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we meet-foreign investment is a restriction on production

Hirsch-former senior energy program adviser for Science Applications International Corporation-11 Commentary: Restrictions on world oil production

<http://www.energybulletin.net/stories/2011-03-28/commentary-restrictions-world-oil-production>

Restrictions on world oil production can be divided into four categories: 1. Geology 2. Legitimate National Interests 3. Mismanagement 4. Political Upheaval Consider each in reverse order: Political upheaval is currently rampant across the Middle East, resulting in a major spike in world oil prices. No one knows how far the impacts will go or how long it will take to reach some kind of stability and what that stability will mean to oil production in the Middle Eastern countries that produce oil. We are thus relegated to best guesses, which span weeks, months, or years before there are clear resolutions. One pre-Middle East chaos country limited by political upheaval is Iraq, which is believed to have the oil reserves to produce at a much higher level, but Iraqi government chaos has severely limited oil production expansion. In another long-standing case, Nigeria has been plagued by internal political strife, which has negatively impacted its oil production. Mismanagement of oil production within a country can be due to a variety of factors, all of which mean lower oil production than would otherwise be the case. Venezuela is the poster child of national mismanagement. The country has huge resources of heavy oil that could be produced at much higher rates. Underproduction is due to the government syphoning off so much cash flow that oil production operations are starved for needed funds. In addition, Venezuela has made it extremely difficult, if not impossible for foreign oil companies to operate in the country. Another example of mismanagement is Mexico, where government confiscation of oil revenues, substandard technology, and restrictions on foreign investment has led to significant Mexican oil production decline.

We meet – the plan reduces restrictions that block, delay, and alter foreign investment on energy production

Inside Energy with Federal Lands 4/12/10 (Herman Wang, HEADLINE: Foreign energy investments spark security concerns)

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

#### **Mitigation measures delay and alter deals even if they’re not blocked**

Marchick 07 (David, partner at Covington & Burling, where he advises

companies on the CFIUS process, “Swinging the Pendulum too Far: An Analysis of the CFIUS Process Post-Dubai Ports World,” Jan, http://www.nfap.net/researchactivities/studies/NFAPPolicyBriefCFIUS0107.pdf)

In the 18 years that Exon-Florio has been in force, there have been slightly more than 1700 CFIUS filings. Only one transaction has formally been blocked by the President — a 1990 aerospace investment by a Chinese company. From the data, one would think that CFIUS has merely been a rubber stamp, approving 99.9 percent of the acquisitions. The data belie actual practice, since tough restrictions are imposed by CFIUS as a condition for approval — typically through “mitigation” or “national security” agreements. In addition, parties typically will abandon a transaction in the face of a possible rejection rather than force the President to formally block a proposed acquisition. The public relations damage to a company if a President were to block an acquisition would be substantial.

#### Production deals with a high level of scrutiny are considered “restricted”.

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

The Catalogue classifies foreign direct investments in the various Chinese industry sectors as “encouraged,” “restricted,” “permitted,” or “prohibited,” and sets out specific industries in which foreign investment is either “encouraged,” “restricted,” or “prohibited.” Activities not listed are, in the absence of other rules to the contrary, considered to be “permitted” for foreign investments. Foreign investment in “encouraged” industries may enjoy certain tax benefits and is often subject to less strict administrative requirements from approval authorities. The “restricted” category includes industries into which foreign investment is subject to a higher level of scrutiny, stricter administrative requirements, and may be denied at the discretion of the approval authorities. Foreign investment is not permitted in industries categorized as “prohibited.”

#### ---C/I

#### Restrictions mean qualification on production

Wright v. Magellan Behavioral Health, Inc., 2007 U.S. Dist. LEXIS 48718  2007

In the instant case, the Court is required to interpret the word "restriction" as used by the parties in the Agreement. The parties apparently agree that the legal definition of restriction--"a limitation or qualification," Black's Law Dictionary 1341 (8th ed. 1999)--is a good place to start. Thus, the Court must determine whether the board's supervision requirement falls within this definition.

#### That means conditions on production not just prohibitions

Google Dictionary

qual·i·fi·ca·tion

noun /ˌkwäləfəˈkāSHən/

qualifications, plural

A quality or accomplishment that makes someone suitable for a particular job or activity

- only one qualification required—fabulous sense of humor

The action or fact of becoming qualified as a practitioner of a particular profession or activity

- an opportunity for student teachers to share experiences before qualification

A condition that must be fulfilled before a right can be acquired; an official requirement

- the five-year residency qualification for presidential candidates

#### ---Their interpretation is bad

#### A. Over limits – Their interpretation only allows drill baby drill affirmatives – kills affirmative ground because status quo production is sky high – plan innovation is necessary to circumvent this and produce non-stale debate

#### B. Capital key – Future oil and gas production depends on foreign capital – that’s Ellis – it’s intrinsically tied to extraction which proves its core aff ground

#### Reasonability first – predictability and debatable interpretations first – limits for limits sake is a race to the bottom and kills affirmative ground

### 2AC Caroll CP

#### Permutation-- do the plan and limit CFIUS reviews as outlined by the counterplan.

#### Doesn’t solve any of the case if it doesn’t exclude oil and natural gas – it means that the CFIUS Process gets politicized which causes investment chillout because the Chinese are afraid of blockage mechanisms

#### This isn’t what carroll advocates at all…Zero solvency

Carroll-Emory International Law Review-9

23 Emory Int'l L. Rev. 167 COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY

This proposed definition of national security would be even more limited than the original Exon-Florio signed by President Reagan, as Exon-Florio was designed to apply mainly to defense-based technological acquisitions.223 The main difference between this definition of national security and the original Exon-Florio legislation is that this definition would codify national security to explicitly prevent protectionist use of the CFIUS for political ends. Any consideration of economic security or protection of energy assets from foreign acquisition would be excluded from this definition, as inclusion of such economic factors can only encourage protectionism and politicization of the CFIUS process.224

#### Doesn’t solve- burden of proof is on the company

Carroll-Emory International Law Review-9

23 Emory Int'l L. Rev. 167 COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY

On July 26, 2007, President Bush signed FINSA into law.120 The new legislation modified Exon-Florio in several aspects, most notably by broadening the definition of national security to encompass “homeland security,” and also by including critical infrastructure, energy assets, and critical technologies under the umbrella of FINSA.121 FINSA added the Secretary of Energy as a voting member of the CFIUS122 and made investigations mandatory when either an acquisition is made by an entity controlled by a foreign government or the transaction could result in the control of any critical infrastructure, including major energy assets, by a foreign business.123 This requirement is excepted if the Secretary of the Treasury and the head of the lead agency jointly determine that the transaction will not impair national security.124 Thus, the burden of proof to show that a controlling acquisition of “critical infrastructure” does not threaten national security has arguably shifted from the government to the companies.125 FINSA does define critical infrastructure as “assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.”126 But this definition still allows uncertainty, as the federal government has promulgated multiple evolving and expanding definitions of what constitutes critical infrastructure,127 which could encompass more than a quarter of the national economy.128 The Treasury regulations implementing FINSA do not attempt to define or limit the scope of critical infrastructure.129 Such a broad grab of power for the CFIUS by Congress represents a major intervention into the economy with potentially negative consequences for foreign direct investment.130 FINSA also includes a requirement that the CFIUS file a report with Congress at the completion of any 30-day review or 45-day investigation,131 which increases transparency and the likelihood of congressional involvement.

#### Anything can be considered a military threat

Carroll-Emory International Law Review-9

23 Emory Int'l L. Rev. 167 COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY

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

#### ---Conditionality is illegitimate and a voting issue. Time constraints and the no risk nature of conditionality undermine 2AC strategy. Independently, conditionality undermines the value of debate by causing superficial exploration of competing policy options.

#### the counterplan doenst limit congresses ability to be involved in transactions- means the CP doesn’t solve politicization

Carroll-Emory International Law Review-9

23 Emory Int'l L. Rev. 167 COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY

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

#### zero threat to national security

Carroll-Emory International Law Review-9

23 Emory Int'l L. Rev. 167 COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY

Support for regulation of foreign direct investment centers around unsubstantiated fears that foreign direct investment creates economic instability.179 According to this theory, foreign ownership of important U.S. assets gives other countries the power to destabilize the U.S. economy.180 In reality, however, foreign direct investment aligns the interests of other countries with the United States.181 If another country owns substantial assets in the United States, its future is tied to the American economy, and that country would be going against its own interests to take any action that may destabilize the American economy.182

#### The counterplan results in CFIUS overstretch -

Cyber security is a priority for CFIUS investigations---Caseload currently light but could change if activity increases.

Skadden LLP ’11

Skadden's 2011 Insights"Global M&A"

<http://www.skadden.com/insights/global-ma>

Trends in the CFIUS Review Process

2010 was the second full year under the regulations the Treasury Department adopted to implement the Foreign Investment and National Security Act of 2007 (FINSA). CFIUS’ caseload remained light for much of the year, reflecting the relatively low levels of global M&A activity, but then increased substantially in the fourth quarter. While the number of cross-border transactions subject to CFIUS review in 2010 was still lower than the peak year of 2008, the number of filings in 2010 exceeded 2009 by a considerable margin. Trends in the CFIUS review process included: The number of transactions that went to investigation continued to increase. The CFIUS process consists of a mandatory 30-day review and a discretionary 45-day investigation period, which CFIUS can impose if, in its discretion, it determines that the transaction may “impair national security,” for instance because the transaction would result in “foreign government control” or in foreign control of “critical infrastructure.” We expect this trend to continue in 2011. Fewer transactions were subject to mitigation agreements. In the past, CFIUS has entered into mitigation agreements with parties to transactions to address national security concerns identified during the review process. The number of such agreements declined in 2010, a development largely attributable to FINSA’s requirement that mitigation agreements must be approved unanimously by all CFIUS member agencies. Because those agreements often reflect the concerns of one particular CFIUS member agency but not others, the unanimity requirement has had a pronounced effect and likely will continue to do so in the future. Industrial supply chain and defense industrial base concerns have crept into CFIUS review. The Department of Defense, as a CFIUS member agency, has increasingly pushed assessments of a transaction’s effect on the industrial supply chain and on the defense industrial base during CFIUS review. This reflects a growing concern on DOD’s part that it maintain trusted suppliers for telecommunications and other critical technologies and equipment used in DOD activities. Cybersecurity issues are increasingly important. Fears of cyber-espionage, the vulnerability of companies with sensitive information to cyberattack, and concerns that reliance on foreign telecommunications providers may expose U.S. government agencies and companies to risks all play a growing role in the CFIUS review process.

These issues are especially acute in transactions involving the telecommunications sector, but FINSA now requires all U.S. companies involved in transactions subject to CFIUS review to provide their cybersecurity plans. Although CFIUS blocked two transactions (Firstgold and Emcore) involving Chinese acquirers, those transactions reflected broader concerns beyond the nationality of the foreign acquirer. Indeed, CFIUS approved a number of transactions involving Chinese acquirers, including Meadville Holdings Limited’s sale of its printed circuit board business to TTM Technologies. The Firstgold and Emcore transactions were distinguished instead by two key issues: Co-location of classified facilities. Emcore’s facilities reportedly were in close proximity to classified U.S. government facilities, which likely heightened CFIUS’ perception that foreign ownership of Emcore would pose a risk to U.S. national security. Similarly, Firstgold’s Nevada mine leases were on federal government property, and all four of its facilities were in close proximity to military installations and/or classified U.S. government facilities, limiting mitigation options. Access to export-controlled technologies and/or resources with military applications. Emcore’s fiber optics business also produced and/or used a number of export-controlled technologies with significant military applications, raising additional concerns about whether the proposed investment would give a foreign company access to such technologies. Likewise, CFIUS expressed concerns as to whether Firstgold’s mining operations might give China greater access to tungsten, a key component in missiles that is subject to U.S. export control restrictions. In 2010, the United States and other countries became increasingly active in their scrutiny of foreign investments in companies deemed strategically essential to national security. It remains to be seen whether this trend will remain limited to businesses involved in telecommunications, critical technologies and access to raw materials, or whether it will broaden to encompass a wider range of industries in 2011.

#### Lack of clarity in the definition of national security encourages companies on the margin to file with CFIUS. This overstretches limited agency resources.

Marchick 07 (David, partner at Covington & Burling, where he advises

companies on the CFIUS process, “Swinging the Pendulum too Far: An Analysis of the CFIUS Process Post-Dubai Ports World,” Jan, http://www.nfap.net/researchactivities/studies/NFAPPolicyBriefCFIUS0107.pdf)

In the wake of the Dubai Ports World controversy, the process for securing approvals within CFIUS (the interagency Committee for Foreign Investment in the United States) has grown more difficult for foreign investors, adding to uncertainty and increasing the regulatory risk associated with certain foreign acquisitions. Such uncertainty could inhibit investment in the United States. Reviews are taking longer, costs for companies have increased and CFIUS-imposed conditions are tougher. The more politicized environment surrounding CFIUS has created uncertainty for companies as to whether they should file a transaction with CFIUS. If a company does not file, then it risks CFIUS initiating its own review or opening a review after a deal has been finalized. Given CFIUS’s limited resources, a climate that encourages companies to file with CFIUS for transactions with only a limited nexus to national security actually impedes CFIUS's ability to protect national security by compelling CFIUS staff to focus on acquisitions with few genuine security concerns rather than cases that may require greater due diligence. While CFIUS's primary responsibility is to protect national security, a process which creates greater uncertainty for investments unrelated to national security is unlikely to make America more secure. U.S. national security depends in part on the strength of the U.S. economy, access to leading technologies and our relations with other countries. Therefore, Congress and the executive branch need to find the right balance to meet the twin objectives of protecting national security and promoting investment in the United States.

#### Telecom vulnerable- key to economic and national security

Rogers-Chair Committee on Intelligence-10/8/12

Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE

http://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Huawei-ZTE%20Investigative%20Report%20(FINAL).pdf

The United States’ critical infrastructure, and in particular its telecommunications networks, depend on trust and reliability. Telecommunications networks are vulnerable to malicious and evolving intrusions or disruptive activities. A sufficient level of trust, therefore, with both the provider of the equipment and those performing managed services must exist at all times. A company providing such equipment, and particularly any company having access to or detailed knowledge of the infrastructures’ architectural blueprints, must be trusted to comply with United States laws, policies, and standards. If it cannot be trusted, then the United States and others should question whether the company should operate within the networks of our critical infrastructure. The risk posed to U.S. national-security and economic interests by cyber-threats is an undeniable priority. First, the country’s reliance on telecommunications infrastructure includes more than consumers’ use of computer systems. Rather, multiple critical infrastructure systems depend on information transmission through telecommunications systems. These modern critical infrastructures include electric power grids; banking and finance systems; natural gas, oil, and water systems; and rail and shipping channels; each of which depend on computerized control systems. Further, system interdependencies among these critical infrastructures greatly increase the risk that failure in one system will cause failures or disruptions in multiple critical infrastructure systems. 4 Therefore, a disruption in telecommunication networks can have devastating effects on all aspects of modern American living, causing shortages and stoppages that ripple throughout society. Second, the security vulnerabilities that come along with this dependence are quite broad, and range from insider threats 5 to cyber espionage and attacks from sophisticated nation states. In fact, there is a growing recognition of vulnerabilities resulting from foreign-sourced telecommunications supply chains used for U.S. national security applications. The FBI, for example, has assessed with high confidence that threats to the supply chain from both nation-states and criminal elements constitute a high cyber threat. 6 Similarly, the National Counterintelligence Executive assessed that 2 “foreign attempts to collect U.S. technological and economic information will continue at a high level and will represent a growing and persistent threat to US economic security.” 7 Third, the U.S. government must pay particular attention to products produced by companies with ties to regimes that present the highest and most advanced espionage threats to the U.S., such as China. Recent cyber-attacks often emanate from China, and even though precise attribution is a perennial challenge, the volume, scale, and sophistication often indicate state involvement. As the U.S.-China Commission explained in its unclassified report on China’s capabilities to conduct cyber warfare and computer network exploitation (CNE), actors in China seeking sensitive economic and national security information through malicious cyber operations often face little chance of being detected by their targets. 8 Finally, complicating this problem is the fact that Chinese telecommunications firms, such as Huawei and ZTE, are rapidly becoming dominant global players in the telecommunications market. In another industry, this development might not be particularly concerning. When those companies seek to control the market for sensitive equipment and infrastructure that could be used for spying and other malicious purposes, the lack of market diversity becomes a national concern for the United States and other countries. 9 Of note, the United States is not the only country focusing on these concerns. Australia expressed similar concerns when it chose to ban Huawei from its national broadband infrastructure project. 10 Great Britain has attempted to address the concerns by instituting an evaluation regime that limits Huawei’s access to the infrastructure and evaluates any Huawei equipment and software before they enter the infrastructure. 11

#### Telecom vulnerability kills Air Power

Spade 12

INFORMATION AS POWER-CHINA’S CYBER POWER AND AMERICA’S NATIONAL SECURITY, Colonel Jayson M. Spade-Executive Agent for the Mongraph: United States Army War College, May 2012, http://www.carlisle.army.mil/dime/documents/China's%20Cyber%20Power%20and%20America's%20National%20Security%20Web%20Version.pdf

Cyber power is the ability of a nation-state to establish control and exert influence within and through cyberspace, in support of and in conjunction with the other domain-elements of national power. Attaining cyber power rests on the state’s ability to develop the resources to operate in cyberspace. Cyber power as a nation-state capability is no different than land, sea, air, or space power. Instead of tanks, ships, and airplanes, the state needs networked computers, telecommunication infrastructure, programs and software, and people with the requisite skills. As with the land, sea, air, and space domains, the state can produce effects within cyberspace or into another domain through cyberspace.35 A cyber attack could corrupt an adversary’s logistics database, degrading the adversary’s rapid deployment capabilities; bring down an air defense network, enabling an air attack; or jam the signals of a global positioning satellite, interfering with a warship’s ability to navigate or target its weapons systems.

#### Global WMD conflict

Tellis 98 (Ashley, Senior Political Scientist – RAND, Sources of Conflict in the 21st Century, http://www.rand.org/publications/MR/MR897/MR897.chap3.pdf)

This subsection attempts to synthesize some of the key operational implications distilled from the analyses relating to the rise of Asia and the potential for conflict in each of its constituent regions. The first key implication derived from the analysis of trends in Asia suggests that American air and space power will continue to remain critical for conventional and unconventional deterrence in Asia. This argument is justified by the fact that several subregions of the continent still harbor the potential for full-scale conventional war. This potential is most conspicuous on the Korean peninsula and, to a lesser degree, in South Asia, the Persian Gulf, and the South China Sea. In some of these areas, such as Korea and the Persian Gulf, the United States has clear treaty obligations and, therefore, has preplanned the use of air power should contingencies arise. U.S. Air Force assets could also be called upon for operations in some of these other areas. In almost all these cases, U.S. air power would be at the forefront of an American politico-military response because (a) of the vast distances on the Asian continent; (b) the diverse range of operational platforms available to the U.S. Air Force, a capability unmatched by any other country or service; (c) the possible unavailability of naval assets in close proximity, particularly in the context of surprise contingencies; and (d) the heavy payload that can be carried by U.S. Air Force platforms. These platforms can exploit speed, reach, and high operating tempos to sustain continual operations until the political objectives are secured. The entire range of warfighting capability—fighters, bombers, electronic warfare (EW), suppression of enemy air defense (SEAD), combat support platforms such as AWACS and J-STARS, and tankers—are relevant in the Asia-Pacific region, because many of the regional contingencies will involve armed operations against large, fairly modern, conventional forces, most of which are built around large land armies, as is the case in Korea, China-Taiwan, India-Pakistan, and the Persian Gulf. In addition to conventional combat, the demands of unconventional deterrence will increasingly confront the U.S. Air Force in Asia. The Korean peninsula, China, and the Indian subcontinent are already arenas of WMD proliferation. While emergent nuclear capabilities continue to receive the most public attention, chemical and biological warfare threats will progressively become future problems. The delivery systems in the region are increasing in range and diversity. China already targets the continental United States with ballistic missiles. North Korea can threaten northeast Asia with existing Scud-class theater ballistic missiles. India will acquire the capability to produce ICBM-class delivery vehicles, and both China and India will acquire long-range cruise missiles during the time frames examined in this report.

#### And, economic decline causes great power war.

Royal 2010 Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, pg. 213-215

Less intuitive is how periods of economic decline may increase the likelihood of extern conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defense behavior of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson’s (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crisis could usher in a redistribution of relative power (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Seperately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland’s (1996, 2000) theory of trade expectations suggests that ‘future expectation of trade’ is a significant variable in understanding economic conditions and security behavious of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations, However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crisis could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favor. Moreover, the presence of a recession tends to amplify the extent to which international and external conflict self-reinforce each other. (Blomberg & Hess, 2002. P. 89) Economic decline has been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. ‘Diversionary theory’ suggests that, when facing unpopularity arising from economic decline, sitting governments have increase incentives to fabricate external military conflicts to create a ‘rally around the flag’ effect. Wang (1996), DeRouen (1995), and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlated economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crisis and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

#### the counterplan is worse- distracts attention.

Carroll-Emory International Law Review-9

23 Emory Int'l L. Rev. 167 COMMENT: BACK TO THE FUTURE: REDEFINING THE FOREIGN INVESTMENT AND NATIONAL SECURITY ACT'S CONCEPTION OF NATIONAL SECURITY

Limiting the Exon-Florio definition of national security only to military threats may seem odd and reactionary in the post-9/11 world, where unconventional threats abound. However, counter-terrorism requires appropriate tools, and regulating foreign direct investment simply falls short of being a cost-effective method of ensuring homeland security.233 Focusing on the nationality of a company’s ownership in a globalized world only distracts us from real security threats posed by non-state actors.234 Many terrorist threats do not exist as a result of primary support from any nation, but rather as tactics in service of an ideology.235 As José Padilla, John Walker Lindh, and many others have illustrated, no one ethnic group has a monopoly on Al-Qaeda membership or support. Instead of penalizing investments from various Arab states simply because terrorists draw support from that region, homeland security policy should focus on thwarting the terrorists themselves. The CFIUS must return to a focus on state military capabilities because the terrorist threats are from non-state actors, and restricting economic investment from certain nations does not, per se, deal with the threat of terrorism. Just because terrorism is a serious threat does not mean that the CFIUS is the best tool to protect critical infrastructure.

### 2AC Immigration DA

#### Won’t pass – budget and gun battles

The Republic 1-4 (‘Cliff’ fight, gun control pushing immigration reform out of spotlight, http://www.azcentral.com/news/politics/articles/20130103immigration-reform-at-crossroads.html)

Immigration reform jumped to the top of President Barack Obama’s second-term agenda after he won re-election with more than 70 percent of the Latino vote. But the already-difficult challenge of passing comprehensive immigration reform this year, as Obama hopes, has been exacerbated by the drawn-out battle over the “fiscal cliff” and emergence of gun control as a major issue following the December shooting of 20 first-graders and six adults at an elementary school in Newtown, Conn. In an interview Sunday on NBC’s “Meet the Press,” Obama reiterated that “fixing our broken immigration system is a top priority.” “We’ve talked about it long enough,” he said. The overwhelming support Obama received from Latino voters in November also prompted many Republicans to call for immigration reform in a bid to rehabilitate their party’s negative image with Latinos. But immigration reform has a long history of being sidetracked by other issues. Health-care reform and fixing the economy knocked immigration reform off the table in 2009 and 2010. Now, spending cuts and gun control are threatening to derail immigration reform again. That’s because the window to pass immigration legislation is short, analysts and immigration-reform advocates say. If nothing happens this year, immigration reform may become too politically radioactive to tackle leading up to the 2014 congressional midterm election and then the 2016 presidential election. Obama has said numerous times since the election that he wants to begin tackling immigration reform this month. In his first term, he failed to deliver on his pledge to pass a sweeping bill that would have included a legalization program for the more than 11 million undocumented immigrants in the U.S., including about 350,000 in Arizona. To win back support from Latino voters leading up to the election, Obama directed Homeland Security Secretary Janet Napolitano to implement broad administrative changes aimed at helping some undocumented immigrants remain in the United States. One of those changes allows undocumented immigrants to remain in the country while they attempt to legalize their status through a spouse who is a U.S. citizen or other immediate relative. The rule change was finalized this week, a year after it was proposed by the Obama administration, and takes effect on March 4. In the past, illegal immigrants had to first leave the country to apply for a waiver to avoid having to wait outside the country for 10 years as punishment for entering illegally. After the change, illegal immigrants will still have to leave the country to apply for a green card, but they will be able to apply for the waiver inside the U.S., greatly reducing the amount of time they will have to spend separated from relatives who are U.S. citizens. A second change, announced on June 15, allows young undocumented immigrants who came to the United States as minors to apply to live and work temporarily in the country without the threat of deportation. So far, more than 367,000 young undocumented immigrants, often referred to as “dreamers,” have applied for the Deferred Action for Childhood Arrivals program. Meanwhile, the clock is ticking on immigration reform. Although Obama says he wants to jump right into immigration reform, he and Congress will have to focus their attention for months on several unresolved issues left over from the New Year’s Day deal to avert the “fiscal cliff,” including a March1 deadline to avoid billions of dollars in across-the-board spending cuts and a late February/early March deadline to raise the debt ceiling. “That is problem Number 1 for immigration reform. That will dominate the agenda for the time being,” said Louis DeSipio, a political-science professor at the University of California-Irvine. Immigration reform also will have to compete with gun-control legislation. After the shooting in Newtown, Obama appointed Vice President Joe Biden to head an anti-violence commission to come up with new gun-control measures by the end of this month. “That is going to put more pressure on Congress,” DeSipio said. Gun control, plus the divisive atmosphere demonstrated by the Republican-controlled House and the Democrat-run Senate during the fiscal-cliff debate, “makes it more and more unlikely that Congress will actually be able to debate a comprehensive immigration-reform bill,” he said.

#### Immigration vote won’t be until summer even if they immediately hammer out a bill

Voorhees 1-3 (Josh, editor of The Slatest. Before that, he reported on energy policy and politics for Politico & Greenwire, http://www.slate.com/blogs/the\_slatest/2013/01/03/obama\_s\_immigration\_plans\_white\_house\_officials\_suggest\_early\_2013\_won\_t.html)

With one fiscal-cliff fight in the rearview mirror and several more likely looming not too far up the road, many liberals are fretting aloud that President Obama won't have the energy or desire to tackle other issues near the top of his—and their—second-term wish list. White House officials, however, are doing their best to allay those concerns with the (somewhat quiet) promise of action on two high-profile issues: immigration and gun control. The Huffington Post: An Obama administration official said the president plans to push for immigration reform this January. The official, who spoke about legislative plans only on condition of anonymity, said that coming standoffs over deficit reduction are unlikely to drain momentum from other priorities. The White House plans to push forward quickly, not just on immigration reform but gun control laws as well. In the wake of last month's tragedy in Newtown, the president promised to send a gun-control proposal to Congress early this year, likely as soon as this month. The suggestion that the White House will also get to work on immigration reform—long a priority of the president but one that has largely taken a back seat during his time in office—comes as slightly more of a surprise. However, just because the administration is declaring that an unofficial launch to the immigration push is imminent doesn't mean anyone should expect major action anytime soon. The aides who laid out the plans to HuffPo cautioned that it would probably take about two months to cobble together a bipartisan bill, and then another few before either chamber votes on it. That would mean that if all goes as planned (something that is far from certain) it would likely be early or mid-summer before any concrete actions are taken.

#### **Won’t pass – GOP doesn’t want Obama’s plan – assumes the optimism of their evidence**

Stanage and Easley 12/17/12 (Niall, Jonathan, staffwriters for the hill

“Republican leaders balance politics and principle on immigration reform” http://thehill.com/homenews/campaign/273137-republican-leaders-balance-politics-and-principle-on-immigration-reform)

Senior Republicans say the party is struggling to thread the needle on immigration reform, an issue emerging as the next big item on the political agenda once the ongoing deficit talks reach their conclusion. On the one hand, GOP leaders recognize the party needs a new approach. Mitt Romney performed dismally with Latino voters in November’s general election. On the other hand, internal skeptics fear that a GOP rush to embrace a more liberal approach to immigration would risk sundering the conservative movement without paying any electoral dividends. These dilemmas are not entirely new. President George W. Bush and Sen. John McCain (R-Ariz.) pushed immigration reform in the middle of the last decade. They had no success, were subjected to considerable criticism from other conservatives and the issue almost capsized the latter’s run for the 2008 presidential nomination. The difference this time might be that the party is coming off a sizable election loss in which its unpopularity among Hispanics was a key factor. Romney received the support of only 27 percent of Latino voters, according to exit polls — a stark contrast to the 44 percent Bush racked up in 2004. But some influential voices in the party worry that a more centrist line on immigration reform is being pushed too hastily. They also face a tactical decision — whether to support broad reforms or back a more piecemeal approach to the issue. Rep. Jeff Flake (R-Ariz.), who will replace Sen. Jon Kyl (R-Ariz) in the next Congress, said that while “there is a recognition” that the immigration issue had hurt the GOP with Hispanics, he believed “some might overplay it.” He added that there was a danger in “thinking [that] if we do immigration reform, we all of a sudden get 44 percent, like Bush. That’s not the case.” Even so, however, Flake acknowledged that the party’s current position was simply doing it too much damage, especially when the dangers were exacerbated by an inflammatory tone. “Our policy on immigration, or the voices that come from our party, certainly have alienated some in the Hispanic community, but it also alienates others,” he said. “It’s not just that it’s turned off Hispanics -— and it has — but more broadly it’s turned off a lot of people.” Rep. James Lankford (R-Okla.), the chairman of the House Policy Committee, argued that “a vast number of Republicans are supportive of immigration reform.” He also asserted, as do many conservatives, that a significant proportion of the Latino population is simpatico with the GOP’s worldview on economic and social issues. Lankford emphasized that as Republicans ponder whether to modulate their position on immigration reform, “the first consideration can’t be the political benefit.” Yet he fears Republicans who supported any kind of sweeping reform would come under attack from their right flank while most of the benefit could accrue to President Obama. “Whoever is president, they sign it and they get credit for it,” he said. “Some say that if Republicans push immigration reform here, we’ll get credit for it. That’s not true. The president will get credit for it.” The answer, many Republicans and strategists believe, could lie in part with a shift toward supporting something akin to an expansive DREAM Act, without going so far as any deal involving a broader amnesty. Republican strategist Hogan Gidley, who worked closely with former Arkansas Gov. Mike Huckabee (R) and served as the communications director for former Sen. Rick Santorum’s 2012 presidential bid, told The Hill that Republicans need to convince Latinos they are receptive to the challenges the community faces. “It doesn’t mean we open our borders. It doesn’t mean that we grant amnesty. But Huckabee used to make that point that the children were here through no fault of their own. Why deny them a college education?” Gidley cautioned that a broader reform package could be a big political loser for Republicans. He cited the amnesty to which President Ronald Reagan agreed in the 1980s, and added “he still never got their votes.” The lesson to be drawn, he added, was that “we shouldn’t run to change our principles or sell out our convictions for votes, because there is no guarantee that you will get the votes. Then you’re left without your principles and without political support.” Some Republicans believe that progress could be made simply by adopting a less hostile tone when addressing issues like immigration. Such an approach, according to pollster Whit Ayres, could help win over those Hispanics who, ethnicity aside, fit the demographic profile of Republican supporters neatly. “A great deal of what needs to change is adopting an attitude that says, ‘We want Hispanics who believe in limited government and lower taxes and entrepreneurial opportunity as part of our coalition,’ ” he said. Ayres’ company, North Star Opinion Research, last week released a poll from four battleground states — Florida, Colorado, Nevada and New Mexico — that underlined this point. In each of those four states, the poll found many Hispanics who considered themselves conservative did not vote for Romney in November. In the three states other than Florida, the margin was striking. In Nevada, 40 percent of Hispanics declared themselves conservative but only 25 percent said they voted for Romney. In New Mexico, the figures were 47 percent and 29 percent, respectively. “If we simply got the portion of Hispanic voters who consider themselves conservative, we would be back in the hunt,” Ayres said. For Republicans, the current crisis has been a long time coming. Strategist Ed Rollins told The Hill he remembered having a conversation in 1982 with legendary consultant Lee Atwater about how to boost the GOP’s standing with blacks and Latino. Rollins added that the damage that has been done in the interim could not be undone overnight. He counseled the party to think in terms of five-year or 10-year plans that involved selecting more Hispanic candidates among other things. But a more generous approach to immigration reform, he insisted, had to be part of the picture. “It might be a piecemeal thing where where you begin with the DREAM Act and move beyond it,” he said. “Republicans, realistically, can’t be obstructionist.”

#### Nexen deal swamps the link – the process is a political firestorm

Talaga 12/18/12 (Tanya, staffwriter, “U.S. must approve sale of Nexen to Chinese” <http://www.thestar.com/news/canada/article/1304315--u-s-must-approve-sale-of-nexen-to-chinese>)

Now that the Canadian government has cleared the $15.1-billion Nexen deal, the focus shifts to the United States, where regulators must do the same. While only a fraction of Calgary-based Nexen’s holdings are in the United States, if the sale to a Chinese state-owned company gets the green light from U.S. government regulators, the People’s Republic of China will have a firm stake in oilfields in the Gulf of Mexico. The Committee on Foreign Investment has two months to examine the megadeal, searching to see if the foreign acquisition is a threat to U.S. national security. The China National Offshore Oil Corporation’s (CNOOC) takeover of Nexen is the most aggressive and expensive move by China into Canadian and American oil interests. Canada approved the transaction earlier this month but Prime Minister Stephen Harper surprised everyone by saying such purchases, from now on, will only be approved under “exceptional” circumstances. A Chinese presence in the Gulf hasn’t been warmly welcomed by some U.S. senators, American energy executives and those with anti-Chinese sentiments that flared during the recent presidential election. “This is a Chinese state-owned company, not a ‘true’ private company, and they are doing their march around the world to secure dominance,” said Chris Faulkner, CEO of Texas-based Breitling Oil and Gas. “China is obviously a huge importer of oil and natural gas,” he said. “The reality is, 20 per cent of our oil comes from Canada. China owning (oil) assets gives them the ability to use those assets wherever they want. “That is their option if it is their oil.” If the U.S. rejects the takeover of Nexen, billionaire investor Stephen Jarislowsky does not believe the deal will die. His Montreal investment firm, Jarislowsky Fraser Ltd., is one of the largest shareholders in Nexen. He believes CNOOC could buy Nexen without the U.S. assets. “The Americans were waiting to see a decision, and to be polite about it. I don’t think they want to be intransigent because they have bigger fish to fry in the long run,” said Jarislowsky, 87. Nexen refused to comment. CNOOC first tangled with U.S. regulators in 2005 while trying to buy a California firm. CNOOC pulled out at the last minute after offering $18.5 billion cash for Unocal, the Union Oil Company of California. Chevron ended up purchasing Unocal instead. The Committee on Foreign Investment must base its decision on whether the CNOOC deal is a national security threat, says Erica Downs, an energy analyst at the Washington, D.C.-based Brookings Institution. “This would be the first time a Chinese company has an operating role in the United States,” said Downs, a former analyst at the CIA. “There is also concern about the relationship between the Chinese government and Chinese companies . . . the idea that this is a state-owned company and the No. 1 boss is appointed by the Chinese Communist Party,” she said. If the U.S. committee can’t agree, the decision will be U.S. President Barack Obama’s.

#### Fiscal cliff killed political capital

Shear and Calmes 1-3-12

NYT Lawmakers Gird for Next Fiscal Clash, on the Debt Ceiling http://www.nytimes.com/2013/01/03/us/politics/for-obama-no-clear-path-to-avoid-a-debt-ceiling-fight.html?\_r=1&

Moody’s, the rating agency, warned on Wednesday that the looming political battles over the nation’s debt could lower the group’s rating of American debt. “We’re in for another round of brinkmanship and uncertainty,” said Mark Zandi, the chief economist at Moody’s Analytics, who predicted weeks of “angst, discussion and hand-wringing” in Washington. “I don’t think the economy can really find its footing and jump to a higher level of growth until we get to the other side of this.” Joel Prakken, senior managing director of Macroeconomic Advisers, an economics forecasting firm, said bluntly, “This is kind of a mess.” The financial imperative for an increase in the debt limit comes at a time of increasingly sour relations between the president and his Republican adversaries in the House. To secure a deal to avert automatic tax increases and spending cuts on Jan. 1, Mr. Obama was forced into last-minute talks with Senator Mitch McConnell of Kentucky, the Republican leader, after weeks of negotiations with Speaker John A. Boehner in the House collapsed amid acrimony and internal Republican dissension.

#### Gas lobby makes the plan increase political capital

Froomkin 11 (Dan, contributing editor of Nieman Reports, “How the Oil Lobby Greases Washington’s Wheels,” HUFFINGTON POST, 4-6-11, http://www.huffingtonpost.com/2011/04/06/how-the-oil-lobby-greases\_n\_845720.html)

Clout in Washington isn't about winning legislative battles -- it's about making sure that they never happen at all. The oil and gas industry has that kind of clout. Despite astronomical profits during what have been lean years for most everyone else, the oil and gas industry continues to benefit from massive, multi-billion dollar taxpayer subsidies. Opinion polling shows the American public overwhelmingly wants those subsidies eliminated. Meanwhile, both parties are hunting feverishly for ways to reduce the deficit. But when President Obama called on Congress to eliminate about $4 billion a year in tax breaks for Big Oil earlier this year, the response on the Hill was little more than a knowing chuckle. Even Obama's closest congressional allies don't think the president’s proposal has a shot. "I would be surprised if it got a great deal of traction," Senator Jeff Bingaman (D-N.M.), chairman of the Senate energy committee, told reporters at the National Press Club a few days after Obama first announced his plan. Rep. Earl Blumenauer (D-Ore.), co-author of a House bill that closely resembles Obama's proposal, nevertheless acknowledges that it has slim chances of passing. "It will be a challenge to get anything through the House that includes any tax increase for anyone under any circumstance," he told The Huffington Post. The list goes on: "It's not on my radar," said Frank Maisano, a spokesman for Bracewell Giuliani, a lobbying firm with several oil and gas industry clients. "It's old news and it's never going to happen in this Congress. It couldn't even happen in the last Congress." Indeed, the oil and gas industry's stranglehold on Congres is so firm that even when the Democrats controlled both houses, repeal of the subsidies didn't stand a chance. Obama proposed cutting them in his previous two budgets as well, but the Senate -- where Republicans and consistently pro-oil Louisiana Democrat Mary Landrieu had more than enough votes to block any legislation -- never even took a stab at it.

#### Foreign investment in oil and gas is popular

Orol 12 (Rob, senior writer for The Deal magazine and The Daily Deal newspaper, covering the activist hedge fund industry as well as other topics, including the S.E.C. and Capitol Hill. Orol is the author of the 'Over the Hedge' column, contributor to the 'Rules of the Road' weekly column, and is also a commentator on BBC World Television, CNBC TV, Business News Network and National Public Radio, “Cnooc's big deal for Nexen seen succeeding,” MarketWatch August 16, 2012, lexis)

Lobbyists hired early Also greasing the wheels, Cnooc hired Hill+Knowlton, a prominent lobbying firm in both Ottawa and Washington, to lobby on the Nexen deal. Regulatory observers don't believe the U.K. government will raise any objections to the deal. Fournier noted that North Sea oil production is declining, a situation that is driving the British to attract capital there. He noted that in 2010 a consortium of Chinese firms purchased three U.K. electricity networks with no regulatory opposition, indicating that this deal will also likely pass regulatory muster. “The British are pretty desperate to get new capital invested in the North Sea,” he said. For Clayton, the difference between Unocal and Nexen and between 2005 and 2012 is the economy. “Today's economic context is much more conducive to this type of foreign investment winning support in Washington, even in a politically sensitive sector like oil and gas, than was the case in 2005,” he said. “North American oil production is growing more quickly than any other part of the world and companies from all over the world want in on that action.”

#### Winners win

Heineman 10 (Ben Heineman Jr. has held top positions in government, law, and business. He is the author of High Performance with High Integrity “No Presidential Greatness Without Spending Political Capital” <http://www.theatlantic.com/politics/archive/2010/03/no-presidential-greatness-without-spending-political-capital/37865/>)

**Only in recent months**, when he was willing to make it his personal issue and to spend significantly from his store of political capital, was President Obama able to achieve victory in the bitter congressional battle over **health care** reform. Presidential greatness is combining policy and politics to win significant victories that have a major impact on the trajectory of national life. Such victories--which upset the status quo--**only occur** when a president takes political risks and is willing to incur short-term unpopularity with significant segments of the electorate. There have been two great Democrat presidents since FDR--Harry Truman and LBJ. Both came to office through the death of a president; both could have run for a second elected term; both declined to do so because they were extremely unpopular; but, part of their unpopularity was due to courageous decisions which required large expenditure of personal capital and which changed the course of history. Truman, now considered by historians as one of our most momentous presidents, has an astounding list of major decisions by his name: the dropping of the atomic bomb; the formation of the UN and NATO; the adoption of the Marshall Plan; the formulation of the Truman Doctrine and the strategy of "containing" the Soviet Union; a willingness to oppose Communist aggression in North Korea (and to fire General Douglas MacArthur); the issuance of executive orders desegregating the Armed Forces, the civil service and government contracting; recognition of the state of Israel; and promotion of the Fair Deal (which was only a mixed success but which expanded social security, the minimum wage and federal housing support). To be sure, Truman's unpopularity was also due to scandals, a war weary nation and vicious debates about who lost China. But his historical standing today is owed, in no small part, to his political courage and willingness to use up the political capital of the presidency on issues of major import. Similarly, LBJ was one of our greatest domestic presidents. Under his leadership from 1964-66, Congress passed the Civil Rights Act of 1964, the Voting Rights Act of 1965, Medicare, Medicaid, the War on Poverty and a path-breaking elementary and secondary education act. Johnson had the courage to spend political capital on great tasks even though he, of all people, knew that his initiatives, especially on race, would split the Roosevelt coalition, drive away Southern whites, weaken the Democratic Party and put his own reelection in jeopardy. After Lincoln, Johnson is considered the president who did the most to overcome the nation's shameful history of slavery and racial discrimination and to advance the ideal of racial justice. To be sure, Johnson's unpopularity also stemmed, in important part, from his prosecution of an increasingly divisive war in South Vietnam and from a complex, domineering personality that his oleaginous rhetoric could not conceal. Yet, his place in history is secure because of courageous domestic decisions which weakened him politically. By contrast, Jimmy Carter and Bill Clinton, the other two Democratic presidents prior to President Obama, are unlikely (even in light of more even-handed views of historians a generation from now) to enter the pantheon of greatness. President Carter's fundamental problem, oddly enough, was that he recklessly spent presidential capital in his first year in office--on reforming water projects, energy reform, welfare reform and numerous other initiatives--with limited or no success. By the end of 1977, his apolitical approach, and his serial failures, had dramatically diminished his reputation in Washington and seriously eroded his popularity in the nation. And he could never recover from his naive policy profligacy as the nation's economy began to suffer from the lethal combination of high inflation and high interest rates. By contrast, President Clinton tried one major domestic initiative early in his administration--health care--and, after being defeated on that, was either on the defensive or advanced a minimalist, safe agenda. With the Republican take-over of Congress in 1994, Clinton had to fight a rear guard action until the 1996 election. Then the Lewinski scandal and impeachment consumed much of the administration's energy, and Dick Morris's "triangulation" meant that Clinton took few significant political risks. Never has there been a president with as much political and policy talent, who presided over a booming economy (due, only in small part, to public policy) but whose major accomplishments were so slender. I always felt that it was a badge of dishonor for Clinton to leave office with a high approval rating for the reasons I have tried to develop here**: no great deeds are possible for a president without a willingness to risk political standing**. The saga of President Obama is but 14 months old. It is too soon to tell whether health care reform will be a policy succ ess in implementation and a long-term political success (like Medicare) as it changes a health care system bristling with problems. And, of course, it is far, far too soon to make any meaningful judgments about his tenure. But, after a first year of aloofness from the political fray of health care, Obama's willingness, since the Massachusetts senatorial election to push his chips on the table, take a huge political gamble, and win a major legislative victory (with uncertain short-term political consequences) echoes decisions of his great Democratic predecessors, Harry **Truman** and Lyndon **Johnson**.

#### The plan is guidance not legislation

Jackson 10 (James K. Jackson, CRS Specialist in International Trade and Finance, Foreign Investment, CFIUS, and Homeland Security: An Overview, February 4, http://fpc.state.gov/documents/organization/138597.pdf)

While CFIUS’s activities often seem to be quite opaque, the Committee is not free to establish an independent approach to reviewing foreign investment transactions, but operates under the authority of the President and reflects his attitudes and policies. As a result, any discretion CFIUS uses to review and to investigate foreign investment cases reflects policy guidance from the President. Foreign investors are also constrained by legislation that bars foreign direct investment in such industries as maritime, aircraft, banking, resources and power. 7 Generally, these sectors were closed to foreign investors prior to passage of the Exon-Florio provision in order to prevent public services and public interest activities from falling under foreign control, primarily for national defense purposes.

#### That means no link

Hamilton and Schroeder 1994 [James T. Hamilton is an assistant Professor of Public Policy, Economics and Political Science at Duke University, Christopher H. Schroeder is a Professor of Law at Duke University School of Law “Strategic Regulators and the Choice of Rulemaking Procedures: The Selection of Formal vs. Informal Rules in Regulating Hazardous Waste http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4229&context=lcp]

3. As the regulatory costs imposed on parties increase, the more likely the parties will resist and, hence, the more likely the agency is to use informal rulemaking. Industry interest groups may attempt to weaken costly formal rules by commenting on them during the formal rulemaking process or by challenging them in court. Similarly, environmentalists may attempt to strengthen provisions through submissions and court challenges. Regulatory costs for industry include expenditures arising from compliance and enforcement actions, while costs for environmentalists may relate to the potential environmental damages posed by the activity regulated. The more at stake for regulated parties and other intervenors, the more likely the agency may be to issue the rule informally. Issuing a costly rule through the informal process has several advantages for the agency: it makes input from interest groups less likely than under the formal process; reduces the ease with which Congress may monitor agency performance and hence lessens the ability of interest groups to "pull the fire alarm" on agency actions; lessens the probability that an interest group will be able to challenge the rule in court as informal rules lack the long administrative records of formally published rules; and enables the agency to alter costs of compliance for particular parties since informal rules may be applied with more discretion than formal rules.

#### No one will fight the plan- pro-energy lobbyists empirically win out

Schwartz and Wald 1/2/13 (NELSON D. SCHWARTZ and MATTHEW L. WALD, Staff, New York Times, “Some Breaks for Industries Are Retained in Fiscal Deal,” <http://www.nytimes.com/2013/01/03/business/some-breaks-for-industries-are-retained-in-fiscal-deal.html?_r=0>

Nearly $250 million for Hollywood. Over $330 million for the railroad industry. More than $220 million for rum producers. And $62 million for doing business in American Samoa.¶ While taxes are expected to increase for most Americans as a result of the deal between the White House and Congress to end the fiscal impasse in Washington, corporate America was more fortunate. A bevy of tax breaks and credits that had been scheduled to expire at the end of 2012 will be extended for another year, costing taxpayers $46.1 billion over the next decade, according to Congress’s Joint Committee on Taxation.¶ The preservation of these subsidies and deductions has become a perennial Washington ritual in recent years, with lobbyists and companies and their allies on Capitol Hill securing their survival in the fine print of the tax code. Washington’s inability to close many of these loopholes is a sign of just how reluctant business is to sacrifice prized subsidies despite loud calls from many chief executives in recent months to raise taxes, cut spending and deal with huge budget deficits.¶ “Except for the people who like it, it’s a giveaway,” said Eric Toder, co-director of the Urban-Brookings Tax Policy Center. “It’s hard to mobilize opposition, but the people who benefit from it benefit a lot.”¶ Many of the provisions survive because they are so obscure. A $62 million tax credit for employers in American Samoa benefits StarKist, which is the largest private employer in the South Pacific island chain, with nearly 2,000 workers there. The tax break was supported by Jeff Bingaman, Democrat of New Mexico, who as former chairman of the Senate Energy and Natural Resources Committee was an advocate for American territories that lack formal Senate representation.¶ “We support the development credit, and it’s a key factor in our ability to maintain competitive operations in American Samoa,” said Mary Sestric, a spokeswoman for StarKist. “This is a big priority for us.”¶ Corporations were keenly sensitive to changes in broader tax policy, in addition to benefiting from direct tax breaks. For example, Goldman Sachs distributed $65 million in stock to 10 senior executives in December instead of January, when the firm typically makes such awards. That move helped them avoid the higher tax rates that will now be imposed on income of $400,000 or more.¶ The chief executive of Goldman, Lloyd C. Blankfein, was among the most prominent corporate executives who backed higher taxes as part of a broader deficit-reduction package. He and other business leaders also met with President Obama late last year as the White House sought support from corporate America during negotiations with Republicans in Congress.¶ Some subsidies, like a break for research by companies, can actually have long-term benefits for the economy, defenders argue.¶ Others, like the one that allows filmmakers to deduct the first $15 million in production expenses for movies made in the United States, are much more narrowly focused but have loyal supporters that manage to keep them alive year after year. Another beneficiary of Congressional largess is Nascar, which will enjoy a $78 million subsidy for racetrack construction over the next 10 years.¶ “Once they get in, they tend to stay in,” said Alan Auerbach, director of the Robert D. Burch Center for Tax Policy and Public Finance at the University of California, Berkeley.¶ Besides the $46.1 billion in corporate incentives over the next 10 years, there is another $18.1 billion in breaks for alternative energy, much of that going to companies as well. Producers of biodiesel, for example, will reap more than $2 billion in tax breaks. And while it may not exactly be an alternative source of energy, producers of coal on Indian lands retained $1 million in tax breaks — a provision backed by Max Baucus, the Montana Democrat who is chairman of the Finance Committee.¶ The wind industry, a chief beneficiary of support from Washington, will get $12 billion in subsidies over the next decade. In fact, the benefits that were included for the wind sector are slightly broader now than in previous years.¶ Under the new rules, contained in the legislation that Mr. Obama signed on Wednesday, new wind farms will be covered by a production tax credit or an investment tax credit similar to the ones that just expired, but the projects will not need to be finished by the end of this year to qualify; they simply must have been started in 2013.¶ The American Wind Energy Association, a trade group, said in an e-mail to its members that the change was made by Congress “specifically in order to accommodate the business timelines of our industry.” The business has been in a tax-driven boom-and-bust cycle.¶ The renewal of the tax benefits was pushed strongly by Mr. Bingaman, Mr. Baucus and Charles E. Grassley, Republican of Iowa. When the Senate began considering “tax extenders,” or continuations of various tax breaks, wind advocates pushed to have all of them included.¶ “There always seemed to be some bipartisan support for this,” said Philip D. Tingle, a lawyer who specializes in energy taxes. “The element, the issue was, how they were going to pay for it.” The renewal will probably cost the Treasury about $12 billion, although the wind industry insists that it will generate so much taxable activity that total tax revenue, including those at the state and local level, will exceed the tax expenditure.¶ The industry undertook a large lobbying campaign and says it generated more than 750,000 letters, e-mails and other communications with Congress. It took nearly 100 members of Congress on tours of wind farms and factories where components are built. The issue may be more regional than partisan; according to the American Wind Energy Association, 80 percent of wind farms are in Congressional districts represented by Republicans, as are 67 percent of the factories.¶ The tax credits were also extended to cover electricity made from biomass, tides and ocean waves, landfill methane and improvements to hydroelectric stations.

#### Political capital not key to the agenda

Klein 12 (Ezra, citing George Edwards, the director of the Center of Presidential studies at Texas A and M is the editor of Wonkblog and a columnist at the Washington Post, as well as a contributor to MSNBC and Bloomberg. “THE UNPERSUADED” <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=5>)

The Obama Administration was taken by surprise when congressional Republicans turned against the individual mandate in health-care reform; it was the Republicans, after all, who had championed the idea, in 1993, as an alternative to the Clinton initiative. During the next decade, dozens of Senate Republicans co-sponsored health-care plans that included a mandate. Mitt Romney, of course, passed one when he was governor of Massachusetts. In 2007, when Senator Jim DeMint, of South Carolina—now a favorite of the Tea Party—endorsed Romney for President, he cited his health-care plan as a reason for doing so. Senator Orrin Hatch, of Utah, who supported the mandate before he opposed it, shrugs off his party’s change of heart. “We were fighting Hillarycare,” he has said, of the Republicans’ original position. In other words, Clinton polarized Republicans against one health-care proposal, and then Obama turned them against another. Representative Jim Cooper, a Democrat from Tennessee, takes Lee’s thesis even further. “**The more high-profile the communication effort, the less likely it is to succeed**,” he says. “In education reform, I think Obama has done brilliantly, largely because it’s out of the press. But on higher-profile things, like deficit reduction, he’s had a much tougher time.” Edwards’s work suggests that Presidential persuasion isn’t effective with the public. Lee’s work suggests that Presidential persuasion might actually have an ***anti-persuasive effect*** on the opposing party in Congress. And, because our system of government usually requires at least some members of the opposition to work with the President if anything is to get done, that suggests that the President’s attempts at persuasion might have the ***perverse effect of making it harder for him to govern.***

#### New tech and adaption solve food shortages

Michaels 11 Patrick Michaels is senior fellow in environmental studies at the CATO Institute. " Global Warming and Global Food Security," June 30, CATO, http://www.cato.org/publications/commentary/global-warming-global-food-security

While doing my dissertation I learned a few things about world crops. Serial adoption of new technologies produces a nearly constant increase in yields. Greater fertilizer application, improved response to fertilizer, better tractor technology, better tillage practices, old-fashioned genetic selection, and new-fashioned genetic engineering all conspire to raise yields, year after year.¶ Weather and climate have something to do with yields, too. Seasonal rainfall can vary a lot from year-to-year. That's "weather." If dry years become dry decades (that's "climate") farmers will switch from corn to grain sorghum, or, where possible, wheat. Breeders and scientists will continue to develop more water-efficient plants and agricultural technologies, such as no-till production.¶ Adaptation even applies to the home garden. The tomato variety "heat wave" sets fruit at higher temperatures than traditional cultivars.¶ However, Gillis claims that "[t]he rapid growth in farm output that defined the late 20th century has slowed" because of global warming.¶ His own figures show this is wrong. The increasing trend in world crop yields from 1960 to 1980 is exactly the same as from 1980 to 2010. And per capita grain production is rising, not falling.

#### The DA is not intrinsic – a rational policymaker could chose to do both the plan and pass immigration reform – this is the most logical since the judge has the power to switch between agents and perspectives otherwise impossible in the real world.

**Won’t go to war over food**

**Chang 2/21**/11 Gordon G Chang, Graduated Cornell Law School “Global Food Wars” <http://blogs.forbes.com/gordonchang/2011/02/21/global-food-wars/>

In any event, food-price increases have apparently been factors in the unrest now sweeping North Africa and the Middle East. The poor spend up to half their disposable income on edibles, making rapid food inflation a cause of concern for dictators, strongmen, and assorted autocrats everywhere. So even if humankind does not go to war over bad harvests, Paskal may be right when she contends that climate change may end up altering the global map. This is not the first time in human history that food shortages looked like they would be the motor of violent geopolitical change. Yet amazing agronomic advances, especially Norman Borlaug’s Green Revolution in the middle of the 20th century, have consistently proved the pessimists wrong. In these days when capitalism is being blamed for most everything, it’s important to remember the power of human innovation in free societies—and the efficiency of free markets.

**Supply and demand means farmers will make more food – empirically true**

**Zubrin 5/13**/11 — Dr. Robert Zubrin Fellow with the Center for Security Policy B.A. in Mathematics from the University of Rochester (1974), and a masters degree in Aeronautics and Astronautics, a masters degree in Nuclear Engineering, and a Ph.D. in Nuclear Engineering  “WHY IT’S WRONG TO AGREE WITH THE MALTHUSIANS ABOUT ETHANOL”

 <http://www.ilcorn.org/daily-update/182-why-it-rsquo-s-wrong-to-agree-with-the-malthusians-about-ethanol/>

In fact, Lester Brown is wrong about the alleged famine-inducing potential of the ethanol program for exactly the same reason he has been repeatedly wrong about the alleged famine-inducing potential of population growth. There is not a fixed amount of grain in the world. Farmers produce in response to demand. The more customers, the more grain. Not only that, but the larger the potential market, the greater the motivation for investment in improved techniques. This is why, despite the fact that the world population has indeed doubled since Lester Brown, Paul Ehrlich, and the other population control zealots first published their manifestos during the 1960s, people worldwide are eating much better today than they were then. In the case of America’s corn growing industry, the beneficial effect of a growing market has been especially pronounced, with corn yields per acre in 2010 (165 bushels per acre) being 37 percent higher than they were in 2002 (120 bushels per acres) and more than four times as great as they were in 1960 (40 bushels per acre.)

#### Fiscal Cliff proves Obama can manage energy fights and his agenda

Heritage Foundation 1/3/13 (Nicolas Loris and Katie Tubb, “Corporate Welfare for Energy Companies Should Have Gone Off the Cliff,” <http://blog.heritage.org/2013/01/03/corporate-welfare-for-energy-companies-should-have-gone-off-the-cliff/>

The fiscal cliff deal is not only preventing certain politically motivated energy tax policies from falling off the cliff, but it’s also resurrecting ones that have been dead and buried for a year.¶ Lumped into the 157-page fiscal cliff bill are extensions of energy handouts that were originally scheduled to retire, as well as retroactively rewarded tax breaks for renewable energy that expired at the end of 2011. The inclusion of these targeted tax breaks is a clear indication that Congress is not serious about (1) reducing spending, (2) ending the government’s meddling in the energy sector, or (3) standing up against political interests.

### 2AC Framework (Long)

#### The role of the judge is that of a policymaker – the role of the ballot is to weigh the costs and benefits of simulated government action

#### A. Predictability – the resolution begs for federal government action – only way for the affirmative to understand the role of the judge

#### B. Fairness – checks multiple negative critical frameworks

#### Voting issue for fairness

#### Abdication of simulated policy enactment makes political change impossible – policy focus key

Stevenson 2009

Ruth, PhD, senior lecturer and independent consultant – Graduate School of the Environment @ Centre for Alternative Technology, “Discourse, power, and energy conflicts: understanding Welsh renewable energy planning policy,” *Environment and Planning C: Government and Policy*, Volume 27, pg. 512-526

It could be argued that this result arose from the lack of expertise of the convenors of the TAN 8 in consensual decision making. Indeed, there is now more research and advice on popular participation in policy issues at a community level (eg Kaner et al, 1996; Ostrom, 1995; Paddison, 1999). However, for policy making the state remains the vehicle through which policy goals must be achieved (Rydin, 2003) and it is through the state that global issues such as climate change and sustainable development must be legislated for, and to some extent enacted. It is therefore through this structure that any consensual decision making must be tested. This research indicates that the policy process cannot actually overcome contradictions and conflict. Instead, encompassing them may well be a more fruitful way forward than attempts at consensus. Foucault reinforces the notion that the `field of power' can prove to be positive both for individuals and for the state by allowing both to act (Darier, 1996; Foucault, 1979). Rydin (2003) suggests that actors can be involved in policy making but through `deliberative' policy making rather than aiming for consensus: ``the key to success here is not consensus but building a position based on divergent positions'' (page 69). Deliberative policy making for Rydin involves: particular dialogic mechanisms such as speakers being explicit about their values, understandings, and activities: the need to move back and forth between memories (historical) and aspirations (future); moving between general and the particular; and the adoption of role taking (sometimes someone else's role). There is much to be trialed and tested in these deliberative models, however, a strong state is still required as part of the equation if we are to work in the interests of global equity, at least until the messages about climate change and sustainable development are strong enough to filter through to the local level. It is at the policy level that the usefulness of these various new techniques of deliberative policy making must be tested, and at the heart of this must be an understanding of the power rationalities at work in the process.

#### Policy and technocratic (education/dialogue/discourse) is key to actualizing change and democratizing U.S. energy policy

Rahman 2011

K. Sabeel, A.B., Harvard College, 2005; M.Sc., Economics for Development, Oxford University, 2006; M.St., Sociolegal Studies, Oxford University, 2007; J.D. Candidate, Harvard Law School, Class of 2012; Ph.D. Candidate, Government, Harvard University, ENVISIONING THE REGULATORY STATE: TECHNOCRACY, DEMOCRACY, AND INSTITUTIONAL EXPERIMENTATION IN THE 2010 FINANCIAL REFORM AND OIL SPILL STATUTES, http://www.harvardjol.com/wp-content/uploads/2011/07/Rahman\_Note.pdf

These weaknesses of the technocratic model create a fundamental challenge for the modern regulatory state. One response to this challenge might be to abandon the project of regulatory public policy altogether. This is the familiar response from laissez-faire ideologies and anti-government conservatism. Yet the social goals that regulation aims to advance remain vital, even if the technocratic model itself proves problematic. As a society, we still need some form of accountability for the actions of powerful private entities like oil and financial corporations. We also require systems to protect against broad social risks like financial crisis and ecological disaster. In short, we require a form of collective self-rule against crises and social evils. Rather than rejecting the goal of mitigating these challenges, the weaknesses of technocratic regulation drive us towards the need to develop an alternative democratic paradigm of regulation. Indeed, these weaknesses of the technocratic impulse—disparities in interest representation, obfuscation of normative debates, demobilization of engagement—share three key features that suggest the need for and viability of a more democratic framework for regulatory politics. First, each of these weaknesses can be overcome through a more democratic regulatory structure. Second, this turn to democracy need not involve a rejection of expertise; rather, some form of democratic politics can coexist with a role for technical expertise. Third, each of these weaknesses arises out of an effort to rationalize regulatory policy. This rationalization effort aims to protect policymaking from the influence of politics, subsuming questions of values and interests into a more coherent process of regulatory policymaking. This good governance ideal is attractive, but the effort to sterilize policy of politics threatens deeper ideals of democracy, responsiveness, and legitimacy. Further, as critics of the modern regulatory state have noted, the involvement of politics is inescapable; regulatory agencies should be structured not to avoid politics but rather to engage with the reality of political disagreement openly. Instead of focusing on the narrow question of agency discretion and constraint with an eye towards promoting rationality of policymaking, the central question should be bringing the foci of political debate to the forefront and engaging in those debates in a democratic manner. Rather than attempting to sterilize policy of politics, this approach looks for ways to constitute a dynamic political process, one that leaves ample room for the representation and engagement of different values.

### 2AC Heiedegger

#### ---The affirmative is a prerequisite to the critique.

#### (A.) CFIUS review precludes meditation --- The process requires defining energy investment within the determinist frame of security and is the definition of problem/solution thinking.

#### (B.) The alternative fractures the left --- Meditative inaction unites the alternative with right wing china bashers and fractures opposition to the Pentagon’s militarist china policy.

Bello & Mittal 2000

Walden, Anuradha, Dangerous Liaisons: Progressives, the Right, and the Anti-China Trade Campaign, Institute for Food and Development Policy/Food First, May, http://www.tni.org/archives/archives\_bello\_china

A coalition of forces seeks to deprive China of permanent normal trading relations (PNTR) as a means of obstructing that country's entry into the World Trade Organization (WTO). We do not approve of the free-trade paradigm that underpins NTR status. We do not support the WTO; we believe, in fact, that it would be a mistake for China to join it. But the real issue in the China debate is not the desirability or undesirability of free trade and the WTO. The real issue is whether the United States has the right to serve as the gatekeeper to international organizations such as the WTO. More broadly, it is whether the United States government can arrogate to itself the right to determine who is and who is not a legitimate member of the international community. The issue is unilateralism-the destabilizing thrust that is Washington's oldest approach to the rest of the world. The unilateralist anti-China trade campaign enmeshes many progressive groups in the US in an unholy alliance with the right wing that, among other things, advances the Pentagon's grand strategy to contain China. It splits a progressive movement that was in the process of coming together in its most solid alliance in years. It is, to borrow Omar Bradley's characterization of the Korean War, "the wrong war at the wrong place at the wrong time".

#### ---Permutation Do Both --- this is best

#### A. Case outweighs – its try or die for the affirmative – disincentives for nuclear conflict as a result of growth and trade will collapse, rapid proliferation in the middle east increases the chances of nuclear miscalculation and China will be forced to engage in conflict to maintain growth and economic sovereignty. All of our impacts are short term and their impacts are descriptions of the status quo that cannot be resolved by the alternative in time.

#### (B.) Only the permutation solves --- Technology is inevitable and employing it in conjunction with meditative thought preserves our relation to being while making life better. \*Star this card\* as it assumes their turns.

Heidegger 1955

Martin, Discourse on Thinking, Martin Heidegger: Philosophical and Political Writings pg 94

Let us give it a trial. For all of us, the arrangements, devices, and machinery of technology are to a greater or lesser extent indispensable. It would be foolish to attack technology blindly. It would be shortsighted to condemn it as the work of the devil. We depend on technical devices; they even challenge us to ever greater advances. But suddenly and unaware we find ourselves so firmly shackled to these technical devices that we fall into bondage to them. Still we can act otherwise. We can use technical devices, and yet with proper use also keep ourselves so free of them, that we may let go of them at any time. We can use technical devices as they ought to be used, and also let them alone as something which does not affect our inner and real core. We can affirm the unavoidable use of technical devices, and also deny them the right to dominate us, and so to warp, confuse, and lay waste our nature. But will not saying both yes and no this way to technical devices make our relation to technology ambivalent and insecure? On the contrary! Our relation to technology will become wonderfully simple and relaxed. We let technical devices enter our daily life, and at the same time leave them outside, that is, let them alone, as things which are nothing absolute but remain dependent upon something higher. I would call this comportment toward technology which expresses “yes” and at the same time “no,” by an old word, *releasement toward things*.

#### ---Problem/Solution framing is empirically successful --- Cold war arms control efforts prove you don’t need to reject Cartesian dualisms for successful policy implementation.

Hayward 2006

Steven F., previously the F.K. Weyerhaeuser Fellow at AEI, The Fate of the Earth in the Balance, SOCIETY AND CULTURE, http://www.aei.org/outlook/society-and-culture/the-fate-of-the-earth-in-the-balance/

Is Gore’s high-level metaphysical analysis necessary in the first place? Do we really have to resolve or unwind the problem of Platonic idealism and Cartesian dualism to address the problem of climate change? The example of the previous case in point--the arms race--suggests an answer. The arms race did not require a revolution in human consciousness or a transformation of national and global political institutions to bring about rapid and favorable changes. The kind of grandiose, pretentious thinking exemplified in Fate of the Earth played little or no role in these shifts. The problem turned out to be much simpler. The acute problem of the superpower arms race was mostly a moral problem--not a metaphysical problem--arising from the character of the irreconcilable regimes. As was frequently pointed out, the United States never worried about British or French nuclear weapons. Once the United States and the Soviet Union were able to establish a level of trust and common interest, unwinding the arms race became a relatively easy matter. Nuclear weapons and the threat of nuclear proliferation in unsavory regimes (Iran, North Korea) is still around today, but the acute existential threat of the arms race has receded substantially. In the early 1980s, The Fate of the Earth became the Bible for the nuclear freeze movement--the simplistic idea brought to you by the same people who thought Ronald Reagan was a simpleton. To his credit, then representative and later senator Gore opposed the nuclear freeze. Nowadays Gore has started to call for an immediate freeze on greenhouse-gas emissions, which he must know is unrealistic. His explanation in a recent speech shows that he missed entirely the lesson from that earlier episode: An immediate freeze [on CO2 emissions] has the virtue of being clear, simple, and easy to understand. It can attract support across partisan lines as a logical starting point for the more difficult work that lies ahead. I remember a quarter century ago when I was the author of a complex nuclear arms control plan to deal with the then rampant arms race between our country and the former Soviet Union. At the time, I was strongly opposed to the nuclear freeze movement, which I saw as simplistic and naive. But, three-quarters of the American people supported it--and as I look back on those years I see more clearly now that the outpouring of public support for that very simple and clear mandate changed the political landscape and made it possible for more detailed and sophisticated proposals to eventually be adopted.[38] The irony of this statement is that since the moral and political differences between the United States and the Soviet Union could not be resolved diplomatically, the way to move relations forward was to convert relations into a technical problem (i.e., negotiations over the number and specifications of weapons systems). Gore remained firmly within the technocratic arms-control community throughout this period, even as Schell and others tried to moralize the arms-control problem with the nuclear freeze proposal. But the moral confusion (some critics said the premise of moral equivalence) of the freeze idea made it a sideshow at best and a hindrance at worst. On the contrary, President Reagan’s resistance to the freeze, as well as the conventions of the arms-control process to which Gore held, were crucial to his strategy for changing the dynamic of the arms race. Having been an arms-control technocrat in the 1980s, Gore today wants to turn the primarily technical and economic problems of climate change into a moral problem. Gore’s argument that climate change is a moral problem and not a political problem is not serious, since the leading prescriptions for treating the problem all require massive applications of political power on a global scale. Skeptics and cynics might dismiss Gore’s metaphysical speculations as mere intellectual preening, as many critics did with Fate of the Earth in the 1980s. But such an approach to environmental issues may be an obstacle to many practical, incremental steps that can be taken to solve real climate-policy problems. Once one grasps the Heideggerian character of the Gore approach to thinking about environmental problems, the hesitance about nuclear power comes into better focus. Gore and others in his mold dislike large-scale technologies because they are intrinsic to mankind’s mastery of nature that is driving our supposed alienation from nature. This same premise also explains the frequently hostile reaction of many environmentalists to suggestions that adaptation to climate change should be a part of any serious climate policy, even though many leading climate scientists and the Intergovernmental Panel on Climate Change have embraced adaptation. The suggestion that technologies for climate modification might be developed, which would be the climate policy equivalent of Reagan’s Strategic Defense Initiative, are greeted contemptuously for the same reason.

#### ---Their value to life claims are self-fulfilling --- Being is always already at hand; only the alternative’s neurotic concern for the power of technology distracts us from this fact, makes loss of being possible.

Latour 1993

Bruno, We Have Never Been modern, transl. Catherine Porter, pg 66-67

Who has forgotten Being? No one, no one ever has, otherwise Nature would be truly available as a pure `stock'. Look around you: scientific objects are circulating simultaneously as subjects objects and discourse. Networks are full of Being. As for machines, they are laden with subjects and collectives. How could a being lose its difference, its incompleteness, its mark, its trace of Being? This is never in anyone's power; otherwise we should have to imagine that we have truly been modern, we should be taken in by the upper half of the modern Constitution. Has someone, however, actually forgotten Being? Yes: anyone who really thinks that Being has really been forgotten. As Levi-Strauss says, ,the barbarian is first and foremost the man who believes in barbarism.' (Levi-Strauss, [1952] 1987, p. 12). Those who have failed to undertake empirical studies of sciences, technologies, law, politics, economics, religion or fiction have lost the traces of Being that are distributed everywhere among beings. If, scorning empiricism, you opt out of the exact sciences, then the human sciences, then traditional philosophy, then the sciences of language, and you hunker down in your forest - then you will indeed feel a tragic loss. But what is missing is you yourself, not the world! Heidegger's epigones have converted that glaring weakness into a strength. `We don't know anything empirical, but that doesn't matter, since your world is empty of Being. We are keeping the little flame of Being safe from everything, and you, who have all the rest, have nothing.' On the contrary: we have everything, since we have Being, and beings, and we have never lost track of the difference between Being and beings. We are carrying out the impossible project undertaken by Heidegger, who believed what the modern Constitution said about itself without understanding that what is at issue there is only half of a larger mechanism which has never abandoned the old anthropological matrix. No one can forget Being, since there has never been a modern world, or, by the same token,, metaphysics. We have always remained pre-Socratic,, pre-Cartesian, pre-Kantian, pre-Nietzschean. No radical revolution can separate us from these pasts, so there is no need for reactionary counter¬revolutions to lead us back to what has never been abandoned. Yes, Heraclitus is a surer guide than Heidegger: `Sinai gar kai entautha theous.'

#### ---The alternative ends in atrocity --- Calls to ‘let being be’ displace personal responsibility and are ultimately unable to differentiate between gas chambers and toaster ovens.

Bookchin 1995

Murray, Founder of the Institute for Social Ecology and Former Professor @ Ramapo College, Re Re-Enchanting Humanity: A Defense of the Human Spirit Against Antihumanism, Misanthropy, Mysticism and Primitivism, pg. 168-170

Heidegger's views on technology are part of a larger weltanschauung which is too multicolored to discuss here, and demands a degree of inter¬pretive effort we must forgo for the present in the context of a criticism of technophobia. Suffice it to say that there is a good deal of primitivistic animism in Heidegger's treatment of the 'revealing' that occurs when techne is a 'clearing' for the 'expression' of a crafted material - not unlike the Eskimo sculptor who believes (quite wrongly, I may add) that he is 'bringing out' a hidden form that lies in the walrus ivory he is carving. But this issue must be seen more as a matter of metaphysics than of a spir¬itually charged technique. Thus, when Heidegger praises a windmill, in contrast to the 'challenge' to a tract of land from which the ‘hauling out of coal and ore' is subjected, he is not being 'ecological'. Heidegger is concerned with a windmill, not as an ecological technology, but more metaphysically with the notion that 'its sails do indeed turn in the wind; they are left entirely to the wind's blowing'. The windmill 'does not unlock energy from the air currents, in order to store it'.31 Like man in relation to Being, it is a medium for the 'realization' of wind, not an artifact for acquiring power. Basically, this interpretation of a technological interrelationship reflects a regression - socially and psychologically as well as metaphysically – into quietism. Heidegger advances a message of passivity or passivity conceived as a human activity, an endeavor to let things be and 'disclose' themselves. 'Letting things be' would be little more than a trite Maoist and Buddhist precept were it not that Heidegger as a National Socialist became all too ideologically engaged, rather than 'letting things be', when he was busily undoing 'intellectualism,' democracy, and techno-logical intervention into the 'world'. Considering the time, the place, and the abstract way in which Heidegger treated humanity's 'Fall' into technological ‘inauthenticity’ – a ‘Fall’ that he, like Ellul, regarded as inevitable, albeit a metaphysical, nightmare - it is not hard to see why he could trivialize the Holocaust, when he deigned to notice it at all, as part of a techno-industrial ‘condition’. 'Agriculture is now a motorized (motorsierte) food industry, in essence the same as the manufacturing of corpses in the gas chambers and extermination camps,' he coldly observed, 'the same as the blockade and starvation of the countryside, the same as the production of the hydrogen bombs.’32 In placing the industrial means by which many Jews were killed before the ideological ends that guided their Nazi exterminators, Heidegger essentially displaces the barbarism of a specific state apparatus, of which he was a part, by the technical proficiency he can attribute to the world at large! These immensely revealing offhanded remarks, drawn from a speech he gave in Bremen m 1949, are beneath contempt. But they point to a way of thinking that gave an autonomy to technique that has fearful moral consequences which we are living with these days in the name of the sacred, a phraseology that Heidegger would find very congenial were he alive today. Indeed, technophobia, followed to its logical and crudely primitivistic conclusions, finally devolves into a dark reactionism – and a paralyzing quietism. For if our confrontation with civilization turns on passivity before a ‘disclosing of Being’, a mere ‘dwelling’ on the earth, and a ‘letting things be’, to use Heidegger’s verbiage – much of which has slipped into deep ecology’s vocabulary as well – the choice between supporting barbarism and enlightened humanism has no ethical foundations to sustain it. Freed of values grounded in objectivity, we are lost in a quasi-religious antihumanism, a spirituality that can with the same equanimity hear the cry of a bird and ignore the anguish of six million once-living people who were put to death by the National Socialist state.

#### ---The alternative fails --- Ontological questioning causes paralysis in the face of oppression.

Levinas & Nemo 1985

Emmanuel, professor of philosophy, and Philippe, professor of new philosophy, Ethics and Infinity, pg. 6-7

Are we not in need of still more precautions? Must we not step back from this question to raise another, to recognize the obvious circularity of ask­ing what isthe “What is . .?“ question? It seems to beg the question. Is our new suspicion, then, that Heidegger begs the question of metaphysics when he asks “What is poetry?” or “What is thinking?”? Yet his thought is insistently anti-metaphysical. Why, then, does he retain the metaphysical question par excellence? Aware of just such an objection, he pro­poses, against the vicious circle of the *petitio principi,* an alternative, productive circularity: hermeneutic questioning. To ask “What is. . .?“ does not partake of onto-theo-logy if one acknowledges (1) that the answer can never be fixed absolutely, but calls essen­tially, endlessly, for additional “What is . . .?“ ques­tions. Dialectical refinement here replaces vicious circularity. Further, beyond the openmindedness called for by dialectical refinement, hermeneutic questioning (2) insists on avoiding subjective impositions, on avoid­ing reading into rather than harkening to things. One must harken to the things themselves, ultimately to being, in a careful attunement to what is. But do the refinement and care of the herme­neutic question — which succeed in avoiding onto­theo-logy succeed in avoiding all viciousness? Certainly they convert a simple fallacy into a produc­tive inquiry, they open a path for thought. But is it not the case that however much refinement and care one brings to bear, to ask what something is leads to asking what something else is, and so on and so forth, ad infinitum*?* What is disturbing in this is not so much the infinity of interpretive depth, which has the virtue of escaping onto-theo-logy and remaining true to the way things are, to the phenomena, the coming to be and passing away of being. Rather, the problem lies in the influence the endlessly open horizon of such thinking exerts on the way of such thought. That is, the problem lies in what seems to be the very virtue of hermeneutic thought, namely, the doggedness of the “What is . . .?“ question, in its inability to escape itself, to escape being and essence.

#### ---Prioritizing ontology is bad --- Human situatedness within Being means our relationships are always incomplete and the search for ‘Authenticity’ requires a false distancing which makes it indistinguishable from Nazism.

Zizek 1999

Slavoj, Distinguished Fashion Expert for Abercrombie and Fitch Quarterly, Senior Researcher in the Department of Philosophy at the University of Ljubljana, Slovenia and Codirector of the Center for Humanities at Birkbeck College, University of London, “The Ticklish Subject: The Absent Centre of Political Ontology” pg. 14-15

One can see the ideological trap that caught Heidegger: when he criticizes Nazi racism on behalf of the true ‘inner greatness’ of the Nazi movement, he repeats the elementary ideological gesture of maintaining an inner distance towards the ideological text – of claiming that there is something more beneath it, a non-ideological kernel: ideology exerts its hold over us by means of this very insistence that the Cause we adhere to is not ‘merely’ ideological. So where is the trap? When the disappointed Heidegger turns away from active engagement in the Nazi movement, he does so because the Nazi movement did not maintain the level of its ‘inner greatness’, but legitimized itself with inadequate (racial) ideology. In other ords, hat he expected from it was that it should legitimize itself through direct awareness of its ‘inner greatness’. And the problem lies in this very expectation that a political movement that will directly refer to its historico-ontological foundaiton is possible. This expectation, however, is in itself profoundly metaphysical, in so far as it fails to recognize the gap separating the direct ideological legitimization of a movement from its ‘inner greatness’ (its historico-ontological essence) its constitutive, a positive condiiton of its ‘functioning’. To use the terms of the late Heidegger, ontological insight necessarily entails ontic blindness and error, and vice versa – that is to say, in order to be ‘effecitve’ at the ontic level, one must disregard the ontological horizon of one’s activity. (In this sense, Heidegger emphasizes that ‘science doesn’t think’ and that, far from being is limitation, this inability is the very motor of scientific progress.) In other words, what Heidegger seems unable to endorse is a concrete political engagement that would accept its necessary, constitutive blindness – as if the moment we acknowledge the gap separating the awareness of the ontological horizon from ontic engagement, any ontic engagement is depreciated, loses its authentic dignity.

#### ---The alternative’s rejection of human progress results in Nazi resurgence and human extinction.

Faye 2009

Emmanuel, Associate Professor at the University Paris Ouest–Nanterre La Défense, translated into English by Michael B. Smith, Professor Emeritus of French and Philosophy at Berry College and translator of numerous philosophical works into English, *Heidegger, the introduction of Nazism into philosophy in light of the unpublished seminars of 1933-1935*, pg. 322

The völkisch and fundamentally racist principles Heidegger's Gesamtausgabe transmits strive toward the goal of the eradication of all the intellectual and human progress to which philosophy has contributed. They are therefore as destructive and dangerous to current thought as the Nazi movement was to the physical existence of the exterminated peoples. Indeed, what can be the result of granting a future to a doctrine whose author desired to become the "spiritual Fuhrer" of Nazism, other than to pave the way to the same perdition? In that respect, we now know that Martin Heidegger, in his unpublished seminar on Hegel and the state, meant to make the Nazi domination last beyond the next hundred years. If his writings continue to proliferate without our being able to stop this intrusion of Nazism into human education, how can we not expect them to lead to yet another translation into facts and acts, from which this time humanity might not be able to recover? Today more than ever, it is philosophy's task to work to protect humanity and alert men's minds; failing this, Hitlerism and Nazism will continue to germinate through Heidegger's writings at the risk of spawning new attempts at the complete destruction of thought and the extermination of humankind.

## \*\*\*1AR

### 1ar at: fw

#### ---Nuclear war outweighs ontological damnation --- Alienation isn’t an excuse for species extermination.

Zimmerman 1994

Michael E., Professor of Philosophy at Tulane, Contesting Earth's Future: Radical Ecology and Postmodernity, pg 119-120

Heidegger asserted that human self-assertion, combined with the eclipse of being, threatens the relation between being and human Dasein. Loss of this relation would be even more dangerous than a nuclear war that might "bring about the complete annihilation of humanity and the destruction of the earth." This controversial claim is comparable to the Christian teaching that it is better to forfeit the world than to lose one's soul by losing one's relation to God. Heidegger apparently thought along these lines: it is possible that after a nuclear war, life might once again emerge, but it is far less likely that there will ever again occur an ontological clearing through which such life could manifest itself. Further, since modernity's one-dimensional disclosure of entities virtually denies them any "being" at all, the loss of humanity's openness for being is already occurring. Modernity's background mood is horror in the face of nihilism, which is consistent with the aim of providing material "happiness" for everyone by reducing nature to pure energy. The unleashing of vast quantities of energy in nuclear war would be equivalent to modernity's slow-motion destruction of nature: unbounded destruction would equal limitless consumption. If humanity avoided nuclear war only to survive as contented clever animals, Heidegger believed we would exist in a state of ontological damnation: hell on earth, masquerading as material paradise. Deep ecologist might agree that a world of material human comfort purchased at the price of everything wild would not be a world worth living in, for in killing wild nature, people would be as good as dead. But most of them could not agree that the loss of humanity's relation to being would be worse than nuclear omnicide, for it is wrong to suppose that the lives of millions of extinct and unknown species are somehow lessened because they were never "disclosed" by humanity.

#### ---Only links to the Neg --- The claim that ‘wild nature’ can be ‘lost’ maintains separation between human and nature that makes their impact inevitable.

Mathews 1994

Freya, Professor of philosophy at Latrobe University, Relating to Nature: Deep Ecology or Ecofeminism? Trumpeter, 11:4

Can we really accept the idea, implicit in the cosmic view, that human life, however lethal in its intent and its impact on the natural world, is nevertheless tributary to the ultimate moral order? It goes painfully against our grain, as environmentalists, to concede that the bulldozer and its driver are contributing to the moral order just as effectively as the forest is. Nevertheless it is, I believe, important for environmentalists to concede this, since the typical deep ecological reverence for untouched Nature—idealized in the concept of wilderness—is rooted in the very same dualistic understanding of the world that, by setting humankind above and beyond Nature, paved the way for the ecological crisis. If we make a fetish [sic] of untouched Nature, then we are implicitly reinforcing this dualistic view. To maintain this division—albeit reversing the values that dualistic thinking has traditionally assigned to Nature and to humankind respectively—is, as I have explained at length, to contradict the basic metaphysical premise of deep ecology, viz. the interconnectedness thesis. In conceding that Nature is reflected in the bulldozer and its driver just as faithfully as it is in the forest we are in fact transforming the traditional environmentalist image of Nature. For many environmentalists, as I have remarked, true Nature manifests itself in inverse proportion to its proximity to human activities or interventions. In other words, Nature is in its truest state in wildernesses or remote regions. We can accordingly expect to experience the loss of Nature most acutely in those places where humanity is most concentrated, as in the cities, the great metropolises of the late twentieth century. This assumption of course cannot be sustained in the light of the cosmic view, with its characterizations of the human order as an instance of the natural order. The city itself, from this point of view, becomes a teeming locus of Nature, a field of relations inevitably organizing itself into increasingly diverse and complex forms, where this efflorescence of new forms takes place not at a biological but at a cultural level. Recognition of this suggests the further jolting insight that Nature may not after all be confined to biology—that while it may have invented species as a vehicle for diversity and complexity, other forms of diversity and complexity might express its underlying essence or telos just as well. It is we, rather than Nature, who are fixated on species, just as it is we, rather than Nature, who agonize over the fate of individuals. Maybe Nature can realize itself through emergent levels of culture, perhaps even—who knows?—through emergent levels of computer functioning. Given time, Nature will invariably create the order, the endless elaborated and modulated themes, that are so beautifully but perhaps contingently expressed in the biological and ecological life of this planet. Looking at the city from the cosmic point of view then, we might register an intensification of the pulse of life there. Perhaps here, in the heart of the metropolis, Nature is at its wildest. Certainly life is fast and full and dangerous in these streets, taut with uncertainty and unexpectedness. Perhaps as the wilderness retreats across the continents, its spirit returns, bright and sexy and violent, into our very midst. From this point of view, Nature cannot die at our hands—everything we do merely constitutes its further unfolding. From the recognition that we and all our activities and contrivances are an expression of Nature then, a new image of Nature does indeed emerge. We can expect to discover its underlying tao in the love-and-struggle-and-crime filled streets of London or Tokyo just as surely as on the Siberian taiga or in the deserts of western Australia.

### Doing nothing is bad

#### ---they have to be responsible for their discourse too, the way they want to teach us to act makes policy makers is to take no action in the face of international crises, that is a shitty method because there are times when we are on the brink of conflict, if Kennedy had stepped back and not called gorbachov on the red phone the bay of pigs could have ended much differently, much like that scenario, the US has constructed the rest of the world as a threat which risks violent backlash, as students we have an obligation to clarify that need not be the case and infact can stop being the case if policy action where to be taken.

#### ---The affirmative is a prerequisite to the critique --- Only pragmatic political action that prevents nuclear war allows space for metaphysical investigation.

Santoni 1985

Ronald, Maria Theresa Barney Chair Emeritus of Philosophy at Denison University, “Nuclear War: Philosophical Perspectives” pg. 156-157

To be sure, Fox sees the need for our undergoing “certain fundamental changes” in our “thinking, beliefs, attitudes, values” and Zimmerman calls for a “paradigm shift” in our thinking about ourselves, other, and the Earth.  But it is not clear that what either offers as suggestions for what we can, must, or should do in the face of a runaway arms race are sufficient to “wind down” the arms race before it leads to omnicide.  In spite of the importance of Fox’s analysis and reminders it is not clear that “admitting our (nuclear) fear and anxiety” to ourselves and “identifying the mechanisms that dull or mask our emotional and other responses” represent much more than examples of basic, often. stated principles of psychotherapy. Being aware of the psychological maneuvers that keep us numb to nuclear reality may well be the road to transcending them but it must only be a “first step” (as Fox acknowledges), during which we Simultaneously act to eliminate nuclear threats, break our complicity with the ams race, get rid of arsenals of genocidal weaponry, and create conditions for international goodwill, mutual trust, and creative interdependence.  Similarly, in respect to Zimmerman: in spite of the challenging Heideggerian insights he brings out regarding what motivates the arms race, many questions may be raised about his prescribed “solutions.”  Given our need for a paradigm shift in our (distorted) understanding of ourselves and the rest of being, are we merely left “to prepare for a possible shift in our self-understanding? (italics mine)?  Is this all we can do?  Is it necessarily the case that such a shift “cannot come as a result of our own will?” – and work – but only from “a destiny outside our control?”  Does this mean we leave to God the matter of bringing about a paradigm shift?  Granted our fears and the importance of not being controlled by fears, as well as our “anthropocentric leanings,” should we be as cautious as Zimmerman suggests about out disposition “to want to do something” or “to act decisively in the face of the current threat?”  In spite of the importance of our taking on the anxiety of our finitude and our present limitation, does it follow that “we should be willing for the worst (i.e. an all-out nuclear war) to occur”?  Zimmerman wrongly, I contend, equates “resistance” with “denial” when he says that “as long as we resist and deny the possibility of nuclear war, that possibility will persist and grow stronger.”  He also wrongly perceives “resistance” as presupposing a clinging to the “order of things that now prevails.” Resistance connotes opposing, and striving to defeat a prevailing state of affairs that would allow or encourage the “worst to occur.”  I submit, against Zimmerman, that we should not, in any sense, be willing for nuclear war or omnicide to occur.  (This is not to suggest that we should be numb to the possibility of its occurrence.)  Despite Zimmerman’s elaborations and refinements his Heideggerian notion of “letting beings be” continues to be too permissive in this regard.  In my judgment, an individual’s decision not to act against and resist his or her government’s preparations for nuclear holocaust is, as I have argued elsewhere, to be an early accomplice to the most horrendous crime against life imaginable – its annihilation.  The Nuremburg tradition calls not only for a new way of thinking, a “new internationalism” in which we all become co-nurturers of the whole planet, but for resolute actions that will sever our complicity with nuclear criminality and the genocidal arms race, and work to achieve a future which we can no longer assume. We must not only “come face to face with the unthinkable in image and thought” (Fox) but must act now - with a “new consciousness” and conscience - to prevent the unthinkable, by cleansing the earth of nuclear weaponry. Only when that is achieved will ultimate violence be removed as the final arbiter of our planet’s fate.

### 1ar bio d

**They don’t access extinction—empirics prove**

Jablonski 1 (Prof @ Department of Geophysical Sciences, University of Chicago “Lessons from the past: Evolutionary impacts of mass extinctions” May 16. http://www.pnas.org/content/98/10/5393.full//Donnie)

Mass extinctions have never entirely reset the evolutionary clock: even the huge losses at the end of the Permian, which appear to have permanently restructured marine and terrestrial communities, left enough taxa and functional groups standing to seed the recovery process without the origin of new phyla ([39](file:///C%3A%5CUsers%5CDebate%2013%5CDownloads%5Cimpact%20defense-earth%20destruction-or-disease%20%281%29.doc#ref-39)). One key to understanding the past and future evolutionary role of extinctions will involve the factors that permit the persistence of certain biological trends or patterns—e.g., net expansion or contraction of clades or directional shifts in morphology—in the face of extensive taxonomic loss and ecological disruption. Besides extinction, at least four evolutionary patterns can be seen in the fossil record. These are: (i) unbroken continuity, (ii) continuity with setbacks, (iii) survival without recovery (“dead clade walking”), and (v) unbridled diversification.

Not key to anything

Dodds 2k (Donald, M.S. P.E., President of North Pacific Research, 2000, <http://webcache.googleusercontent.com/search?q=cache:X8s-Gaf_5r0J:northpacificresearch.com/downloads/The_myth_of_biodiversity.doc+the+planet+was+microbial+and+not+diverse.+Thus,+the+first+unexplainable+fact+is+that+the+earth+existed+for+3.5+billion+years&cd=1&hl=en&ct=clnk&gl=us>)

Biodiversity is a corner stone of the environmental movement. But there is no proof that biodiversity is important to the environment. Something without basis in scientific fact is called a Myth. Lets examine biodiversity through out the history of the earth. The earth has been a around for about 4 billion years. Life did not develop until about 500 million years later. Thus for the first 500 million years bio diversity was zero. The planet somehow survived this lack of biodiversity. For the next 3 billion years, the only life on the planet was microbial and not diverse. Thus, the first unexplainable fact is that the earth existed for 3.5 billion years, 87.5% of its existence, without biodiversity. Somewhere around 500 million years ago life began to diversify and multiple celled species appeared. Because these species were partially composed of sold material they left better geologic records, and the number of species and genera could be cataloged and counted. The number of genera on the planet is a indication of the biodiversity of the planet. Figure 1 is a plot of the number of genera on the planet over the last 550 million years. The little black line outside of the left edge of the graph is 10 million years. Notice the left end of this graph. Biodiversity has never been higher than it is today.

### 1ar political capital not key

#### Even if the plan is unpopular they have no reason the backlash would be on <issue>, proven in the cross-x, the votes based on this are ideological GOP X and democrats Y.

#### The hill is way to polarized for Obama to use the power of persuasion to bring people on board, that’s Klein, if there is agreement now that just proves the agreement is inevitable because ideas are lining up ideologically.

#### Don’t prefer issue specific evidence, their authors distort the language of political capital

Dickinson ‘9 (Matthew, Professor of Political Science – Middlebury College and Former Professor – Harvard University, “Sotomayor, Obama, and Presidential Power”, Presidential Power: A NonPartisan Analysis of Presidential Politics, 5-26, http://blogs.middlebury.edu/presidentialpower/2009/05/26/sotamayor-obama-and-presidential-power/

As for Sotomayor, from here the path toward almost certain confirmation goes as follows: the Senate Judiciary Committee is slated to hold hearings sometime this summer (this involves both written depositions and of course open hearings), which should lead to formal Senate approval before Congress adjourns for its summer recess in early August. So Sotomayor will likely take her seat in time for the start of the new Court session on October 5. (I talk briefly about the likely politics of the nomination process below). What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president’s influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative “box scores” designed to measure how many times a president’s preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president’s preferences? How often is a president’s policy position supported by roll call outcomes? These measures, however, are a misleading gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is rarely influenced by anything a president does. Although journalists (and political scientists) often focus on the legislative “endgame” to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – this mistakes an outcome with actual evidence of presidential influence. Once we control for other factors – a member of Congress’ ideological and partisan leanings, the political leanings of her constituency, whether she’s up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants. (I am ignoring the importance of a president’s veto power for the moment.) Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don’t depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda-setting – not arm-twisting. And we see this in the Sotomayer nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost nothing to do with Obama’s lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Sotomayor as his nominee.

#### Link=yes no question, da can only be as strong as its weakest parts.

#### Answer here is no, empirical studies go aff

Klein 12 (Ezra, citing George Edwards, the director of the Center of Presidential studies at Texas A and M is the editor of Wonkblog and a columnist at the Washington Post, as well as a contributor to MSNBC and Bloomberg. “THE UNPERSUADED” <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=5>, Donnie)

Edwards, ever the data cruncher, has the numbers to back up this perception. “When President Obama took office, he enjoyed a 68 percent approval level, the highest of any newly elected president since John F. Kennedy,” he wrote in a recent paper. “For all of his hopes about bipartisanship, however, his early approval ratings were the most polarized of any president in the past four decades. By February 15, less than a month after taking office, only 30 percent of Republicans approved of his performance in office while 89 percent of Democrats and 63 percent of Independents approved. The gap between Democratic and Republican approval had already reached 59 percentage points—and Obama never again reached even 30 percent approval among Republicans.” This, Edwards says, is the reality facing modern Presidents, and one they would do well to accommodate. “In a rational world, strategies for governing should match the opportunities to be exploited,” he writes. “Barack **Obama is only the latest in a long line of presidents who have not been able to transform the political landscape through their efforts at persuasion.** When he succeeded in achieving major change, it was by mobilizing those predisposed to support him and driving legislation through Congress on a party-line vote.” That’s easier said than done. We don’t have a system of government set up for Presidents to drive legislation through Congress. Rather, we have a system that was designed to encourage division between the branches but to resist the formation of political parties. The parties formed anyway, and they now use the branches to compete with one another. Add in minority protections like the filibuster, and you have a system in which the job of the President is to persuade an opposition party that has both the incentive and the power to resist him. Jim Cooper says, “We’ve effectively lost our Congress and gained a parliament.” He adds, “At least a Prime Minister is empowered to get things done,” but “we have the extreme polarization of a parliament, with party-line voting, without the empowered Prime Minister.” And you can’t solve that with a speech

Reagan, Roosevelt and Clinton prove

Klein 12 (Ezra, citing George Edwards, the director of the Center of Presidential studies at Texas A and M is the editor of Wonkblog and a columnist at the Washington Post, as well as a contributor to MSNBC and Bloomberg. “THE UNPERSUADED” <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=5>, Donnie)

In 1993, George Edwards, the director of the Center for Presidential Studies, at Texas A. & M. University, sponsored a program in Presidential rhetoric. The program led to a conference, and the organizers asked their patron to present a paper. Edwards didn’t know anything about Presidential rhetoric himself, however, so he asked the organizers for a list of the best works in the field to help him prepare. Like many political scientists, Edwards is an empiricist. He deals in numbers and tables and charts, and even curates something called the Presidential Data Archive. The studies he read did not impress him. One, for example, concluded that “public speech no longer attends the processes of governance—it is governance,” but offered no rigorous evidence. Instead, the author justified his findings with vague statements like “One anecdote should suffice to make this latter point.” Nearly twenty years later, Edwards still sounds offended. “They were talking about Presidential speeches as if they were doing literary criticism,” he says. “I just started underlining the claims that were faulty.” As a result, his conference presentation, “Presidential Rhetoric: What Difference Does It Make?,” was less a contribution to the research than a frontal assault on it. The paper consists largely of quotations from the other political scientists’ work, followed by comments such as “He is able to offer no systematic evidence,” and “We have no reason to accept such a conclusion,” and “Sometimes **the authors’ assertions, implicit or explicit, are clearly wrong**.” Edwards ended his presentation with a study of his own, on Ronald Reagan, who is generally regarded as one of the Presidency’s great communicators. Edwards wrote, “If we cannot find evidence of the impact of the rhetoric of Ronald Reagan, then we have reason to reconsider the broad assumptions regarding the consequences of rhetoric.” As it turns out, there was reason to reconsider. Reagan succeeded in passing major provisions of his agenda, such as the 1981 tax cuts, but, Edwards wrote, “surveys of public opinion have found that support for regulatory programs and spending on health care, welfare, urban problems, education, environmental protection and aid to minorities”—all programs that the President opposed—“increased rather than decreased during Reagan’s tenure.” Meanwhile, “support for increased defense expenditures was decidedly lower at the end of his administration than at the beginning.” In other words, people were less persuaded by Reagan when he left office than they were when he took office. Nor was Reagan’s Presidency distinguished by an unusually strong personal connection with the electorate. A study by the Gallup organization, from 2004, found that, compared with all the Presidential job-approval ratings it had on record, Reagan’s was slightly below average, at fifty-three per cent. It was only after he left office that Americans came to see him as an unusually likable and effective leader. According to Edwards, Reagan’s real achievement was to take advantage of a transformation that predated him. Edwards quotes various political scientists who found that conservative attitudes peaked, and liberal attitudes plateaued, in the late nineteen-seventies, and that Reagan was the beneficiary of these trends, rather than their instigator. Some of Reagan’s closest allies support this view. Martin Anderson, who served as Reagan’s chief domestic-policy adviser, wrote, “What has been called the Reagan revolution is not completely, or even mostly, due to Ronald Reagan. . . . It was the other way around.” Edwards later wrote, “As one can imagine, I was a big hit with the auditorium full of dedicated scholars of rhetoric.” Edwards’s views are no longer considered radical in political-science circles, in part because he has marshalled so much evidence in support of them. In his book “On Deaf Ears: The Limits of the Bully Pulpit” (2003), he expanded the poll-based rigor that he applied to Reagan’s rhetorical influence to that of nearly every other President since the nineteen-thirties. Franklin Delano Roosevelt’s fireside chats are perhaps the most frequently cited example of Presidential persuasion. Cue Edwards: “He gave only two or three fireside chats a year, and rarely did he focus them on legislation under consideration in Congress. It appears that FDR only used a fireside chat to discuss such matters on four occasions, the clearest example being the broadcast on March 9, 1937, on the ill-fated ‘Court-packing’ bill.” Edwards also quotes the political scientists Matthew Baum and Samuel Kernell, who, in a more systematic examination of Roosevelt’s radio addresses, found that they fostered “less than a 1 percentage point increase” in his approval rating. His more traditional speeches didn’t do any better. He was unable to persuade Americans to enter the Second World War, for example, until Pearl Harbor. No President worked harder to persuade the public, Edwards says, than Bill Clinton. Between his first inauguration, in January, 1993, and his first midterm election, in November, 1994, he travelled to nearly two hundred cities and towns, and made more than two hundred appearances, to sell his Presidency, his legislative initiatives (notably his health-care bill), and his party. But his poll numbers fell, the health-care bill failed, and, in the next election, the Republicans took control of the House of Representatives for the first time in more than forty years. Yet Clinton never gave up on the idea that all he needed was a few more speeches, or a slightly better message. “I’ve got to . . . spend more time communicating with the American people,” the President said in a 1994 interview. Edwards notes, “It seems never to have occurred to him or his staff that his basic strategy may have been inherently flawed.” George W. Bush was similarly invested in his persuasive ability. After the 2004 election, the Bush Administration turned to the longtime conservative dream of privatizing Social Security. Bush led the effort, with an unprecedented nationwide push that took him to sixty cities in sixty days. “Let me put it to you this way,” he said at a press conference, two days after the election. “I earned capital in the campaign, political capital, and now I intend to spend it.” But the poll numbers for privatization—and for the President—kept dropping, and the Administration turned to other issues. Obama, too, believes in the power of Presidential rhetoric. After watching the poll numbers for his health-care plan, his stimulus bill, his Presidency, and his party decline throughout 2010, he told Peter Baker, of the Times, that he hadn’t done a good enough job communicating with the American people: “I think anybody who’s occupied this office has to remember that success is determined by an intersection in policy and politics and that you can’t be neglecting of marketing and P.R. and public opinion.” The annual State of the Union address offers the clearest example of the misconception. The best speechwriters are put on the task. The biggest policy announcements are saved for it. The speech is carried on all the major networks, and Americans have traditionally considered watching it to be something of a civic duty. And yet Gallup, after reviewing polls dating back to 1978, concluded that “these speeches rarely affect a president’s public standing in a meaningful way, despite the amount of attention they receive.” Obama’s 2012 address fit the pattern. His approval rating was forty-six per cent on the day of the speech, and forty-seven per cent a week later. Presidents have plenty of pollsters on staff, and they give many speeches in the course of a year. So how do they so systematically overestimate the importance of those speeches? Edwards believes that by the time Presidents reach the White House their careers have taught them that they can persuade anyone of anything. “Think about how these guys become President,” he says. “The normal way is talking for two years. That’s all you do, and somehow you win. You must be a really persuasive fellow.” But being President isn’t the same as running for President. When you’re running for President, giving a good speech helps you achieve your goals. When you are President, giving a good speech can prevent you from achieving them.