank acknowledgment of the limits of government, welfare reform, as well as the protection of key social programs, we were able to win a decisive victory over former Senate Majority Leader Bob Dole in 1996. Without that fundamental repositioning, Clinton would almost certainly have lost. While the circumstances are different, the electorate now wants the same things that it wanted back then. The American people, exhausted and demoralized by a sluggish economy, recognize that the stimulus package, as currently crafted and implemented, has at best produced short-term results through subsidization of the public sector. And they are increasingly uneasy about rising deficits, which remain the independent voter's touchstone. The left-wing economists urging Obama to ignore the latter concern and pour more taxpayer money into the economy now, regardless of the impact on the deficits, are prescribing electoral suicide.

The plan renews Solyndra controversy and causes a sustained fight on the issue

Geman, 2011

The Hill staff writer, “Poll: Solyndra ‘not dinner table conversation’ yet,” The Hill, http://thehill.com/blogs/e2-wire/e2-wire/184481-poll-solyndra-not-dinner-table-conversation-yet

“Solyndra does pose a potential problem for future public investments in clean energy, since it further fuels general skepticism about government’s fiscal decisions. A prolonged drumbeat on this issue could reinforce the strong concerns that voters across the political spectrum hold toward government financial decision‐making,” the memo states. “However, it is far more likely to heighten voters’ concerns about government stimulus spending in general than it is to erode perceptions of the solar industry.”

Helps Romney on the economy

Belogolova, 2012

Olga Belogolova, 6-6-2012, "Insiders: Romney Wins on Clean-Energy Messanging," National Journal, www.nationaljournal.com/energy/insiders-romney-wins-on-clean-energy-messaging-20120606

Most of National Journal’s Energy & Environment Insiders think the strategy is working.

Fifty-five percent of Insiders say that the GOP and Romney campaign strategy to criticize Obama for backing the California solar firm is more effective than the Obama campaign’s response that Romney would cede the clean-energy space to countries like China.

The whole scandal is just the perfect punching bag for the campaign, Insiders said.

“The optics of Solyndra are too ugly for most voters to not buy some level of malfeasance,” said one Insider.

Romney’s visit to the Solyndra headquarters came after his campaign’s weeklong push to depict Obama as clueless about the economy and job creation.

“President Obama was here to tout this building and this business as a symbol of the success of his stimulus,” Romney said outside the Solyndra site. “Well, you can see that it’s a symbol of something very different today.”

Insiders said that the Romney campaign’s message could resonate with voters who are concerned about the economy and want look to Obama’s policies as drivers of economic uncertainty.

“As long as the American public is concerned about the economy, President Obama will not win this argument,” said one Insider.

# 1NR

## overview

#### 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).

## perm

#### The aff is just opening the door to a new energy rush—tribal sovereignty is a smokescreen for cyclical violence and exploitation.

Awehali ‘6 (Brian, Free-lance journalist specializing in capitalism, published in dozens of magazines, “NATIVE ENERGY FUTURES: Renewable Energy & the New Rush on Indian Lands,” http://loudcanary.com/2006/06/05/native-energy-futures/, AM)

Now jump forward with me, to April 2003, and the completion of the first large-scale native-owned wind turbine in history—the aforementioned Rosebud Sioux project, built in partnership with NativeEnergy, LLC. During the preceding 21 years, reports ranging from the cautionary to the apocalyptic about carbon emissions and global warming have piled up, and all but the most pig-headed of carbon-emitting industrialists now concede that a fossil fuel-based business model is soon going to be a lot less lucrative. NativeEnergy, which wants to help consumers “enjoy a climate neutral lifestyle,” was founded in 2000 with a mission “to get more wind turbines and other renewable energy systems built.” **There were no Native Americans present in the management of NativeEnergy** at the time of its founding. The multiphase wind development initiative, which began in earnest with the completion of the first wind turbine in 2003, was billed as a way to bring renewable energy–related jobs and training opportunities to the citizens of this sovereign nation, who are among the poorest in all of North America. NativeEnergy’s President and CEO Tom Boucher is an energy industry vet who formerly worked at Green Mountain Energy, a subsidiary of a company now controlled by oil industry giant BP and Nuon, a Netherlands-based energy company. Boucher was convinced there was profit to be made in alternative energy, and the Rosebud project was his test case. Boucher financed the project by selling, of all things, air. More specifically, he took advantage of the new “flexible emissions standards” created by the Kyoto Protocol. Essentially, the standards created tax-deductible pollution credits (or “green tags”) for ecologically responsible companies, which can then be sold to polluters wishing to “offset” their carbon dioxide generation without actually reducing their emissions. As you might expect from a company staffed largely by energy industry vets, NativeEnergy was fiscally crafty. In a novel accounting move, they bought from the Rosebud Sioux, at deep discount, all the green tag pollution credits that they speculated would be accrued over the lifespan of the Rosebud wind project—a total of 50,000 tons of carbon dioxide—then made a lump-sum, one-time funding commitment to the construction of the project. In an April 2003 interview with the Business Journal, Boucher would not divulge how deep the discount he got was, nor would he divulge the terms of subsequent sales of green tags. Since their first test case proved successful, NativeEnergy has moved forward with plans to develop a larger “distributed wind project,” located on eight different reservations. NativeEnergy also became a majority Indian-owned company in August 2005, when the pro-development Intertribal Council on Utility Policy (yes, Intertribal COUP), purchased a majority stake in the company on behalf of its member tribes. Pat Spears, the President of COUP and a member of the lower Brule Sioux tribe, described the purchase as “a great day for Native American people everywhere, because we are demonstrating that living in harmony with our Mother Earth is not only good for the environment, it is also good business. We look forward,” he added, “to bringing in more tribes as equity participants and taking NativeEnergy to the next level.” It’s probably no coincidence that this purchase coincided with that month’s passage of the 2005 Energy Policy Act, which contains native energy–specific provisions in its Title V. Supporters like Tex Hall, president of the National Congress of American Indians, touted the act as “one of the most important tribal pieces of legislation to hit Indian country in the past 20 years. [It] provides real incentives for energy companies to partner with Indian tribes in developing tribal resources.” Keeping in mind that tribal-owned companies are exempt from a great deal of the regulation, oversight, and competitive bidding stipulations that apply to other businesses, and that the legislation increases subsidies for wind energy in particular, the act leaves NativeEnergy ideally situated to exploit its tribal status. But there are a host of alarming provisions in the act. For starters, Section 1813 of Title V gives the US the obviously dangerous power to grant rights of way through Indian lands without permission from Indian tribes, if deemed to be in the strategic interests of an energy-related project. Other critics have derided the act as a fire sale on Indian energy, characterizing various incentives as a broad collection of subsidies for US energy companies, particularly those in Texas. And, according to a 2005 Democracy Now! interview with Clayton Thomas-Muller, Native Energy Organizer for the Indigenous Environmental Network, the act “rolls back the protections of the National Environmental Policy Act and the protections of the National Historic Preservation Act, both of which are critical pieces of legislation that grassroots indigenous peoples utilize to protect our sacred sites.” Most importantly, under the guise of promoting tribal sovereignty (leaving out those aspects of sovereignty that have little or nothing to do with economics), the act also releases the federal government from its traditional trust responsibility to tribes where resource development is concerned. The trust relationship between the US and native tribes has been a crucial way for Native Americans to hold the government legally accountable, as evidenced by the many recent court losses suffered by the Department of the Interior and Treasury during the years-long Indian Trust Case filed by Eloise Cobell on behalf of more than 500,000 Native American landholders. The trust relationship was originally imposed on Native Americans in 1887, after the passage of the Dawes Allotment Act. This act was a fairly straightforward (and successful) attempt to break down tribal unity by dispersing parcels of land to individual Indian “heads of household” who signed on to the government’s “tribal rolls.” The land was not to be managed by Native Americans, however: It was held “in trust,” and the government was supposed to disburse to Native landholders the royalties generated by the leasing of their lands to timber, mining, livestock, and energy interests. But for the most part, the government didn’t disburse the money, and now admits that at least $137 billion of it is simply missing. Without the trust relationship, which among other things makes the government legally responsible for the money it manages, Cobell and her coplaintiffs could not have sued. The Energy Policy Act also shifts responsibility for environmental review and regulation from the federal to tribal governments. This, too, was promoted under the auspices of increasing tribal sovereignty, but it doesn’t take a genius to know that Native Americans won’t be any more successful in regulating the energy industry than the US government, a host of well-funded environmental groups, and the UN have been. In fact, it probably only takes a village-variety idiot to comprehend the predictably disastrous outcome of this shift for Native Americans. It’s hard to believe, in light of the relevant history, that an ever-avaricious energy industry—which has been all too willing to play a game of planetary ecological brinksmanship in the name of profit—places any value on tribal sovereignty unless there’s a way to exploit it. **It’s hard to believe, after hundreds of years of plunder and unaccountability, that further deregulation, coupled with economic incentives**, and even with the participation of some well-meaning “green” players on the field, **is going to deliver anything but the predictable domination of Native Americans by white European economic powers**. In fact, I’ll go out on a limb and say that **the emerging Native American energy infrastructure looks more like the beginnings of a new rush on Indian lands than it does the advent of any kind of brave new sovereign era.**

#### Distorts tribal economies and makes them import dependent

**Mills ‘6** (Andrew, Master’s thesis at Berkeley, overseen by Daniel Kammen, Professor, Energy and Resources, Goldman School of Public Policy University of California, Berkeley, Alastair Iles Post-Doctoral Scholar University of California, Berkeley, “Wind Energy in Indian Country: Turning to Wind for the Seventh Generation,” AM)

In this same vein, it is difficult to argue that wind energy is inherently different that other forms of energy development from the dependency perspective. While it is possible for the Navajo Nation to take steps to ensure that the tribe will obtain the maximum benefit from wind development, such as ensuring that tribal members and Navajo owned businesses have preference in hiring, it is not likely that the tribe can become a self-sufficient wind developer without **severely distorting the priorities of the economy and Navajo government.** The alternative is to allow a specialized, large company from off the reservation to develop the wind farm, with the possibility that a Navajo partner can take part in the ownership of the wind farm. While the Navajo Nation may now have the institutional structure in place to control wind energy development on their land, wind development is still subject to the dependency critique.

#### Energy production is always tied to development – here’s a renewables specific link to corporate exploitation

**Mills ‘6** (Andrew, Masters thesis at Berkeley, overseen by Daniel Kammen, Professor, Energy and Resources, Goldman School of Public Policy University of California, Berkeley, Alastair Iles Post-Doctoral Scholar University of California, Berkeley, “Wind Energy in Indian Country: Turning to Wind for the Seventh Generation,” AM)

In trying to understand the impacts of energy development on families that were directly impacted by energy development on the Navajo Nation, a group of anthropologists in the early 1980’s applied enthoscience methods to unearth the social impacts of energy development. Instead of applying a cost benefit analysis approach whereby the economic value of the social costs were compared to the economic benefits of energy development, the researchers recognized that they must begin with a framework that allows for some costs to a way of life to not have a simple monetary value. Essentially they recognized that what determines the quality of life in not always based on the monetary value of resources. Instead, if energy development were to occur and cause impacts, certain mitigating steps would need to be in place to prevent severe deterioration in the way of life for families impacted by energy development. The researchers evaluated the impacts by first establishing the possible costs to the way of life. Then instead of looking at benefits to offset the costs, they evaluated possible mitigations to the costs that would be required before the impacted families could even begin to assess any benefits that would accompany energy development (Schoepfle et al. 1984, 887-8). The most severe impacts of energy development were found to be forced relocations of families from land that was going to mined, reductions in the numbers of livestock, and denial of access to traditional lands (ibid). The researchers found that the loss of grazing permits was the most threatening outcome in the possible impacts of energy development. The permits were important due to the way the grazing permits were linked to many other dimensions such as lifestyle, kinship, housing, animals, and sacred places (ibid, 894). The authors of the study do not conclude that the adverse impacts of energy development on families necessarily precludes energy development, but their work in the context of Polanyi’s theories of development help to understand why after 13,000 relocations of Navajo families in the past three decades on the Navajo Nation7 many within the Navajo Nation oppose continuing energy development. The idea of a socially embedded economy supports the claim by an advisor to the Navajo government on energy development in the 1970’s, Lorraine Turner Ruffing, that Navajo economic development is subject to cultural constraints. Ruffing asserted that economic development would occur more rapidly on the Navajo reservation if the development strategy took into account differences in the social structure (Ruffing 1976, 612). Ruffing found that often Navajo allocated resources to traditional activities, which did not disrupt their way of life. Even when partaking in non-traditional activities like wage work, many preferred to remain in their local area even if it meant lower wages (ibid). One researcher went as far as to suggest that energy development would always be destined to lead to degradation in the quality of life for many Navajo due to the “disharmony” caused by extracting energy resources (Ellis 1988, 130).

#### That turns the whole aff

Wood 94

Mary Christina Wood, Oregon Law Professor, 1994, “Protecting the Attributes of Native Sovereignty” Utah Law Review, lexis

A barrage of recent development proposals directed to tribes starkly demonstrates an intense modern pressure to develop and industrialize Indian Country. 58 In the era of Self-Determination, however, land grabbing is likely to take subtle forms. The territorial boundaries of Indian Country are unlikely to diminish significantly in the present era. Indian land can be transferred only to the federal government, and rarely is Indian land directly taken out of Indian hands. 59 Instead, the modern rush for Indian land will likely take the form of leasing and development. 60 Most Indian tribes have established tribal corporations and are poised to enter the capitalist economy; indeed, many tribes have already established themselves as economic partners with non-Indian industrial interests. 61 Tribal councils across the country are entertaining offers by private non-Indian corporations to lease tribal lands for mines, industrial sites, waste dumps, residential and commercial developments, and incinerators. 62 Waste disposal issues provide a revealing glimpse of the intense market pressures on tribes, through their tribal councils, to accommodate non-Indian activity on their land. Due to the scarcity of waste disposal facilities, 63 the reluctance of most non-Indian communities to host new facilities, 64 and the prospect of relaxed regulation in Indian Country, 65 waste disposal interests have aggressively targeted Indian lands as sites for the nation's next generation of waste facilities. Nearly every Indian tribe has been asked by industry or government, or both, to accept waste produced by the non-Indian sector. 66 Proposals range from hazardous waste disposal facilities, 67 to regional solid waste landfills, 68 to PCB waste dumps, 69 to agricultural, hazardous, and medical waste incinerators. 70 Several tribal councils have pursued a U.S. Department of Energy ("DOE") offer to store thousands of irradiated spent fuel rods from the nation's 111 commercial nuclear reactors on their reservations. 71 The 70,000 metric tons of waste from the fuel rods [\*1486] will remain radioactive for more than 10,000 years. 72 The rush to develop Indian land and resources has ignited fierce opposition within Indian Country. Many native people oppose the use of their land for non-Indian residential and commercial development, 73 mining, 74 waste disposal, 75 and gaming. 76 The deep-seated internal conflict over development of Indian lands has received scant attention in policy-making circles. Instead, there is a prevailing assumption that such development, because it requires the approval of tribal councils, is consistent with tribal interests. 78 Colonialism, recognized as an overriding feature of past federal Indian policy, 79 is a more elusive force in the modern Self-Determination era, 80 yet it manifests itself in the intense pressure to exploit native land and resources. 81 [\*1489] As in every past era, the federal government's current role remains important. Because the federal government still holds trust title to Indian lands and purports to act as a fiduciary in managing Indian lands, the legal obligations of the government are integral to carrying out those management functions. Moreover, in light of the unmistakable modern rush for Indian land and resources, the federal lease approval function must be measured against trust duties to reflect the new consensual dynamics and deference to tribes ushered in by the Self-Determination era.

#### Reject their “takes the beads” logic cause it’s racist and turns self-determination

Wood 95

Mary Christina Wood, Oregon Law Professor, 1995, Utah L. Rev. 109, Lexis

Some have persuasively argued that many modern Indian development schemes are designed to enrich non-Indian market interests at the expense of native economic sustainability. The allegation is made forcefully by Ward Churchill and Winona LaDuke in an article describing the domestic "colonialism" still waged against tribes under the guise of promoting tribal economic development and sovereignty. n183 The authors analyze the historic transition of [\*155] some native economies to industrial economies, focusing in large part on the role of anglo-style tribal governments formed under the Indian Reorganization Act of 1934 ("IRA"). n184 Closely accountable to the BIA in their early years, the tribal councils often acceded readily to the development requests of the government, n185 and as the authors describe, operated as "classic vehicle[s] of neocolonialism." n186 The authors suggest that on many reservations federal policies extinguished subsistence-based, self-sufficient native economies, n187 and established in their place a new socioeconomic structure primed for industrial exploitation: a dependent Indian population desperate enough to meet the "cruder labor needs of industrialism," combined with tribal governments willing to negotiate the reservations' future through leasing contracts. n188 With these components, the industrial model gained a firm foothold in the Southwest, enabling mineral companies to reap vast quantities of reservation resources. n189 As the authors note, the industrial experience devastated many [\*156] tribes. n190 A repeating pattern of toxic contamination across many of the Southwest reservations n191 left large-scale environmental damage that, for all practical purposes, often precluded any return to a subsistence, land-based economy. n192 The work force, trained for no other type of employment, was often left adrift. The health effects on Indian workers resulting from daily encounters with toxic elements were substantial and often lethal, resulting in an exploding demand for health and social services on the reservation. n193 Rarely were private interests held accountable for their environmental and economic damage. n194 The entire scenario--depletion of raw natural resources, use of reservation populations for dangerous, unskilled work, and the unchecked proliferation of toxins into the surrounding ecosystem--does indeed suggest exploitation on a grand scale and calls into question whether the industrial paradigm is beneficial to tribes over the long term. n195 For many, however, even posing the question may be inappropriate. In the era of Self-Determination, no development occurs without tribal council approval, and there is a prevailing assumption that tribal councils approve only those projects that benefit the tribal economy without risking other important values. Secondguessing [\*157] tribal council decisions, even in a broad policy context, may affront contemporary notions of tribal sovereignty. Although the concern is valid, nevertheless, the constraints faced by tribal councils in making economic decisions warrant inquiry, particularly in the context of trust analysis. The notion of tribal self-determination rests on a basic presumption that decisions are freely made throughout the full arena of tribal decision-making. At least in the economic realm this assumption ignores the constraints facing tribes in the modern economy. Many tribes lack the basic economic freedom which is the presumed hallmark of the United States' capitalist system of free enterprise. Impoverished and sometimes desperate for any source of income, some tribal councils will accept unfavorable--and in some cases repugnant--corporate offers of development, regardless of the consequences to their society. n196 Many tribes entertain offers of strip mining, uranium production, and waste disposal despite the severe health, safety, environmental, social, and economic effects, simply because there is no other perceived alternative. n197 Lack of economic freedom is a familiar mark of exploitation, n198 yet it persists [\*158] in Indian Country behind a cheerful veil of tribal self-determination. n199 Because of severe economic dependency, tribes may find their options unreasonably, if not coercively, dictated by the preferences of economically dominant non-Indian parties. n200 The confluence of these social and economic forces creates an imposing predicament for Native America as a whole--and one which forms an important backdrop against which to analyze the federal trust responsibility. As Churchill and LaDuke note: "The results of [tribal councils' decisions] will undoubtedly shape the futures of American Indian peoples irrevocably." n201 In view of the enormous stakes, redefining the federal trust obligation to support reservation economies is critical. The executive branch exerts a heavy influence over tribal economic development on all reservations through both its land management functions and its role in managing shared resources, such as water and wildlife, which still form the basis of many subsistence economies today. The next section explores the basis in Indian law for employing the trust doctrine to protect Indian economic autonomy as a legitimate beneficiary interest. The subsequent section then suggests factors courts should use in applying the trust doctrine to promote, rather than stifle, tribal economies in light of the troubling context described above.