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#### The affs not topical—restrictions are distinct from bans and prohibitions

California Court of Appeals “COUNTY OF LOS ANGELES, Plaintiff and Respondent, v. ALTERNATIVE MEDICINAL CANNABIS COLLECTIVE et al., Defendants and Appellants” July 7, 2012 Online

We must give the words of the statute their usual and ordinary meaning; accord significance, if possible, to every word, phrase and sentence; and construe the words in context, bearing in mind the statutory purpose, and attempting to harmonize statutes or statutory sections relating to the same subject matter to the extent possible. (McCarther, supra, 48 Cal.4th at p. 110.) We disagree with County that in using the phrases “further restrict the location or establishment” and “regulate the location or establishment” in section 11362.768, subdivisions (f) and (g), the Legislature intended to authorize local governments to ban all medical marijuana dispensaries that are otherwise “authorized by law to possess, cultivate, or distribute medical marijuana” (§ 11362.768, subd. (e) [stating scope of section’s application]); the Legislature did not use the words “ban” or “prohibit.” Yet County cites dictionary definitions of “regulate” (to govern or direct according to rule or law); “regulation” (controlling by rule or restriction; a rule or order that has legal force); “restriction” (a limitation or qualification, including on the use of property); “establishment” (the act of establishing or state or condition of being established); “ban” (to prohibit); and “prohibit” (to forbid by law; to prevent or hinder) to attempt to support its interpretation. County then concludes that “the ordinary meaning of the terms, ‘restriction,’ ‘regulate,’ and ‘regulation’ are consistent with a ban or prohibition against the opening or starting up or continued operation of [a medical marijuana dispensary] storefront business.” We disagree. The ordinary meanings of “restrict” and “regulate” suggest a degree of control or restriction falling short of “banning,” “prohibiting,” “forbidding,” or “preventing.” Had the Legislature intended to include an outright ban or prohibition among the local regulatory powers authorized in section 11362.768, subdivisions (f) and (g), it would have said so. Attributing the usual and ordinary meanings to the words used in section 11362.768, subdivisions (f) and (g), construing the words in context, attempting to harmonize subdivisions (f) and (g) with section 11362.775 and with the purpose of California’s medical marijuana statutory program, and bearing in mind the intent of the electorate and the Legislature in enacting the CUA and the MMP, we conclude that the phrases “further restrict the location or establishment” and “regulate the location or establishment” in section 11362.768, subdivisions (f) and (g) do not authorize a per se ban at the local level. The Legislature decided in section 11362.775 to insulate medical marijuana collectives and cooperatives from nuisance prosecution “solely on the basis” that they engage in a dispensary function. To interpret the phrases “further restrict the location or establishment” and “regulate the location or establishment” to mean that local governments may impose a blanket nuisance prohibition against dispensaries would frustrate both the Legislature’s intent to “[e]nhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects” and “[p]romote uniform and consistent application of the [CUA] among the counties within the state” and the electorate’s intent to “ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes” and “encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.”

#### Vote neg:

#### 1. Limits – the vastly greater number of actions energy firms are banned from means they create a schism in the topic with no way to anticipate relevant policies.

#### 2. Precision – preserving the logical meaning of distinct lexical devices is key to legal utility which is a prereq to topic education.

#### 3. Extra-T is an independent voter – the aff goes beyond reducing restrictions, which justifies unwarranted risk-free aff offense.

### PTX

#### Fiscal cliff will be top of the docket in the lame duck and will barely pass now

Bruce Krasting (writer or Business Insider) October 1, 2012 “The BEST Case Scenario For The Fiscal Cliff Is Still Ugly” http://www.businessinsider.com/war-headlines-after-the-november-election-will-prevent-cutbacks-in-military-spending-2012-10

Absent some earth shaking event between now and November, Obama is going to win, the House will remain in the hands of the Republicans and the Senate will continue to be equally divided. The war between Reds and Blues will be just as bad as it was a year ago. The day after the election, the fight over the fiscal cliff will commence. I expect it will be ugly. -I think there is zero probability that all of the issues now on the cliff will be pushed off to some future period. (Ultimate-can-kicking) Some of the cutbacks/tax increases that are now scheduled, will happen. -I put the odds on falling off the cliff without any compromises at 40%. This scenario comes about if the Reps and Dems can’t agree on anything. If that is the case, we fall very hard on January 2. (No-can-kicking) -Therefore, I see a 60% chance of a compromise that softens the consequences of the fiscal cliff, but does not eliminate it entirely. (Semi-can-kicking, but still kicking ourselves in the face) If there is to be a compromise, it will be interesting to see who gets what, and who gives up what. It might play out with the following results: I) The 2% reduction in FICA taxes is history. As of 1/1/13 every worker is getting hit with a 2% tax increase. This is a very regressive tax increase. II) The Bush tax cuts for those making more than $250k are gone. This is a very Progressive tax increase. III) The Bush tax cuts for those making less than $250k will be retained. This “centrist” compromises is the result of the “give” on #s I and II. Both sides will be able to claim that they did their best for “Middle Class Workers”. IV) The Alternative Minimum Tax will be adjusted for inflation and will be fully phased in over a period of three years. This tax will hit 40m taxpayers (up from only 4m today). This is most definitely a middle class tax increase. V) The capital gains tax rate is going to go up to at least 25%. The result of I – V is that everyone who works, or has investment income is going to be paying more. No one will escape higher taxes. Then there is the spending side of the ledger. The so-called, “sequestered” amounts. Here is where the real horse-trading will happen. Keep in mind that the timing of this critical argument debate will be in November and December. What else will be happening in those months that will influence the budget compromises? Talk of War.

#### Plan causes backlash

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

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

#### Obama’s political capital will give him leverage in the ‘fiscal cliff’ negotiations now – brokers a deal

Andrew Sprung (he is the CEO of Sprung PR and hold a PhD from the University of Rochestor) September 21, 2012 “Ezra Klein's unconvincing theory that Obama misunderstands (or misrepresents) "change," http://xpostfactoid.blogspot.com/2012/09/ezra-kleins-unconvincing-theory-that.html)

In my view, Klein is viewing this question too narrowly. Obama is well aware of the limitations of the bully pulpit, and he's got to know better than any person on the planet that presidential advocacy polarizes, entrenching the opposing party in implacable opposition to whatever the president proposes. Yet, in presenting a revamped theory of how the presidency works, he's not just feeding us a line of BS. And if Obama wins reelection, I believe that we will look back five or ten or twenty years from now and recognize that yes, Obama did change the way Washington works. Or at the very least, he kept the US on a sane policy course in a time of extreme polarization and thus gave (will have given...) the system space to self-correct, as it has in the past. Let's start with Klein's objection to Obama's characterization of how healthcare reform got done: The health-care process, which I reported on extensively, was a firmly “inside game” strategy. There were backroom deals with most every major interest group and every swing legislator.... By the time the law passed, many more Americans viewed it unfavorably than viewed it favorably — exactly the opposite of what you’d expect if health care had passed through an “outside game” strategy in which, as Obama put it, “the American people … put pressure on Congress to move these things forward.” And yet, health care passed. The inside game worked. All true, laddie. And yet, in claiming that the impetus for healthcare reform came from the outside, I don't think Obama is attempting to whitewash this long and messy process -- or is even referring to it. He is alluding to the marshaling or channeling of popular will that got him elected. The essence of Obama's primary election argument against Hillary Clinton was that he was better equipped to marshal the popular will for fundamental change -- with healthcare reform as the centerpiece -- than she was. I well remember the moment when that argument first impressed itself on me. It was in a debate in the immediate aftermath of the Iowa caucuses, on Jan. 5, 2008: Look, I think it's easier to be cynical and just say, "You know what, it can't be done because Washington's designed to resist change." But in fact there have been periods of time in our history where a president inspired the American people to do better, and I think we're in one of those moments right now. I think the American people are hungry for something different and can be mobilized around big changes -- not incremental changes, not small changes. I actually give Bill Clinton enormous credit for having balanced those budgets during those years. It did take political courage for him to do that. But we never built the majority and coalesced the American people around being able to get the other stuff done. And, you know, so the truth is actually words do inspire. Words do help people get involved. Words do help members of Congress get into power so that they can be part of a coalition to deliver health care reform, to deliver a bold energy policy. Don't discount that power, because when the American people are determined that something is going to happen, then it happens. And if they are disaffected and cynical and fearful and told that it can't be done, then it doesn't. I'm running for president because I want to tell them, yes, we can. And that's why I think they're responding in such large numbers.

Cue the political science eye-roll. The American people were not "determined" that healthcare reform per se had to occur. You can't read the results of the 2008 wave election as a "mandate" for a specific policy. In the aftermath, the electoral tide went back out with a vengeance. But it's also true that in two years of campaigning Obama's words did inspire people, that the American people were hungry for change after Bush, that Obama made a broad and conceptually coherent case for moving the center of American politics back to the left with a renewed commitment to shared prosperity and investment in the common good, and that healthcare reform was at the center of that case. True too that the results of that election gave him enough of a majority to persist, even when relentless Republican misinformation and bad-faith negotiation and delay eroded public support. Obama also used the bully pulpit at crucial points, if not to rally public opinion, at least to re-commit wavering Democrats -- and also to convince the public, as he enduringly has, that he was more of a good faith negotiator, more willing to compromise, than the Republicans. Those pressure points were the September 2009 speech he gave to a joint session of Congress, and the remarkable eight-hour symposium he staged with the leadership of both parties in late February 2010 to showcase the extent to which the ACA incorporated past Republican proposals and met goals allegedly shared by both parties, as well as his own bend-over-backwards willingness to incorporate any Republican ideas that could reasonably be cast as advancing those goals. In a series of posts about Ronald Reagan, Brendhan Nyhan has demonstrated that presidential rhetoric generally does not sway public opinion. Savvy politicians channel public opinion; transformative ones seize an opportunity when their basic narrative of where the country needs to go aligns with a shift in public opinion, usually in response to recent setbacks or turmoil. Obama, like Reagan, effected major change in his first two years because he caught such a wave -- he amassed the political capital, and he spent it, and we got what he paid for. The force from outside -- a wave election -- empowered Obama to work change from inside in a system that reached a new peak of dysfunctionality. Klein's also objects to Obama's pitch for how to effect change going forward. In 2011, he notes, Obama highlighted the substantial change won from the messy inside game of legislating, touting the long list of legislative accomplishments of the 111th Congress. In election season, he has reverted to a keynote of his 2008 campaign: change comes from you, the electorate; it happens when ”the American people … put pressure on Congress to move these things forward.” Klein regards this as election season hooey: But while this theory of change might play better, it’s the precise theory of change that the last few years have shattered. Whatever you want to say about the inside game, it worked. Legislation passed. But after the midterm elections, it stopped working. And so the White House moved towards an outside game strategy, where ”the American people … put pressure on Congress to move these things forward.” Perhaps the most public example was Obama’s July 2011 speech, in which he said: I’m asking you all to make your voice heard. If you want a balanced approach to reducing the deficit, let your member of Congress know. If you believe we can solve this problem through compromise, send that message. So many Americans responded that Congress’s Web site crashed. But Obama didn’t get his “balanced approach,” which meant a deal including taxes. Klein goes on to recount that throughout the past year of confrontation with the GOP, pushing a jobs package that had broad popular support, Obama won only one minor victory, extension of the payroll tax cut. He then reverts to two political science tenets: presidential advocacy entrenches the opposition, and it can't move popular opinion. But I think he misreads Obama's pitch, strategy and record on several counts. First, he understates Obama's (and the Democrats') successes in the year of confrontation that has followed the debt ceiling debacle. He writes off the payroll tax cut and unemployment benefit extension as small beer. But this was actually a near-total victory in two stages against entrenched opposition, and it won Obama some vital back-door stimulus for the second year running in the wake of the GOP House takeover. It was followed by a similar GOP cave-in on maintaining low student loan interest rates -- and then again, by the collapse of the House GOP effort to renege on the Budget Control Act and impose still more spending cuts. Presidential rhetoric may not change the public mind. But when it's in sync with voter's propensities, it can deploy public opinion to bring pressure to bear on the opposition. Second, it's true that under threat of GOP debt ceiling extortion, Obama successfully marshaled public opinion in favor of his "balanced" approach to deficit reduction but wasn't able to use that pressure to move the GOP off their no-new-taxes intransigence. But that battle ain't over yet, and popular support for Obama's position is political capital that's still in the bank. In the upcoming fiscal cliff negotiations, Obama, if he wins reelection, will have the whip hand, given the expiration of the Bush tax cuts and Republican teeth-gnashing over the defense cuts in the sequester. Speaking of which, Obama's refusal to intervene in the supercommittee negotiations as Republicans stonewalled once again over any tax hikes banked him further capital in this upcoming fight. Republicans are screaming much louder than Democrats about the sequester, disastrous though the cuts may be on the domestic side. Third, it's rational for Obama to recast his bid for change in election season, because of course he's seeking further "change" from the outside, i.e., more Democrats elected to Congress. He's not going to win a mandate as in 2008, or, most likely, majorities in both houses of Congress. But he has to make the pitch for being granted renewed tools to advance his agenda. Finally, a key part of Obama's "you are the change" pitch in his convention speech was a frank call to play defense -- to protect the changes wrought in his first term and fend off the further capture of the electoral process and the nation's resources by the oligarchy the GOP represents: If you turn away now – if you buy into the cynicism that the change we fought for isn’t possible … well, change will not happen. If you give up on the idea that your voice can make a difference, then other voices will fill the void: lobbyists and special interests; the people with the $10 million checks who are trying to buy this election and those who are making it harder for you to vote; Washington politicians who want to decide who you can marry, or control health-care choices that women should make for themselves.

**Turns every internal link and cuases middle east war**

Kay Bailey Hutchison (U.S. Senator from Texas) 9/21/2012 “A Looming Threat to National Security,” States News Service, Lexis

Despite warnings of the dire consequences, America is teetering at the edge of a fiscal cliff, with January 1st, 2013 as the tipping point. On that date, unless Congress and the White House can reach agreement on how to cut the federal deficit, all taxpayers will be hit with higher taxes and deep cuts - called "sequestration" - will occur in almost all government spending, disrupting our already weak economy and putting our national security at risk. According to the House Armed Services Committee, if sequestration goes into effect, it would put us on course for more than $1 trillion in defense cuts over the next 10 years. What would that mean? A huge hit to our military personnel and their families; devastating cuts in funding for critical military equipment and supplies for our soldiers; and a potentially catastrophic blow to our national defense and security capabilities in a time of increasing violence and danger. All Americans feel a debt of gratitude to our men and women who serve in uniform. But Texas in particular has a culture that not only reveres the commitment and sacrifice they make to protect our freedom, we send a disproportionate number of our sons and daughters to serve. The burden is not borne solely by those who continue to answer the call of duty, but by their families as well, as they endure separation and the anxiety of a loved one going off to war. These Americans have made tremendous sacrifices. They deserve better than to face threats to their financial security and increased risks to their loved ones in uniform, purely for political gamesmanship. Sequestration would also place an additional burden on our economy. In the industries that support national defense, as many as 1 million skilled workers could be laid off. With 43 straight months of unemployment above 8 percent, it is beyond comprehension to add a virtual army to the 23 million Americans who are already out of work or under-employed. Government and private economic forecasters warn that sequestration will push the country back into recession next year. The recent murder of our Ambassador to Libya and members of his staff, attacks on US embassies and consulates and continued riots across the Middle East and North Africa are stark reminders that great portions of the world remain volatile and hostile to the US. We have the mantle of responsibility that being the world's lone super-power brings. In the absence of U.S. military leadership, upheaval in the Middle East would be worse. As any student of history can attest, instability does not confine itself to national borders. Strife that starts in one country can spread like wildfire across a region. Sequestration's cuts would reduce an additional 100,000 airmen, Marines, sailors and soldiers. That would leave us with the smallest ground force since 1940, the smallest naval fleet since 1915 and the smallest tactical fighter force in the Air Force's history. With the destabilization in the Middle East and other areas tenuous, we would be left with a crippled military, a diminished stature internationally and a loss of technological research, development and advantage - just as actors across the globe are increasing their capabilities. Sequestration can still be avoided. But that will require leadership from the President that has thus far been missing. Congress and the White House must reach a long-term agreement to reduce $1 trillion annual budget deficits, without the harsh tax increases that could stall economic growth and punish working families.

### CP

Text: The United States Congress should establish a government-wide staged-process Quadrennial Energy Review process, led by the President in coordination with the Secretary of Energy as Executive Secretariat. The Executive Secretariat should immediately establish a policy determination to provide full support for making a recommendation to **substantially reduce restrictions on offshore oil drilling in the Outer Continental Shelf** a top priority of the first stage of the review. This review should occur through consultation with Congress and relevant agents within the energy industry. The Executive Secretariat should present the results of this review to the President in the form of a policy recommendation. The President should implement this recommendation.

#### Only doing the counterplan now establishes a comprehensive, streamlined energy policy process that provides certainty and is politically popular – individual policies cause rollback and turn innovation

**Moniz 12** – Cecil and Ida Green Professor of Physics and Engineering Systems and Director of the Energy Initiative at the Massachusetts Institute of Technology, serves on the President’s Council of Advisors on Science and Technology

(Ernest, “Stimulating Energy Technology Innovation”, Daedalus 141.2 (2012): 81–93, dml)

While there are many promising new approaches to filling the energy-technology innovation pipeline at the invention and translation stages, acceleration in the adoption and diffusion stages **continues to be more challenging**, especially with respect to the government role. The public-private model discussed above can be an important contributor, especially at the adoption stage, but the prospect of implementing an energy innovation surcharge in the near future is bleak. A recent congressional initiative to introduce a “line charge” on coal-generated electricity–the proceeds of which would have established carbon capture and sequestration to enable continued coal use–did not get very far, even though the measure had a fair degree of support in the industry.

The most obvious and conceptually simple approach to accelerate low-carbon deployment at scale is the imposition of a substantial economy-wide price on carbon dioxide emissions. Alternatively, a regulatory cap on emissions that tightens over time could be put in place. In either approach, **a** high degree **of confidence** that the policy will stay in place over **a** considerable period **of time**–rather than be subject to dramatic shifts in Congress and the administration–will be important for **generating private investments at scale in a timely fashion**. Similar mechanisms could address the externality of energy security and oil dependence. The prospects for carbon pricing continue to be inauspicious. At best, a continuation of **proxy policies** such as renewable portfolio standards and tax credits, often at the state level, can be anticipated. These policies tend to be inefficient for the overarching purpose of stringent carbon dioxide emissions reductions and, by observation, have too often been subject to starts and stops. Such policy realities highlight the importance of clean-energy technology cost reduction as **a** **more assured path to deployment** and, then, to appropriate policy by lowering implementation costs. Furthermore, it is not clear that pricing externalities would accelerate innovation at the needed pace without additional energy-technology policy steps.

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

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

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

• **outlines** legislative proposals to Congress;

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

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

• **provides** a strong analytical base.14

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

For the QER to succeed, the government must seek substantial input from many quarters in a transparent way; certainly, **ongoing dialogue with Congress and the energy industry are** essential. The good news is that members of Congress **have** supported **the development** of the QER15 as a way to present a coherent starting point for congressional action across many committees. A hope is that Congress could then use the QER as a basis for a four- or five-year authorization that would provide the private sector with the **increased confidence** needed to make sound clean energy investment decisions.

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

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

### CP

The United States Supreme Court should rule that compliance orders from federal enforcement agencies regarding **offshore oil drilling in the Outer Continental Shelf** unconstitutional.

#### The Court has this authority

Eric Waeckerlin (Attorney at Davis Graham & Stubbs LLP Past Attorney at Kelley Drye & Warren LLP Law Clerk at The Honorable Sam. E Haddon, U.S. District Court for the District of Montana Energy Policy Analyst at Western Governors' Association/Western Interstate Energy Board, J.D. University of Montana School of Law) March 21, 2012 “The Sackett Decision and Its Implications for Hydraulic Fracturing” http://www.frackinginsider.com/litigation/with-stunning-alacrity-the-united/

With stunning alacrity, the United States Supreme Court issued its opinion [PDF] today in Sackett v. EPA (roughly two months since oral argument), resolutely and unanimously striking down EPA’s position that the Clean Water Act (CWA) does not provide pre-enforcement judicial review of compliance orders. This blog has covered the Sackett case and explored the potential ramifications for EPA’s pursuit of regulatory authority over hydraulic fracturing. In this respect, the opinion is surprisingly broad and is not grounded in distinctions between a non-emergency administrative order (like the CWA order at issue in Sackett) and an emergency-type administrative order under other statutes (e.g., the Safe Drinking Water Act (SDWA) or CERCLA). Accordingly, following Sackett, EPA’s ability to regulate hydraulic fracturing under the guise of emergency SDWA authority appears less clear. Justice Scalia’s opinion avoids the merits of whether EPA actually had CWA jurisdiction over the Sackett’s property, and instead focuses on whether EPA violated the Sackett’s due process rights by issuing a compliance order without a hearing or judicial review. In essence, the Sackett’s had two options: (1) comply with the order, thus acceding that EPA had jurisdictional authority; or (2) wait to be sued by the Agency meanwhile accruing $75,000/day in penalties for non-compliance. On the issue of whether the compliance order was a “final agency action” subject to judicial review the Court was clear. Justice Scalia writes “[t]here is no doubt [the compliance order] is agency action” and further, “[i]t has all the hallmarks of APA finality that our opinions establish.” Many of the core hallmarks or factors relied on by the Court would also apply in the emergency SDWA order issued by EPA in the Range Resources case. These include the imposition of future obligations (the Range Resources order imposes extensive obligations, including testing and work plans), an obligation to allow Agency access to the site, the imposition of penalties for non-compliance, and Agency conclusions regarding whether the party is in compliance (both orders contain Findings of Fact and Conclusions of Law). The Court also held that nothing in the CWA expressly precludes judicial review. With the important caveat that the SDWA scheme differs from the CWA scheme, and that emergency power is different from general CWA jurisdictional authority, the Sackett opinion carries some potentially important implications for the Range Resources matter. First, Justice Scalia prominently noted and relied on the Administrative Procedure Act’s “presumption favoring judicial review of administrative action.” This presumption carries across all federal statutes, including the SDWA. Second, the Court eschewed EPA’s argument that because the CWA gives the Agency a choice between a judicial proceeding and an administrative action, choosing the latter precludes judicial review. The SDWA provides a similar choice. Finally, the Court did not agree with the Government’s policy argument that providing pre-enforcement judicial review of CWA compliance orders would make EPA less likely to use such orders. Acknowledging “that might be true,” Justice Scalia essentially signaled that the Court thinks there is a substantial question about the merits of EPA’s order in Sackett, stating “[c]ompliance orders will remain an effective means of securing prompt voluntary compliance in those many cases where there is no substantial basis to question their validity.” This same policy would arguably cut against EPA in favor of full substantive judicial review in the Range Resources matter. The strongest words were penned by Justice Alito. In the opening salvo of his concurring opinion, he asserted that the position taken by EPA “would have put the property rights of ordinary Americans entirely at the mercy of [EPA] and its employees.” Justice Alito went on to say “[i]n a nation that values due process, not to mention private property, such treatment is unthinkable.” In sum, the Court’s decision is a stunning rebuke of an EPA that many feel has overreached. The decision likely has much to do with the broader ongoing issues of EPA’s CWA jurisdiction and the meaning of “navigable waters.” In fact, Justice Alito’s concurrence expressly notes that the only true remedy to aggrieved property owners is Congressional clarification of the reach of EPA’s CWA jurisdiction. Nonetheless, the implications for the Range Resources case (and the broader issue of EPA’s mission to regulate hydraulic fracturing in the absence of clear statutory authority) are potentially significant.

#### This solves and competes – it doesn’t ‘reduce’ a legal restriction – it just makes it unenforceable

William Treanor (associate professor of law at Fordham University) and Gene Sperling (Deputy assistant to the president for economic policy University of Minnesota) 1993 “Prospective overruling and the revival of Unconstitutional statutes” JSTOR

Unlike the Supreme Court, several state courts have explicitly addressed the revival issue. The relevant state court cases have concerned the specific issue of whether a statute that has been held unconstitutional is revived when the invalidating decision is over- turned.42 With one exception, they have concluded that such statutes are immediately enforceable. The most noted instance in which the revival issue was resolved by a court involved the District of Columbia minimum wage statute pro- nounced unconstitutional in Adkins. After the Court reversed Adkins in West Coast Hotel, President Roosevelt asked Attorney General HomerCummings for an opinion on the status of the District of Columbia's statute. The Attorney General responded, The decisions are practically in accord in holding that the courts have no power to repeal or abolish a statute, and that notwithstanding a decision holding it unconstitutional a statute continues to remain on the statute books; and that if a stat- ute be declared unconstitutional and the decision so declaring it be subsequently overruled the statute will then be held valid from the date it became effective.43 Enforcement of the statute followed without congressional action.44 When this enforcement was challenged, the Municipal Court of Appeals for the District of Columbia inJawish v. Morlet 45 held that the decision in West Coast Hotel had had the effect of making the statute enforceable. The court observed that previous opinions addressing the revival issue proceed on the principle that a statute declared unconstitutional is void in the sense that it is inoperative or unenforceable, but not void in the sense that it is repealed or abolished; that so long as the decision stands the statute is dormant but not dead; and that if the decision is reversed the statute is valid from its first effective date.46 The court declared this precedent sound since the cases were "in ac- cord with the principle 'that a decision of a court of appellate jurisdic- tion overruling a former decision is retrospective in its operation, and the effect is not that the former decision is bad law but that it never was the law.' "47 Adkins was thus, and had always been, a nullity. The court acknowledged that, after Adkins, it had been thought that the District of Columbia's minimum wage statute was unconstitutional. As the court put it, "'[J]ust about everybody was fooled.' "48 Nonetheless, the court's view was that since the minimum wage law had always been valid, although for a period judicially unenforceable, there was no need to reenact it.49 Almost all other courts that have addressed the issue of whether a statute that has been found unconstitutional can be revived have reached the same result as theJawish court, using a similar formalisticanalysis.50 The sole decision in which a court adopted the nonrevival position is Jefferson v. Jeferson,51 a poorly reasoned decision of the Louisiana Supreme Court. The plaintiff in Jeferson sought child sup- port and maintenance from her husband. She prevailed at the trial level; he filed his notice of appeal one day after the end of the filing period established by the Louisiana Uniform Rules of the Court of Ap- peals. The Court of Appeals rejected his appeal as untimely, even though the Louisiana Supreme Court had previously found that the ap- plicable section of the Uniform Rules violated the state constitution. One of Ms. Jefferson's arguments before the state Supreme Court was that that court's previous ruling had been erroneous and that the rules should therefore be revived. In rejecting this claim and in finding for the husband, the Court stated: Since we have declared the uniform court rule partially unconstitutional, it appears to be somewhat dubious that we have the right to reconsider this ruling in the instant case as counsel for the respondent judges urges us to do. For a rule of court, like a statute, has the force and effect of law and, when a law is stricken as void, it no longer has existence as law; the law cannot be resurrected thereafter by a judicial de- cree changing the final judgment of unconstitutionality to con- stitutionality as this would constitute a reenactment of the law by the Court-an assumption of legislative power not dele- gated to it by the Constitution.52 The Louisiana Court thus took a mechanical approach to the revival question. According to its rationale, when a statute is found unconstitutional, it is judicially determined never to have existed. Revival there- fore entails judicial legislation and thereby violates constitutionally mandated separation of powers: because the initial legislative passage of the bill has no legitimacy, the bill's force is considered to be purely a creature of judicial decision-making. Jefferson has little analytic appeal. Its view of the separation of pow- ers doctrine is too simplistic. Contrary to the Jeferson rationale, a "re- vived" law is not the pure product of judicial decision-making. It is, instead, a law that once gained the support of a legislature and that has never been legislatively repealed. Its legitimacy rests on its initial legis- lative authorization. Moreover, the view that a statute that has been found unconstitutional should be treated as if it never existed may have had some support in the early case law, but it has been clearly rejected by the Supreme Court. Instead of treating all statutes that it has found unconstitutional as if they had never existed, the Court has recognized a range of circumstances in which people who rely on an overturned decision are protected. Indeed, as will be developed, the doctrine of prospective overruling evolved to shield from harm those who relied on subsequently overruled judicial decisions.53 In short, the one case in which there was a holding that a statute did not revive does not offer a convincing rationale for nonrevival.

### K

**Energy production brings nature to serve, turning the world into a global gas station, eviscerating and erasing being. The ultimate result is nuclear annihilation and meaninglessness—comparatively outweighs**

Callister 2007 (Paul, Associate Professor of Law and Director of the Leon E. Bloch Law Library, University of Missouri‑Kansas City School of Law. Law and Heidegger’s Question Concerning Technology: Prolegomenon to Future Law Librarianship Law Library Journal [Vol. 99:2)

 1 Following World War II, the German philosopher Martin Heidegger offered one of the most potent criticisms of technology and modern life. His nightmare is a world whose essence has been reduced to the functional equivalent of “a giant gasoline station, an energy source for modern technology and industry. This relation of man to the world [is] in principle a technical one. . . . [It is] altogether alien to former ages and histories.”2 For Heidegger, the problem is not technology itself, but the technical mode of thinking that has accompanied it. Such a viewpoint of the world is a useful paradigm to consider humanity’s relationship to law in the current information environment, which is increasingly technical in Heidegger’s sense of the term. 2 Heidegger’s warning that a technical approach to thinking about the world obscures its true essence is directly applicable to the effects of the current (as well as former) information technologies that provide access to law. The thesis of this article is that Heidegger provides an escape, not only for libraries threatened by obsolescence by emerging technologies, but for the law itself, which is under the same risk of subjugation. This article explains the nature of Heidegger’s criticisms of technology and modern life, and explores the threat specifically identified by such criticism, including an illustration based upon systematic revision of law in Nazi Germany. It applies Heidegger’s criticisms to the current legal information environment and contrasts developing technologies and current attitudes and practices with earlier Anglo-American traditions. Finally, the article considers the implications for law librarianship in the current information environment. Heidegger’s Nightmare: Understanding the Beast Calculative Thinking and the Danger of Subjugation to a Single Will 3 The threat is not technology itself; it is rather a danger based in the essence of thinking, which Heidegger describes as “enframing”3 or “calculative thinking.”4 For Heidegger, the problem is that mankind misconstrues the nature of technology as simply “a means to an end.”5 4 Heidegger’s articulation of the common conception of technology as a “means” applies equally well to information technologies, including legal databases. True, it is hard to think of technology in any other way, but what Heidegger argues is that this failure to consider the essence of technology is a threat to humanity.6 5 He defines the threat in two ways. First, humans become incapable of seeing anything around them as but things to be brought into readiness to serve some end (a concept he refers to as “standing reserve”).7 They are thereby cut off from understanding the essence of things and, consequently, their surrounding world.8 Second, man is reduced to the role of “order-er” of things, specifically to some purpose or end, and, as a result, risks becoming something to be ordered as well.9 Heidegger illustrates these concerns as follows: The forester who, in the wood, measures the felled timber and to all appearances walks the same forest path in the same way as did his grandfather is today commanded by profitmaking in the lumber industry, whether he knows it or not. He is made subordinate to the orderability of cellulose, which for its part is challenged forth by the need for paper, which is then delivered to newspapers and illustrated magazines. The latter, in their turn, set public opinion to swallowing what is printed, so that a set configuration of opinion becomes available on demand.10 In other words, the trees, the wood, the paper, and even the forester (whose ancestors once understood the sanctity of the woods) are ultimately subordinated to the will to establish orderly public opinion. The forester, in proverbial fashion, “cannot see the forest for the trees.” Instead of appreciating the majesty and mystery of the living forest, he sees only fodder for the paper mill, which will pay for his next meal. 6 The same cynicism might be applied to legal publishing. Whole forests have given their lives to the publication of legal information in order to provide a stable basis for society—after all, the “law must be stable and yet it cannot stand still,”11 or as our comrades from Critical Legal Studies might put it, law is simply a tool “to perpetuate the existing socioeconomic status quo.”12 Cadres of West editors (commonly referred to in generic fashion as human resources, ironically making them all the less human)13 work feverishly to digest points of law and assign 55,000 cases into a taxonomy with more than 100,000 class distinctions,14 all for the sake of a predictable legal system and stable society. 7 For Heidegger, the threat is revealed in mankind’s perpetual quest to gain mastery over technology. “Everything depends on our manipulating technology in the proper manner as a means. We will, as we say, ‘get’ technology ‘spiritually in hand.’ We will master it. The will to mastery becomes all the more urgent the more technology threatens to slip from human control.”15 When Heidegger published these words (first in 1962, but based on lectures from 1949 and 1950),16 the implications of nuclear energy and atomic warfare occupied much academic discussion. Heidegger points out that the popular question of this period did not concern how to find sufficient energy resources, but “[i]n what way can we tame and direct the unimaginably vast amounts of atomic energies, and so secure mankind against the danger that these gigantic energies suddenly—even without military actions— break out somewhere, ‘run away’ and destroy everything?”17 The modern question is about our mastery over technology, not about sufficiency of resources. 8 Similar concerns are apparent with respect to information technologies, where the primary problem is not lack of access, but too much access: for example, illegal music file swapping,18 the anti-circumvention provisions of the Digital Millennium Copyright Act (DMCA),19 and trends to use licensing to control and preserve the economic value of information (and to prohibit otherwise lawfully competitive practices, such as reverse engineering).20 With respect to law and government, we see such examples as retraction of government documents,21 the Patriot Act,22 the furor over unpublished electronic precedent,23 and the recent frenzy of e-discovery.24 Some stakeholders seem to have liked things better when information resources were scarce.25 Universal access is destabilizing—hence, the considerable interest in getting a “handle” on technology through legal sanction and yet additional technological innovation (the so-called “access control” technologies). 26 9 Heidegger’s genius is in recognizing that all the fuss about mastering technologies, although close to the mark, concerns the wrong issue. The more insidious threat is not nuclear fallout or economic devaluation of intellectual property, but the worldview of “calculative” thinking that accompanies rapid technological change: “The world now appears as an object open to attacks of calculative thought, attacks that nothing is believed able any longer to resist.”27 For Heidegger, calculative thought is not limited to the manipulation of machine code or numbers. Rather, the concept is grounded in “Machiavellian scheming” and the pursuit of power. “Calculative thinking computes. It computes ever new, ever more promising and at the same time more economical possibilities. Calculative thinking races from one prospect to the next.”28 The threat Heidegger envisions to human thought is even more dangerous than nuclear warfare.29 10 Heidegger’s threat is based on the separation of man from his or her nature. By pursuing economic calculation, man is cut off from the transformative powers of his or her environment. In such a world, law does not have the capacity to educate or to provide the basis for social harmony;30 rather, like any resource, law must be employed to more economic ends. The implication is that calculative thinking mandates that everything (including law) be subjected to a single will. While Heidegger recognized the danger of subjecting everything to a single will, the issue of whether, and when, he equated the danger with Nazi totalitarianism, which he had originally supported, would require a line of historical inquiry far beyond the scope of this article.31 Regardless of Heidegger’s own political and moral journey, Nazism effectively illustrates Heidegger’s philosophical fear—that technological thinking risks the “ordering” of all the world, including humanity, as resources subject to a singular will.

*We do not endorse the gendered language in this card*

**Belief in our ability to technologically manage the world is part of the problem. Complete control is never possible, but more often creates cycles of paralyzing anxiety and reactive desire to take action that only recreates the crisis**

**Peat, 08 –** theoretical physicist, Ph.D., founder of the Pari Centre for New Learning (F. David, “Gentle Action: Surviving Chaos and Change”, http://www.gentleaction.org/library/paper2.php)

Many rapid changes that are taking place around us. These include globalization, developments in technology; fears of terrorism, the instability of the Third World; the rise of the Pacific Rim and a United Europe; the breakdown of inner cities; economics that appear to be out of control with the consequent challenges of inflation, recession and unemployment; spiraling health costs; revolutions in communication technology and information processing; the demands of consumers and special interest groups; threatened species and ecologies; the dangers of global warming and ozone depletion; increasing rates of teenage suicide and drugs use; the transformation of management and the breakdown of conventional institutions. Governments, institutions, organizations and individuals experience considerable anxiety in the face of such rapid change and **feel powerless to ameliorate the problems** that surround them. Indeed, it sometimes appears as if their plans and policies, as well as the traditional structures of their institutions, **are themselves part of the problem**. In so many cases policies, plans, interventions and other actions, all taken in good faith, **have not only failed to resolve an existing situation but in many cases have acted to magnify and render the problem even more intractable.** In other cases, the attempt to impose a solution in one location or context **has had the effect of creating an even larger problem elsewhere**. Organizations and individuals feel control slipping from their grasp and their natural reaction is to become even more intransigent in their attempt to clamp down on events and exert ever more control. **The result is a spiral of control that has literally gone out of control!** The realization that plans and policies are ineffective leads to a sense of depression and hopelessness. Faced with the insecurities and flux of the modern world many institutions fall into a state that, where it to be detected in an individual, would be diagnosed as manic-depression! How did this cycle of anxiety, hopelessness, panic and the desire for ever more control arise? I would argue that it is a paradigm of thought and behavior that originates in our particular view of reality, a view, moreover, that modern science had now demonstrated to be fundamentally erroneous. Thus, when our perception of the world around us is astigmatic, the actions we take become increasingly inappropriate and incongruous. It is only by entering into new modes of perception and acknowledging a new paradigm of reality that more appropriate forms of action can be taken. The Myth of Control One of the great themes of Western civilization, a theme of virtually mythic proportions, involves the way in which nature has been tamed and controlled over the course of the last few thousand years. Other cultures and civilizations have, for example, developed the techniques of farming but it appears that only the civilizations that expanded from their Neolithic birthplace in Northern Europe and the Fertile Crescent of the near East possessed the hubris necessary to impose themselves to such a marked extent upon the landscape. Thus, even in prehistoric times, European forests were cleared, marshes drained, vast tracts of land converted to farming, and tracks and walkways established as human beings sought to recreate the landscape according to their own needs. And, as ever more powerful technologies and social control became available, this path of domination continued. Within our own time, social critics have pointed out that this desire to exert control has led to our distancing ourselves from the natural world. The effect has been for us to place an **increasing faith in human reason, science, technology and the effectiveness of plans**, directives **and policies** while, at the same time, to decrease our sensitivity for the complex and subtle nature of the world around us. In short, **we tend to stand outside the world**, like observers, **indulging in constant analysis,** **making predictions and exerting corrective control** when situations do not move in the direction we desire. When human society and its associated technology were relatively simple and localized, and the resources that it called upon were unlimited, then this pattern of control was relatively successful. But as societies attempt to deal with ever more complicated issues, their boundaries became more open, their resources are found to be finite, the environment fragile, and technologies and world economics become increasingly complex then these conventional approaches simply fail. Ultimately, by virtue of its early success, the desire to dominate grew to the point where **it began to subvert itself and**, in the process, **endangered the whole planet**. And increasingly actions taken in one sphere **have unintended consequences in another**. Engaging complexity Over the last decades, however, there have been indications of a remarkable transformation within this traditional vision; a revolution in the perception of ourselves, our culture and the nature of reality that is truly Copernican in its implications. Just as in the 16th century astronomical observations were to dethrone the human race from a central place in the universe, so too in our own century relativity, quantum theory, chaos theory and systems theory, along with new insights in psychology, ecology and economics, have demonstrated the fundamental fallacy of our belief in definitive control. At the same time they are affirming our basic connectedness to the whole of creation. These scientific insights happen to have come at a time when the world has been experiencing rapid revolutionary change. States have risen and fallen. The notion of government is being transformed. Institutions are questioning their effectiveness. Businesses are desperately searching for new ways of operating. Technologies have developed so rapidly that people are unable to keep up with their implications. The overall effect has been to create **a profound sense of anxiety**, a fear that things are out of control, that the future is increasingly uncertain and that we have been left with nothing to hang on to. Yet what if this anxiety actually **points to an essential truth about the world**, that ultimately control and definitive prediction are strictly limited and that we must discover new ways of being and acting? Our current economic, social, ecological, environmental and institutional systems are now enormously complex to the extent that **we may never have complete knowledge** **about the inner dynamics of** such **systems**, nor the ability to predict exactly or exert total control. In this we can draw on metaphors from the new sciences of quantum theory, chaos theory, systems theory, and so on which also indicate essential limits to prediction, description and control. It is for such reason that so many of our plans and policies have been unable to meet the complexities of the modern world and why some supposed "solutions" have created even deeper problems and more intractable situations. The myth of eternal progress and control that has lain behind Western civilization can no longer sustain itself. The island of order and certainty on which we have been living has turned out to be not solid land but a rapidly melting iceberg, and we have no alternative but to **plunge into the boiling sea of flux, uncertainty and change that surrounds us**. The Dilemma of Action These are the dilemmas that many organizations find themselves in today, dilemmas that translate into the anxieties and uncertainties faced by many individuals. Programmed by their goals and mission statements, as well as by their very structures, many organizations inevitably seek ways of exerting control and believe that they must always take positive action in the face of uncertainty. Yet increasingly they discover that these actions are inappropriate. And so organizations, institutions, governments, groups and individuals retrench, break apart or in some other way get trapped into a spiral of ineffective decision making, paralysis and anxiety. These organizations, governments and institutions have been created according to our traditional image of reality; that is, of **a world that is external to us, predictable, relatively mechanical, and whose dynamics can be controlled** by the application of directed force. As a result, organizations are themselves relatively rigid in their nature, operating from fixed plans, policies and mission statements. Their internal structures are often hierarchical in nature, their lines of communication are limited rather than being flexible and dynamic, and their response to challenge and change is often predictable. In other words, most organizations are far less subtle and complex than the very systems they are attempting to address. **The basic problem** facing our modern world **is:** **How can society respond to the flux and challenge of the modern world** when all its institutions are inflexible and over-simplistic? When situations move more rapidly than an organization is capable of responding, policies and programs are outdated even before they are put into operation. Rather than acting to render organizations and policies more flexible, the apparatus of modern technology tends to **rigidify and entrench the problems** and rigidities that already exist within an organization. Organizations are composed of individuals and here too the conditioning of our society tends to inhibit natural creativity and abilities. Just as organizations have areas of rigidity, limitations also apply to the psychology of the individual. The issue becomes, therefore, one of freeing and fostering the natural intelligence and creativity of individuals and allowing them to operate fully within society, governments and institutions. In other words, how can organizations and individuals transform themselves so that they can become as subtle, sensitive, intelligent and fast-responding as the world around them? How can institutions heal their separation from society; society from the individual; and the individual from the natural world? Creative Suspension Paradoxically it is the very effort to change that establishes an internal resistance and rigidity that sustains the blocks that are to be removed. The first step towards transformation lies in an act of "creative suspension" and "alert watchfulness". This is an action that has the effect of relevating and making manifest the internal dynamics, rigidities, fixed positions, unexamined paradigms, interconnections and lines and levels of communication within the organization and the individual. A form of "creative suspension" is taught to paramedics and rescue workers who have to deal with serious accidents. While a layperson may wish to rush in an "help", a professional will suspend immediate response in order to make a careful assessment of the whole situation and determine how to use resources most effectively. Likewise doctors and paramedics made a visual examination of the wounded before carefully touching and then determining what medical action should be taken. The nature of this creative suspension is related to other approaches and techniques whereby unexamined assumptions and rigidities are brought into conscious awareness. For example, Sigmund Freud's notion of "non-judgmental listening" as well as various meditative practices. Artists, composers, scientists and other creative people often describe how their work unfolds from a form of creative "listening". These acts of listening and watchfulness have the effect of dissolving rigidities and rendering a system more flexible. Of course the lights will begin to flash and the alarm bells ring. Like Pavlov's dog an organization is conditioned to react and respond. But what if it does nothing--but it a very watchful way, and this applies not only to organizations but to individuals as well? The first stage will be one of panic and chaos, a flow of commands and information. All of this is not being generated by any external threat but through the internal structure of the organization itself. By remaining sensitive to what it going on it may be possible to become aware of the whole nature of the organization, of its values, the way its information flows, its internal relationships, dynamics and, in particular, its fixed and inflexible responses-- the organizational neuroses and psychoses if you like. Arthur Koestler suggested that a scientific revolution is born out of the chaos as a paradigm breaks down. It is possible that something new and more flexible could be born out of the break-down of fixed patterns in an organization, policy group or individual. Through a very active watchfulness it may be possible to detect its unexamined presuppositions, fixed values and conditioned responses and in this way allow them to dissolve by no longer giving energy to support them. The idea would be to permit the full human potential for creativity within each individual to flower, it would enable people to relate together in a more harmonious way and human needs and values to be acknowledged. In this fashion the organization or group dies and is reborn. In its new form it becomes at least as flexible and sensitive as the situation it faces. Now, using science, human creativity and the art of working with complex systems it may be possible to perceive a complex system correctly and model it within the organization. This new understanding would be the basis for a novel sort of action, **one that** **harmonizes with nature and society**, that does not desire to dominate and control and but **seeks balance and good order** and is based on respect for nature and society. Gentle Action explores images of new organizations and institutions that would be able to sustain this watchfulness. In place of relatively mechanical, hierarchical and rule-bound organizations there would exist something more organic in nature. In place of relatively mechanical, hierarchical and rule-bound organizations there would exist something more organic in nature. By way of illustrate one could draw upon ideas and concepts in systems theory, Prigogine's dissipative structures, cooperative and coherent structures in biology, neural networks, quantum interconnectedness and non-locality. In such a way organizations will be able to reach a condition in which they are as sensitive, subtle and as intelligent as the systems and situations that surround them. New Organizations, New Dynamics With this increased flexibility, organizations will now be able to internalize and model the complex dynamics of the systems that surround them. Rather than seeking to predict and control, they will now be able to enter the flux of change and engage in those actions that are appropriate to each new situation.

**Hence, our alternative: do nothing.**

**Rejecting the call to action in the face of crisis opens space for solidarity to emerge through deep reflection on our relationship with the Earth.**

**McWhorter 92,** Professor of Philosophy at Northeast Missouri State, 92 (LaDelle, Heidegger and the Earth, ed: McWhorter, p. vii-viii)

Heidegger frustrates us. At a time when the stakes are so very high and decisive action is so loudly and urgently called for, Heidegger apparently calls us to do - nothing. If we get beyond the revulsion and anger that such a call initially inspires and actually examine the feasibility of response, we begin to undergo the frustration attendant upon paradox; **how is it possible, we ask, to choose, to will, to *do nothing****?* The call itself places in question the bimodal logic of activity and passivity; it points up the paradoxical nature of our passion for action, of our passion for maintaining control. **The call itself suggests that our drive for acting decisively and forcefully is part of what must be thought through, that** the narrow option of will versus surrender is one of the power configurations of current thinking that must be allowed to dissipate.But of course, those drives and those conceptual dichotomies are part of the very structure of our self-understanding both as individuals and as a tradition and a civilization. Hence, Heidegger's call is a threatening one, requiring great courage, "the courage to make the truth of our own presuppositions and the realm of our own goals into the things that most deserve to be called in question." Heidegger's work pushes thinking to think through the assumptions that underlie both our ecological vandalism and our love of scientific solutions, assumptions that also ground the most basic patterns of our current ways of being human.

### Oil Dependence

#### should’ve read inherency – Moratorium’s gone, solves production

BOEM, 6/28/2012 (Bureau of Ocean Energy Management, US Dept of the Interior, 28 June 2012, “Proposed Final Outer Continental Shelf Oil & Gas Leasing Program,” http://www.boem.gov/uploadedFiles/BOEM/Oil\_and\_Gas\_Energy\_Program/Leasing/Five\_Year\_Program/2012-2017\_Five\_Year\_Program/PFP%2012-17.pdf)//CC

This PFP includes fifteen potential lease sales in six planning areas – the Western and Central Gulf of Mexico (GOM), the portion of the Eastern GOM not currently under Congressional moratorium, and the Chukchi Sea, Beaufort Sea and Cook Inlet planning areas offshore Alaska. That portion of the individual planning area that is being considered for leasing in a Five Year Program is referred to as the program area. A program area can be the entire planning area as in the Cook Inlet offshore Alaska; a small portion as in the Eastern GOM; or any size in between. The program also provides for the number and timing of sales within and among areas. Maps A and B show the areas proposed for leasing (Proposed Final Program Areas). These include the richest and most promising areas for oil and gas exploration and development on the U.S. OCS and together they include more than 75 percent of the total undiscovered, technically recoverable oil and natural gas resources estimated for the entire OCS The PFP, therefore, advances the Administration’s Blueprint for a Secure Energy Future, which aims to promote the Nation’s energy security and reduce oil imports by a third by 2025 through a comprehensive national energy policy that includes a focus on expanding safe and responsible domestic oil and natural gas production.

#### No China war

Robert J. **Art**, Fall 20**10** Christian A. Herter Professor of International Relations at Brandeis University and Director of MIT's Seminar XXI Program The United States and the rise of China: implications for the long haul Political Science Quarterly 125.3 (Fall 2010): p359(33)

The workings of these three factors should make us cautiously optimistic about keeping Sino-American relations on the peaceful rather than the warlike track. The peaceful track does not, by any means, imply the absence of political and economic conflicts in Sino-American relations, nor does it foreclose coercive diplomatic gambits by each against the other. What it does mean is that the conditions are in place for war to be a low-probability event, if policymakers are smart in both states (see below), and that an **all-out war is** nearly **impossible** to imagine. By the historical standards of recent dominant-rising state dyads, this is no mean feat. In sum, there will be some security dilemma dynamics at work in the U.S.-China relationship, both over Taiwan and over maritime supremacy in East Asia, should China decide eventually to contest America's maritime hegemony, and there will certainly be political and military conflicts, but nuclear weapons should work to mute their severity because the security of each state's homeland will never be in doubt as long as each maintains a second-strike capability vis-a-vis the other. If two states cannot conquer one another, then the character of their relation and their competition **changes dramatically**. These three benchmarks--China's ambitions will grow as its power grows; the United States cannot successfully wage economic warfare against a China that pursues a smart reassurance (peaceful rise) strategy; and Sino-American relations are not doomed to follow recent past rising-dominant power dyads--are the starting points from which to analyze America's interests in East Asia. I now turn to these interests.

#### No impact to heg

**Goldstein 2011**, Professor IR at American University [Joshua S. Goldstein, Professor emeritus of international relations at American University, “Thing Again: War,” Sept/Oct 2011,

http://www.foreignpolicy.com/articles/2011/08/15/think\_again\_war?print=yes&hidecomments=yes&page=full]

Nor do shifts in the global balance of power doom us to a future of perpetual war. While some political scientists argue that an increasingly multipolar world is an increasingly volatile one -- that peace is best assured by the predominance of a single hegemonic power, namely the United States -- **recent geopolitical history** suggests otherwise. Relative U.S. power and worldwide conflict have **waned in tandem** over the past decade. The exceptions to the trend, Iraq and Afghanistan, have been lopsided wars waged by the hegemon, not challenges by up-and-coming new powers. The best precedent for today's emerging world order may be the 19th-century Concert of Europe, a collaboration of great powers that largely maintained the peace for a century until its breakdown and the bloodbath of World War I.

#### No Iran prolif impact

**Pinker, 11** [Steven, professor of psychology at Harvard University, *The Better Angels of our Nature Why Violence Has Declined*, ISBN: 067002295, for online access email alexanderdpappas@gmail.com and I will forward you the full book]

If current pundits are to be believed, then as you are reading these words the New Peace will already have been shattered by a major war, perhaps a nuclear war, with Iran. At the time of this writing, tensions have been rising over the country’s nuclear energy program. Iran is currently enriching enough uranium to fashion a nuclear arsenal, and it has defied international demands that it allow inspections and comply with other provisions of the Nuclear Nonproliferation Treaty. The president of Iran, Mahmoud Ahmadinejad, has taunted Western leaders, supported terrorist groups, accused the United States of orchestrating the 9/11 attacks, denied the Holocaust, called for Israel to be “wiped off the map,” and prayed for the reappearance of the Twelfth Imam, the Muslim savior who would usher in an age of peace and justice. In some interpretations of Shi’a Islam, this messiah will show up after a worldwide eruption of war and chaos. All this is, to say the least, disconcerting, and many writers have concluded that Ahmadinejad is another Hitler who will soon develop nuclear weapons and use them on Israel or furnish them to Hezbollah to do so. Even in less dire scenarios, he could blackmail the Middle East into acceding to Iranian hegemony. The prospect might leave Israel or the United States no choice but to bomb its nuclear facilities preemptively, even if it invited years of war and terrorism in response. A 2009 editorial in the *Washington Times* spelled it out: “War with Iran is now inevitable. The only question is: Will it happen sooner or later?”279 This chilling scenario of a nuclear attack by Iranian fanatics is certainly possible. But is it *inevitable*, or even highly likely? One can be just as contemptuous of Ahmadinejad, and just as cynical about his motives, while imagining less dire alternatives for the world ahead. John Mueller, Thomas Schelling, and many other foreign affairs analysts have imagined them for us and have concluded that **the Iranian nuclear program is not the end of the world**.280 Iran is a signatory to the Nuclear Nonproliferation Treaty, and Ahmadinejad has repeatedly declared that Iran’s nuclear program is intended only for energy and medical research. In 2005 Supreme Leader Khameini (**who wields more power than Ahmadinejad**) issued a fatwa declaring that **nuclear weapons are forbidden under Islam**.281 If the government went ahead and developed the weapons anyway, it would not be the first time in history that national leaders have lied through their teeth. But having painted themselves into this corner, the prospect of forfeiting all credibility in the eyes of the world (including major powers on whom they depend, like Russia, China, Turkey, and Brazil) might at least give them pause. Ahmadinejad’s musings about the return of the Twelfth Imam do not necessarily mean that he plans to hasten it along with a nuclear holocaust. Two of the deadlines by which writers confidently predicted that he would set off the apocalypse (2007 and 2009) have already come and gone.282 And for what it’s worth, here is how he explained his beliefs in a 2009 television interview with NBC correspondent Ann Curry: *Curry:* You’ve said that you believe that his arrival, the apocalypse, would happen in your own lifetime. What do you believe that you should do to hasten his arrival? *Ahmadinejad:* I have never said such a thing.... I was talking about peace.... What is being said about an apocalyptic war and—global war, things of that nature. This is what the Zionists are claiming. Imam . . . will come with logic, with culture, with science. He will come so that there is no more war. No more enmity, hatred. No more conflict. He will call on everyone to enter a brotherly love. Of course, he will return with Jesus Christ. The two will come back together. And working together, they would fill this world with love. The stories that have been disseminated around the world about extensive war, apocalyptic wars, so on and so forth, these are false. 283 As a Jewish atheist, I can’t say I find these remarks completely reassuring. But with one obvious change they are not appreciably different from those held by devout Christians; indeed, they are milder, as many Christians do believe in an apocalyptic war and have fantasized about it in bestselling novels. As for the speech containing the phrase that was translated as “wiping Israel off the map,” the *New York Times* writer Ethan Bronner consulted Persian translators and analysts of Iranian government rhetoric on the meaning of the phrase in context, and they were unanimous that Ahmadinejad was daydreaming about regime change in the long run, not genocide in the days ahead.284 The perils of translating foreign bombast bring to mind Khrushchev’s boast “We will bury you,” which turned out to mean “outlive” rather than “entomb.” There is a parsimonious alternative explanation of Iran’s behavior. In 2002 George W. Bush identified Iraq, North Korea, and Iran as the “axis of evil” and proceeded to invade Iraq and depose its leadership. North Korea’s leaders saw the writing on the wall and promptly developed a nuclear capability, which (as they no doubt anticipated) has put an end to any musings about the United States invading them too. Shortly afterward Iran put its nuclear program into high gear, aiming to create enough ambiguity as to whether it possesses nuclear weapons, or could assemble them quickly, to squelch any thought of an invasion in the mind of the Great Satan. If Iran does become a confirmed or suspected nuclear power, the history of the nuclear age suggests that the most likely outcome would be nothing. As we have seen, nuclear weapons have turned out to be useless for anything but deterrence against annihilation, which is why the nuclear powers have repeatedly been defied by their nonnuclear adversaries. The most recent episode of proliferation bears this out. In 2004 it was commonly predicted that if North Korea acquired a nuclear capability, then by the end of the decade it would share it with terrorists and set off a nuclear arms race with South Korea, Japan, and Taiwan.285 In fact, North Korea did acquire a nuclear capability, the end of the decade has come and gone, and nothing has happened. It’s also unlikely that any nation would furnish nuclear ammunition to the loose cannons of a terrorist band, thereby giving up control over how they would be used while being on the hook for the consequences.286 In the case of Iran, before it decided to bomb Israel (or license Hezbollah to do so in an incriminating coincidence), with no conceivable benefit to itself, its leaders would have to anticipate a nuclear reprisal by Israeli commanders, who could match them hothead for hothead, together with an invasion by a coalition of powers enraged by the violation of the nuclear taboo. Though the regime is detestable and in many ways irrational, one wonders whether its principals are so indifferent to continuing their hold on power as to choose to annihilate themselves in pursuit of perfect justice in a radioactive Palestine or the arrival of the Twelfth Imam, with or without Jesus at his side. As Thomas Schelling asked in his 2005 Nobel Prize lecture, “What else can Iran accomplish, except possibly the destruction of its own system, with a few nuclear warheads? Nuclear weapons should be too precious to give away or to sell, too precious to waste killing people when they could, held in reserve, make the United States, or Russia, or any other nation, hesitant to consider military action.”287 Though it may seem dangerous to consider alternatives to the worst-case scenario, the dangers go both ways. In the fall of 2002 George W. Bush warned the nation, “America must not ignore the threat gathering against us. Facing clear evidence of peril, we cannot wait for the final proof —the smoking gun—that could come in the form of a mushroom cloud.” The “clear evidence” led to a war that has cost more than a hundred thousand lives and almost a trillion dollars and has left the world no safer. A cocksure certainty that Iran will use nuclear weapons, in defiance of sixty-five years of history in which authoritative predictions of inevitable catastrophes were repeatedly proven wrong, could lead to adventures with even greater costs.

#### Increasing domestic oil production doesn’t solve the reasons dependence is bad

Aaron Menenburg 9-6-2012; graduate student in international relations at The Maxwell School of Syracuse University. “Let’s Get Real: Energy Independence is an Unrealistic and Misleading Myth” http://www.economonitor.com/policiesofscale/2012/09/06/lets-get-real-energy-independence-is-a-unrealistic-and-misleading-myth/

Thus far, when energy has been discussed, the foci are “energy independence” and “alternative energy.” Although far from dominating energy markets, the latter is quickly becoming a significant source of US energy consumption and will likely to continue to gain market share. The concept of energy independence, however, is unrealistic, largely undesirable, and misleading. I am going to tackle the façade of the energy independence argument in this piece and in doing so will try to explain the issues actually affecting national energy policy. This piece will focus on oil because (1) it is our most used source of energy and (2) it is our major energy import. At the heart of the energy independence idea is the rationale that achieving energy independence will unhook us from world energy prices and disengage us from the geopolitical consequences Americans find unpalatable, namely massive engagement in the Middle East. Neither is true, and in fact they’re not even remotely plausible outcomes. If there is one take-away I want the reader to remember, it is this: the goal of self-sufficiency in energy supplies – especially in oil – misdiagnoses the problem as one characterized largely by importation of oil. Rather, energy security, the implications of energy on the economy, and America’s reliance on imported oil is a function of the importance of oil consumption in the domestic economy regardless of its source. The only way to reduce the cost of gasoline is by consuming significantly less of it, while the only way to ensure minimal political and security insulation from oil is to stop using it.

### Econ

#### No econ impact

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

#### No production increase or sustained investment – not cost competitive

Aaron Menenburg 9-6-2012; graduate student in international relations at The Maxwell School of Syracuse University. “Let’s Get Real: Energy Independence is an Unrealistic and Misleading Myth” http://www.economonitor.com/policiesofscale/2012/09/06/lets-get-real-energy-independence-is-a-unrealistic-and-misleading-myth/

By 2030, the world is expected to consume over 100 million barrels of oil per day, and it is far from conclusive that the impact of the additional 10% of supply achieved by producing North America’s near-full capacity would have any meaningful effect on oil prices given the continued rise in demand up to and beyond 2035 expected by every projection, especially when US proven oil reserves are only the twelfth largest in the world.[17] Getting every little bit of additional supply from domestic reserves will require increasingly elaborate operations, many of which may be prohibitively expensive if proper environmental safeguards are factored in and if world prices sag, as they have repeatedly in the past 15 years. In a global market, it is hard to see how such projects could compete with various foreign sources where production costs are much lower. Most of the oil extracted by OPEC countries costs less than $5 per barrel to produce[18] with total upstream costs of Middle Eastern crude at $16.93 per barrel.[19] Conversely, the Department of Energy reports US average upstream costs of $74.20 per barrel between 2006 and 2008, which is a good reference point for current production costs given recent dynamics in global oil production costs.[20] Even if all government regulations on oil production and refining were removed, the cost of domestic production would be more expensive than OPEC production by multiples.

#### Manufacturing sector is overwhelmingly powerful now – no risk of collapse

Mark Perry (professor of economics at the University of Michigan, Flint, is also a visiting scholar at the American Enterprise Institute) February 25, 2011 “The Truth About U.S. Manufacturing “ http://online.wsj.com/article/SB10001424052748703652104576122353274221570.html.html

Is American manufacturing dead? You might think so reading most of the nation's editorial pages or watching the endless laments in the news that "nothing is made in America anymore," and that our manufacturing jobs have vanished to China, Mexico and South Korea. Yet the empirical evidence tells a different story—of a thriving and growing U.S. manufacturing sector, and a country that remains by far the world's largest manufacturer. This is a particularly sensitive topic in my hometown of Flint, Mich., where auto-plant closings have meant lost jobs and difficult transitions for the displaced. But while it's true that the U.S. has lost more than seven million manufacturing jobs since the late 1970s, our manufacturing output has continued to expand. International data compiled by the United Nations on global output from 1970-2009 show this success story. Excluding recession-related decreases in 2001 and 2008-09, America's manufacturing output has continued to increase since 1970. In every year since 2004, manufacturing output has exceeded $2 trillion (in constant 2005 dollars), twice the output produced in America's factories in the early 1970s. Taken on its own, U.S. manufacturing would rank today as the sixth largest economy in the world, just behind France and ahead of the United Kingdom, Italy and Brazil. In 2009, the most recent full year for which international data are available, our manufacturing output was $2.155 trillion (including mining and utilities). That's more than 45% higher than China's, the country we're supposedly losing ground to. Despite recent gains in China and elsewhere, the U.S. still produced more than 20% of global manufacturing output in 2009. The truth is that America still makes a lot of stuff, and we're making more of it than ever before. We're merely able to do it with a fraction of the workers needed in the past. Consider the incredible, increasing productivity of America's manufacturing workers: The average U.S. factory worker is responsible today for more than $180,000 of annual manufacturing output, triple the $60,000 in 1972. Increases in productivity are a direct result of capital investments in productivity-enhancing technology, such as GM's next generation Ecotec engine. These increases are a direct result of capital investments in productivity-enhancing technology, which last year helped boost output to record levels in industries like computers and semiconductors, medical equipment and supplies, pharmaceuticals and medicine, and oil and natural-gas equipment.

#### Lowering energy costs wouldn’t lead to a manufacturing boom

Levi 5-7 – Senior Fellow (at CFR) for Energy and the Environment and Director of the Program on Energy Security and Climate Change (Michael, July/August, “Think Again: The American Energy Boom (Michael, “Oil and Gas Euphoria Is Getting Out of Hand” <http://blogs.cfr.org/levi/2012/05/07/oil-and-gas-euphoria-is-getting-out-of-hand/>) Jacome

But there is more. Ignatius’s column isn’t just about energy; it’s also about the resurgence of U.S. manufacturing. Here’s how he links the two:

“Energy security would be one building block of a new prosperity. The other would be the revival of U.S. manufacturing and other industries. This would be driven in part by the low cost of electricity in the United States, which West forecasts will be relatively flat through the rest of this decade, and one-half to one-third that of economic competitors such as Spain, France or Germany.”

Once again, these sorts of claims have become increasingly common. Indeed the quantitative assertions are perfectly plausible. But the big picture implications don’t make sense. As of 2010, total sales of U.S. manufactured goods were about five trillion dollars. At the same time, the sector spent about 100 billion dollars on energy. That’s a mere two percent of total sales. You could slash energy costs to zero, and it would barely move the needle for most U.S. manufacturers. There are, of course, exceptions, like some iron, steel, cement, and paper makers. But even these industries care about much more than their electricity prices. Will lower energy costs move things at the margin? Of course they will, and that’s good news. But they are nowhere close to what’s needed for U.S. manufacturing to broadly thrive.

#### Energy production doesn’t solve jobs

Levi 12 – Senior Fellow (at CFR) for Energy and the Environment and Director of the Program on Energy Security and Climate Change (Michael, July/August, “Think Again: The American Energy Boom” <http://www.foreignpolicy.com/articles/2012/06/18/think_again_the_american_energy_boom?page=full>) Jacome

"The U.S. Energy Boom Will Create Millions of New Jobs."

**Overstated**. The U.S. oil and gas boom has come at an auspicious time. With record numbers of Americans out of work, hydrocarbon production is helping create much-needed jobs in communities from Pennsylvania to North Dakota. Shale gas production alone accounted for an estimated 600,000 U.S. jobs as of 2010, according to the consultancy IHS CERA.

It's much harder, though, to extrapolate into the future. In a deeply depressed economy, new development can put people to work without reducing employment elsewhere. That's why boom states have benefited massively in recent years. The same is not true, though, in a more normal economy. Unemployment rates are typically determined by fundamental factors such as the ease of hiring and firing and the match between skills that employers need and that workers have. § Marked 15:19 § The oil and gas boom won't change these much.

That's why we should be skeptical about rosy projections of millions of new jobs. Wood MacKenzie, for example, claims that the energy boom could deliver as many as 1.1 million jobs by 2020, while Citigroup forecasts a whopping 3.6 million. Unless the U.S. economy remains deep in the doldrums for another decade, these will mostly come **at the expense of jobs elsewhere.**

#### Domestic production doesn’t solve prices

Levi 12 – Senior Fellow (at CFR) for Energy and the Environment and Director of the Program on Energy Security and Climate Change (Michael, July/August, “Think Again: The American Energy Boom” <http://www.foreignpolicy.com/articles/2012/06/18/think_again_the_american_energy_boom?page=full>) Jacome

"We Can Drill Our Way Out of High Prices." Don't bet on it. Some people claim that unleashing U.S. oil and gas resources would slash the price of crude. Who can forget the cries of "Drill, Baby, Drill!" that saturated airwaves during the 2008 presidential campaign? Others insist that, because **oil is priced on a global market, increased U.S. output wouldn't move the needle.** Even Douglas Holtz-Eakin, the top economist for John McCain's 2008 presidential campaign, has written, "Domestic action to increase production will not lower gas prices § Marked 15:19 § set on a global market." The precise truth lies somewhere in between. If U.S. producers were able to massively ramp up output, the ultimate impact would mostly boil down to one big question: How would other big oil producers (mainly the Saudis and the rest of OPEC) respond to a surge in U.S. supplies? To stop prices from falling, they could cut back their output in response to new U.S. production, much as they've tried to in the past. That's essentially what happens in the much-cited projections by the Energy Information Administration. In one recent exercise, for example, it looked at what would happen to gasoline prices if U.S. oil production grew by about a million barrels a day. The net impact was a mere 4 cents a gallon fall. Why? All but a sliver of the increase in U.S. output was matched by cutbacks in the Middle East, leaving oil prices barely changed.

#### Even becoming an exporter doesn’t solve price volatility from shocks – empirics

Aaron Menenburg 9-6-2012; graduate student in international relations at The Maxwell School of Syracuse University. “Let’s Get Real: Energy Independence is an Unrealistic and Misleading Myth” http://www.economonitor.com/policiesofscale/2012/09/06/lets-get-real-energy-independence-is-a-unrealistic-and-misleading-myth/

Both Canada and Norway were net oil exporters for the entire period of the 2003-2008 when global oil prices steadily increased, and both nations remained net exporters through the price spike in 2011. In both cases, domestic retail fuel prices tracked global oil prices almost perfectly. Adjusted in a common currency and excluding taxes, retail fuel prices in Canada and Norway moved in lockstep with global crude and also with retail fuel prices in the US. In fact, during this period, gas prices were cheaper in the US than in either Canada or Norway.[6]