# Neg Round 2 v. Indiana

## 1NC

### ASPEC

#### Agency discussions are essential to education about energy policy

Valentine 10 Scott Victor Valentine - Lee Kuan Yew School of Public Policy, National University of Singapore, Singapore, “Canada’s constitutional separation of (wind) power” Energy Policy, Volume 38, Issue 4, April 2010,

http://www.sciencedirect.com/science/article/pii/S0301421509009227

Should policymakers facilitate renewable energy capacity development **through distributive policies (i.e. subsidies), regulatory policies** (i.e. CO2 emission caps), redistributive policies (i.e. carbon taxes) or constituent policies (i.e. green energy campaigns) (Lowi, 1972)? A preponderance of research has gone into addressing this question from **various conceptual perspectives**, which include popular themes such as comparing the efficacy of various policy instruments (cf. Blakeway and White, 2005; EWEA, 2005; Menza and Vachona, 2006; cf. Lipp, 2007), championing the efficacy of one specific instrument (cf. Sorrell and Sijm, 2003; cf. Mathews, 2008), assessing the impact that socio-economic dynamics have on the selection or design of policy instruments (cf. Maruyama et al., 2007; cf. Huang and Wu, 2009), investigating policy instrument selection in stakeholder networks (cf. Rowlands, 2007; cf. Mander, 2008), investigating hurdles to effective policy instruments implementation (cf. Alvarez-Farizo and Hanley, 2002), and examining challenges associated with evaluating policy instrument efficacy (cf. Mallon, 2006; cf. Vine, 2008).

**Despite the proliferation of studies on policy instruments in the** renewable **energy policy field**, there are no prominent examples of studies which investigate the impact that the federal form of government has on strategic selection of policy instruments. Federal government systems are characterized by power-sharing between the central authority and the regions comprising the federation. For federal policymakers, the manner in which power is divided can pose significant policy-making problems (Thorlakson, 2003). Specifically, federal attempts to apply coercive policy instruments in policy areas of regional or concurrent (shared) authority can generate political, legal or operational resistance by regional authorities. Even when developing policy for areas under federal jurisdiction, regional authorities have to avail their various “thrust and riposte” tactics to undermine the efficacy of disagreeable federal policies (Braun et al., 2002). Given that there are 24 nations with a federal government structure (including the major economies of the United States, Germany, Canada, Australia, Russia, India, Spain, Brazil and Mexico), a **formal enquiry into the impact that federal structure has on renewable energy policy instrument development is merited.**

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#### Financial incentives must disburse funds for production—including regulatory actions crush limits and effective policy discussion

Webb 93 – lecturer in the Faculty of Law at the University of Ottawa (Kernaghan, “Thumbs, Fingers, and Pushing on String: Legal Accountability in the Use of Federal Financial Incentives”, 31 Alta. L. Rev. 501 (1993) Hein Online)

One of the obstacles to intelligent discussion of this topic is the tremendous potential for confusion about what is meant by several of the key terms involved. In the hopes of contributing to the development of a consistent and precise vocabulary applying to this important but understudied area of regulatory activity, various terms are defined below. In this paper, "financial incentives" are taken to mean disbursements18 of public funds or contingent commitments to individuals and organizations, intended to encourage, support or induce certain behaviours in accordance with express public policy objectives. They take the form of grants, contributions, repayable contributions, loans, loan guarantees and insurance, subsidies, procurement contracts and tax expenditures.19 Needless to say, the ability of government to achieve desired behaviour may vary with the type of incentive in use: up-front disbursements of funds (such as with contributions and procurement contracts) may put government in a better position to dictate the terms upon which assistance is provided than contingent disbursements such as loan guarantees and insurance. In some cases, the incentive aspects of the funding come from the conditions attached to use of the monies.20 In others, the mere existence of a program providing financial assistance for a particular activity (eg. low interest loans for a nuclear power plant, or a pulp mill) may be taken as government approval of that activity, and in that sense, an incentive to encourage that type of activity has been created.21 Given the wide variety of incentive types, it will not be possible in a paper of this length to provide anything more than a cursory discussion of some of the main incentives used.22 And, needless to say, the comments made herein concerning accountability apply to differing degrees depending upon the type of incentive under consideration. By limiting the definition of financial incentives to initiatives where public funds are either disbursed or contingently committed, a large number of regulatory programs with incentive effects which exist, but in which no money is forthcoming,23 are excluded from direct examination in this paper. Such programs might be referred to as indirect incentives. Through elimination of indirect incentives from the scope of discussion, the definition of the incentive instrument becomes both more manageable and more particular. Nevertheless, it is possible that much of the approach taken here may be usefully applied to these types of indirect incentives as well.24 Also excluded from discussion here are social assistance programs such as welfare and ad hoc industry bailout initiatives because such programs are not designed primarily to encourage behaviours in furtherance of specific public policy objectives. In effect, these programs are assistance, but they are not incentives.

#### Vote neg—feed-in tariffs are regulatory incentives, not financial

Brady 4 **-** A Thesis In The Department of Political Science Presented in Partial Fulfillment of the Requirements for the Degree of Master of Arts (Public Policy and Public Administration) at Concordia University Montreal, Quebec, Canada (Jonathan, “Wind Boom, Wind Bust: An Examination of the Conditions and Policies that Led to Gennany's Wind Industry and Canada's Lack Thereof,” December, <http://spectrum.library.concordia.ca/8274/1/MR20699.pdf>)

Government employed regulatory and financial incentives have played a salient role in this rapid growth of wind energy production. The most successful regulatory incentive in stimulating wind energy production and decreasing technology costs has been a form of regulatory pricing legislation known as feed-in tariffs or feed-in laws. The chief idea behind them is that national governments establish the price of the wind energy and allow the market to determine capacity and generation. More specifically, national governments oblige electric utility companies to enable wind-generating producers (i.e. owners and operators of wind turbines) to connect to the electric grid, and purchase any electricity generated by wind turbines at a fixed minimum share of the retail price of electricity - at least 85 percent? These prices and payments are guaranteed over a specific period of time - usually no less than five years. The costs of higher payments for wind energy are either covered by an additional per kilowatt-hour (kWh) charge on all consumers according to their level of use, or by a charge on those customers of utilities required to purchase wind generated electricity (EWEA 2004b; EWEA 2004c; Hvelplund 2002; Sawin 2004). Financial incentives such as tax credits and/or production subsidies have also been useful in sparking investment interest in the wind industry. These regulatory and financial incentives, in tandem or individually, represent national government's means of stimulating private sector investment into the wind industry. It has been the private sector's enthusiastic response to these incentives that have driven this remarkable wind boom (i.e. expansive growth in wind energy production and wind industry development) during the last decade.

### PTX

#### Comprehensive immigration reform will pass---maintaining political pressure on the GOP is key

Joseph 2/21 Cameron is a writer for The Hill. “More than half of Congress has never debated immigration reform,” 2013, http://thehill.com/homenews/senate/284131-more-than-half-of-congress-has-never-debated-immigration-reform

More than half of Congress has turned over since the last time the House and Senate tried to move legislation to overhaul the nation's immigration laws.¶ The high turnover rate bolsters the argument of Republican leaders, who say Congress must move methodically on immigration. President Obama, meanwhile, has pushed for swift passage of a bill, saying lawmakers have long debated the issue.¶ Only 54 current senators were in the Senate in June of 2007, when the upper chamber last voted on comprehensive immigration and border-security legislation. And just five of the 23 GOP senators who voted in favor of the 2006 immigration reform bill are still serving: Sens. Lindsey Graham (S.C.), John McCain (Ariz.), Susan Collins (Maine), Lisa Murkowski (Alaska) and Mitch McConnell (Ky.).¶ In the House, the turnover has been higher since the lower chamber last cast a major vote on immigration at the end of 2005.¶ Fifty-eight percent of new House members have taken office since then, meaning less than half of the lower chamber took part in the last significant legislative battle over tightening the border and granting legal status to the nation's illegal immigrants.¶ The high level of turnover suggests it’s hard to predict how negotiations will fare, as a number of lawmakers haven’t yet indicated where they stand. It could also slow down the pace of legislation.¶ There are potential upsides in the high turnover rate for reform advocates, however. New sets of eyes on the legislation, and new ways to discuss immigration policy, could translate into a different ending for a bill this Congress.¶ For example, freshman Sen. Marco Rubio’s (Fla.) is among the GOP leaders on immigration and has so far skillfully navigated the thorny matter.¶ “There's an opportunity and a challenge,” said America’s Voice Executive Director Frank Sharry, a top immigration reform advocate who was involved in the last round of negotiations. “The key is going to be whether a whole crop of new lawmakers say, 'Hey man, I get it, this is sound.' We haven't been able to break through the white noise before. Here's our chance.”¶ Another factor: Few Republicans backed the bill even though then-President George W. Bush lobbied hard for it in 2006 and 2007.¶ There is a much bigger political impetus for the GOP to resolve the issue following their 2012 losses, and Rubio is perhaps better liked by the GOP base now than Bush was after he led his party to a drubbing at the polls in 2006. But if a sitting president couldn’t rally members of his own party around his bill, it’s unclear whether pro-reform Republicans will be able to do any better this time.¶ The 2006 vote on the McCain-Kennedy bill is the best comparison to the current bill, because the June 2007 vote on a bill co-sponsored by the late Edward Kennedy (D-Mass.) and then-Sen. Jon Kyl (R-Ariz.) had many senators who’d once supported the legislation bail out when it was clear it would fail. The Kennedy-Kyl bill died on the floor after a fight over a series of amendments portrayed as "poison pills" that would sink the measure, including one sponsored by then-Sen. Illinois Barack Obama.¶ Of the Democrats who opposed the bill in 2006, only Sen. Debbie Stabenow (Mich.) is still around. Yet, nine current Democratic senators, including three members facing challenging reelection races next year, voted against a key procedural motion on the 2007 Kennedy-Kyl bill. Many GOP Senate opponents remain: Of the 22 who remain from 2006, 17 voted against both reform bills.¶ House Judiciary Committee Chairman Bob Goodlatte (R-Va.) told The Hill earlier this month that his panel would move at a deliberate pace on immigration, in part because Republican leaders need to educate more than 100 first- and second-term members. He said these legislators “know very little” about the complexities of immigration law.¶ “We’re going to be aggressively pursuing the issue to see if we can do something that is — I won’t call it all-encompassing, but that encompasses a number of the different issues that are addressed in immigration,” he said.¶ Obama has warned that if Congress doesn’t move fast enough on legislation, he’ll seek a vote on his own bill. Over the weekend, a draft White House immigration bill was leaked to the press. Rubio’s office blasted the move, arguing that the White House was injecting “additional partisanship into an already difficult process.”¶ Obama has since called on Rubio and other Republicans to lower the temperature on immigration.¶ Proponents of comprehensive immigration reform have been pushing hard to educate House members on the issue, and remain optimistic that the political pressure on the GOP to get something done has changed the conversation.

#### Political capital is still key---Obama’s leading negotiations with the GOP

AFP 2/19 “Obama courts key Republicans on immigration reform,” 2013, Factiva

US President Barack Obama on Tuesday called key Senate Republicans, with whom he is at odds on other many top issues, to discuss the prospects for **bipartisan immigration reform**.¶ Obama placed the calls following complaints he had not done enough to reach across the political aisle on the key issue, and after the leak of partial White House immigration plans angered Republican players in the debate.¶ The White House said that Obama had spoken to Republican Senators Lindsey Graham, John McCain and Marco Rubio, to discuss a "shared commitment to bipartisan, commonsense immigration reform."¶ "The President reiterated that he remains supportive of the effort underway in Congress, and that he hopes that they can produce a bill as soon as possible that reflects shared core principles on reform."¶ "He thanked the senators for their leadership, and made clear that he and his staff look forward to continuing to work together with their teams to achieve needed reform."¶ Obama's aides said he also wanted to speak to Republican Senator Jeff Flake, of Arizona, but was unable to reach him because he was traveling.¶ Cuban-American Rubio, a rising star of the Republican Party, is emerging as a key player in the immigration debate, and he warned that leaked versions of White House plans obtained by USA Today would be "dead on arrival."¶ Eight senators -- four of Obama's Democratic allies and four Republicans -- unveiled a joint plan last month aiming to provide a route to legal status for illegal immigrants living on US soil.¶ Under the White House fallback plan, illegal immigrants would have to wait eight years until applying for legal permanent residency, and, in practice, at least 13 years before they could apply for US citizenship.¶ Advocates of immigration reform say that time period is too long -- while conservative opponents still rail against "amnesty" for illegal immigrants, reflecting the toxicity of much of the immigration reform debate.¶ Obama had been sharply at odds with Graham and McCain for their role in delaying the confirmation of his pick for defense secretary Chuck Hagel.¶ His call to Rubio, who is traveling in the Middle East, came after the Florida senator's office had said that no one in his office had met White House officials to discuss immigration.¶ The White House had maintained that its staffers had met congressional officials working on immigration reform.¶ **Obama**'s move **may** be seen as an effort to **prevent partisan wrangling from derailing** hopes of **immigration reform**, as it did under the presidency of his predecessor George W. Bush.¶ Immigration reform may be Obama's best chance for a genuine legacy-boosting success in his second term.¶ Senior Republicans, meanwhile, are wary of entering another election hampered by the mistrust of Hispanic voters, a growing slice of the electorate for whom immigration reform is a key issue.¶ A key sticking point in the debate is the Republican demand that the process of offering legal status to illegals should only start once the US southern border with Mexico has been certified as secure.¶ Obama has so far declined to make that linkage.

#### CIR will increase high-skilled visas

Martinez 1/21 Jennifer is a writer @ The Hill. “Obama makes call for high-skilled immigration reform in inaugural address,” 2013, http://thehill.com/blogs/hillicon-valley/technology/278323-obama-makes-call-for-high-skilled-immigration-reform-in-inaugural-address

Obama has made clear that passing comprehensive immigration legislation will be a policy priority during his second term. It's expected that a measure aimed at boosting the number of visas available to foreign-born graduates of U.S. universities with master's degrees and Ph.D.s in engineering, math and science fields will be included in forthcoming immigration legislation.¶ In his speech, Obama argued that foreign-born engineers and graduates with advanced degrees should be able to stay in the U.S. and join the workforce rather than be forced to return to their home countries.

#### Visas key to solve nursing shortage

**Lopez 9--**Maria, Professor of Law at Indiana State University Law, and Diomedes Tsitouras, JD 2009 from Indiana State University, "Flatlining: How the Reluctance to Embrace Immigrant Nurses is Mortally Wounding the US Health Care System", Journal of Health Care Law and Policy, 2009, lexis

United States hospitals are currently experiencing an unprecedented nursing crisis. Understaffing, inadequate staffing, and a Registered Nurse (RN) shortage are a daily part of the health care experience in this country. Just one example illustrates this point. On July 29, 1998, a young expectant mother went to Kansas's Wesley Medical Center for an elective labor induction. n1 The next day, doctors performed an emergency cesarean surgery and delivered a newborn who was pale and not breathing properly. n2 The child, Kimberlyn Holt, suffered permanent brain damage at birth. Her care will cost $ 8 million over her lifetime. n3 At a subsequent trial, two experts testified that Ms. Holt's condition required a one-on-one nursing ratio and intensive monitoring. n4 The inadequate nursing care "caused or contributed to" Kimberlyn's injury. n5 Unfortunately, this is not the first time Wesley Medical Center has found itself in legal trouble for its failure to properly attend to patient needs.¶ In 2000, a heart attack patient's family settled a medical malpractice case against the hospital for $ 2.7 million, following a court finding that understaffing [\*236] was a factor in the poor care she received. n6 The family alleged that the hospital inadequately staffed its nursing shifts, producing documents from current and former hospital employees "showing that the hospital purposefully understaffed in order to increase profits, thus exposing patients to risk of injury." n7 The hospital claimed it did not inadequately staff shifts purposely, but instead was negatively affected by a nursing shortage. n8 Currently, Wesley Medical Center and its parent company, Hospital Corporation of America, are defendants in a $ 50 billion class action lawsuit. n9 Plaintiffs in that case assert that a Wesley hospital doctor had trouble responding to complications in surgery due to "a shortage of nurses in the operating room during the entire procedure." n10 Further, once a patient passed away, the patient's death was not discovered for an hour because "RNs were spread too thin ... ." n11¶ Understaffing of nurses in hospitals like Wesley Medical Center is likely to worsen in future years. By the year 2020, the United States is projected to have a shortage of nearly a million nurses. n12 The current nurse pool is retiring or leaving the profession, and nursing schools are ill-equipped to train such a high number of nurses. n13 At the same time, an aging baby boomer population will require medical care as they reach old age. The nationwide shortage is related to another issue: inadequate staffing. Studies have shown a strong relationship between inadequate staffing and adverse patient outcomes, including mortality. n14 Policymakers have proposed a number of domestic solutions. These include mandating the minimum number of nurses per patient, increasing nurse education investment, expanding existing outreach programs that target young people, and increasing nurse wages. n15¶ [\*237] One possible solution is the use of foreign nurses to alleviate the burgeoning shortage. This solution is circumscribed by immigration law, which still remains far behind in meeting the need. Immigration law only authorizes five hundred H-1C visas per year. n16 These visas allow nurses to come to the United States for three years to work in hospitals in health professional shortage areas. n17 This program is currently set to expire on December 20, 2009. n18 Other visa methods such as the EB-3 are also inadequate. Attempts to expand immigration have been met with a cold response from nurse unions and trade associations. n19 This Article argues for the increased use of foreign nurses in U.S. hospitals as a complement to proposed domestic policy solutions, in order to fully alleviate the shortage and to adequately ensure patient safety.

#### Key to preventing bioterror escalation

**Atkins 5--**Ralista, PhD, Josie R. Williams, MD, MMM, RN, Rasa Silenas MD, FACS, "The Role of Public Health Nurses in Bioterrorism Preparedness", Disaster Management and Response, October-December 2005, <http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B73G1-4H8VJDR-C&_user=1458830&_coverDate=12/31/2005&_rdoc=1&_fmt=high&_orig=search&_origin=search&_sort=d&_docanchor=&view=c&_searchStrId=1445705695&_rerunOrigin=google&_acct=C000052790&_version=1&_urlVersion=0&_userid=1458830&md5=a8495dee9be9d31146165aff824e3bd3&searchtype=a>

Public health nurses are central to the public health system and to bioterrorism surveillance, which was evidenced by their ability to navigate through a system that lacked clear boundaries, definitions, or expectations for their performance. Coming from different backgrounds, often without prior public health experience or training, the public health nurses managed to carry a variety of responsibilities while continuing their community service. The nurses emerged as a fragily balanced, but critical and committed component of the public health system, and disease surveillance, in particular. Our data suggest that the nurses created informal partnerships to augment and support the formal information flow pathways needed to maintain disease surveillance.¶ Our study showed that the fragmentation of the public health system, the operational lines, expectations, and responsibilities for public health nurses are quite confusing. The lack of clearly set theoretical and service boundaries makes it difficult even for nurses formally trained in public health to define public health responsibilities and expectations at national or local levels. Thus, the lack of a systems design and the fragmented infrastructure become hindrances in the execution of public health priorities. Furthermore, public health nurses carry both public health and community health functions, which, although overlapping, have different connotations. Defining the structure of the public health system, as well as the expectations for and the scope of public health nurses' responsibilities, will serve as a cornerstone for improvement and national alignment of bioterrorism preparedness.¶ Public health nurses carry both public health and community health functions, which, although overlapping, have different connotations.¶ This case study is important because it clearly identified the multifaceted roles of public health nurses in bioterrorism preparedness and charted some of their needs and barriers to more proactive surveillance. The role of the public health nursing workforce merits clear definition and emphasis in the further development of the public health infrastructure for bioterrorism preparedness. Focused attention from public health, political, and homeland security leaders for support in the development of the public health workforce is well deserved.

#### Extinction

Ochs 2 | Past president of the Aberdeen Proving Ground Superfund Citizens Coalition, Member of the Depleted Uranium Task force of the Military Toxics Project, and M of the Chemical Weapons Working Group [Richard Ochs, , June 9, 2002, “Biological Weapons Must Be Abolished Immediately,” <http://www.freefromterror.net/other_articles/abolish.html>]

Of all the weapons of mass destruction, the genetically engineered biological weapons, many without a known cure or vaccine, are an extreme danger to the continued survival of life on earth. Any perceived military value or deterrence pales in comparison to the great risk these weapons pose just sitting in vials in laboratories. While a “nuclear winter,” resulting from a massive exchange of nuclear weapons, could also kill off most of life on earth and severely compromise the health of future generations, they are easier to control. Biological weapons, on the other hand, can get out of control very easily, as the recent anthrax attacks has demonstrated. There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause. Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less than nuclear or biological agents or more localized. Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment. Like the Holocaust, once a localized chemical extermination is over, it is over. With nuclear and biological weapons, the killing will probably never end. Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever. Potentially worse than that, bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine. Can we imagine hundreds of such plagues? HUMAN EXTINCTION IS NOW POSSIBLE. Ironically, the Bush administration has just changed the U.S. nuclear doctrine to allow nuclear retaliation against threats upon allies by conventional weapons. The past doctrine allowed such use only as a last resort when our nation’s survival was at stake. Will the new policy also allow easier use of US bioweapons? How slippery is this slope?

### States

#### Text: The 50 states should incentivize solar and wind power. The 50 states should all adopt Renewable Portfolio Standards equivalent to the state with the most stringent targets, with set-asides for solar and wind power. The 50 states should establish a feed-in tariff that requires electric utilities to purchase wholesale electricity from wind and solar power producers through long-term contracts at a fixed premium above the market wholesale price of electricity .

#### State policies sustain solar power

Flott & Co PC 12 (law firm with specialized expertise in business, international commerce and tax, United States citizenship issues, business and professional immigration, and non-profit law, “State-level Policies and The Growth of Solar Power”, 1/26, http://www.doingbusinessacrossborders.com/state-level-policies-and-the-growth-of-solar-power/)

Rising fossil-fuel prices and environmental concerns have led to a growing demand for renewable energy sources such as solar power. Compared to conventional energy and other renewable energy sources, solar power has the advantage of being generated locally, which both increases efficiency and greatly reduces the costs and environmental impacts of transmission . As a result, both federal and state governments have rolled out a number of past incentives to promote solar energy. Although a number of important federal renewable energy tax incentives have expired or will expire soon, three key policies at the state-level will continue to support the growth of solar energy in the U.S. These are: mandatory renewable energy requirements, interconnection, and net metering. Mandatory Renewable Energy Requirements According to an IBISWorld Report, currently over 30 US states have renewable electricity standards that require utility companies to increase their production of renewable energy, a policy generally referred to as “Renewable Portfolio Standards (RPS)”.[1] Although the design and final compliance targets of these policies vary widely among states, many of the RPS programs require that eligible forms of renewable energy contribute 15-25% of retail sales by utility companies by 2030 or sooner. Please refer to Figure below for detailed information regarding existing RPS policies. Most states that have mandatory renewable energy requirements also have an associated renewable energy certificate trading system. This system provides a mechanism to track the amount of renewable energy being sold and to reward eligible power producers. In some states the certification trading systems are used as incentives to promote solar energy, as utilities companies are buying the certificates from solar energy producers in order to meet RPS requirements.[2] In other states where no mandatory RPS exists, companies may still purchase solar certificate in order to advertise their energy supply is produced by renewable power.[3] For example, FritoLay bought enough solar certificates to claim their SunChips snack product is “powered by the sun.”[4] The solar power producers who sold their certificates to FritoLay still use the actual electricity generated form their solar systems. However, they are not allowed to claim or treat electricity coming from a solar energy source anymore.[5] Although more and more states have started implementing RPS and certificate trading systems, the federal government has not enacted similar requirements.

#### Feed-in tariffs solve mass generation

USPREF 12 (US Partnership for Renewable Energy Finance, “Ramping up Renewables: Leveraging State RPS Programs amid Uncertain Federal Support”, http://uspref.org/wp-content/uploads/2012/06/Ramping-up-Renewables-Leveraging-State-RPS-Programs-amid-Uncertain-Federal-Support-US-PREF-White-Paper1.pdf)

One often neglected market segment is wholesale distributed generation: projects of 1-20 MW in size that – rather than off-setting customer usage (as is the case with residential solar PV) – generate power on the utility-side-of-the-meter and sell at wholesale rates to either a utility or electricity retailer. To the extent that policymakers seek to support growth of this market segment, a promising way to do so is through CLEAN (Clean Local Energy Accessible Now) programs. CLEAN programs (also known as feed-in tariffs) offer standard, fixed price, long-term power purchase agreements; while the offered price in such programs is usually determined up-front, it may then later be adjusted as the market responds. Such programs are particularly promising for promoting the growth of “wholesale distributed generation,” meaning distributed generation of 1-20 MW in size. Following passage of California Senate Bill 32, the CPUC has recently released details of a new CLEAN mechanism in California. The mechanism, known as Renewable Market Adjusting Tariff (Re-MAT) will be available for systems up to 3 MW in size; the Re-MAT programs links payments to owners of renewable energy systems to the weighted average contract price that California’s three investor-owned utilities recorded in their Nov 2011 reverse auction. 39 For more detail on CLEAN programs in general and the specifics of California’s new program in particular, see Appendix VII.

In addition, a FERC order in 2011 regarding implementation by the California Public Utilities Commission of a feed-in tariff to support development of combined heat and power generation (134 FERC ¶61,044 (2011) (January 20, Order Denying Rehearing) paves the way for even greater use of feed-in tariffs to meet state RPS and other policy objectives. In this order FERC found the concept of a multi-tiered avoided cost rate structure to be consistent with the avoided cost rate requirements set forth in the Public Utilities Regulatory Policy Act (PURPA) and its subsequent regulations. 40 This ruling affords states greater ability to establish feed-in tariff rates at levels that would support private investment, including in renewable energy generation.

#### Targeted RPS increases capacity

Sarzynski 09 (Andrea, Assistant Research Professor of Public Policy at George Washington University, PhD in Public Policy, previously worked at the Metropolitan Policy Program at the Brookings Institution, the White House Council on Environmental Quality, the environmental law practice at Sidley Austin, and taught at the Rochester Institute of Technology, “THE IMPACT OF SOLAR INCENTIVE PROGRAMS IN TEN STATES”, November, http://www.gwu.edu/~gwipp/GWIPP\_Impact10.pdf)

States with a renewable portfolio standard (RPS) that has a specific solar provision should also have stronger solar deployment than states without a solar-specific RPS. An RPS requires utilities to obtain a portion of their electricity sales from renewable sources, including solar technologies, by a designated date. All of the sample states have some form of RPS (see Table 4). The RPS provisions range from a non-binding goal in Utah up to binding requirements of 40% of electricity sales in Maine and Hawaii. Given the high costs of solar technology, utilities generally try to meet their RPS requirements with lowest-cost renewable resources, such as hydropower or wind. To encourage solar power despite its high cost, four of the selected states have provisions specific to solar technologies. Delaware and New Jersey both require about 2% of total electricity sales to come from solar resources, and Arizona and Oregon give extra credit for electricity produced by customer-sited solar installations.

Utilities typically satisfy their RPS requirements through renewable energy certificates (RECs; generally in 1 MWh increments). They can either produce the required amount themselves or purchase RECs from other generators. When utilities cannot produce or purchase enough renewable energy required by the RPS, they may meet their RPS requirements through alternative compliance payments (ACPs). In addition, utilities may pay the ACP if they cannot produce or purchase renewable energy at a cost that is less than the ACP. Thus, the RPS requirements are more likely to be met with new renewable capacity in instances where the ACPs are high. Some states with solar-specific provisions may also have higher ACPs for solar, such as in New Jersey with $50/MWh general ACPs and $711/MWh solar ACPs (2008- 2009 compliance year)

### PIC

#### The United States Federal Government should establish a Clean Local Energy Accessible Now program that requires electricity utilities to purchase wholesale electricity from wind and solar power producers through long-term contracts at a fixed premium above the market wholesale price of electricity

#### Competes and solves the case---CLEAN programs are modeled on feed-in tariffs’ functional impact but avoid political backlash triggered by the name including “tariffs”

Gallucci 12 (Maria--Staff Reporter InsideClimate News, FIT to Be CLEAN: EU's 'Feed-In Tariff' Rebranded for Americans, May 14, 2012, http://insideclimatenews.org/news/20120514/europe-feed-tariff-solar-wind-long-island-new-york-germany-rates-utility?page=4)

Last month, the Long Island Power Authority (LIPA), the local utility, launched one of the nation's first CLEAN, or Clean Local Energy Accessible Now, programs.¶ The initiative uses the same feed-in tariff model that many credit for solar power booms in Germany, France and Spain—only with a different name.¶ Under the program LIPA pays solar operators a fixed rate of 22 cents for every kilowatt-hour of electricity they feed back to the grid for 20 years. The goal is to add 50 megawatts of commercial-scale solar energy, enough to power 6,500 homes.¶ Proponents say feed-in tariffs are key to stoking the clean energy economy, because they help solar and wind compete with conventional fossil fuels, provide private investors with a stable investment environment and create local jobs.¶ But advocates have struggled to sell the program in the United States—a problem they blame in part on its loaded name.¶ "Few things are as off-putting to people as the world 'tariff,'" said Richard Caperton, director of clean energy investment for the Center for American Progress (CAP), a liberal policy group. "It's an old-fashioned utility word that has more to do with [electricity] rates than taxes." CAP has adopted the CLEAN acronym in its advocacy of the model.¶ Stephanie Wang, director of programs and campaigns for the Palo Alto, Calif.-based Clean Coalition, which promotes CLEAN initiatives, said the name change is an attempt to "make sure that these programs exist in the first place."

#### Federalism is being decided now through energy policy

Kay 12 (David, Cornell Community and Regional Development Institute, “Energy Federalism: Who Decides?”, July, http://devsoc.cals.cornell.edu/cals/devsoc/outreach/cardi/programs/loader.cfm?csModule=security/getfile&PageID=1071714)

Questions about energy production and consumption are acquiring renewed urgency in the 21st Century. **Among these questions are some that go to the heart of our nation’s system of federalism, as an underlying but ever-present friction mounts over the way in which decision making power has been divided between central and more locally distributed political units.** What is at stake? According to one author, “the choice of regulatory forum often seems to determine the outcome of the controversy. That may explain why Americans have traditionally shed so much metaphorical and genuine blood deciding what are essentially jurisdictional disputes between governmental institutions.”i

A number of factors have brought these issues into greater prominence. Energy specific influences include the depletion of low cost oil, advances in energy extraction technology, and increased awareness of fossil fuel contributions to climate change. Another element is the long standing but increasingly hardened absence of anything like a broad based consensus over energy policy at the federal level, despite calls for such a policy that date back to at least the Nixon administration. These have been superimposed on shifting political trends in other areas. After the crest of federal adoption of new environmental legislation in the 1960’s and 1970’s, powerful and complex cross currents arose. These consisted of mostly conservative and anti- (or anti-“big”) government forces that mobilized in the devolution, deregulation, privatization, and property rights movements. Reinforcing strains of progressive movements evolved partly in response to increased globalization (of economic and environmental issues) and personalization (eg. of communications/information technology) by promoting both global governance in some arenas and relocalization and local empowerment in others.

Several energy examples being played out in New York State, as well as in other states and on the national stage, serve as useful and representative illustrations of the fundamental but insufficiently appreciated tensions raised. The first involves the spread of the controversial hydraulic fracturing technology that is used to extract oil and gas from “unconventional” reserves of shale and other rocks. The second and third involve the generation and distribution of electricity: where the authority to site electricity generating stations is vested, and who has the authority to site transmission lines that transmit electricity from their mostly rural points of extraction or generation to their mostly urban points of consumption. Ii

#### Energy policy is the tipping point—expanding federal policy rebalances federalism

Stein 12 (Amy, Associate Professor, Tulane University School of Law, “THE TIPPING POINT OF FEDERALISM”, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2098176)

As the Supreme Court has noted, “it is difficult to conceive of a more basic element of interstate commerce than electric energy, a product that is used in virtually every home and every commercial or manufacturing facility. No state relies solely on its own resources in this respect.” And yet the authority to make many decisions fundamental to the type of power supply for our country is left solely to the states. This means that each state or locality has sole authority to determine whether its power needs are met through coal, natural gas, solar, wind, energy efficiency, or other methods. As the nation finds itself faced with important decisions that directly implicate the sources of our electricity, including climate change and energy security, the proper functioning of a system of exclusive state control over electricity siting is increasingly strained.

Continued state control over the siting of electricity generation is particularly curious when viewed in relation to other commonplace siting regimes. This Article traces the evolution of authority governing the siting of railroads, natural gas pipelines, wireless telecommunications, and electricity transmission, finding that they share many of the same federalism justifications for centralized control that exist in the siting of electricity. Yet in every case except for electricity generation, Congress tipped the balance of power to allow for more federal authority over these siting decisions. This Article explores the disparity between state control over the siting of electricity generation and enhanced federal control in the other siting regimes. It looks to federalism, land use, and public choice theories for guidance in explaining the disparity, ultimately finding each unsatisfying.

Instead, this Article urges a reevaluation of an often overlooked factor in evaluating tipping points – the ability of federal agencies to exert their federal influence through alternative outlets. **Where an agency is able to utilize existing** statutory **authority** to shape a decision that has been reserved to the state or local governments, **it may reduce the pressure to formally alter the federalism balance.** This Article suggests that a more active federal agency is involved in influencing the siting of electricity generation than was involved in the other siting regimes. Rather than a federal interest limited to where the infrastructure is sited, the federal interest in the siting of electricity generation extends to the type of infrastructure being sited. The exercise of existing statutory authority by relevant agencies plays a key role in explaining the disparity in the siting regimes, as well as providing insights into the broader federalism literature surrounding the circumstances that foster tips from state towards federal authority.

#### Federalism solves heg

Nivola 10 (Pietro, The American Interest, “Rebalancing American Federalism”, March/April, http://www.the-american-interest.com/article-bd.cfm?piece=787)

Thinking along those lines warrants renewed emphasis today. **America’s national government has had its hands full coping with** a deep and lingering economic crisis and **onerous security challenges around the world. It cannot**, or at any rate ought not, **keep piling on top of those daunting tasks a second-tier agenda that injudiciously dabbles in too many decisions and duties best consigned to local entities.** Turning every imaginable issue into a Federal case, so to speak, diverts and polarizes political leaders at the national level, and erodes recognition of local responsibilities. A kind of attention deficit disorder besets anybody who attempts to do a little of everything rather than a few important things well. Although not a root cause of catastrophes like the submersion of a historic American city by a hurricane in 2005, the terrorist attacks of September 11, 2001, the great financial bust of 2008 or the successful resurgence of the Taliban in Central Asia, an overstretched and distracted government stands less chance of mitigating such tragedies.

#### Federalism solves human rights cred

Engel 06 (Kirsten, Professor of Law, University of Arizona James E. Rogers College of Law, “HARNESSING THE BENEFITS OF DYNAMIC FEDERALISM IN ENVIRONMENTAL LAW”, http://www.law.emory.edu/fileadmin/journals/elj/56/1/Engel.pdf)

Just as the federal government has failed to resist poking its nose into local environmental issues, the states have found it difficult not to extend their reach to national, and even international, issues. Perhaps the most radical example of this is the recent surge in state and local government initiatives addressing climate change. As a global problem resulting in part from the cumulative emissions of greenhouse gases around the world, the externalities of the activities producing greenhouse gases cannot be internalized within the boundaries of a single state, much less a metropolitan area. 40 According to the “matching principle” discussed in Part I.A, state and local regulation of greenhouse gas emissions is inefficient because greenhouse gases are a national and international problem against which state and local regulation is powerless. 41 While many of the state and local initiatives addressing greenhouse gases have localized economic and environmental benefits other than those that might accompany a reduction in the risks of climate change, and thus may be justified on the sole basis of those local benefits, others have few local benefits other than to perhaps give local industries a leg up in future carbon regulation regimes. 42¶ States, with California in the lead, frequently impose standards upon nationally distributed products to address an environmental health or safety problem. 43 A recent example concerns California’s ban of bromated flame retardants (“BFRs”), which are widely used in household products to slow the spread of fire. 44 Because California is the largest U.S. consumer of products containing BFRs, California’s action “has effectively shut down the market in BFR-containing products in all states.” 45 Indeed, as others have noted, the state common law tort liability system functions as a means of regulating national product markets. 46¶ Environmental regulation is not the only example of state regulation that has a national, and even an international scope; the states have recently become quite active in immigration enforcement in the wake of federal retrenchment. 47 Some in Congress appear to have acquiesced to this new state role, as proposed federal legislation would provide states with incentives for state and local law enforcement officers to assume increased responsibility in enforcing federal immigration laws. 48 Another area is international human rights, where cities and states have attempted to enforce human rights norms through trade relationships and through domestic laws. Local human rights laws range from requiring compliance with human rights standards found in international agreements to which the United States is not a party 49 to restrictions upon local businesses that may have been involved with human rights abuses. 50

#### Human rights credibility solves war everywhere---best predictor of states’ propensity for aggression

Burke-White 04 – William W. Burke-White, Lecturer in Public and International Affairs and Senior Special Assistant to the Dean, Woodrow Wilson School of Public and International Affairs, Princeton University, Spring 2004, Harvard Human Rights Journal, 17 Harv. Hum. Rts. J. 249, p. 279-280

This Article presents a strategic--as opposed to ideological or normative--argument that the promotion of human rights should be given a moreprominent place in U.S. foreign policy. It does so by suggesting a **correlation between the** domestic **human rights  practices of states and their propensity to engage in aggressive international conduct**. Among the chief threats to U.S. national security are acts of aggression by other states. Aggressive acts of war may directly endanger the United States, as did the Japanese bombing of Pearl Harbor in 1941, or they may require U.S. military action overseas, as in Kuwait fifty years later. Evidence from the post-Cold War period  [\*250]  indicates that states that systematically abusetheir own citizens' **h**uman **r**ights are also **those most likely to engage in aggression**. To the degree that **improvements in** various **states' human rights records decrease the likelihood of aggressive war**, a foreign policy informed by human rights can significantly enhance U.S. and global security.

Since 1990, a state's domestic human rights policy appears to be **a telling indicator of** that state's **propensity to engage in international aggression**. A central element of U.S. foreign policy has long been the preservation of peace and the prevention of such acts of aggression. n2 If the correlation discussed herein is accurate, it provides U.S. policymakers with a powerful new tool to enhance national security through the promotion of human rights. A strategic linkage between national security and human rights would result in a number of important policy modifications. First, it changes the prioritization of those countries U.S. policymakers have identified as presenting the greatest concern. Second, it alters some of the policy prescriptions for such states. Third, it offers states a means of signaling benign international intent through the improvement of their domestic human rights records. Fourth, it provides a way for a current government to prevent future governments from aggressive international behavior through the institutionalization of human rights protections. Fifth, it addresses the particular threat of human rights abusing states **obtaining** weapons of mass destruction(**WMD**). Finally, it offers a mechanism for U.S.-U.N. cooperation on human rights issues.

### Warming

#### No impact---mitigation and adaptation will solve---no tipping point or “1% risk” args

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006).

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

#### Tech and adaptive advances prevent all climate impacts---warming won’t cause war

Dr. S. Fred Singer et al 11, Research Fellow at The Independent Institute, Professor Emeritus of Environmental Sciences at the University of Virginia, President of the Science and Environmental Policy Project, a Fellow of the American Association for the Advancement of Science, and a Member of the International Academy of Astronautics; Robert M. Carter, Research Professor at James Cook University (Queensland) and the University of Adelaide (South Australia), palaeontologist, stratigrapher, marine geologist and environmental scientist with more than thirty years professional experience; and Craig D. Idso, founder and chairman of the board of the Center for the Study of Carbon Dioxide and Global Change, member of the American Association for the Advancement of Science, American Geophysical Union, American Meteorological Society, Arizona-Nevada Academy of Sciences, and Association of American Geographers, et al, 2011, “Climate Change Reconsidered: 2011 Interim Report,” online: <http://www.nipccreport.org/reports/2011/pdf/FrontMatter.pdf>

Decades-long empirical trends of climate-sensitive measures of human well-being, including the percent of developing world population suffering from chronic hunger, poverty rates, and deaths due to extreme weather events, reveal dramatic improvement during the twentieth century, notwithstanding the historic increase in atmospheric CO2 concentrations.

The magnitude of the impacts of climate change on human well-being depends on society's adaptability (adaptive capacity), which is determined by, among other things, the wealth and human resources society can access in order to obtain, install, operate, and maintain technologies necessary to cope with or take advantage of climate change impacts. The IPCC systematically underestimates adaptive capacity by failing to take into account the greater wealth and technological advances that will be present at the time for which impacts are to be estimated.

Even accepting the IPCC's and Stern Review's worst-case scenarios, and assuming a compounded annual growth rate of per-capita GDP of only 0.7 percent, reveals that net GDP per capita in developing countries in 2100 would be double the 2006 level of the U.S. and triple that level in 2200. Thus, even developing countries' future ability to cope with climate change would be much better than that of the U.S. today.

The IPCC's embrace of biofuels as a way to reduce greenhouse gas emissions was premature, as many researchers have found "even the best biofuels have the potential to damage the poor, the climate, and biodiversity" (Delucchi, 2010). Biofuel production consumes nearly as much energy as it generates, competes with food crops and wildlife for land, and is unlikely to ever meet more than a small fraction of the world's demand for fuels.

The notion that global warming might cause war and social unrest is not only wrong, but even backwards - that is, global cooling has led to wars and social unrest in the past, whereas global warming has coincided with periods of peace, prosperity, and social stability.

#### Warming will be slow, there’s no impact, and adaptation solves

William Yeatman 9, Energy Policy Analyst at the Competitive Enterprise Institute, February 3, 2009, “Global Warming 101: Science,” online: <http://www.globalwarming.org/2009/02/03/global-warming-101-science/>

A “planetary emergency—a crisis that threatens the survival of our civilization and the habitability of the Earth”—that is how former Vice President Al Gore describes global warming. Most environmental groups preach the same message. So do many journalists. So do some scientists.

In fact, at the 2008 annual meeting of Nobel Prize winners in Lindau, Germany, **half the laureates** on the climate change panel disputed the so-called consensus on global warming.

You have probably heard the dire warnings many times. Carbon dioxide (CO2) from mankind’s use of fossil fuels like coal, oil, and natural gas is building up in the atmosphere. Carbon dioxide is a greenhouse gas—it traps heat that would otherwise escape into outer space. Al Gore warns that global warming caused by carbon dioxide emissions could increase sea levels by 20 feet, spin up deadly hurricanes. It could even plunge Europe into an ice age.

Science does not support these and other scary predictions, which Gore and his allies repeatedly tout as a “scientific consensus.” Global warming is real and carbon dioxide emissions are contributing to it, but it is not a crisis. Global warming in the 21 st century is **likely to be modest**, and the net impacts may well be beneficial in some places. **Even in the worst case**, humanity will be much better off in 2100 than it is today.

The following is a summary of key points:

Average Annual Heat-Related Mortality: People will not drop like flies from heat waves in a warming world. Heat-related mortality will continue to decline as the world warms.

Far more people die each year from excess cold than from excess heat.

Global warming will not make air pollution worse.

Global warming will not lead to malaria epidemics in Northern Hemisphere countries.

Contrary to Gore, no “strong, new scientific consensus is emerging” that global warming is making hurricanes stronger.

Global Death & Death Rates Due to Extreme Events, 1900-2004: Since the 1920s, death rates related to extreme weather declined by more than 98 percent globally. The impression conveyed by An Inconvenient Truth—that global warming is making the world a more dangerous place—is false.

Gore’s warning that global warming could shut down the Atlantic branch of the oceanic thermohaline circulation (THC) and plunge Europe into an ice age is **science fiction**.

Gore’s warning that sea levels could rise by 20 feet is science fiction. Sea level rise in the 21 st century is likely to be measured in inches, not in feet.

The world warmed at a rate of 0.17°C per decade since 1978, according to the temperature record compiled by the United Nations Intergovernmental Panel on Climate Change (IPCC). Since most climate models predict that warming will occur at a constant—that is, non-accelerating—rate, it is reasonable to expect that global warming in the 21 st century will be **close to the low end** of the IPCC’s forecast range, of 1.4°C to 5.8°C.

The actual warming rate may be only **half the 0.17°C per decade** rate implied in the IPCC temperature record, because the IPCC has not adequately filtered out the **warming biases** from local factors like urbanization and improper management of monitoring equipment.

A warming near the low end of the IPCC range would produce both benefits—**longer growing seasons, more rainfall, fewer cold deaths**—and harms—more heat waves, more drought, some acceleration of sea level rise—but nothing resembling catastrophe.

Even in the IPCC high-end warming forecasts, human welfare would improve dramatically over the next 100 years. In the IPCC fossil-fuel-intensive development scenario, per capita GDP in developing countries increases from $875 per year in 1990 to $43,000 per year in 2100—even after taking into account an additional 110 years of global warming. **Even in the IPCC worst-case scenario**, global warming is **not the civilization-ending catastrophe** Al Gore purports it to be.

#### **No extinction from climate change**

NIPCC 11 – the Nongovernmental International Panel on Climate Change, an international panel of nongovernment scientists and scholars, March 8, 2011, “Surviving the Unprecedented Climate Change of the IPCC,” online: http://www.nipccreport.org/articles/2011/mar/8mar2011a5.html

In a paper published in Systematics and Biodiversity, Willis et al. (2010) consider the IPCC (2007) "predicted climatic changes for the next century" -- i.e., their contentions that "global temperatures will **increase by 2-4°C** and possibly beyond, sea levels will rise (~1 m ± 0.5 m), and atmospheric CO2 will increase by up to 1000 ppm" -- noting that it is "widely suggested that the magnitude and rate of these changes will result in many plants and animals going extinct," citing studies that suggest that "within the next century, over 35% of some biota will have gone extinct (Thomas et al., 2004; Solomon et al., 2007) and there will be extensive die-back of the tropical rainforest due to climate change (e.g. Huntingford et al., 2008)."

On the other hand, they indicate that some biologists and climatologists have pointed out that "many of the predicted increases in climate have **happened before**, in terms of both **magnitude and rate of change** (e.g. Royer, 2008; Zachos et al., 2008), and yet biotic communities have **remained remarkably resilient** (Mayle and Power, 2008) and in some cases **thrived** (Svenning and Condit, 2008)." But they report that those who mention these things are often "placed in the 'climate-change denier' category," although the purpose for pointing out these facts is simply to present "a **sound scientific basis** for understanding biotic responses to the magnitudes and rates of climate change predicted for the future through using the **vast data resource** that we can exploit in fossil records."

Going on to do just that, Willis et al. focus on "intervals in time in the fossil record when atmospheric CO2 concentrations increased up to 1200 ppm, temperatures in mid- to high-latitudes increased by **greater than 4°C within 60 years**, and sea levels rose by up to 3 m higher than present," describing studies of past biotic responses that indicate "the scale and impact of the magnitude and rate of such climate changes on biodiversity." And what emerges from those studies, as they describe it, "is evidence for rapid community turnover, migrations, development of novel ecosystems and thresholds from one stable ecosystem state to another." And, most importantly in this regard, they report "there is **very little evidence for broad-scale extinctions** due to a warming world."

In concluding, the Norwegian, Swedish and UK researchers say that "based on such evidence we urge some **caution in assuming broad-scale extinctions** of species will occur due solely to climate changes of the magnitude and rate predicted for the next century," reiterating that "the fossil record indicates **remarkable biotic resilience** to wide amplitude fluctuations in climate."

### China

#### Economic decline won’t collapse the CCP

Pei 9—MinxinPei is a senior associate in the China Program at the Carnegie Endowment for International Peace, 3-12**-**09, “Will the Chinese Communist Party Survive the Crisis?” Foreign Affairs, http://www.foreignaffairs.com/articles/64862/minxin-pei/will-the-chinese-communist-party-survive-the-crisis

With no end to the global crisis in sight, many are wondering how long China's economic doldrums will last and what the political impact of stagnation will be. The conventional wisdom is that low growth will erode the party's political legitimacy and fuel social unrest as jobless migrants and college graduates vent their frustrations through riots and protests. Although this forecast is not necessarily wrong, it is incomplete. Strong economic performance has been the single most important source of legitimacy for the CCP, so prolonged economic stagnation carries the danger of disenchanting a growing middle class that was lulled into political apathy by the prosperity of the post-Tiananmen years. And economic policies that favor the rich have already alienated industrial workers and rural peasants, formerly the social base of the party. Even in recent boom years, grass-roots unrest has been high, with close to 90,000 riots, strikes, demonstrations, and collective protests reported annually. Such frustrations will only intensify in hard times. It might seem reasonable to expect that challenges from the disaffected urban middle class, frustrated college graduates, and unemployed migrants will constitute the principal threat to the party's rule. If those groups were in fact to band together in a powerful coalition, then the world's longest-ruling party would indeed be in deep trouble. But that is not going to happen. Such a revolutionary scenario overlooks two critical forces blocking political change in China and similar authoritarian political systems: the regime's capacity for repression and the unity among the elite. Economic crisis and social unrest may make it tougher for the CCP to govern, but they will not loosen the party's hold on power. A glance at countries such as Zimbabwe, North Korea, Cuba, and Burma shows that a relatively unified elite in control of the military and police can cling to power through brutal force, even in the face of abysmal economic failure. Disunity within the ruling elite, on the other hand, weakens the regime's repressive capacity and usually spells the rulers' doom. The CCP has already demonstrated its remarkable ability to contain and suppress chronic social protest and small-scale dissident movements. The regime maintains the People's Armed Police, a well-trained and well-equipped anti-riot force of 250,000. In addition, China's secret police are among the most capable in the world and are augmented by a vast network of informers. And although the Internet may have made control of information more difficult, Chinese censors can still react quickly and thoroughly to end the dissemination of dangerous news. Since the Tiananmen crackdown, the Chinese government has greatly refined its repressive capabilities. Responding to tens of thousands of riots each year has made Chinese law enforcement the most experienced in the world at crowd control and dispersion. Chinese state security services have applied the tactic of "political decapitation" to great effect, quickly arresting protest leaders and leaving their followers disorganized, demoralized, and impotent. If worsening economic conditions lead to a potentially explosive political situation, the party will stick to these tried-and-true practices to ward off any organized movement against the regime. If popular unrest is not a true threat to the party's continued rule, then what is? The answer could likely be disunity among the country's elite. Those who talk of China's "authoritarian resilience" consider elite unity to be one of the CCP's most significant achievements in recent decades, citing as evidence technocratic dominance, a lack of ideological disputes, the creation of standardized procedures for the promotion and retirement of high officials, and the relatively smooth leadership succession from Jiang Zemin to Hu Jintao.

#### Multiple factors make Asia war unlikely

Vannarith 10—Executive Director of the Cambodian Institute for Cooperation and Peace. PhD in Asia Pacific Studies, Ritsumeikan Asia Pacific U (Chheang, Asia Pacific Security Issues: Challenges and Adaptive Mechanism, <http://www.cicp.org.kh/download/CICP%20Policy%20brief/CICP%20Policy%20brief%20No%203.pdf>)

Some people look to China for economic and strategic interests while others still stick to the US. Since, as a human nature, change is not widely acceptable due to the high level of uncertainty. It is therefore logical to say that most of the regional leaders prefer to see the status quo of security architecture in the Asia Pacific Region in which US is the hub of security provision. But it is impossible to preserve the status quo since China needs to strategically outreach to the wider region in order to get necessary resources especially energy and raw materials to maintain her economic growth in the home country. It is understandable that China needs to have stable high economic growth of about 8 percent GDP growth per year for her own economic and political survival. Widening development gap and employment are the two main issues facing China. Without China, the world will not enjoy peace, stability, and development. China is the locomotive of global and regional economic development and contributes to global and regional peace and stability. It is understandable that China is struggling to break the so-called containment strategy imposed by the US since the post Cold War. Whether this tendency can lead to the greater strategic division is still unknown. Nevertheless, many observers agree that whatever changes may take place, a multi-polar world and multilateralism prevail. The reasons or logics supporting multilateralism are mainly based on the fact that no one country can really address the security issues embedded with international dimension, no one country has the capacity to adapt and adopt to new changes alone, and it needs cooperation and coordination among the nation states and relevant stakeholders including the private sector and civil societies. Large scale interstate war or armed conflict is **unthinkable** in the region due to the high level of interdependency and democratization. It is believed that economic interdependency can reduce conflicts and prevent war. Democracy can lead to more transparency, accountability, and participation that can reduce collective fears and create more confidence and trust among the people in the region. In addition, globalism and regionalism are taking the center stage of national and foreign policy of many governments in the region except North Korea. The combination of those elements of peace is necessary for peace and stability in the region and those elements are **present and being improved in this region.**

#### Chinese Econ high

Miner 1/25, Scott is Chief Investment Officer and a Managing Partner of Guggenheim Partners, LLC, a privately held global financial services firm with more than $160 billion in assets under supervision., "The U.S. Economy Is Reaching Escape Velocity", seekingalpha.com/article/1134471-the-u-s-economy-is-reaching-escape-velocity?source=google\_news

The U.S. economy is reaching "escape velocity," powered by the monetary rocket fuel from central banks around the world. Almost every domestic economic indicator is now positive, and the economic backdrop is stronger than it has been in the last seven years. We are in the healthiest financial condition since 2003. If the post-2003 experience were to be repeated, we could see an uninterrupted economic expansion for four years. Although pockets of uncertainty remain, such a favorable outlook for the economy and markets cannot to be ruled out.¶ Investors can expect a continuation of the themes that have dominated the environment since the recovery began: tighter credit spreads, low interest rates, improving employment, modest inflation, and sustained economic growth. Historically low interest rates and continued earnings growth will support higher equity valuations. As leveraged buyouts come back into play, undervalued companies with large cash balances are sure to be targets. More merger and acquisition activity would lift share prices higher, furthering the expansionary trend that is already underway.

#### Interdependence means zero chance that economic decline causes war

Leslie H. Gelb 10, President Emeritus of the Council on Foreign Relations; was a senior official in the U.S. Defense Department from 1967 to 1969 and in the State Department from 1977 to 1979, November/December 2010, “GDP Now Matters More Than Force,” Foreign Affairs, Vol. 89, No. 6

To an unprecedented degree, the major powers now need one another to grow their economies, and they are loath to jeopardize this interdependence by allowing traditional military and strategic competitions to escalate into wars. In the past, U.S. enemies--such as the Soviet Union--would have rejoiced at the United States' losing a war in Afghanistan. Today, the United States and its enemies share an interest in blocking the spread of both Taliban extremism and the Afghan-based drug trade. China also looks to U.S. arms to protect its investments in Afghanistan, such as large natural-resource mines. More broadly, no great nation is challenging the balance of power in either Europe or Asia. Although nations may not help one another, they rarely oppose one another in explosive situations.

Given the receding threat of great-power war, leaders around the world can afford to elevate economic priorities as never before. To be sure, leaders throughout history have pursued economic strength as the foundation of state power, but power itself was equated with military might. Today, the prevailing idea is that economic strength should be applied primarily toward achieving economic--not military--ends. Money is what counts most, so most nations limit their spending on standing armies and avoid military interventions. What preoccupies most leaders is trade, investment, access to markets, exchange rates, additional riches for the rich, and a better life for the rest.

This trend is plain among the rising regional powers known as the BRIC countries (Brazil, Russia, India, and China) and among such others as Indonesia, Mexico, South Africa, and Turkey. Although these countries' leaders have major security concerns--such as India with regard to Pakistan--their paramount objective has become economic strength. For most, economic growth is their prime means of fending off internal political opposition.

China makes perhaps the best case for the primacy of economics. Although it might emerge as a spoiler decades hence, Beijing currently promotes the existing economic order and does not threaten war. Because Beijing has been playing the new economic game at a maestro level--staying out of wars and political confrontations and zeroing in on business--its global influence far exceeds its existing economic strength. China gains extra power from others' expectations of its future growth. The country has become a global economic giant without becoming a global military power. Nations do not fear China's military might; they fear its ability to give or withhold trade and investments.

#### China’s key to the global economy

Eichengreen et al. 11-Barry Eichengreen is George C. Pardee and Helen N. Pardee Professor of Economics and Political Science, University of California, Berkeley,a Research Associate, National Bureau of Economic Research, Cambridge, Massachusetts, and Research Fellow, Centre for Economic Policy Research, London, United Kingdom, Kwanho Shin is a professor in the Department of Economics, Korea University, and Donghyun Park is Principal Economist at the Economics and Research Department of the Asian Development Bank, March 2011, "WHEN FAST GROWING ECONOMIES SLOW DOWN: INTERNATIONAL EVIDENCE AND IMPLICATIONS FOR CHINA", NATIONAL BUREAU OF ECONOMIC RESEARCH, http://www.nber.org/papers/w16919.pdf?new\_window=1

In addition, the large and fast-growing Chinese economy is increasingly viewed as a key engine of growth for the world economy. The advanced industrial countries, the traditional engines of global growth, have inherited serious problems from the crisis: weakened household balance sheets, increased public debts, and still troubled financial systems. In contrast, China experienced few problems as a result of the crisis. There were few bank and enterprise failures. At the height of the crisis in 2009, growth “slowed” just to 9.2 per cent. Both advanced and developing countries benefited from China’s resilience. Robust Chinese demand lifted capital goods exports from Germany and Japan and commodity exports from Africa and Latin America. In particular, demand from China contributed substantially to recovery in East and Southeast Asia, which has close trade linkages with China.

#### Growth’s unsustainable and causes extinction because of physical demands on space, water, forests, and habitat---tech can’t solve because collapse of ecosystem services is irreversible

David Shearman 7, Emeritus professor of medicine at Adelaide University, Secretary of Doctors for the Environment Australia, and an Independent Assessor on the IPCC; and Joseph Wayne Smith, lawyer and philosopher with a research interest in environmentalism, 2007, The Climate Change Challenge and the Failure of Democracy, p. 153-156

Hundreds of scientists writing in Millennium Assessment and other scientific reports pronounce that humanity is in peril from environmental damage. If liberal democracy is to survive it will need to offer leadership, resolve, and sacrifice to address the problem. To date there is not a shred of evidence that these will be provided nor could they be delivered by those at the right hand of American power. Some liberal democracies that recognize that global warming is a dire problem are trying but nevertheless failing to have an impact on greenhouse emissions. To arrest climate change, greenhouse reductions of 60 to 80 percent are required during the next few decades. By contrast the Kyoto Protocol prescribes reductions of only a few percent. The magnitude of the problem seems overwhelming, and indeed it is. So much so, it is still denied by many because it cannot be resolved without cataclysmic changes to society. Refuge from necessary change is being sought in technological advances that will allow fossil fuels to be used with impunity, but this ignores the kernel of the issue. If all humanity had the ecological footprint of the average citizen of Australia or the United States, at least another three planets would be needed to support the present population of the world.2 The ecological services of the world cannot be saved under a regime of attrition by growth economies that each year use more land, water, forests, natural resources, and habitat. Technological advances cannot retrieve dead ecological services.

The measures required have been discussed and documented for several decades. None of them are revolutionary new ideas. We will discuss the main themes of a number of important issues such as the limits to growth, the separation of corporatism and governance, the control of the issue of credit (i.e., financial reform), legal reform, and the reclaiming of the commons. Each of these issues has been discussed in great depth in the literature, and a multitude of reform movements have been spawned. Unfortunately, given the multitude of these problems and the limited resources and vision of the reformers, each of the issues tends to be treated in isolation. From an ecological perspective, which is a vision seeking wholeness and integration, this is a mistake. These areas of reform are closely interrelated and must be tackled as a coherent whole to bring about change. Banking and financial reform is, for example, closely related to the issue of control and limitation of corporate power, because finance capital is the engine of corporate expansion. The issue of reclaiming the commons and protecting the natural environment from corporate plunder is also intimately connected to the issue of the regulation of corporate power. In turn this is a legal question, and in turn legal structures are highly influenced by political and economic factors. Finally, the issue of whether there are ecological limits to growth underlies all these issues. Only if an ecologically sustainable solution can be given to this totality of problems can we see the beginnings of a hope for reform of liberal democracy. And even then, there still remains a host of cultural and intellectual problems that will need to be solved. The prospects for reform are daunting, but let us now explore what in principle is needed.

THE LIMITS TO GR OWTH

Our loving marriage to economic growth has to be dissolved. The dollar value of all goods and services made in an economy in one year is expressed as the gross domestic product (GDP). It is a flawed measurement in that it does not measure the true economic and social advance of a society,3 but it is relevant to our discussion here for most of the activities it measures consume energy. Each country aims for economic growth, for every economy needs this for its success in maintaining employment and for the perceived ever-expanding needs of its populace. Politicians salivate about economic growth, it is their testosterone boost. Most would be satisfied with 3 percent per annum and recognize that this means that the size of the economy is 3 percent greater than the previous year. On this basis the size of the economy doubles every 23 years. In 43 years it has quadrupled. Now in 23 years let us suppose that energy needs will also double in order to run this economy. Therefore if greenhouse emissions are to remain at today’s level, then approximately half the energy requirements in 23 years’ time will have to be alternative energy. The burgeoning energy requirements of the developing countries have not yet been included in these considerations. To date, these countries have been reluctant to consider greenhouse reductions saying that they have a right to develop without hindrance, and in any case the developed countries are responsible for most of the present burden of carbon dioxide in the atmosphere. It is not difficult to calculate therefore that there is no future for civilization in the present cultural maladaptation to the growth economy. Sustainable economic growth is an oxymoron. These arguments about doubling time apply to all other environmental calculations. Other forms of pollution that arise from the consumer society will also increase proportionally to growth, the human and animal wastes, mercury, the persistent organic pollutants, and so on. And even if some of these are ameliorated, others will arise from the activities of the burgeoning population. Science tells us that we have already exceeded the capacity of the earth to detoxify these.

In advocating a no-growth economy it has been shown in many studies that beyond the basic needs of health, nutrition, shelter, and cultural activity, which can be provided with much less income than Westerners presently enjoy, there is little correlation between wealth and happiness or well-being. A no-growth economy4 would supply the essentials for life and happiness. Human and economic activity fuelling the consumer market would be severely curtailed and the resources redeployed to truly sustainable enterprises, basic care and repair of the environment, conservation of energy, and the manufacture of items and systems that support these needs. The standard of living as measured at present (again by flawed criteria) will fall, but there may be no alternative. The fundamental question is how can a transition be made under a liberal democracy that has consumerism and a free market as its lifeblood?

### Grid

#### Status quo solves grid cyber vulnerability

Paul Clark 12, MA Candidate, Intelligence/Terrorism Studies, American Military University; Senior Analyst, Chenega Federal Systems, 4/28/12, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,” http://blog.havagan.com/wp-content/uploads/2012/05/The-Risk-of-Disruption-or-Destruction-of-Critical-U.S.-Infrastructure-by-an-Offensive-Cyber-Attack.pdf

An attack against the electrical grid is a reasonable threat scenario since power systems are "a high priority target for military and insurgents" and there has been a trend towards utilizing commercial software and integrating utilities into the public Internet that has "increased vulnerability across the board" (Lewis 2010). Yet the increased vulnerabilities are mitigated by an increased detection and deterrent capability that has been "honed over many years of practical application" now that power systems are using standard, rather than proprietary and specialized, applications and components (Leita and Dacier 2012). The security of the electrical grid is also enhanced by increased awareness after a smart-grid hacking demonstration in 2009 and the identification of the Stuxnet malware in 2010: as a result the public and private sector are working together in an "unprecedented effort" to establish robust security guidelines and cyber security measures (Gohn and Wheelock 2010).

#### The grid is air-gapped

Michael Tanji 10, spent 20 years in the US intelligence community; veteran of the US Army; served in strategic and tactical assignments worldwide; participated in national and international analysis and policy efforts for the NIC, NSC and NATO; Claremont Institute Lincoln Fellow and Senior Fellow at the Center of Threat Awareness; lectures on intelligence issues at The George Washington University, 7/13/10, “Hacking the Electric Grid? You and What Army?,” http://www.wired.com/dangerroom/2010/07/hacking-the-electric-grid-you-and-what-army/

Grid-hacking is back in the news, with the unveiling of “Perfect Citizen,” the National Security Agency’s creepily named effort to protect the networks of electrical companies and nuclear power plants.

People have claimed in the past to be able to turn off the internet, there are reports of foreign penetrations into government systems, “proof” of foreign interest in attacking U.S. critical infrastructure based on studies, and concerns about adversary capabilities based on allegations of successful critical infrastructure attacks. Which begs the question: If it’s so easy to turn off the lights using your laptop, how come it doesn’t happen more often?

The fact of the matter is that it isn’t easy to do any of these things. Your average power grid or drinking-water system isn’t analogous to a PC or even to a corporate network. The complexity of such systems, and the use of proprietary operating systems and applications that are not readily available for study by your average hacker, make the development of exploits for any uncovered vulnerabilities much more difficult than using Metasploit.

To start, these systems are rarely connected directly to the public internet. And that makes gaining access to grid-controlling networks a challenge for all but the most dedicated, motivated and skilled — nation-states, in other words.

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#### Bidirectionality

EIA, Energy Information Administration, Office of Energy Markets and End Use, U.S. DOE, ‘92

(“Federal Energy Subsidies: Direct and Indirect Interventions in Energy Markets,” <ftp://tonto.eia.doe.gov/service/emeu9202.pdf>)

In some sense, most Federal policies have the potential to affect energy markets. Policies supporting economic stability or economic growth have energy market consequences; so also do Government policies supporting highway development or affordable housing. The interaction between any of these policies and energy market outcomes may be worthy of study. However, energy impacts of such policies would be incidental to their primary purpose and are not examined here. Instead, this report focuses on Government actions whose prima facie purpose is to affect energy market outcomes, whether through financial incentives, regulation, public enterprise, or research and development.

#### It’s arbitrary and undermines research

Resnick 1 Evan- assistant professor of political science – Yeshiva University, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2

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

### States

#### Sustained state incentives solve solar—funding key

Sarzynski 09 (Andrea, Assistant Research Professor of Public Policy at George Washington University, PhD in Public Policy, previously worked at the Metropolitan Policy Program at the Brookings Institution, the White House Council on Environmental Quality, the environmental law practice at Sidley Austin, and taught at the Rochester Institute of Technology, “THE IMPACT OF SOLAR INCENTIVE PROGRAMS IN TEN STATES”, November, http://www.gwu.edu/~gwipp/GWIPP\_Impact10.pdf)

Six of the states successfully incentivized the hypothetical commercial installation evaluated here, including California, Connecticut, Hawaii, Maine, New Jersey, and Oregon (see Table 7). Hawaii is the only state that successfully finances incentives of this size out of tax expenditures; the other state incentives are paid out of public benefits funds or through the private sale of solar renewable energy credits (SRECs), as in New Jersey (described in more detail below). In Hawaii, the commercial installation would also be a good investment even without the state incentive and may represent a “windfall” profit to consumers purchasing systems under the conditions modeled here. By contrast, Oregon also has a state tax incentive, although installations in Portland of this size would only be costeffective with the addition of the state rebate to the federal and state tax incentives.

Connecticut and New Jersey currently offer incentives that could generate large net benefits and a costcompetitive LCOE. Such high incentive levels are unlikely to continue in the future. Both states have already cut back their incentives substantially this year. Note that the Connecticut grant is a typical capacity-based incentive of $3.50/W up to $850,000, while the New Jersey incentive is delivered through the new SREC program described in more detail below. The incentive value used here is based on current 2009 SREC prices of $0.49/kWh, and assumes prices will fall by 2.5% each year over the 15 years that customers can participate in the program. This approach likely overestimates the incentive value, as the customers do not sign contracts for power production at current levels for the full 15 years. Instead, credit for the solar production is issued as it is generated, and would be subject to SREC prices at that time. Presumably, prices will fall over time as more solar generation technology comes on-line.

Maine proposed a new community-based performance-based incentive (PBI) of a maximum of $0.10/kWh for 20 years, which is currently under consideration. Such a PBI would be sufficient to make this large commercial installation a good investment for rational consumers, indicating that the state has likely set an appropriate PBI level. The challenge will be if the state can afford to pay out such generous benefits for 20 years, which requires a sustained funding commitment (as in California) as opposed to the more common rebates or tax incentives.

The remaining states do not currently offer large enough state incentives to make this large commercial installation a viable investment. In Minnesota and Utah, the 30-year net costs to the customer are more than $200,000. In Arizona, net costs reach almost $100,000 despite the state’s excellent solar resources, which generates a high capacity factor of 19.6 percent (i.e., the amount of electricity produced from the technology’s rated capacity). Rational consumers are only likely to invest in this hypothetical commercial system in these states if they could find other financial incentives to make up the difference (such as rebates offered by utilities).

#### State feed-in tariffs solve—Germany and Spain prove

GTM 09 (Greentech Media, SHAYLE KANN, “EMERGING TRENDS IN THE U.S. SOLAR MARKET”, A WHITE PAPER FROM ENTERPRISE FLORIDA AND GTM RESEARCH, November, http://www.greentechmedia.com/content/images/resources/resource\_center/Emerging-Trends-in-the-US-Solar-Market.pdf)

A feed-in tariff (FIT) is a standard offering from a utility of a ﬁxed-price contract for the electricity produced from a renewable energy generator for a speciﬁed term length. Feed-in tariffs can either be offered as a comprehensive rate or as a ﬁxed premium in addition to spot market electricity prices. By providing a stable, known rate, feed-in tariffs attract capital investment in solar projects with little revenue risk.

The key element of a feed-in tariff is the rate provided to generators. There are two basic designs to set feed-in tariff rates. The ﬁrst sets rates based on the “value” of renewable energy generation to the utility. The value of the generation, which can include the utility’s avoided costs and/or the external costs of conventional generation, is highly subjective and administratively complex to determine. As a result, value-based feed-in tariff policies often result in rates that are insufﬁcient to support signiﬁcant demand.

The second method sets the FIT rate based on the estimated levelized cost of energy generation for renewable energy plants, offering a stable, ﬁxed return to investors on top of project generating costs. This “cost-based” method ensures that project investors see attractive returns and supports greater investment in solar projects.

Already implemented in over 40 countries, feed-in tariffs have been the single most important incentive driver for global solar power development over the past decade. Most notable among these policies have been those of Germany and Spain, where attractive cost-based feed-in tariff rates and stable long-term contracts have vaulted the two nations into becoming the top two global demand centers. As a result of its feed-in tariff, which offers projects installed in a given year ﬁxed rates for 20 years of operation, Germany’s PV market grew from 44 MW in 2000 to 1260 MW in 2007, the largest in the world. In Spain, a 2007 feed-in tariff revision caused a solar demand boom, but has since been reduced.

While the U.S. lacks a national feed-in tariff, many utilities as well as local and state governments have either implemented a feed-in tariff or are considering doing so over the next two years. The ﬁrst among these was Gainesville, Fla., which introduced the ﬁrst cost-based feed-in tariff in the U.S. in February 2009. Gainesville Regional Utilities (GRU), local municipal electric utility, offers 20-year ﬁxed-rate contracts at rates as high as $0.32/ kWh. The program’s introduction immediately created a ﬂurry of demand. The program contains an overall program cap of 4 MW per year, and GRU announced in March 2009 that it had received enough applications to meet the program caps through 2014.

California has the largest-scale feed-in tariff in the U.S., supporting up to 750 MW of total demand, but the rate calculation is value-based according to the state’s Market Price Referent, the estimated cost of a long-term contract with a combined cycle gas turbine facility. However, there are a number of proposals in front of the California legislature that could signiﬁcantly improve and expand the California feed-in tariff. Included among these is a proposal from the California Public Utilities Commission to create a reverse auction mechanism in which renewable energy generators would bid to provide power at particular prices, with the lowest bidders winning utility contracts. A ruling on this proposal is expected to be forthcoming in early 2010.

Since Gainesville’s feed-in tariff began operation, a number of other states and utilities have passed cost-based feed-in tariff policies. Among these are the state of Vermont and two municipal utilities: CPS Energy in San Antonio, Texas and Sacramento Municipal Utilities District (SMUD) in California. The state of Hawaii recently passed a statewide cost-based FIT, for which rates are currently being determined. In upcoming legislative sessions, the states of Washington, Michigan and New York will all consider cost-based feed-in tariff policies, and many municipalities are expected to follow. As has been proven in Germany, effective feed-in tariff policies can provide the backbone for rapid, sustained solar market growth. Thus, the more the U.S. implements cost-based FITs, the stronger the demand market for solar will become.

#### States send a signal

Sovacool 08 (Benjamin, Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization, Adjunct Assistance Professor at the Virginia PI and University in Blacksburg VA, PhD in Science and Technology, Stanford Environmental Law Journal, June, 27 Stan. Envtl. L.J. 397)

Third, other countries continue to model American-style federalism. Germany, the Republic of Austria, Russian Federation, Spain, India, and Nigeria have all based parts of their government structure on American federalism, choosing to decentralize power by adopting constitutions that are more federalist than the ones that they have replaced. n24 The "American experience with ... federalism," writes John Kincaid, "may have useful implications for an emerging federalist revolution worldwide." n25 Mikhail Gorbachev even stated that "the phenomenon of federalism affects the interests of the entire global community." n26 Given such trends, it seems likely that other countries may model American environmental federalism. If this is the case, ensuring that the United States government addresses renewable energy and climate policy at the proper scale becomes even more important for the signal it sends to the world.

#### States are perceived—especially on the environment

Engel 06 (Kirsten, Professor of Law, University of Arizona James E. Rogers College of Law, “HARNESSING THE BENEFITS OF DYNAMIC FEDERALISM IN ENVIRONMENTAL LAW”, http://www.law.emory.edu/fileadmin/journals/elj/56/1/Engel.pdf)

Just as the federal government has failed to resist poking its nose into local environmental issues, the states have found it difficult not to extend their reach to national, and even international, issues. Perhaps the most radical example of this is the recent surge in state and local government initiatives addressing climate change. As a global problem resulting in part from the cumulative emissions of greenhouse gases around the world, the externalities of the activities producing greenhouse gases cannot be internalized within the boundaries of a single state, much less a metropolitan area. 40 According to the “matching principle” discussed in Part I.A, state and local regulation of greenhouse gas emissions is inefficient because greenhouse gases are a national and international problem against which state and local regulation is powerless. 41 While many of the state and local initiatives addressing greenhouse gases have localized economic and environmental benefits other than those that might accompany a reduction in the risks of climate change, and thus may be justified on the sole basis of those local benefits, others have few local benefits other than to perhaps give local industries a leg up in future carbon regulation regimes. 42¶ States, with California in the lead, frequently impose standards upon nationally distributed products to address an environmental health or safety problem. 43 A recent example concerns California’s ban of bromated flame retardants (“BFRs”), which are widely used in household products to slow the spread of fire. 44 Because California is the largest U.S. consumer of products containing BFRs, California’s action “has effectively shut down the market in BFR-containing products in all states.” 45 Indeed, as others have noted, the state common law tort liability system functions as a means of regulating national product markets. 46¶ Environmental regulation is not the only example of state regulation that has a national, and even an international scope; the states have recently become quite active in immigration enforcement in the wake of federal retrenchment. 47 Some in Congress appear to have acquiesced to this new state role, as proposed federal legislation would provide states with incentives for state and local law enforcement officers to assume increased responsibility in enforcing federal immigration laws. 48 Another area is international human rights, where cities and states have attempted to enforce human rights norms through trade relationships and through domestic laws. Local human rights laws range from requiring compliance with human rights standards found in international agreements to which the United States is not a party 49 to restrictions upon local businesses that may have been involved with human rights abuses. 50

#### State action leads to the plan faster

Aulisi et al 07 (Andrew Aulisi is the director of the Markets and Enterprise Program, John Larsen is a research analyst, and Jonathan Pershing is the director of the Climate and Energy Program at the World Resources Institute. Paul Posner is the director of the Public Administration Program at George Mason University, “CLIMATE POLICY IN THE STATE LABORATORY: How States Influence Federal Regulation and the Implications for Climate Change Policy in the United States”, http://pdf.wri.org/climate\_policy\_in\_the\_state\_laboratory.pdf)

A state–federal cycle of policy development is particularly relevant to climate change, which is a long-term problem requiring long-term solutions and technology and market adjustments. The states may play the role of policy innovator for decades by routinely establishing the leading edge of emissions and market regulation, tailored to their individual state circumstances, with the federal government periodically stepping in and setting policy ﬂoors. In this sense, partial preemption by the federal government in the area of climate change could be a useful and appropriate outcome. In addition, even if the federal government were to act aggressively on climate change policy, its long-term nature suggests that the states’ policy innovation and activism will continue to be relevant indeﬁnitely. Even in the face of federal resistance to additional regulation, the states’ policy activism is likely to create pressure and set the stage for federal action when political circumstances change and a federal “policy window” opens, thus **enabling the policy to be adopted more quickly than if the states had not previously taken action.**

#### Education—the states counterplan is critical to education on an energy topic

Kay 12 (David, Cornell Community and Regional Development Institute, “Energy Federalism: Who Decides?”, July, http://devsoc.cals.cornell.edu/cals/devsoc/outreach/cardi/programs/loader.cfm?csModule=security/getfile&PageID=1071714)

Questions about energy production and consumption are acquiring renewed urgency in the 21st Century. Among these questions are some that go to the heart of our nation’s system of federalism, as an underlying but ever-present friction mounts over the way in which decision making power has been divided between central and more locally distributed political units. What is at stake? According to one author, “the choice of regulatory forum often seems to determine the outcome of the controversy. That may explain why Americans have traditionally shed so much metaphorical and genuine blood deciding what are essentially jurisdictional disputes between governmental institutions.”i

#### We have a solvency advocate for uniformity

Aulisi et al 07 (Andrew Aulisi is the director of the Markets and Enterprise Program, John Larsen is a research analyst, and Jonathan Pershing is the director of the Climate and Energy Program at the World Resources Institute. Paul Posner is the director of the Public Administration Program at George Mason University, “CLIMATE POLICY IN THE STATE LABORATORY: How States Influence Federal Regulation and the Implications for Climate Change Policy in the United States”, http://pdf.wri.org/climate\_policy\_in\_the\_state\_laboratory.pdf)

While horizontal diffusion was not as important as other factors, programs with wider state diffusion were more likely to be adopted at the federal level. Thus, efforts to persuade other states to adopt the RGGI and California standards are likely to increase the chances of a similar federal program. Also, given the prevalence of federal partial preemption as a response to state policy activism, the development of more stringent standards at the state level is likely to lead to more stringent federal standards. RECOMMENDATION: State policies should be designed with a view to interstate cooperation, sharing of information, and the incremental development of multi-state collective action that is tantamount to a national program. Such collective, coordinated action by several states could result in a meaningful and environmentally effective U.S. response to climate change in lieu of federal action.

#### New rulings mean its constitutional

Mormann 11 (Felix, Fellow, Steyer-Taylor Center for Energy Policy and Finance, Stanford Law School, “Requirements for a Renewables Revolution”, 38 Ecology L.Q. 903, Lexis)

More than thirty years after the adoption of PURPA, FERC's October 2010 California Public Utilities Commission decision acknowledges for the first time the possibility of a different point of reference to determine avoided cost. n236 Thus, if a state required a utility to purchase 10 percent of its energy needs from renewable sources, then a natural gas-fired unit, for example, would not be a source "able to sell" to that utility for the specified renewable resources segment of the utility's energy needs, and thus would not be relevant to determining avoided costs for that segment of the utility's energy needs. n237

According to FERC's clarification, the path now seems clear for state feed-in tariffs under PURPA to establish higher rates for electricity from renewables so long as (i) there is a state mandate, such as an RPS calling for the utilities' procurement of a certain percentage of electricity from renewables, and (ii) the established rate does not exceed the avoided cost for the generation/procurement of electricity from renewables.

#### It kills state authority—signaling and crowd-out

Adler 07 (Jonathan, Professor of Law and Co-Director, Center for Business Law and Regulation, Case Western Reserve University School of Law, “WHEN IS TWO A CROWD? THE IMPACT OF FEDERAL ACTION ON STATE ENVIRONMENTAL REGULATION”, http://www.law.harvard.edu/students/orgs/elr/vol31\_1/adler.pdf)

Just as federal action may indirectly encourage greater state regulatory activity, federal action may discourage state regulatory action. This can occur in at least two ways. First, the adoption of a federal regulatory standard may “signal” that more stringent state regulations are unnecessary. In effect, the federal standard may be seen as evidence that a given level of regulatory protection is sufficient to safeguard relevant public interests, and more stringent measures are unnecessary. As a result, the adoption of a federal regulation may induce state policy-makers to adopt comparable state protections. In addition, the adoption of a federal regulation may crowd out state regulatory measures by reducing the net benefits of additional state measures. As a result, the existence of federal regulation may discourage the adoption of additional state-level regulatory protections in the future.

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#### **Turns heg and accesses soft power**

Nye 12 Joseph S. Nye, a former US assistant secretary of defense and chairman of the US National Intelligence Council, is University Professor at Harvard University. “Immigration and American Power,” December 10, Project Syndicate, http://www.project-syndicate.org/commentary/obama-needs-immigration-reform-to-maintain-america-s-strength-by-joseph-s--nye

CAMBRIDGE – The United States is a nation of immigrants. Except for a small number of Native Americans, everyone is originally from somewhere else, and even recent immigrants can rise to top economic and political roles. President Franklin Roosevelt once famously addressed the Daughters of the American Revolution – a group that prided itself on the early arrival of its ancestors – as “fellow immigrants.”¶ In recent years, however, US politics has had a strong anti-immigration slant, and the issue played an important role in the Republican Party’s presidential nomination battle in 2012. But Barack Obama’s re-election demonstrated the electoral power of Latino voters, who rejected Republican presidential candidate Mitt Romney by a 3-1 majority, as did Asian-Americans.¶ As a result, several prominent Republican politicians are now urging their party to reconsider its anti-immigration policies, and plans for immigration reform will be on the agenda at the beginning of Obama’s second term. **Successful reform will be an important step in preventing the** decline of American power**.**¶ Fears about the impact of immigration on national values and on a coherent sense of American identity are not new. The nineteenth-century “Know Nothing” movement was built on opposition to immigrants, particularly the Irish. Chinese were singled out for exclusion from 1882 onward, and, with the more restrictive Immigration Act of 1924, immigration in general slowed for the next four decades.¶ During the twentieth century, the US recorded its highest percentage of foreign-born residents, 14.7%, in 1910. A century later, according to the 2010 census, 13% of the American population is foreign born. But, despite being a nation of immigrants, more Americans are skeptical about immigration than are sympathetic to it. Various opinion polls show either a plurality or a majority favoring less immigration. The recession exacerbated such views: in 2009, one-half of the US public favored allowing fewer immigrants, up from 39% in 2008.¶ Both the number of immigrants and their origin have caused concerns about immigration’s effects on American culture. Demographers portray a country in 2050 in which non-Hispanic whites will be only a slim majority. Hispanics will comprise 25% of the population, with African- and Asian-Americans making up 14% and 8%, respectively.¶ But mass communications and market forces produce powerful incentives to master the English language and accept a degree of assimilation. Modern media help new immigrants to learn more about their new country beforehand than immigrants did a century ago. Indeed, most of the evidence suggests that the latest immigrants are assimilating at least as quickly as their predecessors.¶ While too rapid a rate of immigration can cause social problems, over the long term, immigration strengthens US power. It is estimated that at least 83 countries and territories currently have fertility rates that are below the level needed to keep their population constant. Whereas most developed countries will experience a shortage of people as the century progresses, America is one of the few that may avoid demographic decline and maintain its share of world population.¶ For example, to maintain its current population size, Japan would have to accept 350,000 newcomers annually for the next 50 years, which is difficult for a culture that has historically been hostile to immigration. In contrast, the Census Bureau projects that the US population will grow by 49% over the next four decades.¶ Today, the US is the world’s third most populous country; 50 years from now it is still likely to be third (after only China and India). This is highly relevant to economic power: whereas nearly all other developed countries will face a growing burden of providing for the older generation**, immigration could help to attenuate the policy problem for the US.**¶ In addition, though studies suggest that the short-term economic benefits of immigration are relatively small, and that unskilled workers may suffer from competition**, skilled immigrants can be important to** particular sectors – and to long-term growth. There is a strong correlation between the number of visas for skilled applicants and patents filed in the US. At the beginning of this century, Chinese- and Indian-born engineers were running one-quarter of Silicon Valley’s technology businesses, which accounted for $17.8 billion in sales; and, in 2005, immigrants had helped to start one-quarter of all US technology start-ups during the previous decade. Immigrants or children of immigrants founded roughly 40% of the 2010 Fortune 500 companies.¶ Equally important are immigration’s benefits for America’s soft power. The fact that people want to come to the US enhances its appeal, and immigrants’ upward mobility is attractive to people in other countries. The US is a magnet, and many people can envisage themselves as Americans, in part because so many successful Americans look like them. Moreover, connections between immigrants and their families and friends back home help to convey accurate and positive information about the US.¶ Likewise, because the presence of many cultures creates avenues of connection with other countries, it helps to broaden Americans’ attitudes and views of the world in an era of globalization. Rather than diluting hard and soft power, immigration enhances both.¶ Singapore’s former leader, Lee Kwan Yew, an astute observer of both the US and China, argues that China will not surpass the US as the leading power of the twenty-first century, precisely **because the US attracts the best and brightest** from the rest of the world and melds them into a diverse culture of creativity. China has a larger population to recruit from domestically, but, in Lee’s view, its Sino-centric culture will make it less creative than the US.¶ That is a view that Americans should take to heart. If Obama succeeds in enacting **immigration reform** in his second term, he **will** have gone a long way toward fulfilling his promise to maintain the strength of the US.

#### Turn cybersecurity preparedness

McLarty 9 (Thomas F. III, President – McLarty Associates and Former White House Chief of Staff and Task Force Co-Chair, “U.S. Immigration Policy: Report of a CFR-Sponsored Independent Task Force”, 7-8, http://www.cfr.org/ publication/19759/us\_immigration\_policy.html)

We have seen, when you look at the table of the top 20 firms that are H1-B visa requestors, at least 15 of those are IT firms. And as we're seeing across industry, much of the hardware and software that's used in this country is not only manufactured now overseas, but it's developed overseas by scientists and engineers who were educated here in the United States.¶ We're seeing a lot more activity around cyber-security, certainly noteworthy attacks here very recently. It's becoming an increasingly dominant set of requirements across not only to the Department of Defense, but the Department of Homeland Security and the critical infrastructure that's held in private hands. Was there any discussion or any interest from DOD or DHS as you undertook this review on the security things about what can be done to try to generate a more effective group of IT experts here in the United States, many of which are coming to the U.S. institutions, academic institutions from overseas and often returning back? This potentially puts us at a competitive disadvantage going forward.¶ MCLARTY: Yes. And I think your question largely is the answer as well. I mean, clearly we have less talented students here studying -- or put another way, more talented students studying in other countries that are gifted, talented, really have a tremendous ability to develop these kind of technology and scientific advances, we're going to be put at an increasingly disadvantage. Where if they come here -- and I kind of like Dr. Land's approach of the green card being handed to them or carefully put in their billfold or purse as they graduate -- then, obviously, that's going to strengthen, I think, our system, our security needs.

#### Turn Chinese growth

Williams 11/9 Carol is an LA Times international affairs writer. “Other countries eagerly await U.S. immigration reform,” 2012, <http://latimesblogs.latimes.com/world_now/2012/11/us-immigration-reform-eagerly-awaited-by-source-countries.html>

"Comprehensive immigration reform will see expansion of skilled labor visas," predicted B. Lindsay Lowell, director of policy studies for the Institute for the Study of International Migration at Georgetown University. A former research chief for the congressionally appointed Commission on Immigration Reform, Lowell said he expects to see at least a fivefold increase in the number of highly skilled labor visas that would provide "a significant shot in the arm for India and China."¶ There is widespread consensus among economists and academics that skilled migration fosters new trade and business relationships between countries and enhances links to the global economy, Lowell said.¶ "Countries like India and China weigh the opportunities of business abroad from their expats with the possibility of brain drain, and I think they still see the immigration opportunity as a bigger plus than not," he said.

#### Will pass---bipartisan support and Obama push

Samay 2/21 Sahara is a reporter at Samay Live. “Obama is hoping to sign immigration reform bill,” 2013, Factiva

US President Barack Obama is encouraged by the progress made in the US Congress on comprehensive immigration reform and hoped that a bill in this regard would soon land up on his table for signature.¶ "As the (US) President has made clear, he is encouraged by and hopeful about the process underway in the Senate, the **bipartisan process** led by the so-called Gang of Eight (a group of eight Senators), towards achieving a comprehensive immigration reform bill that could pass the Senate -- and hopefully pass the House, and land on his desk for his signature," the White House Press Secretary Jay Carney told reporters here yesterday.¶ "He (Obama) prefers that option to any other, and he is very encouraged by the progress that's been made so far. He thought **his conversations** with Senate Democrats involved in this process last week **were very productive**, and he felt the same about his conversations with Senate Republicans yesterday," Carney said referring to the telephonic conversations the US President had with top three Republican lawmakers, a day earlier.¶ Responding to questions, Carney said there is not much disagreement among various parties when it comes to the need to pursue enhanced border security as part of comprehensive immigration reform.¶ "That's part of why it's called comprehensive. So we look forward, to continuing to work with Congress, work with the Senate as they pursue bipartisan comprehensive immigration reform legislation," he said.¶ Carney said that the prospects of success in this regard can be easily reflected from the comments of Republican Senator Mario Rubio."But we encourage the Senate to keep working because this is a significant priority. It's a priority that has in the past enjoyed broad bipartisan support, and that we believe is, once again, enjoying that kind of support," the White House Press Secretary said.

#### Obama’s leaked plan doesn’t derail CIR---just a backup

Lederman 2/21 Josh is a writer for The Canadian Press. “Obama says leak of draft immigration bill didn't jeopardize Senate negotiations,” 2013, Factiva

WASHINGTON \_ President Barack Obama has sought to mitigate any damage from the leak of an immigration bill being drafted by the White House, telling a Spanish-language TV network **he didn't jeopardize negotiations with the Senate.**¶ **Leaks in Washington happen all the time,** Obama said Wednesday, and shouldn't prevent immigration reform from moving forward. He said negotiations are continuing at full speed.¶ Members of a bipartisan Senate group taking the lead on immigration reform were caught off-guard over the weekend when details of Obama's own bill were published on USA Today's website. Obama has in the past said he's prepping his own bill, but only as a back-up in case congressional talks fail.

#### Obama’s plan helps passage and proves PC is key---he needs to take hits

Pace 2/20 Julie, Bloomberg Businessweek, "White House tries to keep immigration on track", 2013, www.businessweek.com/ap/2013-02-20/white-house-tries-to-keep-immigration-on-track

Obama spoke with Rubio on Tuesday to reiterate his commitment to the Senate process and to make clear that he had his own legislation ready, the White House said. The president also called Republicans Sens. Lindsey Graham of South Carolina and John McCain of Arizona, two other GOP lawmakers involved in the immigration negotiations.¶ "It is, by far, the president's preference that the Senate process move forward, that the bipartisan group of eight have success, and that they produce a bill that wins the support of Democrats and Republicans in Senate," White House spokesman Jay Carney said.¶ Senate aides said privately Tuesday that bipartisan negotiations are in a good place and they did not feel as though the disclosure of details in Obama's draft bill would disrupt their process. In fact, Obama's backup bill could end up spurring GOP lawmakers to rally behind a congressional plan with many similarities rather than support legislation attached to the president.¶ While they differ on some key details, both sides are contemplating legislation that would provide a pathway to citizenship for most of the 11 million illegal immigrants already in the U.S., tighten border security, crack down on businesses that employ illegal workers and strengthen the legal immigration system.¶ Rubio, a rising Republican star and favorite of his party's conservative wing, has particular incentive to publicly disavow Obama's proposals.¶ As one of his party's leading voices on immigration, Rubio will be called on to sell other conservatives on any deal and he knows that doing so will be harder if that deal has the president's stamp on it. He'll also have to convince Republicans that a bipartisan Senate agreement would be more conservative than what Obama would propose on his own.¶ Rubio's office, trying to further distance itself from the White House, insisted Tuesday that the senator's team had not been in talks with the administration on immigration. But Rubio spokesman Alex Conant later said that a representative from the senator's office participated in five meetings with administration officials.¶ Administration officials said they were willing to take hits from the Florida lawmaker if doing so gave him the cover to work with Senate Democrats to reach a deal.¶ "As long as Sen. Rubio and the rest of the gang are making real progress on immigration reform, we are happy to be on the sidelines and even serve as a punching bag every once in a while," Dan Pfeiffer, Obama's senior adviser, said.

#### It’s ‘path to citizenship’ or nothing---means uniqueness doesn’t outweigh---it could be derailed

Helderman 1/31 Rosalind and Peter Wallsten, WashPost. “Citizenship question roils both parties as immigration debate gets underway,” 2013, http://www.washingtonpost.com/politics/citizenship-question-roils-both-parties-as-immigration-debate-gets-underway/2013/01/31/0588b44a-6b97-11e2-bd36-c0fe61a205f6\_story.html

Rising tensions over whether to give illegal immigrants a chance to pursue full citizenship **could ruin** what President Obama and congressional leaders agree is a pivotal moment in resolving long-simmering problems in the country’s **immigration** system.¶ Immigrant advocates and their Democratic allies insist that now, at long last, is their time. After various failed proposals over the past decade, they finally feel they have the leverage to accept nothing less than a path to full citizenship for the millions of people living illegally in the country.¶ But although Republican leaders are newly interested in a compromise on immigration, many in the party say that allowing undocumented immigrants to live here legally is enough and that a push for citizenship would face fierce, and possibly insurmountable, opposition from conservatives.¶ The tension has deepened in recent days, with disagreements emerging within each party as bipartisan groups in the House and the Senate try to move toward a compromise even as they face hard-line opposition from some voices in their political bases.¶ On the right, some conservatives have begun heaping criticism on one of their own rising stars, Sen. Marco Rubio (R-Fla.), the Cuban American who is a potential presidential candidate and who is championing a compromise. On the left, some liberals are privately grousing that Democratic senators working with Rubio are giving too much ground.¶ A key question is whether to require that certain conditions be met before illegal immigrants could be put on the path to citizenship — and how the government would determine success.¶ The Senate group, which includes Rubio and top members of both parties, would require that the U.S.-Mexico border be found secure and that other strict enforcement measures be enacted before those here illegally could become citizens. Many on the left say the path needs to be more straightforward, while many on the right see even the compromise idea as a non-starter, deeming it too lenient.¶ A path to citizenship is “certainly going to be a problem in the House,” said Rep. Bob Goodlatte (R-Va.), chairman of the Judiciary Committee, which will hold a hearing next week on the issue. “There are a lot of options between deporting 11 million people, which most people don’t believe will happen, and giving [them] citizenship.”¶ On the other side, Richard Trumka, president of the AFL-CIO, said he would support only legislation that gives every deserving illegal immigrant a chance at citizenship. “If it’s too exclusionary, then we’ll fight against it,” he said.¶ The tensions underscore the difficulty of forging consensus on such a politically charged issue, even after Obama’s decisive election win last year among Hispanics led several prominent Republicans to express an eagerness to strike a deal.¶ The senators behind the framework — Republicans Rubio, John McCain (Ariz.), Jeff Flake (Ariz.) and Lindsey O. Graham (S.C.), along with Democrats Charles E. Schumer (N.Y.), Richard J. Durbin (Ill.), Robert Menendez (N.J.) and Michael F. Bennet (Colo.) — have been exuding confidence that a deal was within reach.¶ “I’ve never felt more positive about the prospects of real immigration reform than I do today,” Durbin said at a news conference Thursday.¶ Yet even if the senators find agreement among themselves, selling their recommendations to their colleagues and the activists on both sides of the debate will be a far steeper challenge.¶ Immigration advocates close to the White House have vowed to pressure Obama if he agrees to what they consider unreasonable preconditions to citizenship for illegal immigrants. Conservatives are either insisting on strict contingencies or refusing to back the idea of citizenship.¶ “The world now thinks that this is inevitable,” said one person with knowledge of the deliberations who spoke on the condition of anonymity. “This is far from inevitable. There’s a million land mines in the way.”

#### H1-B and EB visa legislation will be tied to CIR

Higgins 2/6 John is a writer for E-Commerce Times. “Immigration Reform Could Open the Door for IT Talent,” 2013, http://www.ecommercetimes.com/story/77241.html

A divided Congress may actually unite when it comes to certain immigration reform efforts, and that includes one aspect of importance to the IT industry: paving the way for more highly skilled tech workers to come to the U.S. Proposed legislation could impact the way H-1B visas and green cards are handed out, but the issue may be tied to comprehensive immigration reforms.¶ The new Congress is now tackling a flurry of general proposals for comprehensive immigration reform, but only one specific, narrowly focused piece of legislation has already been introduced in the Senate: a plan to vastly increase the number of non-citizens who can pursue jobs and education in the U.S. technology sector.¶ The bill, titled the "Immigration Innovation Act of 2013," quickly drew support from the IT community.¶ "High-skilled immigration is a critical component in the broad effort to reform the U.S. immigration system, and this legislation effectively establishes a must-do list to enable U.S. companies to attract and retain the best innovators from around the world," said Ken Wasch, president of the Software and Information Industry Association (SIIA).¶ "Our companies strongly support efforts to improve the U.S. research ecosystem, including efforts to permit foreign Ph. D. and Masters graduates from U.S. universities in science, technology, engineering, and mathematics (STEM) to remain in the United States," said Grant Seiffert, president of the Telecommunications Industry Association (TIA), in a letter to the Senate sponsors of the bill. "In addition, we support your efforts to increase the allotment of H-1B visas and to improve STEM education efforts in the United States."¶ Visa Reform and High-Tech Funding¶ The bill, also referred to as "I-Squared," focuses on three areas related to high tech talent: the expansion of "employment based non-immigrant" permits, known as H-1B visas; increased access to temporary residence "green cards" for high-skilled workers, and the utilization of fees from the issuance of visas and green cards to promote American worker retraining and education in STEM-related activities.¶ A closer look at the bill's sections:¶ H-1B Visas: The H-1B program allows U.S. employers to temporarily employ foreign workers in specialty occupations for an initial period of three years, extendable to six years. The Immigration Innovation Act would increase the limit for such visas from 65,000 to 115,000. If the pace of applications exceeds the cap within certain specified periods, the allotment will automatically be increased with an eventual hard cap of 300,000. The bill would facilitate the mobility of skilled foreign workers by removing current impediments and costs related to changing employers. It would also authorize employment for dependent spouses of H-1B visa holders.¶ Green cards: The bill would increase the number of available employment-based green cards by reaching back to include green card allotments that went unused in prior years and exempting certain categories of applicants, such as STEM advanced degree holders, from counting against the annual cap. The act provides green card eligibility to "persons with extraordinary ability," and "outstanding professors and researchers," as well as to dependents of employment-based immigrant visa recipients. Current country of origin allocation limits would be eliminated.¶ STEM funding: The fees payable to the U.S. government for H-1B and green cards would be increased. Fees vary for the H-1B documents, but the bill sets the basic fee at $2,500 per employee for firms with more than 25 workers. Green card fees would be raised to $1,000 per employee. According to an Intel analysis, the bill raises the current fee structure by 40 percent. Portions of the federal fee revenue would be channeled to a grant program to promote STEM education and worker retraining to be administered by state governments. The revenue could amount to $300 million per year, according to Sen. Amy Klobuchar (D-Minn), a co-sponsor of the bill.¶ President Obama touched on the high tech employment issue in his second inauguration speech.¶ "Right now, there are brilliant students from all over the world sitting in classrooms at our top universities. They're earning degrees in the fields of the future, like engineering and computer science. But once they finish school, once they earn that diploma, there's a good chance they'll have to leave our country. Think about that," he said. "If you're a foreign student who wants to pursue a career in science or technology, or a foreign entrepreneur who wants to start a business with the backing of American investors, we should help you do that here."¶ Costs and Benefits for Tech Sector¶ Support for the bill by the IT community underscores the need for skilled talent, as well as the readiness of firms to absorb the cost of visa/green card fees and associated legal charges.¶ The fees could be considered a cost of doing business, or they could be viewed as an investment.¶ "We view it as both. The fees are not insignificant and so they give reassurance to some that H-1Bs will not be used to provide a 'cheap labor' alternative to U.S. workers," David LeDuc, senior director of public policy at SIIA, told the E-Commerce Times The fees and processing costs are already so high that it usually costs companies significantly more to hire H-1Bs than U.S. workers."¶ The fees and charges for obtaining skilled workers must also be balanced against the cost for businesses of operating without essential talent.¶ "When considering H-1B fees, we think it's most important to remember that the current annual limit on the number of H-1B visas, along with the per-country restrictions, mean that companies simply can't hire the workers they need or that hiring is delayed. This imposes significant costs and inefficiencies on business operations, and it's part of why the whole system needs reform," Danielle Coffey, general counsel and vice-president of public policy at TIA, told the E-Commerce Times.¶ Congressional Hurdles and Outlook¶ How the bill fares in Congress may depend on how an overall comprehensive package of immigration reforms is handled.¶ "The Immigration Innovation Act could stand on its own, but in the current political situation **it is unlikely that immigration issues will be handled piecemeal**," Bob Sakaniwa, associate director of advocacy at the American Immigration Lawyers Association, told the E-Commerce Times. "The better prospect is that it will be included within a comprehensive package and its fate will be tied to what Congress does on the overall immigration reform effort."¶ The history of congressional immigration debates also indicates that the IT issue should be part of a comprehensive reform effort, LeDuc added. "As much as we might like, or it might seem practical to enact various reform initiatives independently, that's not a political reality at this time."¶ The momentum now exists for comprehensive immigration reform, and issues related to highly skilled workers have already made their way into bipartisan legislative language.

#### The counterplan’s rebranding away from a tax means only the plan incites political controversy

Carus 12 -- Guardian environmental reporter

[Felicity, "Bill Clinton: fan of solar feed-in-tariffs thinks we should “get” the clean energy tattoo," PV Tech, 8-21-12, www.pv-tech.org/editors\_blog/bill\_clinton\_fan\_of\_solar\_feed\_in\_tariffs\_thinks\_we\_should\_get\_the\_clean\_en, accessed 12-31-12, mss]

Feed-in-tariffs are a controversial subject in the US where the energy industry likes to pretend that free market economics applies to this sector. You might expect clean energy antagonists to baulk: "Let the government set the price for electricity — are you crazy? Let the market decide." But **even** clean energy **protagonists are divided** about the true value of FiTs in sustainable markets: "Set the mandated rate too high and we'll have a Spanish boom and bust scenario on our hands. We don't want that." Set it too low, and nobody will want to invest. Palo Alto's Clean Local Energy Accessible Now (CLEAN) programme still has its full 4MW of capacity available and has extended its deadline. Added to which, tariffs also **sound** a bit **like** the dreaded ‘T’ word — taxes. So attempts to introduce them at the distributed commercial level have required a creative rebranding to the dramatically under-descriptive CLEAN programmes designed by the Clean Coalition.

#### Focus groups prove the CP is significantly more popular—we have a solvency advocate for changing the name, not just a link to aff’s usage—the link alone also turns case because people wont be interested in buying new tech

Gallucci 12 (Maria--Staff Reporter InsideClimate News, FIT to Be CLEAN: EU's 'Feed-In Tariff' Rebranded for Americans, May 14, 2012, http://insideclimatenews.org/news/20120514/europe-feed-tariff-solar-wind-long-island-new-york-germany-rates-utility?page=4)

The search for a more palatable term for feed-in tariff began two years ago and was led by MacWilliams Sanders Communications, a media consultancy in Amherst, Mass., that serves progressive groups. ¶ The agency asked focus groups in Los Angeles, Calif., and in the Colorado cities of Boulder and Fort Collins—where feed-in tariffs had been proposed—to come up with names for a policy that would guarantee clean energy developers preferential electricity rates.¶ The term Clean Local Energy Accessible Now, and its acronym CLEAN, emerged as one alternative. The firm asked a few hundred people in Michigan, Minnesota, Wisconsin and Vermont to choose their preferred name from a list of 20.¶ Feed-in tariff almost always ranked last, said Matt MacWilliams, the company's president. "People don't like the name itself, and they come up with really negative associations." By contrast, the name CLEAN consistently came out on top, he said.¶ Following the study's release in late 2010, the Clean Coalition promptly switched its name from its previous title of FIT Coalition. The three-year-old organization has since made rebranding the policy a key part of its efforts.¶ It hopes the name change will spark more U.S. interest in the model by distancing it from European feed-in tariffs, which some Americans associate with a high tax on electricity, said Wang of the Clean Coalition.¶ "A lot of times Americans ... have concerns that Europeans are likely to pay more for green energy than is necessary," which isn't necessarily true, she said. "Folks want to know that these programs work in their backyard in the United States. They get very excited about the idea of new programs."

#### It’s top of the agenda and will pass---comes before guns and economy

Pimentel 2/15 Joseph is a writer at Asian Journal. “Proponents of comprehensive immigration reform hope for resolution in August,” 2013, http://www.asianjournal.com/community/community-news/19469-proponents-of-comprehensive-immigration-reform-hope-for-resolution-in-august.html

LOS ANGELES – Pro-immigration advocates are hopeful that the government will pass a comprehensive immigration reform (CIR) legislation by August, giving relief to the more than 11 million undocumented individuals in the United States.¶ During a New America Media national telebriefing: Tracking Immigration Reform in 2013 on Thursday, proponents of CIR believe this is the year – and have set August as its target date - that reform legislation has to pass or the issue may languish again.¶ “That is an ambitious timeline but I believe I think it’s one that is possible,” said Angela Kelley, vice president for Immigration Policy and Advocacy, Center for American Progress.¶ “Those of us who have been fighting for reform for all these years, it is one that we must push and frankly, demand. Time is not our friend. The closer you get to the end of the year, the harder it is to get (Senate and House of Representative) members to do anything,” Kelley added.¶ Comprehensive immigration reform has been a polarizing issue, mired in Washington politics for years with both sides unable to get anything done. This year it **appeared** CIR would once again take a backseat as other issues like gun control, and the economy have been placed on top.¶ Heading into his second term, President Barack Obama has placed immigration reform on top of his agenda -- doing a speech about the issue in Las Vegas and mentioning it again during his State of the Union address.¶ “We know what needs to be done,” said Obama during his state of the union speech. “As we speak, bipartisan groups in both chambers are working diligently to draft a bill, and I applaud their efforts. Now let’s get this done. Send me a comprehensive immigration reform bill in the next few months, and I will sign it right away.”¶ Obama is looking at his legacy and leading the charge on this issue, said Kelley.¶ Frank Sharry of America’s Voice, an immigration policy group, said unlike years past when Republicans and Democrats constantly butted heads over the issue, now “both parties have a political imperative to get comprehensive immigration reform passed the goal line.”

#### Obama’s not spending PC on sequestration

RCP 2/20 Real Clear Politics, Alexis Simendinger. “Obama Presses His Sequester Case, But Who's Listening?” 2013, http://www.realclearpolitics.com/articles/2013/02/20/obama\_presses\_his\_sequester\_case\_but\_whos\_listening\_117076.html

Republicans complain Obama has shown no serious leadership, no new ideas, and no willingness to negotiate directly with the opposing party. Asked why the president will not talk to Republicans directly about sequestration, the White House said Obama’s door is always open.¶ “The obstacle thus far to compromise has been the adamant refusal by Republicans to agree to a balanced approach to deficit reduction, a balanced approach that the American people support, that Democrats, independents and even Republicans outside of Washington support,” Carney said.¶ In Obama’s view, he is communicating with Republicans. He talks to them through television, via interviews and speeches, and uses social media to reach their constituents. What he doesn’t use to hammer out accords are White House conference rooms, or telephones (although he called Sens. John McCain, Marco Rubio and Lindsey Graham to discuss immigration reform Tuesday).¶ Vice President Joe Biden, the White House Congress-whisperer, is not involved in any secret talks on Capitol Hill, and won’t be pulled off the bench until the GOP concedes on taxes, the president’s aides suggested Tuesday.¶ The GOP may remain unmoved by the president’s warnings about looming devastation and job losses. But Obama is betting that **Americans can raise enough of a ruckus to be heard**. Granted, there are just nine days until yet another Washington budget deadline.

#### Biden’s pushing guns, not Obama, and immigration comes first

Potts 2/21 Tracie is a writer for WWLP News. “Immigration, guns, or the budget?” 2013, http://www.wwlp.com/dpp/news/politics/immigration-guns-or-the-budget

(NBCNC) - Vice president Biden speaks at a gun violence conference in Connecticut today - in the same place 20 children died when a gunman burst into their school. ¶ Even with big budget cuts are looming, the White House is trying to keep the pressure on Congress to deal with gun violence. ¶ In Connecticut today, Vice President Biden will likely make this point again: "The weapon used by the young man used to killing those 20 innocent, beautiful babies, up in Newtown, that weapon is not necessary for your self-defense," said Vice President Joe Biden. ¶ But it's these comments that raised eyebrows. "Buy a shotgun, buy a shotgun[.] Put that double-barreled shotgun, and fire two blasts outside the house," said Vice President Joe Biden. ¶ The White House explained. "The point he was making is that you do not need a military-style assault weapon, and that a shotgun would do the trick," said Jay Carney, White House Press Secretary. ¶ But a ban on assault weapons is unlikely. "An assault weapons ban will not pass the Congress of the United States[.] "Increased background checks, closing loopholes, other things like that. That's fine," said Senator John McCain, (R) Arizona. ¶ But **the question is whether gun control will even come up for a vote.** Right now, Washington is laser-focused on preventing those $85 billion in budget cuts, now just days away. ¶ Then there's **immigration reform**. "My hope is that we can get votes on all these items," said President Barack Obama. ¶ Immigration caused heated exchanges at John McCain's town hall in Arizona. ¶ And it **could eclipse any quick action on gun control.**

#### Appointments don’t drain PC---empirics

Hutchinson 12/2 Earl Ofari, "Rice Nomination Fight Won't Drain President Obama's Political Capital, 2012, www.eurweb.com/2012/12/rice-nomination-fight-wont-drain-president-obamas-political-capital/

It won’t hurt him. All presidents from time to time face some backlash from real or manufactured controversies by opponents over a potential nominee to the Supreme Court, a cabinet or diplomatic post. In 2008, Obama faced backlash when he nominated Eric Holder as Attorney General. A pack of GOP senators huffed and puffed at Holder for alleged transgressions involving presidential pardons he signed off on as Clinton’s Deputy Attorney General. In the end he was confirmed. The mild tiff over Holder didn’t dampen, diminish, or tarnish Obama in his hard pursuit of his major first term initiative, namely health care reform.¶ This was true three years earlier when then President Bush nominated Condoleezza Rice for Secretary of State. Rice was slammed hard by some Democratic senators for being up to her eyeballs in selling the phony, conniving Bush falsehood on Iraq’s weapons of mass destruction. The threat to delay Rice’s confirmation in the Senate quickly fizzled out, and she was confirmed. This did not distract or dampen Bush in his pursuit of his key initiatives. There was not the slightest inference that in nominating Rice, and standing behind her in the face of Democrats grumbles about her would threaten his push of his administration’s larger agenda items.¶ Susan Rice will continue to be a handy and cynical whipping person for the GOP to hector Obama. But the political reality is that the legislative business that Congress and the White House must do never has been shut down by any political squabble over a presidential appointee. The fiscal cliff is an issue that’s too critical to the fiscal and economic well-being of too many interest groups to think that Rice’s possible nomination will be any kind of impediment to an eventual deal brokered by the GOP and the White House.¶ The Rice flap won’t interfere in any way with other White House pursuits for another reason. By holding Rice hostage to a resolution of the fiscal cliff peril and other crucial legislative issues, the GOP would badly shoot itself in the foot. It would open the gate wide to the blatant politicizing of presidential appointments by subjecting every presidential appointment to a litmus test, not on the fitness of the nominee for the job, but on whether the appointee could be a bargaining chip to oppose a vital piece of legislation or a major White House initiative. This would hopelessly blur the legislative process and ultimately could be turned against a future GOP president. This is a slippery slope that Democrats and the GOP dare not risk going down.¶ Rice will not be Obama’s only appointment at the start of his second term. He will as all presidents see a small revolving door of some cabinet members and agency heads that will leave, and must be replaced. There almost certainly will be another Obama pick that will raise some eyebrows and draw inevitable fire from either the GOP or some interests groups. Just as other presidents, Obama will have to weigh carefully the political fall-out if any from his pick. But as is usually the case the likelihood of any lasting harm to the administration will be minimal to nonexistent.

#### Previous immigration reform pushes failed because Obama spent too much PC on other issues and couldn’t arm-twist the GOP effectively---their ev doesn’t account for the GOP’s natural tendency toward intransigence which makes PC true in the context of immigration

Earl Ofari Hutchinson 2-1, author and political analyst, associate editor of New America Media, host of the weekly Hutchinson Report on KPFK-Radio and the Pacifica Network, and KTYM Radio Los Angeles, 2/1/13, “No Risk for President Obama in Immigration Reform Fight,” http://www.huffingtonpost.com/earl-ofari-hutchinson/no-risk-for-obama\_b\_2591792.html

But Obama even as his popularity numbers slightly fell among Latinos did not totally ignore the issue. He lashed the GOP for torpedoing comprehensive immigration reform legislation in Congress on the two occasions when it appeared that an immigration bill might be reintroduced.

Obama was not to blame that this didn't happen. The crushing problems and bruising fights over deficit reduction, spending, health care reform, coupled with high soaring gas prices and the jobless crisis were endless and time consuming. The fights required every bit of his political capital and arm twisting to make any headway against an obstructionist, intransigent and petty GOP determined to make him pay a steep political price for every inch of legislative ground he sought to gain.

The 2012 election changed only one thing with the GOP. That was its in your face, xenophobic rants against illegals supposedly stealing jobs from Americans and breaking the law. GOP leaders had no choice but to tamp down their saber rattle immigration rhetoric for the simple fact that Latino voters punished the party mightily in 2012 for that rhetoric, and sent an even stronger signal that it would continue to punish the GOP if it didn't change at least its tone on immigration. The 2012 election changed one other thing. It gave Obama the long sought and awaited opening he needed to go full throttle on immigration reform.

The election result was not the only strong point for Obama on reform. In 2007, then President George W. Bush was widely and unfairly blamed for making a mess of the immigration reform fight in Congress by not pushing hard enough for passage of the bill. Immigrant rights groups lambasted Republican senators for piling crippling demands for tight amnesty, citizenship and border security provisions in the bill. Leading Republican presidential contenders didn't help matters by flatly opposing the bill as much too soft on amnesty and border enforcement.

This did much to kill whatever flickering hope there was for the bill's passage. This undid the inroads that Bush made in the 2000 and 2004 presidential elections when he scored big with Latino voters. A big part of that then was due to the perception (and reality) that Bush would push hard for immigration reform. But the GOP didn't learn a thing from this. It was almost as if Bush's Latino vote ramp up was an aberration. The GOP's metallic ear on immigration culminated in the idiotic quip from GOP presidential loser Mitt Romney that the best way to solve the immigration crisis was for undocumented workers to "self-deport."

Obama's battle for the Latino vote in 2012 was never intended to head off any mass defection of Latino voters to the GOP. There was never any chance of that. The polls that showed Latinos less than enthusiastic about Obama also showed absolutely no enthusiasm for any GOP would-be presidential candidate, let alone that there would be a massive vote for GOP candidates.

Still, Obama's frontal challenge to the GOP to do something about immigration reform is not only a long overdue move to right a long simmering policy wrong, but a move that if handled right can do much to shove the wrenching issue of what to do about the nation's millions that are here without papers, and are here to stay, off the nation's political table. There's absolutely no risk, only gain, for Obama in taking the point on immigration reform to try and make that happen.

#### Hirsh’s point is that PC’s not key because some GOP Senators want immigration after losing the Latino vote, and leaders like Jindal calling for it

Hirsh 2/7 Michael, chief correspondent for National Journal, previously served as the senior editor and national economics correspondent for Newsweek, has appeared many times as a commentator on Fox News, CNN, MSNBC, and National Public Radio, has written for the Associated Press, The New York Times, The Washington Post, Foreign Affairs, Harper’s, and Washington Monthly, and authored two books, "There's No Such Thing as Political Capital", 2013, [www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)

Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all.

#### That thesis is wrong---GOP members of Congress win elections by bashing immigrants, even if national politicians can’t do it---they have to be dragged kicking and screaming---clearly makes PC key

Robert Mann 1-28, holds the Manship Chair at the Manship School of Mass Communication at Louisiana State University and is director of the school’s Reilly Center for Media & Public Affairs, 1/28/13, “The GOP and Latinos: Will immigration reform change their relationship? Not likely,” http://bobmannblog.com/2013/01/28/the-gop-and-latinos-will-immigration-reform-change-their-relationship-not-likely/

Having lost the popular vote in five of the last six presidential elections, some Republican leaders in Congress have finally decided to tack a different course this week by throwing their support behind major immigration reform.

To put it another way, they’ve discovered that attacking large swaths of the American public as lazy moochers is not the best way to win back the White House.

As Louisiana Gov. Bobby Jindal famously told Republican leaders in Charlotte last week, “We must compete for every single vote. The 47 percent and the 53 percent. And any other combination of numbers that adds up to 100 percent.”

In a bit of unintended humor (isn’t that the only way Jindal is ever funny?), the Republican governor also asserted, “President Barack Obama and the Democrats can continue trying to divide America into groups of warring communities with competing interests, but we will have none of it. We are going after every vote as we work to unite all Americans.”

Now, should the GOP adopt this philosophy that would be a major change. But don’t be surprised if many party regulars ignore Jindal and continue to attack the poor, immigrants and minorities.

Truth is, it’s still the way that too many Republican members of Congress win elections. Perhaps attacking the poor no longer works in presidential races, but it’s still a very effective strategy in some local and state politics in many places around the country.

#### Hirsh’s central point is that PC isn’t objectively measurable---but it still exists and is key to immigration---Obama has to make behind the scenes deals to avoid poisoning the well on immigration---persuasion and ability to bargain even on other issues are key

Jonathan Bernstein 1-28, Assistant Professor of Political Science at UTSA, 1/28/13, “On immigration, Obama should opt for a persuasive vagueness,” http://www.washingtonpost.com/blogs/post-partisan/wp/2013/01/28/on-immigration-obama-should-opt-for-a-persuasive-vagueness/

Ezra Klein made an excellent point about Barack Obama and immigration reform today:

Republicans will fight most anything Obama proposes…This is a frustrating fact of life for the Obama administration — and perhaps even a sick commentary on how our political system works — but it is, nevertheless, a fact: Their involvement polarizes issues. And it’s not unique to them: Presidential involvement in general polarizes issues. By staying out, at least for now, the Obama administration is making it easier for Republicans to stay in.

The political scientist Richard Neustadt said that the power of the presidency really just meant the power to persuade. But by that he didn’t really mean winning debate-style arguments. Yes, that can happen, but usually presidents persuade by bargaining — by capitalizing on all the things presidents can do to convince others that they should do what the president wants them to do.

In this instance, if Klein is correct — and I’m pretty sure he is — the way for Obama to “persuade” is to be as vague about the new bipartisan Senate proposal as he can, at least in public. At the same time, the White House may need to push for specific provisions behind the scenes.

And the dance is probably more complicated than that, because it’s not just presidents who polarize, after all. A full-throated embrace of the bipartisan deal by the “usual suspect” liberal groups could easy scare off Republican support; on the other hand, if they oppose the deal, it could make it hard for mainstream liberals to support it. Assuming that the administration both wants the bipartisan package to be the basis for a bill that passes — but that the president also has preferences on details that are up for grabs — he may have strong preferences on how liberal groups react. And yet the president cannot force them to do what he wants; he can only, yes, persuade them. In doing so, he may call upon whatever trust they have in their past history together, or he may be bargaining with them. After all, each group involved has other things they want from the Obama Administration.

All of which is only to say that the correct steps for the president are usually difficult to find. The president needs the cooperation of all sorts of people (not just Members of Congress) who don’t have to do what he wants; then again, no one else in the American political system has more potential ways to influence (“persuade”) others. And from the outside, not only is it sometimes hard to know what the president should be doing to persuade — but it’s not even always obvious who needs persuading (Members of Congress? Which ones? Interest groups? Again, which ones? Parts of the bureaucracy?).

#### Immigration reform key to alt energy commercialization

Herman & Smith 10 Richard Herman is the founder of Richard T. Herman & Associates, an immigration and business law firm in Cleveland, Ohio which serves a global clientele in over 10 languages. He is the co-founder of a chapter of TiE, a global network of entrepreneurs started in 1992 in Silicon Valley. He has appeared on National Public Radio, FOX News, and various affiliates of NBC, CBS, and ABC. He has also been quoted in such publications as USA Today, InformationWeek, PCWorld, ComputerWorld, CIO, Site Selection and National Lawyers Weekly. Robert L. Smith is a veteran journalist who covers international cultures and immigration issues for the Cleveland Plain Dealer, Ohio’s largest newspaper. Bob grew up in Cleveland, where he lives with his wife, Cleveland Orchestra violinist Chul-In Park, and their two children, Jae, 5, and Sun-Hee, 3. He has written extensively about immigration issues and has interviewed people at all points of the immigrant experience, from undocumented field workers to hugely successful entrepreneurs.

2010-6-30, Immigration Daily, Why Immigrants Can Drive The Green Economy, <http://www.ilw.com/articles/2010,0630-herman.shtm>

It should come as no surprise that immigrants will help drive the green revolution. America's young scientists and engineers, especially the ones drawn to emerging industries like alternative energy, tend to speak with an accent.¶ The 2000 Census found that immigrants, while accounting for 12 percent of the population, made up nearly half of the all scientists and engineers with doctorate degrees. Their importance will only grow. **Nearly 70 percent** of the men and women who entered the fields of science and engineering from 1995 to 2006 were immigrants.¶ Yet, the connection between immigration and the development and commercialization of alternative energy technology is rarely discussed. Policymakers envision millions of new jobs as the nation pursues renewable energy sources, like wind and solar power, and builds a smart grid to tap it.¶ But Dan Arvizu, the leading expert on solar power and the director of the National Renewable Energy Laboratory of the U.S. Department of Energy in Golden, Colorado, warns that much of the **clean-tech**nology **talent lies overseas**, in nations that began pursuing alternative energy sources decades ago.¶ The 2000 Census found that immigrants, while accounting for 12 percent of the population, made up nearly half of the all scientists and engineers with doctorate degrees. Their importance will only grow.¶ Expanding our own clean-tech industry will require working closely with foreign nations and foreign-born scientists, he said. Immigration restrictions are making collaboration difficult. His lab's efforts to work with a Chinese energy lab, for example, were stalled due to U.S. immigration barriers.¶ "**We can't get researchers over here**," Arvizu, the son of a once-undocumented immigrant from Mexico, said in an interview in March 2009, his voice tinged with dismay.¶ "It makes no sense to me. We need a much more enlightened approach."¶ Dr. Zhao Gang, the Vice Director of the Renewable Energy and New Energy International Cooperation Planning Office of the Ministry of Science and Technology in China, says that America needs that enlightenment fast. "The Chinese government continues to impress upon the Obama administration that immigration restrictions are creating major impediments to U.S.-China collaboration on clean energy development," he said during a recent speech in Cleveland.¶ So what's the problem?¶ Some of it can be attributed to national security restrictions that impede international collaboration on clean energy. But Arvizu places greater weight on immigration barriers, suggesting that national secrecy is less important in the fast-paced world of green-tech development. "We are innovating so fast here, what we do today is often outdated tomorrow.¶ Finding solutions to alternative energy is a complex, global problem that requires global teamwork," he said.¶ We need an immigration system that prioritizes the attraction and retention of scarce, high-end talent needed to invent and commercialize alternative energy technology and other emerging technologies.¶ One idea we floated by Arvizu was a new immigrant "Energy Scientist Visa," providing fast-track green cards for Ph.D.s with the most promising energy research, as reviewed by a panel of top U.S. scientists. Arvizu enthusiastically responded, "Wow, that's a brilliant idea."¶ As the recent submission of the Startup Visa Act bill suggests, there's really no shortage of good ideas of leveraging immigration to jumpstart the economy. The challenge is getting the American people to understand that high-skill immigration creates jobs, that the current system is broken, and that action is required now.¶ We need an immigration system that prioritizes the attraction and retention of scarce, high-end talent needed to invent and commercialize alternative energy technology and other emerging technologies.

# Round 4 Wayne JS

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### 1NC

#### Comprehensive immigration reform will pass---maintaining political pressure on the GOP is key

Joseph 2/21 Cameron is a writer for The Hill. “More than half of Congress has never debated immigration reform,” 2013, http://thehill.com/homenews/senate/284131-more-than-half-of-congress-has-never-debated-immigration-reform

More than half of Congress has turned over since the last time the House and Senate tried to move legislation to overhaul the nation's immigration laws.¶ The high turnover rate bolsters the argument of Republican leaders, who say Congress must move methodically on immigration. President Obama, meanwhile, has pushed for swift passage of a bill, saying lawmakers have long debated the issue.¶ Only 54 current senators were in the Senate in June of 2007, when the upper chamber last voted on comprehensive immigration and border-security legislation. And just five of the 23 GOP senators who voted in favor of the 2006 immigration reform bill are still serving: Sens. Lindsey Graham (S.C.), John McCain (Ariz.), Susan Collins (Maine), Lisa Murkowski (Alaska) and Mitch McConnell (Ky.).¶ In the House, the turnover has been higher since the lower chamber last cast a major vote on immigration at the end of 2005.¶ Fifty-eight percent of new House members have taken office since then, meaning less than half of the lower chamber took part in the last significant legislative battle over tightening the border and granting legal status to the nation's illegal immigrants.¶ The high level of turnover suggests it’s hard to predict how negotiations will fare, as a number of lawmakers haven’t yet indicated where they stand. It could also slow down the pace of legislation.¶ There are potential upsides in the high turnover rate for reform advocates, however. New sets of eyes on the legislation, and new ways to discuss immigration policy, could translate into a different ending for a bill this Congress.¶ For example, freshman Sen. Marco Rubio’s (Fla.) is among the GOP leaders on immigration and has so far skillfully navigated the thorny matter.¶ “There's an opportunity and a challenge,” said America’s Voice Executive Director Frank Sharry, a top immigration reform advocate who was involved in the last round of negotiations. “The key is going to be whether a whole crop of new lawmakers say, 'Hey man, I get it, this is sound.' We haven't been able to break through the white noise before. Here's our chance.”¶ Another factor: Few Republicans backed the bill even though then-President George W. Bush lobbied hard for it in 2006 and 2007.¶ There is a much bigger political impetus for the GOP to resolve the issue following their 2012 losses, and Rubio is perhaps better liked by the GOP base now than Bush was after he led his party to a drubbing at the polls in 2006. But if a sitting president couldn’t rally members of his own party around his bill, it’s unclear whether pro-reform Republicans will be able to do any better this time.¶ The 2006 vote on the McCain-Kennedy bill is the best comparison to the current bill, because the June 2007 vote on a bill co-sponsored by the late Edward Kennedy (D-Mass.) and then-Sen. Jon Kyl (R-Ariz.) had many senators who’d once supported the legislation bail out when it was clear it would fail. The Kennedy-Kyl bill died on the floor after a fight over a series of amendments portrayed as "poison pills" that would sink the measure, including one sponsored by then-Sen. Illinois Barack Obama.¶ Of the Democrats who opposed the bill in 2006, only Sen. Debbie Stabenow (Mich.) is still around. Yet, nine current Democratic senators, including three members facing challenging reelection races next year, voted against a key procedural motion on the 2007 Kennedy-Kyl bill. Many GOP Senate opponents remain: Of the 22 who remain from 2006, 17 voted against both reform bills.¶ House Judiciary Committee Chairman Bob Goodlatte (R-Va.) told The Hill earlier this month that his panel would move at a deliberate pace on immigration, in part because Republican leaders need to educate more than 100 first- and second-term members. He said these legislators “know very little” about the complexities of immigration law.¶ “We’re going to be aggressively pursuing the issue to see if we can do something that is — I won’t call it all-encompassing, but that encompasses a number of the different issues that are addressed in immigration,” he said.¶ Obama has warned that if Congress doesn’t move fast enough on legislation, he’ll seek a vote on his own bill. Over the weekend, a draft White House immigration bill was leaked to the press. Rubio’s office blasted the move, arguing that the White House was injecting “additional partisanship into an already difficult process.”¶ Obama has since called on Rubio and other Republicans to lower the temperature on immigration.¶ Proponents of comprehensive immigration reform have been pushing hard to educate House members on the issue, and remain optimistic that the political pressure on the GOP to get something done has changed the conversation.

#### Political capital is still key---Obama’s leading negotiations with the GOP

AFP 2/19 “Obama courts key Republicans on immigration reform,” 2013, Factiva

US President Barack Obama on Tuesday called key Senate Republicans, with whom he is at odds on other many top issues, to discuss the prospects for **bipartisan immigration reform**.¶ Obama placed the calls following complaints he had not done enough to reach across the political aisle on the key issue, and after the leak of partial White House immigration plans angered Republican players in the debate.¶ The White House said that Obama had spoken to Republican Senators Lindsey Graham, John McCain and Marco Rubio, to discuss a "shared commitment to bipartisan, commonsense immigration reform."¶ "The President reiterated that he remains supportive of the effort underway in Congress, and that he hopes that they can produce a bill as soon as possible that reflects shared core principles on reform."¶ "He thanked the senators for their leadership, and made clear that he and his staff look forward to continuing to work together with their teams to achieve needed reform."¶ Obama's aides said he also wanted to speak to Republican Senator Jeff Flake, of Arizona, but was unable to reach him because he was traveling.¶ Cuban-American Rubio, a rising star of the Republican Party, is emerging as a key player in the immigration debate, and he warned that leaked versions of White House plans obtained by USA Today would be "dead on arrival."¶ Eight senators -- four of Obama's Democratic allies and four Republicans -- unveiled a joint plan last month aiming to provide a route to legal status for illegal immigrants living on US soil.¶ Under the White House fallback plan, illegal immigrants would have to wait eight years until applying for legal permanent residency, and, in practice, at least 13 years before they could apply for US citizenship.¶ Advocates of immigration reform say that time period is too long -- while conservative opponents still rail against "amnesty" for illegal immigrants, reflecting the toxicity of much of the immigration reform debate.¶ Obama had been sharply at odds with Graham and McCain for their role in delaying the confirmation of his pick for defense secretary Chuck Hagel.¶ His call to Rubio, who is traveling in the Middle East, came after the Florida senator's office had said that no one in his office had met White House officials to discuss immigration.¶ The White House had maintained that its staffers had met congressional officials working on immigration reform.¶ **Obama**'s move **may** be seen as an effort to **prevent partisan wrangling from derailing** hopes of **immigration reform**, as it did under the presidency of his predecessor George W. Bush.¶ Immigration reform may be Obama's best chance for a genuine legacy-boosting success in his second term.¶ Senior Republicans, meanwhile, are wary of entering another election hampered by the mistrust of Hispanic voters, a growing slice of the electorate for whom immigration reform is a key issue.¶ A key sticking point in the debate is the Republican demand that the process of offering legal status to illegals should only start once the US southern border with Mexico has been certified as secure.¶ Obama has so far declined to make that linkage.

#### Natural gas development is extremely unpopular and partisan---alienates everyone

Dicker 9/4 Daniel is a Senior Columnist at The Street. “Why Isn't Natural Gas an Election Issue?” 2012, http://www.thestreet.com/story/11684440/1/why-isnt-natural-gas-an-election-issue.html?cm\_ven=GOOGLEN

Why has this opportunity towards increased reliance on natural gas been so obvious and yet so difficult for politicians of both parties to embrace?¶ It hasn't been solely because 2012 is an election year. Boone Pickens was on CNBC last week marking the fourth anniversary of his "Pickens Plan," the failed congressional effort to invest in truck natural gas engines and fuelling infrastructure to run them on.¶ In fact, if anyone wanted to see political partisanship in action slowing the real economic progress this nation could make, they'd find no better example than the history of the Pickens plan and other natural gas initiatives in Washington.¶ **Both radical wings of each party have made advocating natural gas use** impossible. Democratic environmentalists are concerned about hydraulic fracturing and its possible impact to aquifers. Republicans are reluctant to approve further federal spending of any kind as well as risk a charge of "picking winners" in natural gas -- a charge they have made successfully against Democrats.¶ Of course, both radical wings of both parties are wrong: Overwhelming evidence from every independent research source has concluded that hydraulic fracturing of shale for natural gas has proven to be safe to our water supplies and is getting safer all the time.¶ Republican reticence to support natural gas expansion belies a long history of government incentives for developing new energy sources, from as far back as our development of coal to our much discussed modern tax incentives for crude oil exploration and production.¶ It is a fact that our government has been picking winners in energy for as long as there's been government.¶ The advantages of natural gas conversion and greater use are obvious but bear repeating. Natural gas is a domestic source of energy and promises energy independence here in the U.S. Production, transport and building of infrastructure for natural gas would mean millions of new jobs. Natural gas prices are literally half that of competing oil and gasoline. Finally, carbon emissions for natural gas are about a third that for coal and other fossil fuels.¶ What's not to like?¶ But it seems both radical wings of each party continue to wield enormous influence. Neither candidate has made natural gas a cornerstone of a new and necessary energy policy.

#### **Obama’s CIR is key to all aspect of heg---[competitiveness, hard and soft power]**

Nye 12 Joseph S. Nye, a former US assistant secretary of defense and chairman of the US National Intelligence Council, is University Professor at Harvard University. “Immigration and American Power,” December 10, Project Syndicate, http://www.project-syndicate.org/commentary/obama-needs-immigration-reform-to-maintain-america-s-strength-by-joseph-s--nye

CAMBRIDGE – The United States is a nation of immigrants. Except for a small number of Native Americans, everyone is originally from somewhere else, and even recent immigrants can rise to top economic and political roles. President Franklin Roosevelt once famously addressed the Daughters of the American Revolution – a group that prided itself on the early arrival of its ancestors – as “fellow immigrants.”¶ In recent years, however, US politics has had a strong anti-immigration slant, and the issue played an important role in the Republican Party’s presidential nomination battle in 2012. But Barack Obama’s re-election demonstrated the electoral power of Latino voters, who rejected Republican presidential candidate Mitt Romney by a 3-1 majority, as did Asian-Americans.¶ As a result, several prominent Republican politicians are now urging their party to reconsider its anti-immigration policies, and plans for immigration reform will be on the agenda at the beginning of Obama’s second term. **Successful reform will be an important step in preventing the** decline of American power**.**¶ Fears about the impact of immigration on national values and on a coherent sense of American identity are not new. The nineteenth-century “Know Nothing” movement was built on opposition to immigrants, particularly the Irish. Chinese were singled out for exclusion from 1882 onward, and, with the more restrictive Immigration Act of 1924, immigration in general slowed for the next four decades.¶ During the twentieth century, the US recorded its highest percentage of foreign-born residents, 14.7%, in 1910. A century later, according to the 2010 census, 13% of the American population is foreign born. But, despite being a nation of immigrants, more Americans are skeptical about immigration than are sympathetic to it. Various opinion polls show either a plurality or a majority favoring less immigration. The recession exacerbated such views: in 2009, one-half of the US public favored allowing fewer immigrants, up from 39% in 2008.¶ Both the number of immigrants and their origin have caused concerns about immigration’s effects on American culture. Demographers portray a country in 2050 in which non-Hispanic whites will be only a slim majority. Hispanics will comprise 25% of the population, with African- and Asian-Americans making up 14% and 8%, respectively.¶ But mass communications and market forces produce powerful incentives to master the English language and accept a degree of assimilation. Modern media help new immigrants to learn more about their new country beforehand than immigrants did a century ago. Indeed, most of the evidence suggests that the latest immigrants are assimilating at least as quickly as their predecessors.¶ While too rapid a rate of immigration can cause social problems, over the long term, immigration strengthens US power. It is estimated that at least 83 countries and territories currently have fertility rates that are below the level needed to keep their population constant. Whereas most developed countries will experience a shortage of people as the century progresses, America is one of the few that may avoid demographic decline and maintain its share of world population.¶ For example, to maintain its current population size, Japan would have to accept 350,000 newcomers annually for the next 50 years, which is difficult for a culture that has historically been hostile to immigration. In contrast, the Census Bureau projects that the US population will grow by 49% over the next four decades.¶ Today, the US is the world’s third most populous country; 50 years from now it is still likely to be third (after only China and India). This is highly relevant to economic power: whereas nearly all other developed countries will face a growing burden of providing for the older generation**, immigration could help to attenuate the policy problem for the US.**¶ In addition, though studies suggest that the short-term economic benefits of immigration are relatively small, and that unskilled workers may suffer from competition**, skilled immigrants can be important to** particular sectors – and to long-term growth. There is a strong correlation between the number of visas for skilled applicants and patents filed in the US. At the beginning of this century, Chinese- and Indian-born engineers were running one-quarter of Silicon Valley’s technology businesses, which accounted for $17.8 billion in sales; and, in 2005, immigrants had helped to start one-quarter of all US technology start-ups during the previous decade. Immigrants or children of immigrants founded roughly 40% of the 2010 Fortune 500 companies.¶ Equally important are immigration’s benefits for America’s soft power. The fact that people want to come to the US enhances its appeal, and immigrants’ upward mobility is attractive to people in other countries. The US is a magnet, and many people can envisage themselves as Americans, in part because so many successful Americans look like them. Moreover, connections between immigrants and their families and friends back home help to convey accurate and positive information about the US.¶ Likewise, because the presence of many cultures creates avenues of connection with other countries, it helps to broaden Americans’ attitudes and views of the world in an era of globalization. Rather than diluting hard and soft power, immigration enhances both.¶ Singapore’s former leader, Lee Kwan Yew, an astute observer of both the US and China, argues that China will not surpass the US as the leading power of the twenty-first century, precisely **because the US attracts the best and brightest** from the rest of the world and melds them into a diverse culture of creativity. China has a larger population to recruit from domestically, but, in Lee’s view, its Sino-centric culture will make it less creative than the US.¶ That is a view that Americans should take to heart. If Obama succeeds in enacting **immigration reform** in his second term, he **will** have gone a long way toward fulfilling his promise to maintain the strength of the US.

#### Heg solves great power war

Khalilzad 11 – Zalmay Khalilzad, the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, February 8, 2011, “The Economy and National Security; If we don’t get our economic house in order, we risk a new era of multi-polarity,” online: <http://www.nationalreview.com/articles/259024/economy-and-national-security-zalmay-khalilzad>

We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the **higher risk of escalation.**¶ The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars.¶ American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.¶ As rival powers rise, Asia in particular is likely to emerge as a zone of **great-power competition**. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, the United States is the most significant barrier facing Chinese hegemony and aggression.

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#### The United States federal government should offer economic incentives, including direct grants and/or tax credits, to producers of natural gas subject to the Environmental Protection Agency’s New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews, set at an amount equivalent to 110% of the cost of equipment necessary for legal compliance. The United States federal government should issue a moratorium on further federal restrictions on natural gas production in the United States.

#### Economic incentives spur pollution reductions below regulated levels---tons of EPA experience proves their effectiveness

NCEE 1 – National Center for Environmental Economics, January 2001, “The United States Experience with Economic Incentives for Protecting the Environment,” <http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/$file/ee-0216b-13.pdf>

Over its 30-year history the predominant tool used by the U.S. Environmental Protection Agency (EPA) to help achieve the nation’s environmental goals has been uniform, nationally applicable regulations derived from environmental law. Those regulations, e.g., source-specific emissions limits, product specifications, and pollutioncontrol guidelines, have been responsible for much of the improvement in air and water quality that is evident in the country today.

But over the past 20 years, and during the past decade in particular, EPA has begun to use a much broader array of tools to manage environmental quality. Among these relatively new tools, several kinds of economic incentives are being applied more and more widely. Once considered an academic abstraction or a revenue-raising adjunct to traditional regulatory mechanisms, market-based economic incentives are being used now as the principal instrument for controlling a growing number of environmental problems. To varying degrees, federal, state, and local governments are promoting the use of economic incentives as an environmental management tool because of the perceived advantages and effectiveness of these incentives.

Because of the wide - and growing - use of economic incentives at all levels of government in the United States, it is important to understand them more clearly. For example, what kinds of economic incentives are being used today to address what kinds of problems? Are particular incentives better suited for use at specific levels of government? Even more important are questions regarding relative effectiveness. How well have economic incentives performed in terms of improving environmental quality? How economically efficient and cost-effective have they been? To what extent have they stimulated technological change and innovation? How can past experience with economic incentives help improve their use today and in the future?

This report attempts to answer those questions by providing a broad overview and analysis of the current use of economic incentives as an environmental management tool in the United States. To that end, it makes use of, and builds on, related reports, surveys, and research. This report expands and updates the information contained in an earlier EPA report (1992) and a report to EPA in 1997 that documented the growing use of economic incentives in the United States and foreign countries. It also notes related research by the National Academy of Public Administration (NAPA). At the same time, this report is not exhaustive. It does attempt to identify most of the incentives currently in use at the federal level for environmental pollution control. However, it limits its discussion of incentives at other levels of government to a representative sample of programs. A complete survey and assessment of the large number of incentives currently in use at the state and local levels would require a much broader study than this report. Likewise, the report only briefly summarizes a voluminous theoretical and applied literature on economic incentives.

II. Definition of Economic Incentives

For the purposes of this report, economic incentives are defined broadly as instruments that use financial means to motivate polluters to reduce the health and environmental risks posed by their facilities, processes, or products. These incentives provide monetary and near-monetary rewards for polluting less and impose costs of various types for polluting more, thus supplying the necessary motivation to polluters. This approach provides an opportunity to address sources of pollution that are not easily controlled with traditional forms of regulation as well as providing a reason for polluters to improve upon existing regulatory requirements. Under traditional regulatory approaches, polluters have little or no incentive to cut emissions further or to make their products less harmful once they have satisfied the regulatory requirements. The definition of economic incentives used here is quite broad. As such, a great many instruments and programs could be included in this review. By necessity the report focuses on the most significant federal programs and a representative sampling of activities at the state and local level.

III. Value of Economic Incentives

Economic incentives have a singular advantage over traditional forms of regulation: they harness the force of the marketplace to reduce environmental and health risks. While this feature does not make economic incentives applicable to every source of pollution, market forces often can operate where traditional regulations would be ineffective. Sources of pollution include point sources such as discharge pipes and stacks; area sources such as factories and storage areas; and non-point sources such as streets, farms, and forests. In a traditional regulatory system, owners of many of these sources have an incentive to comply - i.e., avoidance of enforcement actions - but releasing pollution has no economic cost to the owner. Consequently, owners of these sources of pollution (hereafter referred to as “sources”) normally have no incentive to do more than the regulations require, whether it is a limit on emissions or on the use of a specific technology. With market incentives, sources of pollution can see an economic value in reducing pollution because doing so saves them money. Consequently, the difference between a traditional regulatory system and economic incentives can lead to several public health, environmental, and economic benefits.

First, economic incentives in some circumstances can be structured to achieve larger reductions in pollution than would result from traditional regulations. For example, a program that allows trading of pollution reduction obligations among sources may be able to require greater reductions in pollution than a similar program that does not use trading. Pollution charges or voluntary pollution prevention programs could encourage sources to reduce emissions below permitted amounts.

Second, economic incentives often can control pollution at lower costs than can traditional regulations. By setting standardized emissions, product, or technology requirements, traditional regulations do not usually take into consideration the different costs of compliance faced by different sources. But in an incentive system, the marginal costs of controlling pollution play an essential role. When emission allowances or credits can be bought and sold by the sources, the sources that have relatively low costs of pollution control will reduce more pollution than sources that have relatively high costs of pollution control. Thus, when economic incentives are used, goals of reducing pollution - whether applied over a facility, an industry, or the nation as a whole - will be achieved at the lowest cost as determined by market forces. One study done for the EPA (Anderson. 1999) estimated that the potential savings from widespread use of economic incentives at the federal, state, and local level could be almost one-fourth of the approximately $200 billion per year currently spent on environment pollution control in the United States.

### 1NC

#### EPA air pollution regs are key to solve methane leakage---repealing them locks in catastrophic warming tipping points

Robert W. Howarth et al 12, the David R. Atkinson Professor of Ecology & Environmental Biology at Cornell University, February 2012, “Venting and leaking of methane from shale gas development: response to Cathles et al.,” Climatic Change, DOI 10.1007/s10584-012-0401-0

In July 2011, EPA (2011b, e) proposed new regulations to reduce emissions during flowback. The proposed regulation is aimed at reducing ozone and other local air pollution, but would also reduce methane emissions. EPA (2011b, e) estimates the regulation would reduce flowback methane emissions from shale gas wells by up to 95%, although gas capture would only be required for wells where collector pipelines are already in place, which is often not the case when new sites are developed. Nonetheless, this is a very important step, and if the regulation is adopted and can be adequately enforced, will reduce greatly the difference in emissions between shale gas and conventional gas in the U.S. We urge universal adoption of gas-capture policies.

To summarize, most studies conclude that methane emissions from shale gas are far higher than from conventional gas: approximately 40% higher, according to Skone et al. (2011) and using the mean values from Howarth et al. (2011), and approximately 60% higher using the estimates from EPA (2011a) and Hultman et al. (2011). Cathles et al. assertion that shale gas emissions are no higher seems implausible to us. The suggestion by Burnham et al. (2011) that shale gas methane emissions are less than for conventional gas seems even less plausible (see Electronic Supplementary Materials).

4 Time frame and global warming potential of methane

Methane is a far more powerful GHG than carbon dioxide, although the residence time for methane in the atmosphere is much shorter. Consequently, the time frame for comparing methane and carbon dioxide is critical. In Howarth et al. (2011), we equally presented two time frames, the 20 and 100 years integrated time after emission, using the global warming potential (GWP) approach. Note that GWPs for methane have only been estimated at time scales of 20, 100, and 500 years, and so GHG analyses that compare methane and carbon dioxide on other time scales require a more complicated atmospheric modeling approach, such as that used by Hayhoe et al. (2002) and Wigley (2011). The GWP approach we follow is quite commonly used in GHG lifecycle analyses, sometimes considering both 20-year and 100-year time frames as we did (Lelieveld et al. 2005; Hultman et al. 2011), but quite commonly using only the 100-year time frame (Jamarillo et al. 2007; Jiang et al. 2011; Fulton et al. 2011; Skone et al. 2011; Burnham et al. 2011). Cathles et al. state that a comparison based on the 20-year GWP is inappropriate, and criticize us for having done so. We very strongly disagree.

Considering methane’s global-warming effects at the decadal time scale is critical (Fig. 2). Hansen et al. (2007) stressed the need for immediate control of methane to avoid critical tipping points in the Earth’s climate system, particularly since methane release from permafrost becomes increasingly likely as global temperature exceeds 1.8°C above the baseline average temperature between 1890 and 1910 (Hansen and Sato 2004; Hansen et al. 2007). This could lead to a rapidly accelerating positive feedback of further global warming (Zimov et al. 2006; Walter et al. 2007). Shindell et al. (2012) and a recent United Nations study both conclude that this 1.8°C threshold may be reached within 30 years unless societies take urgent action to reduce the emissions of methane and other short-lived greenhouse gases now (UNEP/WMO 2011). The reports predict that the lower bound for the danger zone for a temperature increase leading to climate tipping points – a 1.5°C increase – will occur within the next 18 years or even less if emissions of methane and other short-lived radiatively active substances such as black carbon are not better controlled, beginning immediately (Fig. 2) (Shindell et al. 2012; UNEP/WMO 2011).

### 1NC

#### Repealing EPA regs triggers a massive anti-fracking backlash---collapses the industry

Paul Tullis 12, Bloomberg Businessweek Contributor, 4/18/12, “New EPA Rules Could Prevent 'Fracking' Backlash,” http://www.businessweek.com/articles/2012-04-18/new-epa-rules-could-prevent-fracking-backlash

The Environmental Protection Agency on Wednesday released new rules to limit methane emissions from natural gas production, a rare set of regulations that may serve the industry well, even if it cuts into producers’ profit margins.

The new rules seek foremost to cut down on cancer-causing chemicals released during hydraulic fracturing, or “fracking.” But the new regulations will have another benefit: They’ll reduce by 25 percent the amount of methane gas that escapes during fracking operations. This is critical, because methane is at the center of a growing debate whether natural gas really is a “cleaner” source of energy than coal.

As fracking has unlocked remote and, until recently, prohibitively expensive reserves of natural gas, the industry has said the risks involved are outweighed by the fact that natural gas has half the climate impact as coal for the same amount of electricity generated. A number of environmental groups have even embraced natural gas as a “bridge fuel” to a renewable energy future. “Over its full cycle of production, distribution, and use, natural gas emits just over half as many greenhouse gas emissions as coal for equivalent energy output,” wrote the Worldwatch Institute last August.

C02 is not the only greenhouse gas, however, and several environmental groups and scientists have begun to question if methane released during fracking operations negates the advantage of less C02.

Natural gas, which is about 80 percent methane, leaks into the atmosphere when it’s extracted, transported, stored, distributed, and processed. Most of the leakage occurs where it’s taken from the ground, and how much gets out at that stage may be greater than previously thought. If the leak rate is high enough, the global warming advantage over co al may be lost. A 2011 Cornell study determined suggested that was already the case; the study was the target of much criticism (pdf), though, for assuming high rates of methane leakage.

Scientists at the National Oceanic and Atmospheric Administration [NOAA], which conducts much of the government’s climate science, then surprised nearly everyone in February when they revealed that air samples from an area of Colorado with a lot of fracking wells contained twice the amount of methane the EPA estimated came from that production method. NOAA’s finding was closer to Cornell’s numbers.

A split has emerged between the industry lobbying group American Petroleum Institute, which opposed the new rule, and gas drillers Southwestern Energy and Devon Energy, which both told Bloomberg News that reducing leakage is worth the investment using existing methods. New technologies to capture leaking methane were the subject of a conference in Denver last week.

Whether or not abiding by the new rule improves the atmosphere, scientists at the Natural Resources Defense Council (NRDC) argue that it’s good for business: The lost methane represents wasted revenue for the industry. Moreover, cleaning up the air near fracking drills will be good public relations. “If industry wants to make the case [that it's greener than coal],” says Dan Lashof, a senior scientist at NRDC and director of its climate and clean air program, “then supporting sensible safeguards like these regulations is in their interest.”

#### Public environmental concern’s the number one threat to fracking---industry ranks it above regulatory issues

KPMG Global Energy Institute 11, “Shale Gas – A Global Perspective,” 2011, http://www.kpmg.com/Global/en/IssuesAndInsights/ArticlesPublications/Documents/shale-gas-global-perspective.pdf

4. The industry needs to control reputational risk and turn public opinion around.

Negative public opinion about the environmental safety of the hydraulic fracturing process could undermine the development of this industry, particularly where the process is used in – or directly under – populated areas. In fact, the process has already been banned in France and parts of the United States. As noted, a UK parliamentary committee cautiously endorsed this method of shale gas extraction after finding no evidence that the process endangered water supplies, provided the operations were conducted with proper safety procedures.

According to the KPMG poll of oil and gas industry executives noted above, environmental and sustainability concerns are perceived as the biggest challenge facing shale gas development (41 percent), with regulatory concerns voted as the second (27 percent).

### Econ

#### Exports drive up domestic prices---connects the US to global markets and obliterates price advantage

Forbes 11/8 Peter Kelly-Detwiler, "U.S. Natural Gas Exports Is Poised For Takeoff," [www.forbes.com/sites/peterdetwiler/2012/11/08/us-natural-gas-exports-poised-for-take-off/](http://www.forbes.com/sites/peterdetwiler/2012/11/08/us-natural-gas-exports-poised-for-take-off/)

**Shale gas is the energy topic of the day**. **Production is increasing, but so is gas demand** – for electric generation, transportation, and as an industrial feedstock. However, perhaps the most significant dynamic with the potential to drive natural gas prices up in the foreseeable future is a growing push to export LNG from the US. That particular dynamic has recently gone into hyper-drive, with numerous liquid natural gas (LNG) export requests having been filed with the US Department of Energy in the past few years.¶ Consider this: according to the Energy Information Administration, total natural gas consumption for 2011 was 24.3 trillion cubic feet (Tcf), and 2012 consumption looks to be on the order of 26 Tcf. In the meantime, just since mid-August, US companies have filed for permits with the USDOE to export 7.8 Tcf of LNG – about 30% of current total domestic consumption. Total requests year-to- date equal 11.2 Tcf (though almost 1 Tcf is for re-export of Canadian gas). Add to that, the 5.3 Tcf of exports requested last year, and you get approximately 16.5 Tcf. **That’s over 60% of current domestic consumption**. It’s also more than the amount of US LNG export capacity from five brownfield and three Greenfield projects in play that are listed in a recent Wood MacKenzie report.¶ Of course, not all of these planned facilities will get permitted or built. But some will, and perhaps a good number, because the economics are compelling and the market is there.¶ At the September LNG Producer-Consumer Conference in Tokyo, the Indian delegate was quoted as saying that India’s LNG import capability will multiply five-fold in as many years. It’s not likely to stop there, in a country of over a billion inhabitants, with their enormous energy problems. For its part, post-Fukushima Japan has shut down all but 2 of its 54 reactors, and Tokyo Electric Power is reportedly in talks with North American suppliers (and negotiating with Washington) to secure long-range gas contracts to supply gas-fired generators. **There is a big hole to fill and gas will help fill it.**¶ Clearly, much of the LNG imported by these and other Asian countries will be sourced from places other than North America. Today, 18 countries export the gas to 25 importing nations (with Qatar supplying almost a third of all global LNG in 2011). The US is the new kid on the block, supplying only .1% of the world’s exports last year. However, a powerful combination of robust pipelines, multiple vendors, and world class shale reserves is likely to turn the US – and especially the Gulf Coast – into a favored supplier. If permits can be secured, **export growth could occur relatively quickly.**¶The process of condensing natural gas into a liquid at -160 degrees Celsius reduces its volume by a factor 600, and makes it economic to ship. But the industry is enormously capital-intensive and costs are considerable: A “typical” investment includes an outlay of one to two billion dollars for liquefaction facilities, over two hundred million per vessel for LNG tankers, and half a billion to a billion dollars for receiving terminals. Yet even with those costs, the economic incentive is there. Currently, the North America pays just over $3 per mmBtu, while the Japanese spot market price hovers around $13. In part that’s because Asian gas prices are linked to oil. According to Reuters, long-term contract shipments to Japan would likely be priced at less than $10 per mmBtu. That’s a powerful market differential. Investments in supplying LNG to hungry Asian markets may yield payback periods of under five years for the first players into the game, Woods MacKenzie notes.¶ The laws of economics dictate that, in the long run, supply and demand reach an equilibrium. **LNG facilitates that equilibrium dynamic by linking land-locked North American supplies to world markets**. The arbitrage opportunity may eventually diminish if Asian gas and oil prices are de-linked (gas is currently indexed to oil, but there is a strong movement to change that). In the meantime, however, that price differential constitutes a powerful incentive.¶ The Obama Administration has been looking at this LNG export issue, with a study and recommendations (thrice delayed) due to be released in December. To some degree, **this push for numerous twenty-year (or longer) export permits seems to have caught just about everybody off guard.** In fact, the Energy Information Administration study from January of this year evaluating this issue posits a high case scenario of 12 Bcf/day. In the meantime, exporters have lined up quickly, and export requests for 2.5 times that amount have been submitted in the past two years.¶ Although it can take several years and billions of dollars to build the LNG facilities, the LNG price differential and export dynamic truly make gas markets more “liquid.” This is bound to have a long-term upward impact on US natural gas prices. The challenge for the Obama Administration will be how to balance international free markets with the long-sought goal of US energy security. It won’t be easy.

#### NG Exports Cause domestic price volatility – turns spikes

Levi 12 (Michael Levi- senior fellow for energy and the environment at Council on Foreign Relations, director of CFR Program on Energy Security and Climate Change. “A Strategy for U.S. Natural Gas Exports” Council on Foreign Relations, JUNE 2012 <http://www.hamiltonproject.org/files/downloads_and_links/06_exports_levi.pdf>)

These analyses of economic impacts have at least one important limitation. In principle, producers and consumers both anticipate volatility in natural gas supply and prices, and adjust their behavior accordingly. In practice, **producers and consumers both tend to imperfectly anticipate volatility,** exposing themselves and the broader economy to greater risk of harm. To the extent **that** allowing exports would increase volatility in domestic gas prices, the economic gains from increasing exports would be reduced.

#### No shortage, no impact to spikes, and boosting production doesn’t solve spikes

Ousley 7/25—ABC reporter (7/25/12, Rachel, Nationwide Helium Shortage Situation May be Looking Up, [www.kfbb.com/news/local/Nationwide-Helium-Shortage-Situation-May-be-Looking-Up-163794126.html](http://www.kfbb.com/news/local/Nationwide-Helium-Shortage-Situation-May-be-Looking-Up-163794126.html))

In response to the helium shortage, a bipartisan senate bill has been introduced called Senate Bill 2374 The Helium Stewardship Act to reauthorize the Federal Helium Reserve in Texas to continue selling helium beyond 2015. ¶ Montana Senator Jon Tester explains this simple common sense bill is “to allow the Federal Helium Reserve, a program that was set up right after World War II, to continue to sell helium after the treasury is paid back for the cost it took to set that reserve up”. ¶ The Federal Helium Reserve is the world's only underground helium storage facility. It sells about half of all helium used in the United States each year. Tester believes, “if we did away with this reserve, I think it would be a disruption to the overall helium supply, it would distort the helium market, and I think ultimately lead to a shortage of helium gas”.¶ The 1996 Helium Privatization Act restricts the reserve's selling abilities until 2015, but Senator Tester believes selling the available helium now would not only relieve some of the pressure on the helium market, but help decrease the national debt. He says, “take helium out of those reserves and convert that helium to money and pay down the national debt and it will help stabilize helium prices”. He also believes it will help helium in the private sector as well long term.¶ Hospitals get first pick of helium supplies for things like MRI's and other necessary tests. Hospitals like St. Peter’s tell us they have not yet felt the pinch too much, but if the situation doesn't improve they're hoping hospitals will get all the available helium.¶ Owner of Great Falls Party America, Lee Haacke, says, “the party business is on the bottom of the food chain basically for balloons, so we're the last in line to get our supply of helium”. Helium prices have been skyrocketing for over a year now, affecting the party industry the most. Haacke admits, “I don’t ask the pricing at this point. I just say I need another truckload of helium”.¶ Party America just saw another 42% increase earlier this summer, forcing them to give up their position on absorbing cost hikes. Haacke explains, “for the first time in 14 years we had to increase the price of our balloons by 10 cents”.¶ Demand is high and supply is low, due to the costly refining process, but things are looking up. Haacke explains, “some of the foreign refineries from like Russia and Algeria are coming back online whereas early last year those facilities were down as well, so we couldn’t even buy it on the open market”. Algeria is our largest foreign supplier of helium.¶ Haacke says the Bureau of Land Management has told helium consumers production will be increasing on their end this fall. However, that doesn't mean prices will necessarily go down. Haacke says, “I don’t see it going back down”. He explains, “it’s kind of like a barrel of oil, it doesn’t matter what the price is, the price at the pump doesn’t change”.¶ Despite the shortage, many distributors have been able to allocate helium, so everyone can get their supply even if it costs a lot more. Hopefully production will pick up as scheduled this fall and we will see if that changes these high prices.

#### Natural gas prices irrelevant to manufacturing

Michael Levi 12, senior fellow for energy and the environment at the Council on Foreign Relations, director of CFR Program on Energy Security and Climate Change, 5/7/12, "Oil and Gas Euphoria Is Getting Out of Hand,” https://blogs.cfr.org/levi/2012/05/07/oil-and-gas-euphoria-is-getting-out-of-hand/

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.

#### Interdependence means zero chance that economic decline causes war

Leslie H. Gelb 10, President Emeritus of the Council on Foreign Relations; was a senior official in the U.S. Defense Department from 1967 to 1969 and in the State Department from 1977 to 1979, November/December 2010, “GDP Now Matters More Than Force,” Foreign Affairs, Vol. 89, No. 6

To an unprecedented degree, the major powers now need one another to grow their economies, and they are loath to jeopardize this interdependence by allowing traditional military and strategic competitions to escalate into wars. In the past, U.S. enemies--such as the Soviet Union--would have rejoiced at the United States' losing a war in Afghanistan. Today, the United States and its enemies share an interest in blocking the spread of both Taliban extremism and the Afghan-based drug trade. China also looks to U.S. arms to protect its investments in Afghanistan, such as large natural-resource mines. More broadly, no great nation is challenging the balance of power in either Europe or Asia. Although nations may not help one another, they rarely oppose one another in explosive situations.

Given the receding threat of great-power war, leaders around the world can afford to elevate economic priorities as never before. To be sure, leaders throughout history have pursued economic strength as the foundation of state power, but power itself was equated with military might. Today, the prevailing idea is that economic strength should be applied primarily toward achieving economic--not military--ends. Money is what counts most, so most nations limit their spending on standing armies and avoid military interventions. What preoccupies most leaders is trade, investment, access to markets, exchange rates, additional riches for the rich, and a better life for the rest.

This trend is plain among the rising regional powers known as the BRIC countries (Brazil, Russia, India, and China) and among such others as Indonesia, Mexico, South Africa, and Turkey. Although these countries' leaders have major security concerns--such as India with regard to Pakistan--their paramount objective has become economic strength. For most, economic growth is their prime means of fending off internal political opposition.

China makes perhaps the best case for the primacy of economics. Although it might emerge as a spoiler decades hence, Beijing currently promotes the existing economic order and does not threaten war. Because Beijing has been playing the new economic game at a maestro level--staying out of wars and political confrontations and zeroing in on business--its global influence far exceeds its existing economic strength. China gains extra power from others' expectations of its future growth. The country has become a global economic giant without becoming a global military power. Nations do not fear China's military might; they fear its ability to give or withhold trade and investments.

#### Every economy impact is overwhelmingly empirically denied

Moisés Naím 10, editor in chief of Foreign Policy, January/February 2010, “It Didn’t Happen,” http://www.foreignpolicy.com/articles/2010/01/04/it\_didnt\_happen?print=yes&hidecomments=yes&page=full

Just a few months ago, the consensus among influential thinkers was that the economic crisis would unleash a wave of geopolitical plagues. Xenophobic outbursts, civil wars, collapsing currencies, protectionism, international conflicts, and street riots were only some of the dire consequences expected by the experts.

It didn't happen. Although the crash did cause severe economic damage and widespread human suffering, and though the world did change in important ways for the worse -- the International Monetary Fund, for example, estimates that the global economy's new and permanent trajectory is a 10 percent lower rate of GDP growth than before the crisis -- the scary predictions for the most part failed to materialize.

Sadly, the same experts who failed to foresee the economic crisis were also blindsided by the speed of the recovery. More than a year into the crisis, we now know just how off they were. From telling us about the imminent collapse of the international financial system to prophecies of a 10-year recession, here are six of the most common predictions about the crisis that have been proven wrong:

The international financial system will collapse. It didn't. As Lehman Brothers, Bear Stearns, and Fannie Mae and Freddie Mac crashed, as Citigroup and many other pillars of the financial system teetered on the brink, and as stock markets everywhere entered into free fall, the wise men predicted a total system meltdown. The economy has "fallen off a cliff," warned investment guru Warren Buffett. Fellow financial wizard George Soros agreed, noting the world economy was on "life support," calling the turbulence more severe than during the Great Depression, and comparing the situation to the demise of the Soviet Union.

The natural corollary of such doomsday scenarios was the possibility that depositors would lose access to the funds in their bank accounts. From there to visions of martial law imposed to control street protests and the looting of bank offices was just an easy step for thousands of Internet-fueled conspiracy theorists. Even today, the financial system is still frail, banks are still failing, credit is scarce, and risks abound. But the financial system is working, and the perception that it is too unsafe to use or that it can suddenly crash out of existence has largely dissipated.

The economic crisis will last for at least two years and maybe even a decade. It didn't. By fall of 2009, the economies of the United States, Europe, and Japan had begun to grow again, and many of the largest developing economies, such as China, India, and Brazil, were growing at an even faster pace. This was surely a far cry from the doom-laden -- and widely echoed -- prophecies of economist Nouriel Roubini. In late 2008 he warned that radical governmental actions at best would prevent "what will now be an ugly and nasty two-year recession and financial crisis from turning into a systemic meltdown and a decade-long economic depression." Roubini was far from the only pessimist. "The danger," warned Harvard University's Kenneth Rogoff, another distinguished economist, in the fall of 2008, "is that instead of having a few bad years, we'll have another lost decade." It turned out that radical policy reactions were far more effective than anyone had expected in shortening the life of the recession.

The U.S. dollar will crash. It didn't. Instead, the American currency's value increased 20 percent between July 2008 and March 2009, at the height of the crisis. At first, investors from around the world sought refuge in the U.S. dollar. Then, as the U.S. government bailed out troubled companies and stimulated the economy with aggressive public spending, the U.S. fiscal deficit skyrocketed and anxieties about a dollar devaluation mounted. By the second half of 2009, the U.S. currency had lost value. But devaluation has not turned out to be the catastrophic crash predicted by the pessimists. Rather, as Financial Times columnist Martin Wolf noted, "The dollar's correction is not just natural; it is helpful. It will lower the risk of deflation in the U.S. and facilitate the correction of the global 'imbalances' that helped cause the crisis."

Protectionism will surge. It didn't. Trade flows did drop dramatically in late 2008 and early 2009, but they started to grow again in the second half of 2009 as economies recovered. Pascal Lamy, director-general of the World Trade Organization, had warned that the global financial crisis was bound to lead to surges in protectionism as governments sought to blame foreigners for their problems. "That is exactly what happened in the 1930s when [protectionism] was the virus that spread the crisis all over the place," he said in October 2008, echoing a widely held sentiment among trade experts. And it is true that many governments dabbled in protectionism, including not only the U.S. Congress's much-derided "Buy American" provision, but also measures such as increased tariffs or import restrictions imposed in 17 of the G-20 countries. Yet one year later, a report from the European Union concluded that "a widespread and systemic escalation of protectionism has been prevented." The protectionist temptation is always there, and a meaningful increase in trade barriers cannot be ruled out. But it has not happened yet.

The crisis in rich countries will drag down developing ones. It didn't. As the economies of America and Europe screeched to a halt during the nightmarish first quarter of 2009, China's economy accelerated, part of a broader trend in which emerging markets fared better through the crisis than the world's most advanced economies. As the rich countries entered a deep recession and the woes of the U.S. financial market affected banking systems everywhere, the idea that emerging economies could "decouple" from the advanced ones was widely mocked.

But decouple they did. Some emerging economies relied on their domestic markets, others on exports to other growing countries (China, for example, displaced the United States last year as Brazil's top export market). Still others had ample foreign reserves, low exposure to toxic financial assets, or, like Chile, had taken measures in anticipation of an eventual global slowdown. Not all developing countries managed to escape the worst of the crisis -- and many, such as Mexico and Iran, were deeply hurt -- but many others managed to avoid the fate of the advanced economies.

Violent political turmoil will become more common. It didn't. Electorates did punish governments for the economic hard times. But this was mostly in Europe and mostly peaceful and democratic. "There will be blood," prophesied Harvard historian Niall Ferguson last spring. "A crisis of this magnitude is bound to increase political [conflict] ... It is bound to destabilize some countries. It will cause civil wars to break out that have been dormant. It will topple governments that were moderate and bring in governments that are extreme. These things are pretty predictable."

No, it turns out: They aren't.

### Warming

#### Gas doesn’t displace coal---other factors caused coal to decline---if gas hadn’t filled in, renewables would have

Shakeb Afsah 12, the President and CEO of CO2 Scorecard, and Kendyl Salcito, Policy Communications Specialist for the CO2 Scorecard, 8/7/12, “Shale Gas And The Overhyping Of Its CO2 Reductions,” http://thinkprogress.org/climate/2012/08/07/651821/shale-gas-and-the-fairy-tale-of-its-co2-reductions/

Between 2006 and 2011, America’s electricity generation mix changed dramatically. Though the US increased its electrical output by 41 million MWh, electricity generated from coal and petroleum dropped by a total of 292 million MWh (256 million shed from coal and 36 million from oil—EIA 2012A). Meanwhile, natural gas generation increased by 200 million MWh – a major gain but not enough to cover the loss from coal and petroleum, let alone the additional 41 million MWh generated over the period (Exhibit-2).

Natural gas doesn’t account for all of the reductions in coal- and petroleum-fueled electricity, but we take industry experts at their word that low shale gas prices helped fuel the shift. To quantify the price effect, we need an empirical estimate of the short-run elasticity of fuel substitution, which is provided by a recent EIA analysis (EIA 2012B). The analysis estimates that a 1% increase in the ratio of the delivered fuel price of coal to the delivered price of natural gas to power plants leads to an average 0.14% increase in the fuel input ratio of natural gas to coal. Short-run elasticity is appropriate for the analysis because most of the switch from coal to gas is expected to utilize the existing capacity of gas-fired units (Kaplan 2010; see data notes 1 & 2).

During the shale gas boom, the price of coal increased 109% relative to the price of natural gas (Exhibit-3). This relative price effect would increase the ratio of gas to coal use by around 15% if the EIA’s methodology and elasticities are used (supplemental Exhibit-S1). That 15% translates to an increase in the predicted fuel input ratio of gas to coal from 0.31 to 0.36 over those five years. This is equivalent to a shift of around 728,790 billion BTU shift in energy generation from coal to natural gas (Appendix-1 and data note #3). Natural gas power plants need on average 8,185 BTU to generate one KWh of electricity (EIA 2011). Therefore, 728,790 billion BTU will translate into an average displacement of around 89 million MWh of electricity from coal to natural gas. This quantity, it turns out, accounts for just around 35% of the total electricity generation shed by coal. If the replacement is entirely through natural gas combined cycle units this number will increase to 37% (data note #4).

Petroleum-to-coal displacement: As expected, the EIA study found that petroleum to natural gas switching is equally responsive to the relative price changes. The EIA report states that fuel switching between petroleum and gas is quite common and well established, specifically in the peak and intermediate load ranges—hence factors of production are already well adjusted. It is therefore appropriate to use long-run cross price elasticity of substitution, which gives an estimate of 19 million MWh of electricity from petroleum that shifted to natural gas (Appendix-2). EIA data shows that petroleum based generation fell by 36 million MWh—indicating that more than half of oil was replaced by natural gas. This is not surprising, because the relative price of petroleum to natural gas increased by more than 200% during the period 2006 to 2011.

Further accounting of displaced coal

If only 89 million MWh (35%) from coal was displaced by natural gas due to the relative price advantage, how do we account for the remaining 167 million MWh that coal lost during the period of the shale gas boom?

Stephen Lacey of Climate Progress (Lacey 2012) and David Roberts of Grist (Roberts 2012A) have put forth seven factors that are together shutting down coal generation—two are the respective prices of coal and gas, as calculated above. The remaining 167 million MWh (65%) that coal lost during the period of the shale gas boom was due to Roberts’ and Lacey’s other five factors— (1) regulations, (2) energy efficiency/demand management, (3) improving cost-competitiveness of renewables, (4) recession and (5) NGO campaigns.

Where the low price of natural gas failed to fill the void left by coal, the other five factors show their significance. Renewables filled in about 120 million MWh of the coal generation gap—with wind accounting for around 82 million (Appendix-3). These non-carbon sources typically don’t have much price advantage over coal, yet they account for 46% of its replacement. This gives some indication of the impacts of clean energy programs like production and investment tax credit (PTC & ITC), state level Renewable Portfolio Standards (RPS) and the increasing cost competiveness of wind. Nuclear supplied around 2 million MWh.

Gas stepped in to fill up the remaining 48 million MWh (~19%) of power shed by coal—but it’s not appropriate to say it “displaced” coal; rather it “replaced” coal which was “displaced” by other non-price factors (Exhibit-4). That 48 million MWh of electricity was not going to be generated by coal, regardless of the price differential with gas. If gas were not excessively cheap, it is quite likely that some of this 48 million MWh would have come from renewables.

#### Domestic coal to gas switching just causes coal exports---means no reduction in overall emissions

Ben Schiller 12, contributor to Yale’s Environment360 and the Financial Times, 11/9/12, “Does Natural Gas Really Produce Lower Carbon Emissions?,” <http://www.fastcoexist.com/1680868/does-natural-gas-really-produce-lower-carbon-emissions>

Just because we’re burning less coal doesn’t mean it’s not getting burned: We’re just sending it elsewhere, and all those emissions end up in the same place.

In August, the U.S. Energy Information Agency made a surprising announcement. U.S. carbon emissions had fallen to their lowest level since 1992. In the first five months of this year, it said, they dropped 14% compared to the same period in 2007.

There were several reasons, said experts. Small ones: increasing use of renewables, energy efficiency, and a slow economy. And one big one: a switch away from coal for electricity production to natural gas. In 2005, coal accounted for about 50% of U.S. power generation. In March this year, it was down to about a third. Some said gas accounted for as much as three-quarters of the emissions improvement.

Yet, according to new research, it’s questionable how much gas actually contributes to the fight against climate change. It may be the gas boom is cutting emissions here. But much of the coal-related output is still going into the atmosphere. Even though the U.S. is burning less coal, it’s not actually leaving it in the ground, says Manchester University’s Tyndall Centre For Climate Change Research. Instead, we are increasingly exporting the stuff, chiefly to Europe and Asia.

From being a net importer of coal in 2005, the U.S. exported 26 million tons of coal at the beginning of this year. Tyndall shows that "more than half of the emissions avoided in the U.S. power sector may have been exported as coal."

“Research papers and newspaper column inches have focused on the relative emissions from coal and gas," says co-author John Broderick. “However, it is the total quantity of CO2 from the energy system that matters to the climate."

The report points to the weakness of national carbon caps, and the need for a global agreement on emissions. "Without a meaningful cap on global carbon emissions, the exploitation of shale gas reserves is likely to increase total emissions," says the report. "For this not to be the case, consumption of displaced fuels must be reduced globally and remain suppressed indefinitely."

#### Means they solve absolutely none of the advantage

John Broderick 12, Knowledge Transfer Fellow, Tyndall Centre, University of Manchester, core partner of the UK's leading interdisciplinary climate change centre, and Kevin Anderson, professor of energy and climate change in the School of Mechanical, Aeronautical and Civil Engineering at the University of Manchester, October 2012, “Has US Shale Gas Reduced CO2 Emissions?,” <http://www.tyndall.manchester.ac.uk/public/Broderick_Anderson_2012_Impact_of_Shale_Gas_on_US_Energy_Emissions.pdf>

Since 2007, the production of shale gas in large volumes has substantially reduced the wholesale price of natural gas in the US. This report examines the emissions savings in the US power sector, influenced by shale gas, and the concurrent trends in coal exports that may increase emissions in Europe and Asia.

Electricity generated by the combustion of natural gas is generally considered to have a lower emissions intensity per unit electricity than that generated by burning coal. The relative lifecycle carbon footprint of gas produced by hydraulic fracturing is contested and at present there is a shortage of independent primary data. However, trends in the absolute quantities of CO2 emissions from combustion are less problematic and no less important when considering the implications of the US shale gas boom.

US CO2 emissions from domestic energy have declined by 8.6% since a peak in 2005, the equivalent of 1.4% per year. Not all of this reduction has come in the power sector where shale gas has had most impact, and not all of the fuel switching has been due to the low price of gas. This report quantitatively explores the CO2 emissions consequences of fuel switching in the US power sector using two simple methodologies. The analysis presented is conditional upon its internal assumptions, but provides an indication of the scale of potential impacts.

It suggests that emissions avoided at a national scale due to fuel switching in the power sector may be up to half of the total reduction in US energy system CO2 emissions. The suppression of gas prices through shale gas availability is a plausible causative mechanism for at least part of this reduction in emissions. However, the research presented here has not isolated the proportion of fuel switching due to price effects. Other studies note that between 35% and 50% of the difference between peak and present power sector emissions may be due to shale gas price effects. Renewable and nuclear electricity incentivised by other policies has also accounted for some of the changes in grid emissions. We estimate that their increase in output appears to have been about two thirds of the increase in gas generation.

There has been a substantial increase in coal exports from the US over this time period (2008-2011) and globally, coal consumption has continued to rise. As we discussed in our previous report (Broderick et al. 2011), without a meaningful cap on global carbon emissions, the exploitation of shale gas reserves is likely to increase total emissions. For this not to be the case, consumption of displaced fuels must be reduced globally and remain suppressed indefinitely; in effect displaced coal must stay in the ground. The availability of shale gas does not guarantee this. Likewise, new renewable generating capacity may cause displacement without guaranteeing that coal is not burned, but it does not directly release carbon dioxide emissions through generation.

The calculations presented in this report suggest that more than half of the emissions avoided in the US power sector may have been exported as coal. In total, this export is equivalent to 340 MtCO2 emissions elsewhere in the world, i.e. 52% of the 650 MtCO2 of potential emissions avoided within the US.

A similar conclusion holds for ‘peak to present’ trends. The estimated additional 75 million short tons 1 of coal exported from the US in 2011 will release 150 MtCO2 to the atmosphere upon combustion. If added to the US CO2 output from fossil fuel combustion, the reduction from peak emissions in 2005 would be 360 MtCO2, i.e. a 6.0% change over this whole period or less than 1% per annum. This is far short of the rapid decarbonisation required to avoid dangerous climate change associated with a 2°C temperature rise.

#### No impact---mitigation and adaptation will solve---no tipping point or “1% risk” args

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006).

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

No extinction from climate change

NIPCC 11 – the Nongovernmental International Panel on Climate Change, an international panel of nongovernment scientists and scholars, March 8, 2011, “Surviving the Unprecedented Climate Change of the IPCC,” online: http://www.nipccreport.org/articles/2011/mar/8mar2011a5.html

In a paper published in Systematics and Biodiversity, Willis et al. (2010) consider the IPCC (2007) "predicted climatic changes for the next century" -- i.e., their contentions that "global temperatures will **increase by 2-4°C** and possibly beyond, sea levels will rise (~1 m ± 0.5 m), and atmospheric CO2 will increase by up to 1000 ppm" -- noting that it is "widely suggested that the magnitude and rate of these changes will result in many plants and animals going extinct," citing studies that suggest that "within the next century, over 35% of some biota will have gone extinct (Thomas et al., 2004; Solomon et al., 2007) and there will be extensive die-back of the tropical rainforest due to climate change (e.g. Huntingford et al., 2008)."

On the other hand, they indicate that some biologists and climatologists have pointed out that "many of the predicted increases in climate have **happened before**, in terms of both **magnitude and rate of change** (e.g. Royer, 2008; Zachos et al., 2008), and yet biotic communities have **remained remarkably resilient** (Mayle and Power, 2008) and in some cases **thrived** (Svenning and Condit, 2008)." But they report that those who mention these things are often "placed in the 'climate-change denier' category," although the purpose for pointing out these facts is simply to present "a **sound scientific basis** for understanding biotic responses to the magnitudes and rates of climate change predicted for the future through using the **vast data resource** that we can exploit in fossil records."

Going on to do just that, Willis et al. focus on "intervals in time in the fossil record when atmospheric CO2 concentrations increased up to 1200 ppm, temperatures in mid- to high-latitudes increased by **greater than 4°C within 60 years**, and sea levels rose by up to 3 m higher than present," describing studies of past biotic responses that indicate "the scale and impact of the magnitude and rate of such climate changes on biodiversity." And what emerges from those studies, as they describe it, "is evidence for rapid community turnover, migrations, development of novel ecosystems and thresholds from one stable ecosystem state to another." And, most importantly in this regard, they report "there is **very little evidence for broad-scale extinctions** due to a warming world."

In concluding, the Norwegian, Swedish and UK researchers say that "based on such evidence we urge some **caution in assuming broad-scale extinctions** of species will occur due solely to climate changes of the magnitude and rate predicted for the next century," reiterating that "the fossil record indicates **remarkable biotic resilience** to wide amplitude fluctuations in climate."

#### Natural gas doesn’t reduce emissions or act as a bridge fuel

Romm 12 (Joseph, editor of Climate Progress and a senior fellow at the Center for American Progress, “Natural gas: A bridge to nowhere”, 1/24, http://grist.org/natural-gas/natural-gas-a-bridge-to-nowhere/)

Building lots of new gas plants doesn’t make much sense since we need to sharply reduce greenhouse-gas emissions in the next few decades if we’re to have any chance to avoid catastrophic global warming. We don’t want new gas plants to displace new renewables, like solar and wind, which are going to be some of the biggest sustainable job-creating industries of the century.

Late last year, some of the leading (center-right) economists in the country — Nicholas Z. Muller, Robert Mendelsohn, and William Nordhaus — concluded in a top economic journal that the total damages from natural gas generation exceed its value-added at a low-ball carbon price of $27 per ton. At a price of $65 per ton of carbon, the total damages from natural gas are more than double its value-added.

For the record, stabilizing atmospheric concentrations of CO2 at 550 parts per million (ppm), which would likely still be catastrophic for humanity, would require a price of $330 per metric ton of carbon in 2030, the International Energy Agency (IEA) noted back in 2008.

The fact that natural gas is a bridge fuel to nowhere was, in fact, first demonstrated by the IEA in its big June 2011 report on gas. That study — which had both coal and oil consumption peaking in 2020 — made abundantly clear that if we want to avoid catastrophic warming, we need to start getting off of all fossil fuels.

Then came a remarkable new study by Tom Wigley of the National Center for Atmospheric Research (NCAR) that concluded:

In summary, our results show that the substitution of gas for coal as an energy source results in increased rather than decreased global warming for many decades.

Here was the key figure:

This research indicates that shifting from coal to natural gas would have limited impacts on climate. If methane leaks from natural gas operations could be kept to 2.5 percent or less, the increase in global temperatures would be reduced by about 0.1 degree C (0.18 degrees F) by 2100. Note: This is a figure of temperature change relative to baseline warming of roughly 3 degrees C (5.4 degrees F) in 2100 (or nearly 7 degrees F warming compared to preindustrial levels).

What NCAR’s new study added is more detailed modeling of all contributors to climate change from fossil-fuel combustion — positive and negative. Reducing coal use reduces sulfate aerosols that have a short-term cooling effect. Methane is a very potent greenhouse gas, so leakage throughout the natural gas production and delivery system adds to near-term warming. And, of course, since natural gas is a hydrocarbon, its combustion does produce CO2, albeit much less than the coal it might replace. When you put all these factors together, here’s what you conclude:

“Relying more on natural gas would reduce emissions of carbon dioxide, but it would do little to help solve the climate problem,” says Wigley, who is also an adjunct professor at the University of Adelaide in Australia. “It would be many decades before it would slow down global warming at all, and even then it would just be making a difference around the edges.”

Natural gas might have been a “bridge” to a low-carbon future 30 years ago when the term was first introduced, but now its primary value would be to reduce the cost of meeting a near-term CO2 target in the U.S. in the context of a rising CO2 price.

A key finding of the NCAR study is:

The most important result, however, in accord with the above authors, is that, unless leakage rates for new methane can be kept below 2 percent, substituting gas for coal is not an effective means for reducing the magnitude of future climate change.

The question of what the total leakage rate is remains hotly contested, but I know of no analysis that finds a rate below 2 percent, including one by the National Energy Technology Laboratory, the Department of Energy’s premier fossil fuel lab.

Bottom line: If we want to have a serious chance at averting catastrophic global warming, then we need to start phasing out all fossil fuels as soon as possible. **Natural gas isn’t a bridge fuel from a climate perspective.** Carbon-free power is the bridge fuel until we can figure out how to go carbon-negative on a large scale in the second half of the century.

### Regs Defense---1NC

#### 1) Gas production is booming, despite the regs

Robert Pirog 12, Specialist in Energy Economics at the Congressional Research Service, and Michael Ratner, Specialist in Energy Policy at the CRS, 11/6/12, “Natural Gas in the U.S. Economy: Opportunities for Growth,” http://www.fas.org/sgp/crs/misc/R42814.pdf

Due to the growth in natural gas production, primarily from shale gas, the United States is benefitting from some of the lowest prices for natural gas in the world and faces the question of how to best use this resource.

Different segments of the U.S. economy have different perspectives on the role natural gas can play. Suppliers, which have become the victims of their own production success, are facing low prices that are forecast to remain low. Some companies that have traditionally produced only natural gas have even turned their attention to oil in order to improve their financial situation. Smaller companies are having a difficult time continuing operations and larger companies, including international companies, have bought into many shale gas assets. Prices have remained low even as consumption has increased, in part, because producers have raised production to meet the demand and because companies have improved efficiency and extraction techniques. Some companies, many with large production operations, have applied for permits to export natural gas. This has raised concerns from consumers of natural gas that domestic prices will rise. The debate regarding exports is ongoing.

Industries that consume natural gas have seen input costs drop, and some have heralded low natural gas prices as the impetus for a manufacturing revolution in the United States. Some companies have begun to make major investments to take advantage of the low natural gas prices, particularly in petrochemicals. Other companies are waiting to see if prices will remain low long enough to warrant major investments in new facilities. Meanwhile, the electric power sector has already seen a transition from coal-fired generation to natural gas. Low natural gas prices are also putting pressure on renewable sources of power generation. However, increases in demand will put upward pressure on natural gas prices.

The transportation sector, the one part of the economy vulnerable to foreign energy supplies, is beginning to explore ways to use more natural gas. Transportation makes up less than 1% of U.S. natural gas consumption and would require billions of dollars in investment to increase that share significantly.

All of the change that has taken place so far has occurred despite environmental concerns and regulatory developments at the state and federal level that might curtail production. Natural gas is a fossil fuel that produces various pollutants, some more than other fossil fuels and some less. Methane, the major component of natural gas, is also a potent greenhouse gas when released without burning. Other environmental concerns focus on water use and disposal in hydraulic fracturing to extract natural gas from shale formations.

#### 2) Industry concedes they can comply with the regs

Bob Weinhold 12, MA, has covered environmental health issues for numerous outlets since 1996, member of the Society of Environmental Journalists, July 2012, “The Future of Fracking: New Rules Target Air Emissions for Cleaner Natural Gas Production,” Environmental Health Perspectives, Vol. 120, No. 7, p. a272–a279

The oil and natural gas industry has its own concerns about the new rules but has indicated it can work with them. In a press release issued the day the rules were announced, Howard Feldman, director of regulatory and scientific affairs for the American Petroleum Institute, said, “EPA has made some improvements in the rules that allow our companies to continue reducing emissions while producing the oil and natural gas our country needs.”

#### 3)

#### The regs were revised to only apply starting in 2015

Ronald J. Tenpas 12, partner at Morgan, Lewis & Bockius and co-chairs the environmental and climate change practices, and Charles B. "Chip" Moldenhauer, associate in the firm's energy practice and assists with the representation of electric utilities and other nuclear industry clients on a variety of regulatory and litigation matters before the Nuclear Regulatory Commission, 7/31/12, “Federal Regulation of Fracking: A Changing Landscape,” <http://www.morganlewis.com/index.cfm/publicationID/56e11e09-029c-47da-8536-00f5c201cfce/fuseaction/publication.detail>

On April 17, the EPA issued a final rule regulating the emission of volatile organic compounds (VOC) and certain other pollutants emitted by fracking and equipment used in the upstream and midstream sectors of the oil and gas industry. The rule marks the first time the EPA will regulate air emissions from fracking operations by mandating significant reductions in VOC emissions through the use of "green completions," devices that capture methane and other air emissions that would otherwise escape during well completions. This is the most controversial requirement in the rule. The rule applies to gas wells that are hydraulically fractured or will be refractured after Jan. 1, 2015. Responding to comments on the rule, the EPA noted that it intends "to continue to evaluate the appropriateness of regulating methane with an eye toward taking additional steps if appropriate." Thus, the rule may portend further greenhouse gas regulation of the upstream and midstream oil and gas industry.

#### Industry concedes that solves the entire impact

NYT 12 – New York Times, 4/18/12, “U.S. Caps Emissions in Drilling for Fuel,” http://www.nytimes.com/2012/04/19/science/earth/epa-caps-emissions-at-gas-and-oil-wells.html?\_r=0#h[]

The agency said that the industry could meet the standards by deploying existing technology, and that nearly half the wells drilled using hydraulic fracturing already had the gas capture equipment, known as “green completions.”

The agency said that once the rule was fully effective, in January 2015, the industry would save $11 million to $19 million a year because drillers would be able to capture and sell the methane that is now burned off, or flared.

Methane is a potent heat-trapping gas, 20 times more powerful in its effect on the atmosphere than carbon dioxide. The E.P.A. estimates that capturing methane from thousands of new wells will reduce greenhouse gas emissions by the equivalent of 28 million to 44 million tons a year, making the rule one of the federal government’s largest measures to mitigate climate change.

The American Petroleum Institute, which had lobbied to weaken the proposed rule, said the revised standards issued Wednesday were an improvement over the original proposal. Howard Feldman, the institute’s director of regulatory and scientific affairs, said the industry had already adopted many of the requirements of the new rule and welcomed the delay in its effective date.

“The industry has led efforts to reduce emissions by developing new technologies that were adopted in the rule,” Mr. Feldman said. “E.P.A. has made some improvement in the rules that allow our companies to continue reducing emissions while producing the oil and natural gas our country needs.”

#### 4) Sales of captured commodities offset costs for producers

Bob Weinhold 12, MA, has covered environmental health issues for numerous outlets since 1996, member of the Society of Environmental Journalists, July 2012, “The Future of Fracking: New Rules Target Air Emissions for Cleaner Natural Gas Production,” Environmental Health Perspectives, Vol. 120, No. 7, p. a272–a279

One company that has been using green completion equipment for more than half a dozen years is Devon Energy, headquartered in Oklahoma City. “It’s the right thing to do,” spokesman Chip Minty says. “It reduces emissions and keeps gas in the pipeline. And [the captured] commodities are just as valuable as any commodity from any well,” with no unusual impurities reducing their value.

#### Zero chance of new, further regulations

Reuters 12 – “After Jackson, EPA faces decisions on U.S. fracking boom,” 12/28/12, http://www.reuters.com/article/2012/12/28/us-epa-fracking-idUSBRE8BR02X20121228

Following Lisa Jackson's resignation on Wednesday, her successor will inherit the tricky task of regulating a drilling boom that has revolutionized the energy industry but raised fears over the possible contamination of water supplies.

The controversial technique at the center of the boom, hydraulic fracturing, involves injecting millions of gallons of water laced with chemicals deep into shale rocks to extract oil and gas. It has become a flashpoint issue, putting the EPA -- charged with safeguarding the nation's water -- in the middle of a fight between environmentalists and the energy industry.

Both sides now eagerly await a major EPA research project into fracking's effects on water supplies due in 2014, as well as final rules on issues including the disposal of wastewater and the use of 'diesel' chemicals in the process.

It is unclear who will take the role, but the incoming chief may have a "huge impact" on the oil and gas industry, says Robert McNally, a White House energy adviser during the George W. Bush administration who now heads the Rapidan Group, a consulting firm.

On the one hand, energy industry and big manufacturers are warning the EPA not to impede a drilling boom that offers the promise of decades' worth of cheap energy. Meanwhile, environmentalists are pressing President Barack Obama to ensure the drilling bonanza is not endangering water resources.

"This administration clearly needs contributors to economic growth for its economic legacy as much as it needs to add to its environmental legacy," said Bruce Bullock of the Maguire Energy Institute at Southern Methodist University in Dallas.

"This appointment could be key in seeing which of those two legacies is more important."

There are many contenders for the role, but no clear front-runner as yet. Obama may seek an insider to avoid a difficult confirmation process, with possible candidates including Bob Perciasepe, the EPA deputy administrator and interim chief, and Gina McCarthy, who runs the air quality division.

Obama is unlikely to win Congressional approval for a heavy-handed regulator, and there is no suggestion of a stringent crackdown.

#### No chance Obama pushes new regs

Reuters 12 – “After Jackson, EPA faces decisions on U.S. fracking boom,” 12/28/12, http://www.reuters.com/article/2012/12/28/us-epa-fracking-idUSBRE8BR02X20121228

Some analysts say Obama will not risk the economic stimulus of cheaper, domestic energy by pushing for tougher regulations. The oil sector is one of the few bright spots in the U.S. economy; natural gas prices are near their lowest in a decade, a boon for manufacturers, and U.S. oil output is the highest in 18 years.

"Even before (Jackson's resignation) there didn't seem to be much of an appetite in the White House to regulate shale drilling on a federal level in the next couple of years," says Nitzan Goldberger, U.S. energy policy analyst with Eurasia Group.

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#### Our subsidy mechanism solves their industry certainty and confidence args---takes costs that should be borne by polluting industries and puts them on the gov

NCEE 1 – National Center for Environmental Economics, January 2001, “The United States Experience with Economic Incentives for Protecting the Environment,” <http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/$file/ee-0216b-13.pdf>

Subsidies to support reductions in pollution take many forms. Among the many subsidies that are used at all levels of government to help manage environmental pollution are grants, low-interest loans, favorable tax treatment, and preferential procurement policies for products believed to pose relatively low environmental risks. Subsidies are used to support private-sector pollution prevention and control activities, the cleanup of contaminated industrial sites, farming and land preservation, consumer product waste management, alternative automobile fuels, clean-running cars, and municipal wastewater treatment.

Subsidies for environmental management are sometimes criticized because the government entity providing the subsidy - and the taxpayer, ultimately - is helping to bear the costs that should be the responsibility of the polluter. Other environmentally related subsidies, such as federal support for timber harvesting in the national forests, are also criticized because they in fact have proven harmful to the environment. Nonetheless, subsidies have become a fairly common tool to manage the environment at every level of government.

#### Economic incentives trigger tech improvements and adoption of pollution control---means gas producers will want to adopt green completions

NCEE 1 – National Center for Environmental Economics, January 2001, “The United States Experience with Economic Incentives for Protecting the Environment,” <http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/$file/ee-0216b-13.pdf>

Fourth, economic incentives can stimulate technological improvements and innovations in pollution control in situations where traditional regulatory mechanisms may not. In some cases, traditional regulatory mechanisms can stimulate technological change. For example, challenging numerical performance standards have prompted the development of cleaner technologies (e.g., catalytic converters). Also, when regulations require the use of the best available control technology (BACT), manufacturers of pollution control equipment have an incentive to improve the performance of the products they offer for sale. But traditional regulations that specify the approved pollution control technologies discourage sources from developing better pollution control technologies. Not only is there uncertainty that an improved pollution control technology would be approved, but greater pollution control normally is costly. What source would want to engage in greater control of pollution than is required by existing regulations? Economic incentives, on the other hand, attach a value to controlling pollution. In some cases the value is an explicit monetary amount, while in other cases the financial impact is indirect. Therefore, sources have an incentive to develop technologies that are more effective or less costly, particularly when pollution reduction obligations can be traded among sources like any other commodity in the marketplace.

#### Only incentives harness cost-cutting imperatives and innovation as positive forces for pollution control

NCEE 1 – National Center for Environmental Economics, January 2001, “The United States Experience with Economic Incentives for Protecting the Environment,” <http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/$file/ee-0216b-13.pdf>

Many economic incentives give an impetus to technological change and innovative pollution control because sources can generate profits by finding better, cheaper ways of reducing emissions. EPA’s voluntary programs are a particularly good example of economic incentives acting as an incubator for technological improvements. When businesses take initiative on their own or work collaboratively with government to find ways to reduce pollution, instead of merely reacting to government regulations, they tend to apply the same inventiveness and cost-cutting skills used in other parts of the business. In this sense, voluntary programs, as well as other kinds of economic incentives, unleash the qualities of American entrepreneurs that make U.S. businesses such strong competitors in the marketplace and encourage these sources to use those skills to protect the environment.

#### Paying producers cash to control pollution is the opposite of punitive approaches---clearly something industry loves

NCEE 1 – National Center for Environmental Economics, January 2001, “The United States Experience with Economic Incentives for Protecting the Environment,” <http://yosemite.epa.gov/ee/epa/eerm.nsf/vwan/ee-0216b-13.pdf/$file/ee-0216b-13.pdf>

Subsidies are the mirror image of emission taxes. Rather than taxing emissions to encourage firms to reduce their emissions, the subsidy approach offers cash payments to firms for reducing emissions. Polluters who release emissions forgo the cash payment. Under a subsidy system, polluters have an incentive to control all units of pollution whose marginal control cost is less than the subsidy. Subsidy systems for pollution control are especially popular in two sectors: farming and municipal government.

### Backlash

#### Movements can stop gas production

Russel McLendon 12, ecology and science blogger, citing a report by the International Energy Association, and Fatih Birol, chief economist for the International Energy Agency, 5/29/12, “IEA: Pollution threatens 'golden age of gas',” http://www.mnn.com/earth-matters/energy/blogs/iea-pollution-threatens-golden-age-of-gas

Yet while acknowledging such "serious hazards" posed by shale gas development, the IEA's new report argues it can be made safe and sustainable — if drilling companies are willing to follow a set of seven basic "golden rules."

"The technology and the know-how already exist for unconventional gas to be produced in an environmentally acceptable way," IEA executive director Maria van der Hoeven says in a press release. "But if the social and environmental impacts are not addressed properly, there is a very real possibility that public opposition ... will halt the unconventional gas revolution in its tracks."

This revolution has so far been led by the U.S., where fracking first gained traction in Texas and later spread to Pennsylvania, West Virginia and New York, which lie above the gas-rich Marcellus Shale. But according to the U.S. Energy Information Administration, about 5,760 trillion cubic feet of technically recoverable shale gas is scattered among 32 other countries (see map below), nearly seven times the known total under U.S. soil. The IEA expects worldwide production of unconventional gas to triple over the next two decades, most of it coming from shale.

Yet despite such lofty projections, the revolution is already unraveling in some places. Municipalities in New York are allowed to ban fracking within their borders, and nearly two dozen have already done so. Vermont recently became the first U.S. state to ban fracking — largely a symbolic move, since it has no proven shale gas reserves, but similar efforts are in the works in Michigan, Ohio and New York. France and Bulgaria have also banned the practice, and fracking operations have been suspended in the U.K. amid fears over earthquakes.

It's this kind of backlash the IEA aims to help energy companies avoid. And to do that, the agency says they must accept small financial sacrifices in the name of safety.

"If this new industry is to prosper, it needs to earn and maintain its social license to operate," says IEA chief economist Fatih Birol in the press release. "This comes with a financial cost, but in our estimation the additional costs are likely to be limited." Applying the golden rules will raise the cost of a typical shale gas well by around 7 percent, Birol says, although he adds that larger projects with multiple wells could reduce operating costs over time by investing in better practices.

#### Raises prices and lowers demand

Russel McLendon 12, ecology and science blogger, citing a report by the International Energy Association, and Fatih Birol, chief economist for the International Energy Agency, 5/29/12, “IEA: Pollution threatens 'golden age of gas',” http://www.mnn.com/earth-matters/energy/blogs/iea-pollution-threatens-golden-age-of-gas

The full report is nearly 150 pages long, and includes further details for each rule, but its basic list of recommendations is as follows:

"Measure, disclose and engage"

"Watch where you drill"

"Isolate wells and prevent leaks"

"Treat water responsibly"

"Eliminate venting, minimize flaring and other emissions"

"Be ready to think big"

"Ensure a consistently high level of environmental performance"

Not everyone agrees these rules will solve the problem, though. Many environmental and public health advocates argue fracking can never be sustainable, since natural gas is a fossil fuel — meaning it's nonrenewable and releases greenhouse gases such as methane and carbon dioxide, which contribute to global warming.

"[The report] fails to provide hard rules to prevent methane leakage from unconventional gas production or hard evidence that leakage can be reduced to acceptable levels," Greenpeace chief scientist Paul Johnston said in a statement Tuesday, as reported by Bloomberg Businessweek. "Greenpeace opposes the exploitation of unconventional gas reserves because the impacts have not been fully investigated, understood, addressed and regulated."

If the rules aren't adopted, the IEA predicts natural gas will lose its "competitive position in the global fuel mix," leading to lower availability and higher prices. It says energy-related CO2 emissions would also be 1.3 percent higher without the rules. In either case, however, it admits that "emissions are well above the trajectory required to reach the globally agreed goal of limiting the temperature rise to 2°C."

#### Turns certainty---industry supports clear uniform rules that prevent bad apples from ruining fracking for everyone

Fareed Zakaria 10-25, editor-at-large of TIME Magazine, Ph.D. in Political Science from Harvard, aff article, “The New Oil and Gas Boom,” p. lexis

Over the past decade, America has experienced a technological revolution--not, as expected, in renewable energy but rather in the extraction of oil and gas. As a result, domestic supplies of new sources of energy--shale gas, oil from shale, tight sands and the deepwater, natural-gas liquids--are booming. The impact is larger than anyone expected.

In 2011, for the first time since 1949, the U.S. became a net exporter of refined petroleum products. Several studies this year have projected that by the end of this decade, the U.S. will surpass both Russia and Saudi Arabia and become the world's largest producer of oil and liquid natural gas.

Much of this opportunity comes from America's newfound ability to draw oil and gas from geological formations that just a few years ago geologists deemed impenetrable. The consequences of this breakthrough, both economic and geopolitical, are difficult to assess, but they range from a manufacturing renaissance in the U.S. to a decline of the geopolitical clout of Russia and the Middle East. Both would obviously be welcome news.

Romney has accused the Obama Administration of throwing obstacles in the way of this boom. But so far they do not seem to have had much effect in slowing things down.

Of course, there are many on the left who believe that the Obama Administration has gone soft on the oil and gas boom and wish he had instituted more regulations. Fracking--the procedure by which shale oil and gas are extracted from deep rock formations stretching from the Appalachians nearly to the Rockies--remains controversial and arouses great passion. The Oscar-nominated documentary GasLand suggests that unlocked gas could burst out of people's taps, allegedly because of fracking. These charges are important, but they need more thorough investigation. Gas could end up in water pipes for a variety of reasons unrelated to fracking.

The Environmental Protection Agency is doing a comprehensive study of fracking, in part because we need to better understand the ramifications of this promising new extraction method. At this point it seems the greatest harm has come from small fracking operations that don't worry that an environmental problem could damage their brand name or profit margin. This makes it an industry tailor-made for intelligent regulation, because the big companies could well support clear rules that everyone, in a growing number of states, would follow.

#### Federal rules particularly key to public confidence, repeal causes a fracking Wild West and environmental backlash that collapses it entirely

Thomas L. Friedman 12, NYT columnist guy, talks to a lot of cabbies, 8/4/12, “Get it Right on Gas,” http://www.nytimes.com/2012/08/05/opinion/sunday/friedman-get-it-right-on-gas.html?\_r=0&pagewanted=print#h[]

WE are in the midst of a natural gas revolution in America that is a potential game changer for the economy, environment and our national security — if we do it right.

The enormous stores of natural gas that have been locked away in shale deposits across America that we’ve now been able to tap into, thanks to breakthroughs in seismic imaging, horizontal drilling and hydraulic fracturing, or “fracking,” are enabling us to replace much dirtier coal with cleaner gas as the largest source of electricity generation in America. And natural gas may soon be powering cars, trucks and ships as well. This is helping to lower our carbon emissions faster than expected and make us more energy secure. And, if prices stay low, it may enable America to bring back manufacturing that migrated overseas. But, as the energy and climate expert Hal Harvey puts it, there is just one big, hugely important question to be asked about this natural gas bounty: “Will it be a transition to a clean energy future, or does it defer a clean energy future?”

That is the question — because natural gas is still a fossil fuel. The good news: It emits only half as much greenhouse gas as coal when combusted and, therefore, contributes only half as much to global warming. The better news: The recent glut has made it inexpensive to deploy. But there is a hidden, long-term, cost: A sustained gas glut could undermine new investments in wind, solar, nuclear and energy efficiency systems — which have zero emissions — and thus keep us addicted to fossil fuels for decades.

That would be reckless. This year’s global extremes of droughts and floods are totally consistent with models of disruptive, nonlinear climate change. After record warm temperatures in the first half of this year, it was no surprise to find last week that the Department of Agriculture has now designated more than half of all U.S. counties — 1,584 in 32 states — as primary disaster areas where crops and grazing areas have been ravaged by drought.

That is why on May 29 the British newspaper The Guardian quoted Fatih Birol, the chief economist for the International Energy Agency, as saying that “a golden age for gas is not necessarily a golden age for the climate” — if natural gas ends up sinking renewables. Maria van der Hoeven, executive director of the I.E.A., urged governments to keep in place subsidies and regulations to encourage investments in wind, solar and other renewables “for years to come” so they remain competitive.

Moreover, while natural gas is cleaner than coal, extracting it can be very dirty. We have to do this right. For instance, the carbon advantage can be undermined by leakage of uncombusted natural gas from wellheads and pipelines because methane — the primary component of natural gas — is an extremely powerful greenhouse gas, more powerful than carbon dioxide. The big oil companies can easily maintain high drilling standards, but a lot of fracking is done by mom-and-pop drillers that do not. The standards that can make fracking environmentally O.K. are not expensive, but the big drillers want to make sure that the little guys have to apply them, too, so everyone has the same cost basis.

On July 19, Forbes interviewed George Phydias Mitchell, who, in the 1990s, pioneered the use of fracking to break natural gas free from impermeable shale. According to Forbes, Mitchell argued that fracking needs to be regulated by the Department of Energy, not just states: “Because if they don’t do it right, there could be trouble,” he says. There’s no excuse not to get it right. “There are good techniques to make it safe that should be followed properly,” he says. But, the smaller, independent drillers, “are wild.” “It’s tough to control these independents. If they do something wrong and dangerous, they should punish them.”

Adds Fred Krupp, the president of the Environmental Defense Fund who has been working with the government and companies on drilling standards: “The economic and national security advantages of natural gas are obvious, but if you tour some of these areas of intensive development the environmental impacts are equally obvious.” We need nationally accepted standards for controlling methane leakage, for controlling water used in fracking — where you get it, how you treat the polluted water that comes out from the fracking process and how you protect aquifers — and for ensuring that communities have the right to say no to drilling. “The key message,” said Krupp, “is you gotta get the rules right. States need real inspector capacity and compliance schemes where companies certify they have done it right and there are severe penalties if they perjure.”

Energy companies who want to keep regulations lax need to understand that a series of mishaps around natural gas will — justifiably — trigger an environmental backlash to stop it.

#### Environmental backlash kills confidence in long-term low prices---turns coal switching

Jennifer A. Dlouhy 11, covers energy policy and other issues for The Houston Chronicle, 3/9/11, “CERAWeek: Nat gas industry faces environmental backlash, pricing fears,” http://fuelfix.com/blog/2011/03/09/ceraweek-nat-gas-industry-faces-environmental-backlash-pricing-fears/

The natural gas industry needs to do a better job countering a growing backlash against hydraulic fracturing and convincing power companies that the fossil fuel will be cheap and abundant for years to come, executives and analysts said today.

So far, the industry has been outmatched when it comes to calming public fears that drinking water supplies can be tainted by the hydraulic fracturing process used to unlock natural gas from shale and tight plays nationwide.

“The industry has not historically been very adept” at reaching out to stakeholders, said Guy Buckley, a vice president of corporate development at pipeline, processing and storage company Spectra Energy.

“When you bring in 100 rigs in a state that hasn’t had them in a long time, it does get some attention,” Buckley said. But it also brings jobs, he added — and that’s a message that needs to get to residents in those regions.

The fears are especially acute in New York and Pennsylvania, where communities that haven’t seen drilling rigs in decades are suddenly inundated by them, as companies rush to produce natural gas from the Marcellus shale formation in the Northeast. In New York, a executive order signed by former Gov. David Paterson bars hydraulic fracturing until July 1.

A series of New York Times reports on the subject also recently highlighted the risks posed by companies disposing radioactive wastewater from the fracturing process in rivers that supply drinking water in Pennsylvania or at sewage plants that are not capable of treating it.

“The industry is definitely under attack,” said Stacy Schusterman, CEO of Samson Investment Company, during a panel on the third day of IHS Cambridge Energy Research Associates’ CERAWeek conference in Houston. “But I think the bulk of that is happening in states like Pennsylvania and New York, where the amount of drilling growth is something they haven’t seen before and the system is not really set up to handle the volume of activity from the public’s perspective.”

It’s a far different scene in Texas, where producers are tapping natural gas from the Eagle Ford shale in areas where wells dot the landscape.

“In states where the industry has been active for a very long time, barring the EPA coming in (and regulating), the industry can have a debate, because people know it’s jobs, it’s income taxes and it’s severance taxes,” Schusterman said.

The hydraulic fracturing process involves injecting mixtures of water, sand and chemicals seep underground and under high pressure to break up shale rock and other tight formations to produce natural gas. Environmentalists warn that natural gas can escape out of poorly designed and secured wells, causing risks of explosion and water contamination. And they say that harmful chemicals used in fracturing can taint nearby water sources.

The natural gas industry’s image problem is coming on two fronts. Amid the environmental backlash, the industry also is struggling to shed its reputation as an unreliable source of energy prone to boom-or-bust cycles and volatile prices.

Just a few years ago, energy analysts were forecasting natural gas prices of $8 per million British thermal units — double the current price hovering around $4.

Some power utilities are retiring coal-fired power plants and building new ones reliant on natural gas, but worries that the price could jump again may constrain that transition, Buckley cautioned.

#### Reports are conclusive

Nicholas Kusnetz 11, has written for The Nation, Miller-McCune, The New York Times and other publications, ProPublica, 11/10/11, “Energy Dept. Panel Warns of Environmental Toll of Current Gas Drilling Practices,”

A federal energy panel issued a blunt warning to shale gas drillers and their regulators today, saying they need to step up efforts to protect public health and the environment or risk a backlash that stifles further development.

“Concerted and sustained action is needed to avoid excessive environmental impacts of shale gas production and the consequent risk of public opposition to its continuation and expansion,” said members of the Energy Department’s Shale Gas Subcommittee in a draft report released today.

The seven-member committee, appointed in January by Energy Secretary Steven Chu, provides a way for the Obama administration to weigh in on gas drilling, which is primarily overseen by state regulatory agencies.

In August, the panel issued a lengthy set of recommendations to state and federal agencies and the gas industry for making gas drilling safer.

Today’s report – acknowledging that progress on the panel’s suggestions has been slow – sets out who needs to do what in order to turn recommendations into reality. The panel also stressed the importance of shale gas to the nation’s energy policy, noting that it already makes up 30 percent of domestic gas production.

The report calls on the EPA to revise a proposed rule on air emissions to include limits on methane, a potent greenhouse gas, and criticizes recent moves by the agency that have hindered efforts to get better data from the oil and gas industry, a crucial step toward improving controls.

#### Regs key to public confidence

Tom Kenworthy 12, Senior Fellow at the Center for American Progress, June 2012, “New Oil and Gas Requirements a Good Start but Could Be Better,” http://www.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/epa\_requirements.pdf

In his State of the Union address in January, President Barack Obama enthusiastically embraced the potential economic and environmental benefits of exploiting the nation’s huge reserves of natural gas. 1 But he also promised to “develop this resource without putting the health and safety of our citizens at risk.”

Left unsaid by the president were the public concerns prompting that promise. 2 Along with the remarkable surge in natural gas drilling, sparked by big new discoveries of natural gas and oil locked in shale rock formations, have come fears that the hydraulic fracturing technology, commonly referred to as fracking, to unlock those deposits may threaten public water supplies. In addition, new scientific studies on natural gas have called into question the conventional wisdom that gas is far superior to coal in terms of its greenhouse gas footprint because of substantial methane releases during the development of wells and the transmission of produced gas.

To help allay some of those concerns, the federal Bureau of Land Management, or BLM, has proposed new rules for drilling on public lands. 3 Those rules are designed to bring more transparency about the chemicals used in hydraulic fracturing, to stiffen oversight of well construction to ensure the integrity of oil and gas wells, and to help ensure that liquids that flow back to the surface during the initial phase of production are properly monitored and treated.

At the same time, the EPA has proposed new directives to protect the public from air pollutants often released during oil and gas production, 4 which will significantly reduce emissions of methane, toxic chemicals such as benzene, and volatile organic compounds that help form ozone, or smog.

### Solvency

#### More recent evidence from their author concludes that exactly what Obama did by slowing EPA and BLM regulations to allow industry input---solves certainty now

Wayne D’Angelo 1-22, special counsel in the Washington office of Kelley Drye & Warren, counsels clients on environmental and energy matters, has experience in all aspects of environmental and energy law and focuses on issues surrounding hydraulic fracturing, conventional and nonconventional fuels, resource extraction, greenhouse gas regulation, and stationary and mobile-source issues under the Clean Air Act, 1/22/13, “EPA and BLM: Two Considerable Reconsiderations,” http://www.frackinginsider.com/regulatory/two-considerable-reconsiderations/

Last week, the Obama administration announced its intent to reconsider its two most aggressive programs to regulate hydraulic fracturing at the federal level. On Tuesday, January 16th, EPA submitted an unopposed motion to the United State Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) to put challenges to the Agency’s air rules in abeyance while it reconsiders, and potentially reproposes, aspects of the rules. Then, on Friday, January 18th, BLM announced that it would repropose its draft rules to regulate hydraulic fracturing on federal land. While these are very different actions being undertaken for very different reasons, they collectively send a strong signal that this administration may be willing to seek common ground with industry and, hopefully, avoid unnecessary over-regulation.

EPA’s reconsideration involves the New Source Performance Standards (“NSPS”) and National Emissions Standards for Hazardous Air Pollutants (“NESHAP”) proposed by the Agency in August, 2012. These rules required companies to capture smog-forming volatile organic compounds (VOCs) and GHGs like methane that can be released during drilling. Industry fought for, and received, a critical phase-in period so that enough emission capturing equipment could be produced and deployed to make compliance with the rules feasible. However, industry continued to have grave concerns about many of the practical nuances of the rule, including definitional issues which could broaden the rule beyond what EPA proposed or contemplated. When industry petitioned the D.C. Circuit for review of the rule, it was widely seen as a protective petition so that industry could work with EPA to fix certain irrational and unworkable aspects of the rule. EPA’s motion to put the case in abeyance is therefore not surprising. Typically in cases like this, EPA agrees to a set of rule changes that address some or all of the petitioners concerns, and petitioners agree to drop their legal challenges. EPA’s motion is step one in that process.

BLM, on the other hand, is not reconsidering a final rule. It is reproposing a rule that it first proposed in draft form in May, 2012. Unlike EPA, BLM is not acting in response to a legal challenge. Instead, BLM’s reassessment is in response to over 170,000 comments in the docket and a strong argument that aspects of BLM’s regulatory approach unnecessarily overlie and frustrate existing and effective state hydraulic fracturing rules.

BLM has apparently recognized the federalism concerns in stating that the reproposal is intended, in part, to “maximize flexibility [and] facilitate coordination with state practices . . .” Still, BLM does not appear to be reconsidering the three main aspects of its original proposed rule:

chemical disclosure;

wellbore integrity testing; and

water management plans for hydraulic fracturing operations.

While the test of this administration’s willingness to work cooperatively with the oil and gas industry will be whether BLM and EPA actually make meaningful changes to these rules, industry has appropriately not delayed in offering praise. Industry has asked this administration for a dialogue and they asked for a redrafting of these rule. They got both. The administration reached out a hand and industry was wise to shake it. We hope this is a sign that the antagonistic first-term relationship between the president and the oil and gas industry may be reconsidered as well.

#### Production’s reaching record highs and will keep increasing

HAI 2-4 – Hard Assets Investor, 2/4/13, “Natural Gas Production Jumps To Fresh Record High, Prices Capped Below $4,” http://seekingalpha.com/article/1155491-natural-gas-production-jumps-to-fresh-record-high-prices-capped-below-4?source=google\_news

Natural gas output hit a record for a third-straight month.

U.S. natural gas production climbed to a record high for a third-straight month in November, according to the Energy Information Administration. Output hit 73.88 bcf/d, an increase of 0.4 bcf/d from the previous month. On a year-over-year basis, production was up 1.42 bcf/d, or 2%, from a year ago.

Associated natural gas -- gas that is a byproduct of drilling for crude oil and other liquids -- continues to grow swiftly. Barring a slowdown in oil drilling, natural gas output is likely to trend higher, capping prices below $4.

#### Zero risk of natural gas production declines because of Obama second term regs, even if he pushes them aggressively---state regulation is the squo

Peter Kelly-Detwiler 12, Forbes contributor, 11/7/12, “In Obama's Second Term, Shale Gas Production Not Likely to Slow Down,” http://www.forbes.com/sites/peterdetwiler/2012/11/07/in-obamas-second-term-shale-gas-production-not-likely-to-slow-down/print/

Now that the election numbers are in, it’s time to take a brief look at a key element of both the Romney and Obama energy platforms: increased domestic natural gas production. It is generally expected that the Obama administration will continue to push for more oversight and regulation of shale fracking. The April 2012 EPA decision to reduce air emissions from fracking could well be followed by an effort to end exemptions from certain elements of the Safe Drinking Water Act. In the case of the EPA air emissions oversight, the rules were relaxed somewhat, and industry was given two years to bring activities into compliance. In the case of water regulation, the conversation may well continue to drag along slowly for some time to come. In the end, there is only so much regulation that is likely to occur at the national level. The 2005 Energy Policy Act essentially gave most regulatory responsibility to individual states, and it will probably remain there.

Regardless of the final regulatory outcome, gas production is likely to soar, especially as gas use grows in transportation, industry, and electric generation. And don’t forget the significant potential for LNG exports, as numerous license requests have already been tendered. The Marcellus area, and Pennsylvania in particular, should continue to see rapid growth. A new study from ASDReports announced today suggests that production could increase more than seven-fold from 2011 levels, from just over 1,000 billion cubic feet equivalent (bcfe) in 2011 to almost 5,000 bcfe in 2015, before finally leveling off at over 7,600 bcfe in 2020.

Just in the eastern US, the shale gas reserves are enormous. The US Geological Survey has pegged Marcellus at an estimated recoverable total of 84 trillion cubic feet (TCF). In October, it released its first estimates for the neighboring (in Ohio) or underlying (in Pennsylvania and New York) Utica shales of 38 TCF, plus 940 million barrels of unconventional oil resources and 208 million barrels of unconventional liquids. The current dominant players, such as Chesapeake, Range Resources, Talisman Energy, and Cabot Oil and Gas have locked up a good deal of the acreage, but they may be joined by others. The drilling will continue, and the conversation will go on as to how to produce domestic shale gas in the most efficiently, clean, and safe manner. The stuff is there, and it’s not going away.

#### The regs have virtually zero tangible impact on gas producers

Rich Heidorn 12, Editor/Publisher at PJM Insider, former Energy industry analyst at Bloomberg BGov, MBA from Temple University, 7/19/12, “Fracking Emissions Rules: Re-estimating the Costs,” http://about.bgov.com/2012/07/19/fracking-emissions-rules-re-estimating-the-costs/

The Environmental Protection Agency on April 17 issued regulations on natural gas drilling that it says will not only improve air quality but also increase producer profits.

The regulations, which will take full effect in 2015, require producers to capture about 90 percent of the volatile organic compounds and methane that can escape into the air as a result of natural gas production using hydraulic fracturing, or fracking. EPA says the rule will cost producers about $170 million a year, but that cost will be more than offset by the sales of the captured methane and natural gas liquids, resulting in a net gain of about $15 million a year. The industry, on the other hand, projects net annual compliance cost at more than $2.5 billion.

The Bloomberg Government Study, titled “Fracking Emission Rules: EPA, Industry Miss Mark On Costs, Consequences” (subscription required) analyzes available data on the number of wells affected by the rule, compliance costs per well, the volume of fuel captured and the price for which it can be sold. The study finds that the regulation is neither the profit driver EPA claims nor the billion-dollar burden industry has portrayed.

The study finds:

• The regulations will increase producer costs by $316 million to $511 million a year, or less than 1 percent of producer revenues.

• Drillers are already capturing emissions in geological formations where the volume of methane and liquids makes the capture cost effective. For some wells covered by the new rules, the cost of capture may exceed the incremental revenue from captured fuel.

• Producers voluntarily capturing emissions or operating in states that already require capture will face little or no change to their operations aside from reporting requirements. Other producers may reduce drilling for new wells as they divert capital now spent on production to complying with the regulations.

• The regulations may generate annual revenue of about $383 million for well service providers and more than $125 million in sales for equipment manufacturers.

EPA projected that producers would generate profits totaling about $15 million a year from the natural gas drilling regulation, while the American Petroleum Institute estimated net costs of more than $2.5 billion. Bloomberg Government estimates net compliance costs of $316 million to $511 million, based on gas prices of $3 to $4 per thousand cubic feet (mcf).

#### Drillers and industry insiders conclude the regs won’t slow down gas production---even API only said that changes were necessary (like the phase-in)

Bloomberg 12, “Drillers Say Costs Manageable From Pending Gas Emissions Rule,” 4/17/12, http://www.bloomberg.com/news/2012-04-17/drillers-say-costs-manageable-from-pending-gas-emissions-rule.html

An Obama administration plan to cut air pollution from natural-gas wells that was delayed after a flurry of last-minute comments won’t slow the gas boom sweeping the U.S., some drillers and industry analysts said.

Southwestern Energy Co. (SWN) and Devon Energy Corp. (DVN) say they already use systems to capture methane and other fumes at wells, the key requirement of a rule that may be issued as early as today. Drilling hasn’t slowed in Colorado or Wyoming where technology to capture emissions has been required by the state since 2009 and 2010, Christine Tezak, senior policy analyst at Robert W. Baird & Co. in McLean, Virginia, wrote in a March 16 research note.

The new standards follow President Barack Obama’s pledge to “take every possible action” to see that gas drilling is done without putting the public’s health at risk. The American Petroleum Institute in Washington, which represents more than 500 oil and gas companies, warned that without changes, the rule will slow drilling and reduce U.S. gas production.

“What we do today with reduced emissions completions in our wells doesn’t cost us any more than just venting the gas into the atmosphere,” Mark Boling, president of Southwestern’s V+ Development Division, said in an interview. API’s “experience has not been our experience.”

### Econ

#### Exports raise domestic prices by 14%

Boman 11/2 Karen Boman - Rigzone Staff, "Romney, Obama Seen Favoring U.S. LNG Exports," 11/2/12 rigzone.com/news/oil\_gas/a/121794/Romney\_Obama\_Seen\_Favoring\_US\_LNG\_Exports

Congressman Ed Markey (D-Mass.) has also spoken out against LNG exports, saying that **LNG exports would raise domestic gas prices. A** preliminary **analysis by the** U.S. Energy Information Administration (EIA) indicated exports would raise domestic gas prices, peaking by 14 percent or $.70 per million cubic feet (Mcf) if 1 billion cubic feet per day (Bcf/d) is added from 2015 to 2021, or 6 Bcf/d.

#### Exports increase domestic prices regardless of production levels

Cobb 10/15 Kurt- founding member of the Association for the Study of Peak Oil and Gas—USA and currently serves on its board. He also serves on the board of the Arthur Morgan Institute for Community Solutions. October 15, 2012, "Oil And Gas Industry Pushing U.S. Exports," www.forexpros.com/analysis/oil-and-gas-industry-pushing-u.s.-exports-139764

**Regardless of what the future level of natural gas production turns out to be, if U.S. domestic gas is made available on the global market, then American consumers will be forced to bid for it against the rest of the world**. Here's how that might look:¶ Processing plants cool natural gas to approximately -260 degrees F where it becomes a liquid. It is then loaded on liquefied natural gas (LNG) tankers which ship natural gas worldwide. Until recently, however, the United States was an importer of LNG. With the unlocking of vast deposits of shale gas, LNG import terminals have had little business. But one import terminal owner, Cheniere Energy Partners, L.P., has received approval to build an export terminal next to its import facilities. Many others hope to follow suit.¶ If the natural gas industry gets its way, all of us in the United States, Canada and Mexico **will pay the world price for natural gas. In Asia the price has bounced between $13 and $18 this year. In Europe the price has range between $8 and $12**. Both continents paid far more than $2 to $3 which those in North America have been paying this year. And, here's the key thing to remember: **It won't matter whether the United States produces enough natural gas to supply all its needs**. Once the North American gas market is linked to the worldwide LNG market, everyone in North America will be subject to the world price.¶ The United States is unlikely ever again to achieve oil production high enough to supply all its needs. The last time it did that was 1948. The EIA projects that the current miniboom in U.S. oil production will peak at 6.7 mbpd around 2020, and U.S. production will thereafter decline. **While natural gas production may rise for a time,** it's unlikely to rise enough to allow the country to substitute natural gas for oil in enough applications to make up for declining U.S. domestic oil production. In fact, if the skeptics are right, domestic natural gas production may never even completely cover domestic needs.

## 1NR

#### Will pass---bipartisan support and Obama push

Samay 2/21 Sahara is a reporter at Samay Live. “Obama is hoping to sign immigration reform bill,” 2013, Factiva

US President Barack Obama is encouraged by the progress made in the US Congress on comprehensive immigration reform and hoped that a bill in this regard would soon land up on his table for signature.¶ "As the (US) President has made clear, he is encouraged by and hopeful about the process underway in the Senate, the **bipartisan process** led by the so-called Gang of Eight (a group of eight Senators), towards achieving a comprehensive immigration reform bill that could pass the Senate -- and hopefully pass the House, and land on his desk for his signature," the White House Press Secretary Jay Carney told reporters here yesterday.¶ "He (Obama) prefers that option to any other, and he is very encouraged by the progress that's been made so far. He thought **his conversations** with Senate Democrats involved in this process last week **were very productive**, and he felt the same about his conversations with Senate Republicans yesterday," Carney said referring to the telephonic conversations the US President had with top three Republican lawmakers, a day earlier.¶ Responding to questions, Carney said there is not much disagreement among various parties when it comes to the need to pursue enhanced border security as part of comprehensive immigration reform.¶ "That's part of why it's called comprehensive. So we look forward, to continuing to work with Congress, work with the Senate as they pursue bipartisan comprehensive immigration reform legislation," he said.¶ Carney said that the prospects of success in this regard can be easily reflected from the comments of Republican Senator Mario Rubio."But we encourage the Senate to keep working because this is a significant priority. It's a priority that has in the past enjoyed broad bipartisan support, and that we believe is, once again, enjoying that kind of support," the White House Press Secretary said.

#### Reject their pessimism---prospects for passage are strong

Trinko 2/19 Katrina is a writer for the National Review. “Rubio Still Optimistic about Bipartisan Immigration Reform,” 2013, http://www.nationalreview.com/corner/341070/rubio-still-optimistic-about-bipartisan-immigration-reform-katrina-trinko

Despite the flurry of negative press coverage suggesting that immigration reform is in jeopardy, the Rubio team **remains optimistic that bipartisan legislation can pass**.¶ While Senate Republicans who aren’t part of the immigration Senate gang have been fairly quiet on the topic of immigration, Rubio’s team stresses that the legislation — which won’t be released until March — is not dead. “Private conservations have been very positive,” says Rubio press secretary Alex Conant of other Republican senators. “People are understandably waiting to see the legislation before they commit one way or the other.” But the White House immigration plan that was leaked this weekend didn’t help. “To the extent we’re trying to build a coalition of conservatives who will support this plan, conservatives are going to be less likely to want to support it if they think President Obama’s just going to pull the rug out from underneath us on it,” says Conant.

#### It’s top of the agenda and will pass---comes before guns and economy

Pimentel 2/15 Joseph is a writer at Asian Journal. “Proponents of comprehensive immigration reform hope for resolution in August,” 2013, http://www.asianjournal.com/community/community-news/19469-proponents-of-comprehensive-immigration-reform-hope-for-resolution-in-august.html

LOS ANGELES – Pro-immigration advocates are hopeful that the government will pass a comprehensive immigration reform (CIR) legislation by August, giving relief to the more than 11 million undocumented individuals in the United States.¶ During a New America Media national telebriefing: Tracking Immigration Reform in 2013 on Thursday, proponents of CIR believe this is the year – and have set August as its target date - that reform legislation has to pass or the issue may languish again.¶ “That is an ambitious timeline but I believe I think it’s one that is possible,” said Angela Kelley, vice president for Immigration Policy and Advocacy, Center for American Progress.¶ “Those of us who have been fighting for reform for all these years, it is one that we must push and frankly, demand. Time is not our friend. The closer you get to the end of the year, the harder it is to get (Senate and House of Representative) members to do anything,” Kelley added.¶ Comprehensive immigration reform has been a polarizing issue, mired in Washington politics for years with both sides unable to get anything done. This year it **appeared** CIR would once again take a backseat as other issues like gun control, and the economy have been placed on top.¶ Heading into his second term, President Barack Obama has placed immigration reform on top of his agenda -- doing a speech about the issue in Las Vegas and mentioning it again during his State of the Union address.¶ “We know what needs to be done,” said Obama during his state of the union speech. “As we speak, bipartisan groups in both chambers are working diligently to draft a bill, and I applaud their efforts. Now let’s get this done. Send me a comprehensive immigration reform bill in the next few months, and I will sign it right away.”¶ Obama is looking at his legacy and leading the charge on this issue, said Kelley.¶ Frank Sharry of America’s Voice, an immigration policy group, said unlike years past when Republicans and Democrats constantly butted heads over the issue, now “both parties have a political imperative to get comprehensive immigration reform passed the goal line.”

#### **It’s top of the docket**

Papich 2/6 Michael is a writer for The Pendulum. “**Immigration reform returns to** legislative forefront,” 2013, http://www.elonpendulum.com/2013/02/immigration-reform-returns-to-legislative-forefront/

Four years ago, it was the stimulus package and the health care bill. Now, it’s immigration reform. Recent proposals from the Senate and the president may make immigration reform the first big legislative push of Barack Obama’s next four years.¶ A bipartisan committee of eight senators put out a framework for an immigration reform bill Jan. 28. Among other things, the proposal includes a system to provide undocumented immigrants currently in the United States a way to obtain “probationary legal status” after completing a background check and paying various fines and taxes. To receive a green card, these individuals would complete mandatory English and civics courses, show a history of employment and undergo further background checks.

#### Push for CIR happening now

Seldin 2/6 Jeff is a writer for Voice of America. “Battle for US Immigration Reform Gathers Steam,” 2013, http://www.voanews.com/content/battle-for-us-immigration-reform-moves-on-ahead-of-state-of-the-union/1598101.html

U.S. President Barack Obama is expected to make immigration reform a priority in his State of the Union Address. But **already, talk of tackling this controversial issue is gaining momentum**.¶ There are an estimated 11-million illegal immigrants in the United States with more still hoping to cross the border.¶ Claudia Hernandez came here as a child, and like many in her situation, she feels she belongs in the U.S. ¶ "I have been here more than half of my life, and I respect the United States. This is my country," she said.¶ **Only days into his second term**, President **Obama began the push** for change.¶ "The time has come for common-sense, comprehensive immigration reform," he stated. "The time is now."¶ Already, Congress has begun to hold hearings.¶ And a bipartisan group of senators, including former Republican presidential candidate John McCain, is pushing ahead with a plan of its own.

#### It’s the top priority

Becker and Palmes 2/7 Bernie and Amie are writers @ The Hill. “Obama 'prepared, eager and anxious' for sequester fight with Republicans,” 2013, http://thehill.com/homenews/administration/281741-obama-prepared-eager-and-anxious-for-gop-in-sequester-fight

Obama also stressed that immigration reform would be a “top priority” and that he was heartened that both Republicans and Democrats were **already working hard on the issue.¶** “Now, is the time. I recognize that the politics aren’t always easy,” Obama said, adding that part of the country’s strength is “our history of attracting talent from all around the world.”

#### Obama has leverage now---he’ll get what he wants on immigration specifically

Goddard 2/21 Taegan is a politics expert and founder of The Political Wire. “It's actually the Republicans who are overreaching,” 2013, <http://theweek.com/article/index/240414/its-actually-the-republicans-who-are-overreaching>

I've argued before that President **Obama is not overreaching** on his ambitious second-term agenda because a severely divided Republican Party gives the president more flexibility that his re-election vote margin might otherwise allow.¶ And now, two new polls suggest it's the Republicans who are overreaching.¶ A USA Today/Pew Research poll finds President Obama "starts his second term with a clear upper hand over GOP leaders on issues from guns to immigration that are likely to dominate the year. On the legislation rated most urgent — cutting the budget deficit — even a majority of Republican voters endorse Obama's approach of seeking tax hikes as well as spending cuts."¶ Greg Sargent points out that on every one of the major issues facing Congress — with the exception of the proposed assault weapons ban — the GOP position is favored by roughly one-third or fewer Americans.¶ ¶ Meanwhile, a new Bloomberg poll finds President Obama enters the latest showdown with Congress with his **high**est **job approval** in three years while Republicans' popularity stands at **a record low**.¶ More from Bloomberg: "Obama's positive standing with the public provides him with political leverage as Americans assess blame for any furloughs, disruption of government services or damage to the economy if the spending cuts aren't averted."¶ The Republican Party is in an exceptionally weak position right now and President Obama is using it to his political advantage.

#### The plan’s controversial---makes Obama seem in bed with natural gas

Berman 12 Dan is a writer at Politico. “**When it comes to natural gas, Obama can’t win,”** 5/16, http://www.politico.com/news/stories/0512/76402.html

President Barack Obama talked up natural gas in his State of the Union address, his top aides have held dozens of meetings with natural gas industry leaders and his administration has given the industry what it wanted on two big regulatory issues.¶ What he’s gotten in return: **a giant headache.**¶ Industry backers have hammered away at virtually all of the White House’s rule-making efforts while pouring millions of dollars into campaigns fighting Obama’s reelection.¶ At the same time, environmentalists and even some Republicans have complained that natural gas is too cozy with the White House.¶ The gas industry’s had plenty of access. This year, the White House Office of Management and Budget held at least a dozen meetings on fracking with senior officials from companies like ExxonMobil, Anadarko and BP, as well as Republican congressional staffers, tribal leaders and industry lobby shops.¶ But the White House seems unable to decide how close it wants to be to the industry. Obama and Cabinet officials like Energy Secretary Steven Chu, Interior Secretary Ken Salazar and EPA chief Lisa Jackson consistently praise natural gas. And recent headlines have trumpeted the newfound closeness; Bloomberg, for instance, went with “Obama Warms to Energy Industry by Supporting Natural Gas” while National Journal chose: “White House’s Coziness With Big Oil Irks GOP.”¶ White House energy adviser Heather Zichal insisted Monday that the relationship isn’t that simple.¶ “It’s safe to say the notion that we rolled out the welcome mat or have this hunky-dory relationship where we’re all holding hands and singing ‘Kumbaya’ is not exactly where we’re at today,” Zichal said at an American Petroleum Institute event.¶ “What I can say is that we were in the middle of working on a number of regulations that directly impact the oil and gas industry,” she added. “There was no way for us to finalize a regulation that made sense without us actually engaging with the industry.”¶ The past several weeks have demonstrated the love-hate relationship with industry.¶ On April 13, Obama signed an executive order meant to coordinate the administration’s activities on natural gas and perhaps answer criticism that the administration is trying to end hydraulic fracturing. Industry lobbyists met that afternoon with Zichal.¶ The White House press office even blasted out a release quoting supportive statements from places like the American Petroleum Institute, Business Roundtable and Dow Chemical.¶ But when the EPA and Interior Department each rolled out their much-anticipated rules regarding fracking, they were hammered by the industry and its GOP allies. And when Sen. Jim Inhofe (R-Okla.) started a media blitz using a two-year-old video of a regional EPA administrator saying he wanted to “crucify” law-breaking oil and gas companies, some of the same groups that had praised the executive order called for the person to be fired (he stepped down within five days).¶ Making things worse for the White House, environmentalists who are happy the agencies were tackling fracking in the first place complained that the rules were watered down.¶ “I agree it seems like they’re trying to somehow make the industry happy, but we think that the White House absolutely should be holding the industry to a much higher standard,” said Amy Mall of the Natural Resources Defense Council. “We know the industry can operate with cleaner and safer methods.”

#### Empirics prove the plan’s controversial

Tom Barnes, Contributor, 12 [“Natural gas extraction tax debated in House,” Post-Gazette Harrisburg Bureau, March 29, http://www.post-gazette.com/stories/local/state/natural-gas-extraction-tax-debated-in-house-265999/?print=1]

HARRISBURG -- House **Democrats and Republicans wrangled** for five hours Tuesday **in a bitter partisan debate over** whether to enact a hefty new tax on extracting **natural gas** from Marcellus Shale, but the issue still has a long way to go.¶ Democrats favored the measure, called Senate Bill 1155, while Republicans were generally opposed. It would impose a severance tax of 39 cents per thousand cubic feet (MCF) of natural gas extracted from the vast areas of underground shale in Pennsylvania. It would generate $120 million this fiscal year, $326 million next year, $408 million in 2012 and $495 million in 2013.¶ But even the supporters said the bill was just "a first step," with difficult negotiations expected with the Republican-controlled Senate. Many senators favor a lower tax rate, like one in Arkansas, which has a 1.5 percent tax on the market value of the extracted gas for the first several years.¶ The rhetoric over the bill was loud from both sides. "It's unconscionable that these gas drillers don't pay a severance tax," said Rep. Greg Vitali, D-Delaware, adding that all other 24 states with Marcellus drilling have a tax.¶ "These [gas] people are making tons of money, billions in gross profits," he said. "They hired a former Pennsylvania governor for $900,000 [as a lobbyist]. They gave a [Republican] candidate for governor nearly $400,000. A rate of 39 cents per MCF is fair and reasonable. They can afford it."¶ Rep. Barbara McIlvaine Smith, D-Chester, said, "We are the only shale state without a shale tax. People must think we have a big S on our forehead -- for stupid."¶ Rep. Bryan Lentz, D-Delaware, added, "If this tax is defeated, the headlines will read 'Corporations Win, People Lose.' If you vote against this bill you are doing the bidding of the gas industry, which can and should pay its fair share."¶ Republicans strongly disagreed, claiming such a high tax will stifle the drilling industry as it gets going in the state, providing thousands of jobs and other types of taxes to the state and localities where drilling is going on.¶ GOP legislators also objected that the bill was unconstitutional, because House Democrats on Monday had taken a measure on a different subject, which the Senate had already passed, and added totally new tax language to it. Republicans said that legally, revenue-raising bills must start in the House, not the Senate.¶ Republicans also objected that the rewritten bill provides $97 million -- 80 percent of the $120 million expected from the tax in the first year -- to fill a state budget hole, rather than helping replenish the nearly bankrupt Environmental Stewardship Fund, which protects farmland and open space.¶ "People are fed up with higher taxes," Rep. Scott Hutchinson, R-Venango said. "There's a firestorm sweeping across the nation and state. People don't want us to use this money to feed the Leviathan called state government."¶ "To come in with the highest tax rate in the country is unbelievable," said Rep. Daryl Metcalfe, R-Cranberry. "It will kill jobs in Pennsylvania."¶ Rep. Matt Baker, R-Tioga, said, "Like sharks in a feeding frenzy, big state government preys on drillers and landowners. It will impede job creation. This is the wrong way to go. It's a monumental tax, the largest in the whole country."¶ Rep. Dan Frankel, D-Squirrel Hill, insisted that contrary to what opponents said, states like Wyoming, Oklahoma, New Mexico and Montana have higher gas taxes than what this bill contains.¶ Other Democrats said that while the 39 cents per MCF may be the highest rate in the country, other taxes on drillers in Pennsylvania, such as income and property taxes, are lower, so the overall tax isn't the highest in the U.S.¶ Initially, 60 percent of the shale-tax revenue was to go to the state general fund and 40 percent was to be split several ways, including going to county and local governments, environmental improvements and the hazardous sites cleanup fund. But under an amendment by Rep. Kate Harper, R-Montgomery, that passed Tuesday night, those percentages were reversed, with 40 percent going to the state. She said the original version of the bill didn't provide enough for local government or the Environmental Stewardship Fund in the first year.¶ Everyone agreed that the bill is far from the final word on the subject of a shale gas tax. Erik Arneson, an aide to Senate Republican leader Dominic Pileggi, said the 39 cents per MCF "is not an approach that would win majority support in the Senate."¶ But Democrats said Tuesday night's affirmative vote on the amendment at least keeps the process moving forward, with upcoming talks aimed at producing a bill that can pass both chambers and be signed by Gov. Ed Rendell before legislators go home in mid-October.

#### The natty gas lobby’s ridiculously weak

Overby 11/23 Peter is an NPR reporter. “With Little Clout, Natural Gas Lobby Strikes Out,” 2012, http://www.vpr.net/npr/113138252/

There is almost a century's worth of natural gas in shale rock formations all over the country, enough to make a significant change in the debate about America's energy future. But as Congress moves toward writing a new national energy policy, **natural-gas lobbyists have been mostly missing in action.** "Natural gas is the cleanest of the fossil fuels," says Christopher Flavin, president of the Worldwatch Institute, a think tank that does environmental research. "I think nobody's ever argued that. The big thing, of course, that's changed is that shale gas has now opened up as this enormous resource." Natural gas emits half the carbon of coal. Flavin and some other top environmentalists want Congress to embrace natural gas as a transition fuel, to move the country away from coal and toward clean fuels that haven't yet come on the market. A Changing Landscape? "I'm actually hopeful that we will see a change in the whole landscape of the politics around natural gas as a result," Flavin says. But the change hasn't come yet on Capitol Hill. When the House passed its climate-change bill in June, the big winner was coal. The measure — called Waxman-Markey for its two lead sponsors, Reps. Henry Waxman (D-CA) and Edward Markey (D-MA) — would give electric utilities longer deadlines to keep burning coal, and would commit millions of federal dollars to research new technologies that would reduce coal's carbon emissions. Waxman-Markey had no such incentives for natural gas, and those in the industry are frustrated. That's because about a century's worth of natural gas is available in shale formations all over the country. "I know I had many conversations with representatives, trying to tell the natural gas story," says Steven Malcolm, CEO of Williams Companies, a big independent producer of natural gas. "I don't know why we didn't fare better. I heard one representative say **there wasn't a critical mass of natural gas represented."** Soon after Waxman-Markey passed, leaders of the natural gas industry met at an annual conference in Denver — where former Sen. Tim Wirth chewed them out. Wirth used to represent Colorado and has long been an advocate of natural gas. Since 1998, he has been president of the United Nations Foundation, a nonprofit organization that works on climate change. Wirth told the industry leaders that on Waxman-Markey, they blew it. "Every industry was deeply engaged, except one: Yours," he said. "The natural gas industry, the industry with the most to gain and the most to offer, was not at the bargaining table." It's an especially harsh verdict because the Waxman-Markey bill was drafted only after high-profile negotiations with proponents of coal, nuclear, oil, wind, solar and other energy sources. What Kept Natural Gas Out? Three things kept natural gas away from that table. First of all: politics. The industry likes Republicans and historically has funneled most of its campaign contributions to the GOP. But now, of course, it's the Democrats who control Congress. The second problem: The natural gas industry has a lot of global-warming skeptics. Fred Julander, president of Julander Energy Co. in Denver, isn't one of them, but he understands their perspective. "They want to be honest brokers," Julander says. "They don't want to take advantage of something they don't believe in, even if it improves their bottom line if it's based on a falsehood — which is, I mean, is in some ways commendable, but in some ways is short-sighted." And the industry's third problem is size. It's made up mostly of medium to **small companies** that can't compete on Capitol Hill.

#### Previous immigration reform pushes failed because Obama spent too much PC on other issues and couldn’t arm-twist the GOP effectively---their ev doesn’t account for the GOP’s natural tendency toward intransigence which makes PC true in the context of immigration

Earl Ofari Hutchinson 2-1, author and political analyst, associate editor of New America Media, host of the weekly Hutchinson Report on KPFK-Radio and the Pacifica Network, and KTYM Radio Los Angeles, 2/1/13, “No Risk for President Obama in Immigration Reform Fight,” http://www.huffingtonpost.com/earl-ofari-hutchinson/no-risk-for-obama\_b\_2591792.html

But Obama even as his popularity numbers slightly fell among Latinos did not totally ignore the issue. He lashed the GOP for torpedoing comprehensive immigration reform legislation in Congress on the two occasions when it appeared that an immigration bill might be reintroduced.

Obama was not to blame that this didn't happen. The crushing problems and bruising fights over deficit reduction, spending, health care reform, coupled with high soaring gas prices and the jobless crisis were endless and time consuming. The fights required every bit of his political capital and arm twisting to make any headway against an obstructionist, intransigent and petty GOP determined to make him pay a steep political price for every inch of legislative ground he sought to gain.

The 2012 election changed only one thing with the GOP. That was its in your face, xenophobic rants against illegals supposedly stealing jobs from Americans and breaking the law. GOP leaders had no choice but to tamp down their saber rattle immigration rhetoric for the simple fact that Latino voters punished the party mightily in 2012 for that rhetoric, and sent an even stronger signal that it would continue to punish the GOP if it didn't change at least its tone on immigration. The 2012 election changed one other thing. It gave Obama the long sought and awaited opening he needed to go full throttle on immigration reform.

The election result was not the only strong point for Obama on reform. In 2007, then President George W. Bush was widely and unfairly blamed for making a mess of the immigration reform fight in Congress by not pushing hard enough for passage of the bill. Immigrant rights groups lambasted Republican senators for piling crippling demands for tight amnesty, citizenship and border security provisions in the bill. Leading Republican presidential contenders didn't help matters by flatly opposing the bill as much too soft on amnesty and border enforcement.

This did much to kill whatever flickering hope there was for the bill's passage. This undid the inroads that Bush made in the 2000 and 2004 presidential elections when he scored big with Latino voters. A big part of that then was due to the perception (and reality) that Bush would push hard for immigration reform. But the GOP didn't learn a thing from this. It was almost as if Bush's Latino vote ramp up was an aberration. The GOP's metallic ear on immigration culminated in the idiotic quip from GOP presidential loser Mitt Romney that the best way to solve the immigration crisis was for undocumented workers to "self-deport."

Obama's battle for the Latino vote in 2012 was never intended to head off any mass defection of Latino voters to the GOP. There was never any chance of that. The polls that showed Latinos less than enthusiastic about Obama also showed absolutely no enthusiasm for any GOP would-be presidential candidate, let alone that there would be a massive vote for GOP candidates.

Still, Obama's frontal challenge to the GOP to do something about immigration reform is not only a long overdue move to right a long simmering policy wrong, but a move that if handled right can do much to shove the wrenching issue of what to do about the nation's millions that are here without papers, and are here to stay, off the nation's political table. There's absolutely no risk, only gain, for Obama in taking the point on immigration reform to try and make that happen.

#### Hirsh’s point is that PC’s not key because some GOP Senators want immigration after losing the Latino vote, and leaders like Jindal calling for it

Hirsh 2/7 Michael, chief correspondent for National Journal, previously served as the senior editor and national economics correspondent for Newsweek, has appeared many times as a commentator on Fox News, CNN, MSNBC, and National Public Radio, has written for the Associated Press, The New York Times, The Washington Post, Foreign Affairs, Harper’s, and Washington Monthly, and authored two books, "There's No Such Thing as Political Capital", 2013, [www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)

Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all.

#### That thesis is wrong---GOP members of Congress win elections by bashing immigrants, even if national politicians can’t do it---they have to be dragged kicking and screaming---clearly makes PC key

Robert Mann 1-28, holds the Manship Chair at the Manship School of Mass Communication at Louisiana State University and is director of the school’s Reilly Center for Media & Public Affairs, 1/28/13, “The GOP and Latinos: Will immigration reform change their relationship? Not likely,” http://bobmannblog.com/2013/01/28/the-gop-and-latinos-will-immigration-reform-change-their-relationship-not-likely/

Having lost the popular vote in five of the last six presidential elections, some Republican leaders in Congress have finally decided to tack a different course this week by throwing their support behind major immigration reform.

To put it another way, they’ve discovered that attacking large swaths of the American public as lazy moochers is not the best way to win back the White House.

As Louisiana Gov. Bobby Jindal famously told Republican leaders in Charlotte last week, “We must compete for every single vote. The 47 percent and the 53 percent. And any other combination of numbers that adds up to 100 percent.”

In a bit of unintended humor (isn’t that the only way Jindal is ever funny?), the Republican governor also asserted, “President Barack Obama and the Democrats can continue trying to divide America into groups of warring communities with competing interests, but we will have none of it. We are going after every vote as we work to unite all Americans.”

Now, should the GOP adopt this philosophy that would be a major change. But don’t be surprised if many party regulars ignore Jindal and continue to attack the poor, immigrants and minorities.

Truth is, it’s still the way that too many Republican members of Congress win elections. Perhaps attacking the poor no longer works in presidential races, but it’s still a very effective strategy in some local and state politics in many places around the country.

#### GOP support for immigration reform is shallow---even if they support some action, real reform requires PC---new fights over unrelated issues could change their minds and cause them to block it despite the political consequences of pissing off Latinos

Chris Weigant 1-23, Political writer and blogger at ChrisWeigant.com, 1/23/12, “Handicapping Obama's Second Term Agenda,” http://www.huffingtonpost.com/chris-weigant/obama-second-term\_b\_2537802.html

The second big agenda item is immigration reform. President Obama holds virtually all the cards, politically, on this one. All Republicans who can read either demographics or polling numbers know full well that this may be their party's last chance not to go the way of the Whigs. Their support among Latinos is dismal, and even that's putting it politely. Some Republicans think they have come up with a perfect solution on how to defuse the issue, but they are going to be proven sadly mistaken in the end, I believe. The Republican plan will be announced by Senator Marco Rubio at some point, and it will seem to mirror the Democratic plan -- with one key difference. Republicans -- even the ones who know their party has to do something on the immigration problem -- are balking at including a "path to citizenship" for the 11 million undocumented immigrants who are already in America.

The Republicans are trying to have their cake and eat it too -- and it's not going to work. "Sure," they say, "we'll give some sort of papers to these folks, let them stay, and even let them work... but there's no need to give them the hope of ever becoming a full citizen." This just isn't going to be good enough, though. There are essentially two things citizens can do which green card holders cannot: serve on juries, and vote. The Republicans are not worried about tainted juries, in case that's not clear enough.

Republicans will bend over backwards in an effort to convince Latinos that their proposal will work out just fine for everyone. Latinos, however, aren't stupid. They know that being denied any path to citizenship equals an effort to minimize their voice on the national political stage. Which is why, as I said, Obama holds all the cards in this fight. Because this is the one issue in his agenda which Republicans also have a big vested interest in making happen. Obama and the Democrats will, I believe, hold firm on their insistence on a path to citizenship, and I think a comprehensive immigration bill will likely pass some time this year, perhaps before the summer congressional break. The path to citizenship it includes will be long, expensive and difficult (Republicans will insist on at least that), but it will be there.

On gun control, I think Obama will win a partial victory. On immigration, I think he will win an almost-total victory. On global warming, however, he's going to be disappointed. In fact, I doubt -- no matter how much "bully pulpiting" Obama does -- that any bill will even appear out of a committee in either house of Congress. This will be seen as Obama's "overreach" -- a bridge too far for the current political climate. Anyone expecting big legislative action on global warming is very likely going to be massively disappointed, to put it quite bluntly. In fact, Obama will signal this in the next few months, as he approves the Keystone XL pipeline -- much to the dismay of a lot of his supporters.

Of course, I could be wrong about any or all of these predictions. I have no special knowledge of how things will work out in Congress in the immediate future. I'm merely making educated guesses about what Obama will be able to achieve in at least the first few years of his second term. Obama has a lot of political capital right now, but that could easily change soon. The House Republicans seem almost demoralized right now, and Obama has successfully splintered them and called their bluff on two big issues already -- but they could regroup and decide to block everything the White House wants, and damn the political consequences. Unseen issues will pop up both on the domestic and foreign policy stages, as they always do. But, for now, this is my take on how the next few years are going to play out in Washington. Time will tell whether I've been too optimistic or too pessimistic on any or all of Obama's main agenda items. We'll just have to wait and see.

# Round 8 V. Wayne LM

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#### Energy production is electricity creation

Vaekstfonden 6 Vaekstfonden is a Danish government backed investment fund that facilitates the supply of venture capital in terms of start-up equity and high-risk loans "THE ENERGY INDUSTRY IN DENMARK- perspectives on entrepreneurship andventure capital" No Specific Cited, Latest Data From 2006 s3.amazonaws.com/zanran\_storage/www.siliconvalley.um.dk/ContentPages/43667201.pdf

In all, 20 industry experts were interviewed about the composition and dynamics of the Danish energy sector. Insights from a minimum of 3 industry experts have been assigned to each of the stages in the value chain. Following is a brief description of what the different stages encompass.

Raw material extraction

This stage encompass the process before the actual production of the energy. As an example it is increasingly expensive to locate and extract oil from the North Sea. Likewise coal, gas and waste suitable for energy production can be costly to provide.

Energy production

Energy production encompasses the process, where energy sources are transformed into heat and power.Transmission and distribution

Energy transmission and distribution is in this report defined as the infrastructure that enables the producers of energy to sell energy to consumers.

Consumption

The last stage in the value chain is consumption. This stage encompasses products and services that geographically are placed near the consumers. As an example, decentralized energy production via solar power systems is part of the consumption stage.

#### First, a limited topic of discussion that provides for equitable ground is key to productive inculcation of decision-making and advocacy skills in every and all facets of life---even if their position is contestable that’s distinct from it being valuably debatable---this still provides room for flexibility, creativity, and innovation, but targets the discussion to avoid mere statements of fact---T debates also solve any possible turn

Steinberg & Freeley 8 \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Second, discussion of specific policy-questions is crucial for skills development---we control uniqueness: university students already have preconceived and ideological notions about how the world operates---government policy discussion is vital to force engagement with and resolution of competing perspectives to improve social outcomes, however those outcomes may be defined---and, it breaks out of traditional pedagogical frameworks by positing students as agents of decision-making

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These government or quasi-government think tank simulations often provide very similar lessons for high-level players as are learned by students in educational simulations. Government participants learn about the importance of understanding foreign perspectives, the need to practice internal coordination, and the necessity to compromise and coordinate with other governments in negotiations and crises. During the Cold War, political scientist Robert Mandel noted how crisis exercises and war games forced government officials to overcome ‘‘bureaucratic myopia,’’ moving beyond their normal organizational roles and thinking more creatively about how others might react in a crisis or conflict.6 The skills of imagination and the subsequent ability to predict foreign interests and reactions remain critical for real-world foreign policy makers. For example, simulations of the Iranian nuclear crisis\*held in 2009 and 2010 at the Brookings Institution’s Saban Center and at Harvard University’s Belfer Center, and involving former US senior officials and regional experts\*highlighted the dangers of misunderstanding foreign governments’ preferences and misinterpreting their subsequent behavior. In both simulations, the primary criticism of the US negotiating team lay in a failure to predict accurately how other states, both allies and adversaries, would behave in response to US policy initiatives.7

By university age, students often have a pre-defined view of international affairs, and the literature on simulations in education has long emphasized how such exercises force students to challenge their assumptions about how other governments behave and how their own government works.8 Since simulations became more common as a teaching tool in the late 1950s, educational literature has expounded on their benefits, from encouraging engagement by breaking from the typical lecture format, to improving communication skills, to promoting teamwork.9 More broadly, simulations can deepen understanding by asking students to link fact and theory, providing a context for facts while bringing theory into the realm of practice.10 These exercises are particularly valuable in teaching international affairs for many of the same reasons they are useful for policy makers: they force participants to ‘‘grapple with the issues arising from a world in flux.’’11 Simulations have been used successfully to teach students about such disparate topics as European politics, the Kashmir crisis, and US response to the mass killings in Darfur.12 Role-playing exercises certainly encourage students to learn political and technical facts\* but they learn them in a more active style. Rather than sitting in a classroom and merely receiving knowledge, students actively research ‘‘their’’ government’s positions and actively argue, brief, and negotiate with others.13 Facts can change quickly; simulations teach students how to contextualize and act on information.14

#### Effective decision-making outweighs---

#### Key to social improvements in every and all facets of life

Steinberg & Freeley 8 \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp9-10

If we assume it to be possible without recourse to violence to reach agreement on all the problems implied in the employment of the idea of justice we are granting the possibility of formulating an ideal of man and society, valid for all beings endowed with reason and accepted by what we have called elsewhere the universal audience.14

I think that the only discursive methods available to us stem from techniques that are not demonstrative—that is, conclusive and rational in the narrow sense of the term—but from argumentative techniques which are not conclusive but which may tend to demonstrate the reasonable character of the conceptions put forward. It is this recourse to the rational and reasonable for the realization of the ideal of universal communion that characterizes the age-long endeavor of all philosophies in their aspiration for a city of man in which violence may progressively give way to wisdom.13

Whenever an individual controls the dimensions of" a problem, he or she can solve the problem through a personal decision. For example, if the problem is whether to go to the basketball game tonight, if tickets are not too expensive and if transportation is available, the decision can be made individually. But if a friend's car is needed to get to the game, then that person's decision to furnish the transportation must be obtained.

Complex problems, too, are subject to individual decision making. American business offers many examples of small companies that grew into major corporations while still under the individual control of the founder. Some computer companies that began in the 1970s as one-person operations burgeoned into multimillion-dollar corporations with the original inventor still making all the major decisions. And some of the multibillion-dollar leveraged buyouts of the 1980s were put together by daring—some would say greedy—financiers who made the day-to-day and even hour-to-hour decisions individually.

When President George H. W. Bush launched Operation Desert Storm, when President Bill Clinton sent troops into Somalia and Haiti and authorized Operation Desert Fox, and when President George W. Bush authorized Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, they each used different methods of decision making, but in each case the ultimate decision was an individual one. In fact, many government decisions can be made only by the president. As Walter Lippmann pointed out, debate is the only satisfactory way the exact issues can be decided:

A president, whoever he is, has to find a way of understanding the novel and changing issues which he must, under the Constitution, decide. Broadly speaking ... the president has two ways of making up his mind. The one is to turn to his subordinates—to his chiefs of staff and his cabinet officers and undersecretaries and the like—and to direct them to argue out the issues and to bring him an agreed decision…

The other way is to sit like a judge at a hearing where the issues to be decided are debated. After he has heard the debate, after he has examined the evidence, after he has heard the debaters cross-examine one another, after he has questioned them himself he makes his decision…

It is a much harder method in that it subjects the president to the stress of feeling the full impact of conflicting views, and then to the strain of making his decision, fully aware of how momentous it Is. But there is no other satisfactory way by which momentous and complex issues can be decided.16

John F. Kennedy used Cabinet sessions and National Security Council meetings to provide debate to illuminate diverse points of view, expose errors, and challenge assumptions before he reached decisions.17 As he gained experience in office, he placed greater emphasis on debate. One historian points out: "One reason for the difference between the Bay of Pigs and the missile crisis was that [the Bay of Pig\*] fiasco instructed Kennedy in the importance of uninhibited debate in advance of major decision."18 All presidents, to varying degrees, encourage debate among their advisors.

We may never be called on to render the final decision on great issues of national policy, but we are constantly concerned with decisions important to ourselves for which debate can be applied in similar ways. That is, this debate may take place in our minds as we weigh the pros and cons of the problem, or we may arrange for others to debate the problem for us. Because we all are increasingly involved in the decisions of the campus, community, and society in general, it is in our intelligent self-interest to reach these decisions through reasoned debate.

#### Only portable skill---means our framework turns case

Steinberg & Freeley 8 \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp9-10

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.

Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. Each of these\* situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions.

Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making homes from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations.

We all make many decisions even- day. To refinance or sell one's home, to buy a high-performance SUV or an economical hybrid car. what major to select, what to have for dinner, what candidate CO vote for. paper or plastic, all present lis with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration?

Is the defendant guilty as accused? Tlie Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, TIMI: magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople. academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?

The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates.

Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized.

Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others.

Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

#### Effective deliberation is the lynchpin of solving all existential global problems

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, **debate builds capacity for critical thinking**, analysis of public claims, **informed decision making**, and **better public judgment**. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a **puzzling solution, at best, to argue that these conditions warrant giving up on debate**. If democracy is open to rearticulation, it is open to rearticulation precisely because **as the challenges of modern political life proliferate, the citizenry's capacities can change**, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it **builds precisely the skills that allow the citizenry to research and be informed** about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of **problem-solving skills** demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology **for enhancing democratic deliberative capacities**. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a **crucial component of a rich and vital democratic life**. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of **meaningful political engagement** and **new articulations of democratic life.**

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to **produce revisions of democratic life** that are **necessary if democracy is not only to survive, but to thrive**. Democracy faces a myriad of challenges, including: domestic and international **issues of class, gender, and racial justice**; wholesale **environmental destruction** and the potential for **rapid climate change**; emerging **threats to international stability** in the form of terrorism, intervention and new possibilities for great power conflict; and increasing **challenges of rapid globalization** including an increasingly volatile global economic structure. More than any specific policy or proposal, an **informed and active citizenry that deliberates with greater skill** and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the **existential challenges** to democracy [in an] increasingly complex world.

#### Productive agonism requires rules and constraints to measure the performance of contestants---simply throwing out the topic destroys the agon and is more founded in slave morality than our framework---only contestation based on respect for the institution that makes competition possible, i.e. the topic, creates good relationships between competitors and value to life---excluding their affirmative is the foundation of good agonism

Christa Davis Acampora 2, Professor of Philosophy at Hunter College of the City University of New York, Fall 2002, “Of Dangerous Games and Dastardly Deeds,” International Studies in Philosophy, Vol. 34, No. 3

The agonistic game is organized around the test of a specific quality the persons involved possess. When two runners compete, the quality tested is typically speed or endurance; when artists compete, it is creativity; craftsmen test their skills, etc.. The contest has a specific set of rules and criteria for determining (i.e., measuring) which person has excelled above the others in the relevant way. What is tested is a quality the individual competitors themselves possess; and external assistance is not permitted. (This is not to say that agonistic games occur only between individuals and that there can be no cooperative aspects of agonistic engagement. Clearly individuals can assert themselves and strive against other individuals within the context of a team competition, but groups can also work collectively to engage other groups agonistically. In those cases what is tested is the collective might, creativity, endurance, or organizational ability of the participating groups.) Ideally, agonistic endeavors draw out of the competitors the best performance of which they are capable. Although agonistic competition is sometimes viewed as a "zero-sum game," in which the winner takes all, in the cases that Nietzsche highlights as particularly productive agonistic institutions, all who participate are enhanced by their competition. Winning must be a significant goal of participation in agonistic contests, but it would seem that winning might be only one, and not necessarily the most important one, among many reasons to participate in such a competition. In his later writings, Nietzsche appears to be interested in thinking about how the structures of contests or struggles can facilitate different possibilities for competing well within them. In other words, he questions whether the structure of the game might limit the way in which one might be able to compete. His study of slavish morality illuminates well that concern. II. Dastardly Deeds The so-called "Good Eris," described in "Homer's Contest," supposedly allowed the unavoidable urge to strive for preeminence to find expression in perpetual competition in ancient Greek culture. In On the Genealogy of Morals, Nietzsche seeks to critique Christianity for advocating a kind of altruism, or selflessness, that is essentially self-destructive, and for perverting the urge to struggle by transforming it into a desire for annihilation. Read in light of "Homer's Contest," Nietzsche's Genealogy enables us to better grasp his conception of the value of contest as a possible arena for the revaluation of values, and it advances an understanding of the distinctions Nietzsche draws between creative and destructive forms of contest and modes of competing within them. Nietzsche's On the Genealogy of Morals, a Streitschrift—a polemic, a writing that aims to provoke a certain kind of fighting—portrays a battle between "the two opposing values 'good and bad,' 'good and evil'." Nietzsche depicts slavish morality as that which condemns as evil what perpetuates the agon—namely, self-interest, jealousy, and the desire to legislate values— but rather than killing off the desire to struggle, slavish morality manipulates and redirects it. Prevention of struggle is considered by Nietzsche to be hostile to life: an "order thought of as sovereign and universal, not as a means in the struggle between power-complexes but as a means of preventing all struggle in general—... would be a principle hostile to life, an agent of the dissolution and destruction of man, an attempt to assassinate the future of man, a sign of weariness, a secret path to nothingness" (GM II:11). "The 'evolution' of a thing, a custom, an organ is [...] a succession of [...] more or less mutually independent processes of subduing, plus the resistances they encounter, the attempts at transformation for the purpose of defense and reaction, and the results of successful counteractions"(GM II:12). For Nietzsche, human beings, like nations, acquire their identity in their histories of struggles, accomplishments, and moments of resistance. The complete cessation of strife, for Nietzsche, robs a being of its activity, of its life. In the second essay of the Genealogy, Nietzsche identifies the notion of conscience, which demands a kind of self-mortification, as an example of the kind of contest slavish morality seeks: "Hostility, cruelty, joy in persecuting, in attacking, in change, in destruction—all this turned against the possessors of such instinct: that is the origin of the 'bad conscience'" (GM II:16). Denied all enemies and resistances, finding nothing and no one with whom to struggle except himself, the man of bad conscience: impatiently lacerated, persecuted, gnawed at, assaulted, and maltreated himself; this animal that rubbed itself raw against the bars of its cage as one tried to 'tame' it; this deprived creature... had to turn himself into an adventure, a torture chamber, an uncertain and dangerous wilderness — this fool, this yearning and desperate prisoner became the inventor of the 'bad conscience.' But thus began the gravest and uncanniest illness... a declaration of war against the old instincts upon which his strength, joy, and terribleness had reached hitherto (GM II:16). Bad conscience functions in slavish morality as a means of self-flagellation, as a way to vent the desire to hurt others once external expressions of opposition are inhibited and forbidden. "Guilt before God: this thought becomes an instrument of torture to him" (GM II:22). In that case, self-worth depends upon the ability to injure and harm oneself, to apply the payment of selfmaltreatment to one's irreconcilable account with God. It is the effort expended in one's attempt to make the impossible repayment that determines one's worth. xi The genuine struggle, that which truly determines value for the ascetic ideal is one in which one destructively opposes oneself—one's value increases as one succeeds in annihilating oneself. Slavish morality is still driven by contest, but the mode of this contest is destructive. It mistakes self-inflicted suffering as a sign of strength. The ascetic ideal celebrates cruelty and torture—it revels in and sanctifies its own pain. It is a discord that wants to be discordant, that enjoys itself in this suffering and even grows more self-confident and triumphant the more its own presupposition, its physiological capacity for life decreases. 'Triumph in the ultimate agony': the ascetic ideal has always fought under this hyperbolic sign; in this enigma of seduction, in this image of torment and delight, it recognized its brightest light, its salvation, its ultimate victory (GM III:28). Slavish morality, particularly in the form of Pauline Christianity, redirects the competitive drive and whips into submission all outward expressions of strife by cultivating the desire to be "good" xii in which case being good amounts abandoning, as Nietzsche portrays it, both the structure of the contests he admired in "Homer's Contest" and the productive ways of competing within them. It does not merely redirect the goal of the contest (e.g., struggling for the glory of Christ rather than competing for the glory of Athens), rather how one competes well is also transformed (e.g., the "good fight" is conceived as tapping divine power to destroy worldly strongholds xiii rather than excelling them). In other words, the ethos of contest, the ethos of the agon is transformed in slavish morality. Xiv III. Dangerous Games Moralities effect contests in two ways: 1) they articulate a structure through which the meaning of human being (e.g., excellence, goodness, etc.) can be created and meted out, and 2) they simultaneously cultivate a commitment to a certain way of competing within those structures. By cultivating not only a desire to win but a desire to compete well (which includes respect for one's competitor and the institutions that sets forth the terms of the engagement), xv we can establish a culture capable of deriving our standards of excellence internally and of renewing and revaluing those standards according to changes in needs and interests of our communities. This is the legacy that Nietzsche strives to articulate in his "Homer's Contest," one that he intends his so-called "new nobility" to claim. If the life of slavish morality is characterized by actions of annihilation and cruelty, Nietzsche's alternative form of valuation is marked by its activity of surmounting what opposes, of overcoming opposition by rising above (erheben) what resists, of striving continually to rise above the form of life it has lived. As a form of spiritualized striving, self-overcoming, must, like Christian agony, be selfdirected; its aim is primarily resistance to and within oneself, but the agony—that is, the structure of that kind of painful struggle—differs both in how it orients its opposition and in how it pursues its goals . Self-overcoming does not aim at self-destruction but rather at selfexhaustion and self-surpassing. It strives not for annihilation but for transformation, and the method of doing so is the one most productive in the external contests of the ancient Greeks: the act of rising above. Self-overcoming asks us to seek hostility and enmity as effective means for summoning our powers of development. Others who pose as resistances, who challenge and test our strength, are to be earnestly sought and revered. That kind of reverence, Nietzsche claims, is what makes possible genuine relationships that enhance our lives. Such admiration and cultivation of opposition serve as "a bridge to love" (GM I:10) because they present a person with the opportunity to actively distinguish himself, to experience the joy and satisfaction that comes with what Nietzsche describes as "becoming what one is." xvi This, Nietzsche suggests, is what makes life worth living—it is what permits us to realize a certain human freedom to be active participants in shaping our own lives. xvii Agonists, in the sense that Nietzsche has in mind, do not strive to win at all costs. Were that their chief or even highly prominent goal we would expect to see even the best contestants hiding from their serious challengers to their superiority or much more frequently resorting to cheating in order to win. Rather, agonists strive to claim maximal meaning for their actions. (That's the good of winning.) They want to perform in a superior manner, one that they certainly hope will excel that of their opponent. In other words, the best contestants have a foremost commitment to excellence, a disposition that includes being mindful of the structure through which their action might have any meaning at all—the rules of the contest or game.xviii What makes this contest dangerous? xix To be engaged in the process of overcoming, as Nietzsche describes it, is to be willing to risk oneself, to be willing to risk what one has been— the meaning of what one is—in the process of creating and realizing a possible future. The outcome is not guaranteed, that a satisfactory or "better" set of meanings and values will result is not certain. And when the contest is one in which rights to authority are in play, even the Nietzschean contest always runs the risk of supporting tyranny—of supplying the means by which the tyrannical takes its hold. Nietzsche is, of course, mindful of this danger, which is why in his account of the Greek agon he finds it important to discuss the alleged origin of ostracism as the mechanism for preserving the openness of contest. xx Nietzsche claims agonistic institutions contribute to the health of individuals and the culture in which these institutions are organized because agon provides the means for attaining personal distinction and for creating shared goals and interests. Pursuit of this activity, Nietzsche claims, is meaningful freedom. Late in his career, Nietzsche writes, "How is freedom measured in individuals and peoples? According to the resistance which must be overcome, according to the exertion required, to remain to top. The highest type of free men should be sought where the highest resistance is constantly overcome: five steps from tyranny, close to the threshold of the danger of servitude" (TI, "Skirmishes," 38). Nietzsche believes that it is only when our strength is tested that it will develop. Later in the passage just cited, Nietzsche continues, "Danger alone acquaints us with our own resources, our virtues, our armor and weapons, our spirit, and forces us to be strong. First principle: one must need to strong—otherwise one will never become strong" (TI, "Skirmishes," 38). Nietzsche takes upon himself, in his own writing, the task of making these kinds of challenges for his readers. Nietzsche's critiques of liberal institutions, democracy, feminism, and socialism should be read in the context of his conception of human freedom and the goal he takes for himself as a kind of liberator. Read thus, we could very well come to see the relevance of agonistic engagement as a means of pursuing a kind of democracy viewed not as a static preservation of some artificial and stultifying sense of equality, but as a process of pursuing meaningful liberty, mutual striving together in pursuit of freedom conceived not as freedom from the claims of each other but as the freedom of engagement in the process of creating ourselves. xxi IV. A Nietzschean ethos of agonism In a recent essay, Dana R. Villa examines the general thrust of arguments of those advocating agonistic politics. These "contemporary agonists," xxii he claims, largely look to Nietzsche and Foucault (cast as Nietzsche's heir, at least with regard to his conception of power and contest) for inspiration as they make their "battle cry of 'incessant contestation'," which is supposed to create the space a radical democratic politics. These theorists, remind us that the public sphere is as much a stage for conflict and expression as it is a set of procedures or institutions designed to preserve peace, promote fairness, or achieve consensus. They also (contra Rawls) insist that politics and culture form a continuum, where ultimate values are always already in play; where the content of basic rights and the purposes of political association are not the objects of a frictionless 'overlapping consensus' but are contested every day in a dizzying array of venues. xxiii Villa would commend them for this reminder, but he claims that "recent formulations of an agonistic politics […] have tended to celebrate conflict, and individual and group expression, a bit too unselectively". xxiv He argues that "Nietzsche-inspired" agonists would do better to look to Arendt's conception of the agon and its place in political life for pursuing democratic aims, because she stipulates "that action and contestation must be informed by both judgment and a sense of the public if they are to be praiseworthy. The mere expression of energy in the form of political commitment fails to impress her." "'Incessant contestation,' like Foucauldian 'resistance,' is essentially reactive." What such a politics boils down to is "merely fighting"; so conceived, "politics is simply conflict". xxv Placing the expression of energies of the individual, multiplicities of selves, or groups at the center of an agonistic politics that lacks some aim beyond just fighting does not advance the aims of democracy. Without specifying an agonistic ethos that crafts a sense of "care for the world—a care for the public realm," politics as the socalled "contemporary agonists" conceive it cannot be liberatory. Arendt, Villa argues, supplies such an ethos in a way that Nietzsche does not. My goal here has been to argue that Nietzsche does supply us with an agonistic ethos, that despite the fact that the advocates of "incessant contestation" might fail to distinguish agonistic conflict from "mere fighting" or "simply conflict" Nietzsche does. My aim is more than mere point-scoring. I am not interested in supporting a case that Nietzsche's views are better than Arendt's. I do think Nietzsche's work offers conceptual resources useful for amplifying and clarifying agonistic theories that are pervasive in numerous fields, including political science, moral psychology, and literary criticism. If we are attentive to how Nietzsche distinguishes different kinds of contests and ways of striving within them we can construct an ethos of agonism that is potentially valuable not only for the cultivation of a few great men but which also contributes to the development of a vibrant culture. By way of concluding, I shall draw on the distinctions developed in Nietzsche's conception of agon and sketch the outlines of a productive ethos of agonism. Some competitions bring with them entitlements and rewards that are reserved for the sole winner. Nearly all of these can be described as zero-sum games: in order for someone to win, others must lose. Further, if I choose to help you to prepare your dossier for your promotion application for the only available post, I risk reducing my own chances for success. Let's call these kinds of competitions antagonistic ones, in which the competitors are pitted against each other in an environment hostile to cooperation. We can also imagine competitions that are not zero-sum games, in which there is not a limited number of resources. Such contests would allow us to enact some of the original meanings at the root of our words for competition and struggle. The Latin root of compete means "to meet," "to be fitting," and "to strive together toward." The Greek word for struggle, which also applied to games and competitions, is agon, which in its original use meant "gathering together." xxvi Practicing an agonistic model of competition could provide results of shared satisfaction and might enable us to transform competitions for fame and status that inform so much of our lives into competitions for meeting cooperatively and provisionally defined standards of aesthetic and intellectual excellence.xxvii If we can revive the sense of agon as a gathering together that vivifies the sense of competition that initiates a striving together toward, we can better appreciate the unique relational possibilities of competition. Recalling the definitions of agon and competition provided above, from which I tried to indicate a sense of competition that could facilitate a process of gathering to strive together toward, consider another example. When two runners compete in order to bring out the best performances in each, their own performances become inextricably linked. When I run with you, I push you to pull me, I leap ahead and call you to join me. When you run faster, I respond to your advance not by wishing you would run slower or that you might fall so that I could surge ahead. I do not view your success as a personal affront, rather I respond to it as a call to join you in the pursuit. When in the course of running with me, you draw from me the best of which I am capable, our performances serve as the measure of the strength in both of us. Neither achievement finds its meaning outside of the context in which we created it. When two (or more) compete in order to inspire each other, to strive together toward, the gathering they create, their agon, creates a space in which the meaning of their achievements are gathered. When your excellent performance draws mine out of me, together we potentially unlock the possibilities in each. For this we can certainly be deeply indebted to each other. At the same time, we come to understand and appreciate ourselves and our own possibilities in a new way. Furthermore, this way of coming to understand and appreciate our difference(s), and of recognizing perhaps their interdependence, might be preferable, to other ways in which differences might be determined. Although surely not appropriate in all circumstances, agonistic endeavors can provide an arena for devising a more flexible and creative way of measuring excellence than by comparison with some rigid and externally-imposed rule. xxviii Agonism is not the only productive way of relating to each other, and we can certainly play in ways that are not agonistic, but I do think such an ethos of agonism is compatible with recognition of both the vulnerability of the other and one's dependence upon others for one's own identity. It incorporates aggression, instructive resistance, as well as cooperation, and it is compatible with the practice of generosity. It cultivates senses of yearning and desire that do not necessarily have destructive ends. It requires us to conceive of liberation as something more than freedom from the constraints of others and the community, but as a kind of freedom— buttressed with active support—to be a participant in the definition and perpetual recreation of the values, beliefs, and practices of the communities of which one is a part. That participation might entail provisional restraints, limitations, and norms that mark out the arenas in which such recreations occur. At his best, I think Nietzsche envisions a similar form for the agonistic life. Competitive "striving together toward" can be a difficult condition to create and a fragile one to maintain. It requires the creation of a common ground from which participants can interact. It needs a clearly defined goal that is appropriately demanding of those who participate. It requires that the goal and the acceptable means of achieving it are cooperatively defined and clearly articulated, and yet it must allow for creativity within those rules. It demands systematic support to cultivate future participants. And it must have some kind of mechanism for keeping the competition open so that future play can be anticipated. When any one of the required elements is disrupted, the competition can deteriorate into alternative and non-productive modes of competition and destructive forms of striving. But when agonistic contest is realized, it creates enormous opportunities for creative self-expression, for the formation of individual and communal identity, for acquiring self-esteem and mutual admiration, and for achieving individual as well as corporate goals. It is one of the possibilities that lie not only beyond good and evil but also beyond the cowardly and barbarous.

### Case

#### Rationality is good and argumentation should start from empirical and political problem-solving --- any alt fails and devolves into crippling relativism --- all their arguments will become offense for us

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A pragmatic theory of argument

The first step in developing a justifiable theory of rational argument that can account for the epistemological and axiological attacks is to recognize the performative contradiction at the heart of the postmodern critique. Postmodernists rely on rational argument in order to attack rational argument and they consistently claim that their positions are in some way superior to those of their modernist opponents. Writing of post-structuralism, Amanda Anderson notes "the incommensurability between its epistemological stance and its political aims, between its descriptions and its prescriptions, between the pessimism of its intellect and, if not the optimism, at least the intrusiveness of its moral and political will" (1992, 64).

The performative contradiction at the heart of postmodernism is nowhere more evident than in the epistemological critique of modernism. The two most important points made by postmodernists in relation to epistemology are that humans can understand the world only through their symbols and that there is no means of using "reality" to test a symbolic description. Advocates of traditional approaches to rationality have not been able to satisfactorily answer these positions, precisely because they seem to be "true" in some sense. This "truth," however, suggests that a theory of rational argument may be salvageable. If postmodernists can defend their views as in some sense "truer" than those of their modernist opponents, then there must be some standard for judging "truth" that can withstand the postmodern indictment. That standard is pragmatic efficacy in fulfilling a purpose in relation to a given problem.

Both modernists and postmodernists generally assume that truth and fact are equivalent terms. Thus, a "true" statement is one that is factually correct in all circumstances. By this standard, of course, there are no totally "true" statements. However, if no statement can be proved factually true, then a focus on facts is an inappropriate standard for judging truth.

I suggest that knowledge and truth should be understood not as factual statements that are certain, but as symbolic statements that function as useful problem-solving tools. When we say that a view is true, we really mean that a given symbolic description consistently solves a particular problem. Thus, the statement "the sun will come up tomorrow" can be considered "true," despite ambiguities that a postmodernist might point to in regard to the meaning of sun or tomorrow, because it usefully and consistently solves a particular epistemic problem.

The standard for "truth" is pragmatic utility in fulfilling a purpose in relation to a particular problem. A true statement is one that "works" to solve the problem. Both the nature of the problem and the arguer's purpose in relation to that problem infiuence whether a given statement is viewed as true knowledge. This explains why biological researchers and physicians often seem to have different definitions of truth in regard to medical practice. The researcher is concerned with fully understanding the way that the body works. His or her purpose dictates application of rigorous standards for evaluating evidence and causation. By contrast, the physician is concerned with treating patients and therefore may apply a much lower standard for evaluating new treatments. The pragmatic theory of argument I am defending draws heavily on the work of William James, who believed that "the only test of probable truth is what works" (1982, 225). Alan Brinton explains that for jEunes "the ultimate question of truth is a question about the concepts and their fruitfulness in serving the purposes for which they were created and imposed. Ideas are true insofar as they serve these purposes, and false insofar as they fail to do so" (1982, 163). Some contemporary pragmatists take a similar view. For example, Nicholas Rescher writes in relation to methodology that "the proper test for the correctness or appropriateness of anything methodological in nature is plainly and obviously posed by the paradigmatically pragmatic questions: Does it work? Does it attain its intended purposes?" (1977, 3). Similarly, Celeste Condit Railsback argues that "truth is . . . relative to the language and purposes of the persons who are using it" (1983, 358-59). At this point, someone like Derrida might argue that while the pragmatic approach accounts for the symbolic nature of truth, it does not deal with the inability of humans to get at reality directly. Although the postmodern critique denies that humans can directly experience "the facts," it does not deny that a real-world exists.

Thus, a pragmatist endorses a given scientific theory because the symbolic description present in that theory does a better job than its competitors of fulfilling a set of purposes in a given context. Because it fulfills those purposes, we call the theory "true." We cannot attain knowledge about "the facts," but we can test the relative adequacy of competing problem-solving statements against those facts. Michael Redhead, a professor of history and philosophy of science at Cambridge University, notes that "we can always conjecture, but there is some control. The world kicks back" (in Peterson 1992,175; emphasis added). Knowledge is not about "facts." It is about finding symbolic descriptions of the world that work, that is, avoiding nature's kicks in fulfilling a given purpose.

The foregoing suggests that a principled pragmatic theory of argument sidesteps the postmodern critique. Argumentation theory should be understood as a set of pragmatic rules of thumb about the kinds of symbolic statements that effectively solve problems. These statements exist at varying levels of generality. A consistency principle , for example, is really a rule of thumb stating something like "All other things being equal, consistent symbolic descriptions are more likely to prove useful for solving a particular problem in relation to a given purpose than are inconsistent descriptions." Other principles are linked to narrower purposes in more specific contexts. Thus, the standards for evaluating arguments in a subfield of physics will be tied to the particular purposes and problems found in that subfield. The key point is that all aspects of a theory of argument can be justified pragmatically, based on their value for producing useful solutions to problems.

A pragmatic theory of argument can be understood as operating at three levels, all of which are tied to functionality. At the first or definitional level, argument is best understood as a kind of discourse or interaction in which reasons and evidence are presented in support of a claim. Argument as a symbolic form is valued based on its ability to deal with problems; the business of argument is problem solving. At a second or theoretical level, what Toulmin would call fieldinvariant, general principles of rational argument are justified pragmatically based on their capacity to solve problems. Thus, tests of evidence, general rules for describing argument, standards relating to burden of proof or presumption, and fallacies, all can be justified pragmatically based on the general problem-solving purpose served by all argument. For example, the requirement that claims must be supported with evidence can be justified as a general rule of thumb for distinguishing between strong and weak (that is, useful and useless) arguments. Certainly, there are cases in which unsupported assertions are "true" in some sense. However, the principle that any claim on belief should be supported with evidence of some type is a functional one for distinguishing between claims that are likely to be useful and those that are less likely to be useful.

At a third level, that of specific fields or subfields, principles of argumentation are linked to pragmatic success in solving problems in the particular area (see Rowland 1982). Thus, for instance, the rules of evidence found in the law are linked directly to the purposes served by legal argument. This explains why the burden of proof in a criminal trial is very different from that found in the civil law. The purpose of protecting the innocent from potential conviction requires that a higher standard of proof be applied in this area than elsewhere.

The pragmatic perspective I have described is quite different from that of interpretive pragmatists such as Richard Rorty (1979, 1982, 1985, 1987) and Stanley Fish (1980, 1989a, 1989b). Rorty, while denying the existence of legitimate formal or content-based standards for "proof" (1982,277), endorses a processual epistemology based on "the idea of [substituting] 'unforced agreement' for that of 'objectivity' " (41-42). Janet Home summarizes Rorty's views, noting that "the difference between 'certified knowledge' and 'mere belief is based upon intersubjective agreement rather than correspondence" (1989, 249). By contrast. Fish grounds reason in the practices of particular "interpretive communities" (1989b, 98). In this view, "Particular facts are firm or in question insofar as the perspective . . . within which they emerge is firmly in place, settled" (Fish 1989a, 308).

Unfortunately, a theory of argumentation cannot be salvaged merely by grounding reason in conversational practice or community assent. If there are no agreed upon standards, then how does one "rationally" test a claim intersubjectively or in process? Fish and Rorty beg the question when they ground reason in community and conversational process. Unlike Rorty and Fish, who reject the ideas of "truth" and "knowledge," I argue that those concepts must be redefined in relation to problem solving.

The pragmatic theory of argument that I have advanced provides a principled means of choosing among competing alternatives, regardless of the context. One always should ask whether or not a particular symbolic description of the world fulfills its purposes. In so doing, methodological principles for testing knowledge claims, such as tests of evidence, fallacies, and more precise field standards, can be justified, and then they can be applied within the conversation or by the community. The approach, therefore, provides standards to be applied in Rorty's process or by Fish's community and avoids the tautology that otherwise confronts those approaches. The perspective neatly avoids the problems associated with modernism, but also provides a principled approach to argument that does not lead to relativism.

In defense of rational argument

When argument is viewed as a pragmatic problem-solving tool, the power of the postmodern critique largely dissipates. At the most basic level, a pragmatic theory of argument is based on premises such as the following:

'Statements supported by evidence and reasoning are more likely to be useful for satisfactorily solving a problem than ones that lack that support.

'Consistent arguments are more likely to be generalizable than inconsistent ones.

'Experts are more likely to have useful viewpoints about technical questions tied to a particular field than nonexperts. These statements are not "true" in the factual sense, but they are universally recognized as useful, a point that is emphasized in the work of even the most committed postmodernist. Even someone like Derrida demands that his opponents support their claims with evidence and consistent reasoning. In so doing, Derrida clearly recognizes the functional utility of general standards for testing argument form and process.

Arguing should be understood as a pragmatic process for locating solutions to problems. The ultimate justification of argument as a discipline is that it produces useful solutions. Of course, not all arguments lead to successful solutions because the world is a complex place and the people who utilize the form/process are flawed. However, the general functional utility of argument as a method of invention or discovery and the method of justification is undisputed. The pragmatic approach to argument also provides a means of answering the axiological objections to traditional reason. Initially, the view that argument is often a means of enslaving or disempowering people is based on a misunderstanding of how argument as a form of discourse functions. In fact, the danger of symbolic oppression is less applicable to argument as a type of symbol use than to other forms. Argument tells us how to solve problems. It can be a force for enslavement only to the degree that a successful problem-solution is enslaving. This is a rare event in any society grounded in democratic ethics.

Additionally, argument as a form and process is inherently person-respecting because in argument it is not status or force that matters, but only the reasoning (see Brockriede 1972). In a pure argumentative encounter, it does not matter whether you are President of the United States or a college junior; all that is relevant is what you have to say. Of course, this ideal is rarely realized, but the principle that humans should test their claims against standards of argumentation theory that are tied to pragmatic problem solving (and not base conclusions on power) is one that recognizes the fundamental humanity in all people.

Furthermore, argument is one of the most important means of protecting society from symbolic oppression. Argument as an internal process within an individual and external process within society provides a method of testing the claims of potential oppressors. Therefore, training in argument should be understood as a means of providing pragmatic tools for breaking out of terministic or disciplinary prisons.

Against this view, it could be argued that pragmatism, because of its "practical" bent, inevitably degenerates into "hegemonic instrumental reason" in which technocratic experts control society. In Eclipse of Reason, Max Horkheimer takes the position that "in its instrumental aspect, stressed by pragmatism," reason "has become completely harnessed to the social process. Its operational value, its role in the domination of men and nations has been made the sole criterion" (1947, 21). Later, he notes that "pragmatism is the counterpart of modern industrialism for which the factory is the prototype of human existence" (50).

The claims that pragmatism reduces reason to a mere instrument of production or leads to undemocratic technocratic control of society are, however, misguided. Initially, it is worth noting that Horkeimer's aim is not to indict rationality per se, but to focus on the inadequacy of a purely instrumental form of rationality, which he labels "subjective reason." Near the conclusion of Eclipse of Reason, Horkheimer defends "objective reason": "This concept of truth—the adequation of name and thing—inherent in every genuine philosophy, enables thought to withstand if not to overcome the demoralizing and mutilating effects of formalized reason" (1947, 180). The goal of this essay, to develop a theory of rational argument that can withstand the postmodern indictment, is quite consistent with Horkheimer's view that humans need "objective reason" in order to "unshackle . . . independent thought" and oppose "cynical nihilism" (127, 174). While there can be no purely "objective reason," field-invariant and field-dependent principles of argumentation can be justified pragmatically to serve the aims that Horkheimer assigns to that form.

Moreover, a pragmatic theory of argument should not be confused with a decision-making approach based on mere practicality or self-interest. Principles of argument are justified pragmatically, that is, because they work consistently to solve problems. But after justification, the invariant and relevant field-dependent principles may be used to test the worth of any argument and are not tied to a simple utilitarian benefit/loss calculus. The misconception that a pragmatic theory of truth is tied to a simplistic instrumentalism is a common one. John Dewey notes, for instance, that William James's reference to the "cash value" of reasoning was misinterpreted by some "to mean that the consequences themselves of our rational conceptions must be narrowly limited by their pecuniary value" (1982, 33). In fact, pragmatism "concerns not the nature of consequences but the nature of knowing" (Dewey 1960,331). Or as James himself put it, "The possession of true thoughts means everywhere the possession of invaluable instruments of action" (1948, 161). Pragmatism "is a method only," which "does not stand for any special result" (James 1982, 213), but that method can be used to justify principles of argument that in turn can be used to check the excesses of instrumental reason. Moreover, a pragmatic approach to argument is self-correcting. According to James, pragmatism "means the open air and possibilities of nature, as against dogma, artificiality and the pretense of finality in truth" (213). Dewey makes the same point when he claims that pragmatic theory involves "the use of intelligence to liberate and liberalize action" (1917,63). Nor does pragmatism necessarily lead to expert domination. A pragmatic argumentation theory endorses deference to the opinion of experts only on questions for which the expert possesses special knowledge relevant to a particular problem. And even on such issues, the views of the expert would be subject to rigorous testing. It would be quite unpragmatic to defer to expert opinion, absent good reasons and strong evidence.

The previous analysis in no way denies the risks associated with technical reason. It is, however precisely because of such risks that a principled pragmatic theory of argument is needed. Given that we live in an advanced technological society, it is inevitable that technical reason will play a role. Postmodernism points to the dangers of technical reason, but provides no means of avoiding those risks. A pragmatic theory of argument, by contrast, justifies principles of rationality that can be used to protect society from the nihilistic excesses of a purely instrumental reason.

#### Their approach to hermeneutics collapses into relativism---that eviscerates political deliberation and causes ideological fill-in---focusing on provisional consensus-building has to be the foundation of political thought

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Until 1980, Lindblom and Wildavsky defended an interpretative-hermeneutic approach to policy analysis, in the sense that they, like anthropologists among the tribes of policy experts, have inquired into the policy practitioners' rules for problem definition, policy design, formulation and adoption, implementation, and evaluation. This method accounts for the widespread acceptance of their empirical findings.

Normatively speaking, however, their approach often meant unquestioned compliance with the rules of thumb and the supposed checks and balances of pluralist political practice. This is comparable to a hermeneutic approach to shared traditions and pre-understandings without any thought of the possibility of ideological, psychopathological or any other reprehensible bias or prejudice (Torgerson, 1995; but see Lindblom, 1990; Lindblom and Woodhouse, 1993). Many have pointed out that such an uncritical interpretivist-hermeneutic approach to policy analysis can lead to a scientifically or morally objectionable relativism.

A critical-theoretical approach, advocated by Forester (1989), Dryzek (1990, and Bobrow and Dryzek (1987)) has attacked the relativist approach to policy analysis most. Their main accusation is that relativists disregard the conditions for consensus formation.

Forester blames Wildavsky for failing to differentiate between political interaction (as a problem-solving strategy in its own right, in addition to cogitation or analysis) which does and does not elicit true learning among citizens (Forester, 1985, page 265 ff). Forester deems this distinction essential in a political system where common sense and shared meaning can no longer be presupposed, and groups with clashing political frames of reference have an interest in maintaining public deception and bias.

Habermas' communicative ethics (Habermas, 1981), especially his thoughts on the ideal speech situation in which people communicate free from power relations, deception and self-deception, is used as a standard for judging to what extent policy-makers form a rational and genuine consensus. Policy analysts would have as their main task to monitor and foster means of authentic consensus formation.

To this end, Fox and Miller (1995, pages 118-120) have proposed criteria for legitimate contributions to public debate: sincerity; situation-regarding intentionality; willing attention; and unique and indis-pensable expertise. These criteria demonstrate that the critical policy analyst does not pursue public participation for its own sake. He/she advocates discursive pluralism with an eye to the quality of decision-making and the authenticity of consensus formation.

None the less, Fox and Miller admit that, in the virtual reality and image struggles of the media, it is dif-ficult to judge to what extent political debate observes these four criteria. Forester (1989) has developed a typology of biased and distorted policy communication, and corresponding counter- strategies forrestor-ing trust and authenticity. The implication is that policy analysts themselves ought to see to it that their own communicative and argumentative practices are in order. The art of listening, respectful treatment of target groups, avoidance of unnecessary 'officialese' and other expert discourse, and the craft of initiating and conducting mutually enlightening debate — such are the professional skills of the critical-cum-interpretative policy analyst.

#### Rational consensus politics key to bridging political stalemates---their method makes action and judgment impossible

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In other words, in all collective decision-making we reach dead ends, or situations where a decision cannot be made, where debate, reasoning, and the force of the better argument are exhausted, and we have to shift to some form of collective will formation and legitimate power to bring the process to closure (Hoppe, 1983, pages 231-235; Bernstein, 1991, pages 221-222). All political systems are in need of procedures for managing conflicts unresolvable by debate and reasoned argument. The critical approach to policy analysis turns a blind eye to this problem.

A second objection is that critical analysis often gets stuck in a form of counter-expertise disinclined to serious mutual reflection and learning. In such cases, the critical policy analyst just provides rhetorical ammunition for political fights, and merely contributes to polarisation, zigzag policies and stalemate (Schon, 1983, pages 349-350). Torgerson (1995, page 245) holds that:

"critique turns against both the domain of common understandings and the restricted nature of technocratic reason. ... By... setting itself in judgement of common understandings, critique has an ironic potential to manifest itself as a mirror-image of technocracy."

In addition, a critical policy analyst, although a partisan of 'the people', easily overlooks or downplays di-vergent opinions among ordinary citizens.

For the forensic policy analyst this danger is non- existent (Dunn, 1993; Paris and Reynolds, 1983; Fischer, 1980; 1995; Schon, 1983; Schon and Rein, 1994). To him/her it is self evident that, as in post-empiricist epistemology after Kuhn (1970) or the conditions for post-normal science specified by Funtowicz and Ravetz (1993), policy practice is flooded by different thinking styles, diverging interpretative frames, competing policy belief systems, various ideologies, alternative professional paradigms, different world views, contrasting images of man and nature, multiple perspectives, and so on. Such frames are clusters of interlocking causal and normative beliefs, whose functions are at once cognitive, communicative, and expressive of one's identity.

To infuse a polyvalent world with meaning, sense and purpose, and to make action and judgement possible at all, people need such frames as a sort of mental grappling hook. For instance, professional frames have been labelled the languages and cultures of "tribes of experts" (Dryzek, 1993, page 222) which create "contradictory certainties" (Schwarz and Thompson, 1990). What people 'see', deem 'relevant', and judge 'persuasive evidence' on the basis of such frames, may indeed render them almost beyond comparison or translation.

The forensic policy analyst considers that the task is to use the differences between frames to forge an innovative policy design from a combination of plausible and robust arguments ('frame-reflective analysis'), or to test and bolster some frames ('frame-critical analysis'). Ideally, following rules of hermeneutic policy evaluation for arriving at shared constructions with policy stakeholders (Guba and Lincoln, 1989), and acting on the precepts of reflective practitionership (Schon, 1983), analysts marry frame-reflection and frame-criticism in an optimal mix of hermeneutic and critical moments in policy analysis.

#### They use the reasoning of non-knowledge to deconstruct reason---the result is endless negativity with no practical application and the decay of democracy

Heimonet 9—Professor of French, American Catholic U (JEAN-MICHEL, THE SACRED: MYSTICISM AND PRAGMATISM, THE MAJOR TRENDS IN CONTEMPORARY THEORY, http://www.crvp.org/book/Series07/VII-6/chapter-6.htm)

Predicated upon the principle of "non-knowledge," as a putting into question and an "infinite interrogation" of the language by which the subject was previously engaged in mastering the world and the other, by the tension of its own critical effort, experience naturally winds up in the ecstasy of laughter or silence, at that "summit" where, writes Bataille, "man is blown out": sacrificed on the altar of language and representation in his will to be all. "The suppression of subject and object," Bataille, writes "is the only means to avoid the possession of the object by the subject, that is, to avoid the absurd rush of the ipse wishing to become all."16 If Bataille probably is the one who has carried this autrosacrificial process farthest, it is important to note that it is not unique to him, for such an appropriation and privatization would negate the function and profound value of the inner experience. That intellectual torment is at the end where, beyond the rest and satisfaction of a result, discourse falls simultaneously upon its Other and its own powerlessness as a recall for man to its finitude; this specific movement of thought is at the roots of the modernity of the 1960s. Indeed from Bataille to Foucault or to Derrida, the historical urgency has dissipated. While The Inner Experience responds effectively to a need, on the opposite the subtle play of the différence resembles more an abstract philosophical exercise of acrobatic rope dancing. Nevertheless, if one is willing to rethink the nature of the relations which links the world of history to that of symbolic forms, one can understand that what enables us to establish not only a parallel but an authentic solidarity between these writings has in both the form of the same revolt: the same effort to exhaust and pass beyond this type of discourse which instrumental reason conceived as the only one possible. At the same time and by the same act of revolt, the torment the reason exerts on itself does not lead to burst the bonds of discourse and of representation in general; instead, it reinforces them. Writing becomes the ceremony in which the desire of otherness is simultaneously both affirmed and frustrated. Thus, what Foucault discovers at the end of Les mots et les choses is that "man is ‘finite’ and in arriving at the summit of all possible speech he does not arrive at his own heart, but at the edge of what limits him, namely the region of death where thought is extinguished, and the promise of the origin is indefinitely withheld."17 In virtue of this expiatory movement it would be hasty to conclude, as Habermas seems to have done in Le discours philosophique de la modernité, that such a process and the writing which expresses it necessarily release reason and engulf it in the metaphysical hyperbole which was fatal to Heidegger. What defines sacrificial writing, we have said, is above all its tension. Remaining within its limits, it tests out its borders, but without ever breaking them; it exploits the full resources of the language in order to conceive otherness, yet without ever forgetting or alienating itself in it. The borderline character of this writing has been studied by Derrida who remarks that all supposedly destructive discourse, whatever be its violence, remains "held in a certain circle." "We cannot state any destructive proposition which has not already taken up the form, logic and implicit postulates of that which it wishes to deny,"18 that is the form, logic and implications of discourse as being those of reason itself. This objective self-awareness of a transcendental reason is inseparable from the language in which it manifests itself, and it echoes this phrase of Bataille: "inner experience is led by discursive reason. Only reason has the power to destroy its work, to throw down what it has built up." Nevertheless, one must not confuse the acceptance — and respect — of that impenetrable limit with a servile attitude. Though solicited by a negation, namely, by the questioning of the identity of the possible and the empirical, the real and the rational, experience remains an affirmation. It is not content to accept the boundaries of language and representations as the ultimate obstacle or check it pretends to be. It returns to that obstacle, is stimulated by it and develops a dialectics of "the blockage." In Horkheimer’s and Adorno’s terms, this is a negative dialectics whose implosive thrust is sufficient to transform the blockage by injecting it with a productive power. Invisible and difficult to evaluate in pragmatic terms, this produces its effects in the very intensity of the tension. The requirements of the internal conflict give discourse the capacity to destroy the totalitarianisms — the one of concepts as well as the one of acts — by infinitely differentiating the grasp of meaning. "I call experience a voyage to the limits of human possibilities by one (who) considers as eliminated the authorities or existing values which limit the possible."20 Yet, where does this voyage lead, and — the same question — what is the relation between "the limits of the possibility of man" and the negation of authority? The itinerary of the voyage is set, and always has been, in the space within the boundaries. As regards the authority, this must not be set outside of self. It is not the constraint of a being, an institution or of a state of affairs which would be justly opposed. The authority is tautological, inherent in the subject as such and rooted in the structure on the basis of the will-to-be-all. To focus upon power (authority) where it is — not as something which one has, but as something which one is — in order to pull it out by its roots is the very purpose of the experience. This cathartic task, which requires a maximum effort of lucidity by the one who writes, by deepening the resources of the awareness language enables itself to appreciate its own finitude. Only at the price of such an effort is experience able to become an act, rather than the flight of a beautiful soul which rejects this lowly world. According to the definition of Bataille, it is a sacrificial act: production occurs by means of a loss. What is lost (sacrificed or expiated) is the will of the subject to become all, ipse; on the contrary, what is produced is the inestimatable good bound to the recognition of the others. For, at the conclusion of the voyage in which one has methodologically explored the circularity of the symbolic world, it is not the Other which the subject discovers, but oneself. It is that "little" other who, before becoming my neighbor or my brother is more essentially my twin in language. The third, the companion, the reader who makes me, is discourse. The reader is discourse; that is what speaks in me, who on its own night supports in me the living discourse. Undoubtedly, discourse is a project, but even more it is the other, the reader, who loves me and already forgets me (kills me), and without whose present insistence I could do nothing, and would have no inner experience.21 Bataille recognizes from his first lines that this procedure is the equivalent of a spiritual exercise in the mystical and religious sense of the word; but he does this in order to underline immediately what distinguishes an interior from a "confessional experience." While positive theology is based on the revelation of scriptures, he writes: interior experience, not being able to have its principle in either dogma (moral attitude) or science (knowledge cannot be its goal or source) or a search for experientially enriching states (aesthetic attitude), reveals nothing and cannot found or begin from belief. It remains "simply an experience, free from attachments even of origin to whatever confession."22 From this follows an inverse symmetrical attitude regarding authority. Where the mystic recognizes no other power than that of God, the "subject" of inner experience attempts to go beyond all revealed authority, beginning with his own. With regard to the "obscure unknown" reached in ecstasy, God represents, Bataille writes, "a dead object" and "a matter for the theologian to which the unknown would be subservient."23 Hence, one must speak of a negative theology or, like Bataille, of an "a-theology" in which the necessity of transcendence is simultaneously affirmed and denied: affirmed by the power and by intensity of its very negation. Because it is a matter of experiencing, putting into practice in the play of language, the reality of the sacred — as that "which being only beyond meaning, is (also) more than it"24 — while rejecting the distinctive, monumental attributes of its supremacy. That divergence of attitude as regards authority presents inner and confessional experience as two contrasted activities. One is justified and validated a priori by the presence of God as an object which is to be attained. This leads toward some form of gratification. The other, not being able to stop the thrust of freedom which is its true nature, devoted itself in questioning without end. "What characterizes such an experience, which does not come from a revelation and where nothing is revealed, except the unknown, is that it implies nothing which pacifies." It "leads to no haven but to a place of bewilderment, nonsense."25 This lack of any positive character, of any "revelation" or result whatsoever type, is what assures the continuity of thought from the 1930s to the 1960s. To be convinced of this, it suffices to reflect upon the difficulty which Derrida experienced — not without satisfaction — in defining the meaning of his project: "I would try to write (in) the very space in which is located the question of speech and of wishing to speak. I am trying to write the question: "(what) wishing to speak(s)? Thus it is necessary that in such a space and guided by such a question the detailed lettering in the writing does-not-say- anything."26 Indeed Derrida, like Foucault or Lacan, has banished from his text the semantic arsenal which permitted Sartre to describe Bataille as a "new mystic." Though, notable by its absence, the result is nonetheless the same: it allows one to apply to the work of contemporaries what Bataille wrote of inner experience, namely, that "it leaves one naked, or unable to know anything," so that "ultimately for lack of positive revelation (one) could give neither reason for one’s being nor goal."27 Through the complete destitution attained in the French, inflamationary practice uncannily becomes manifest, i.e., the dark belief in a dimension of human experience freed from the categories of instrumental reason. The properly religious character of this step has not escaped Umberto Eco, who sees in it the expression of an "atheistic sacredness," the "negative theology" which would respond to "the actual crisis of lay thought." In an article "The Sacred Is Not a Fashion," Eco describes with great relevance the twin face of the divinity which appears throughout the history of the West. On the one hand, it is a revealed and personalized God, "all present and victorious" who is also that of the "armies." On the other hand, continues Eco: that God "often manifests itself in a contrary fashion: as that which is not . . . (which) cannot be named (or) described by means of any categories which we use to indicate things which exist. . . . It is the sum of what one cannot say of him; one speaks of him by celebrating our ignorance and one names him at most as a gulf or abyss, a desert or a solitude, an absence. This God, laicized and infinitely absent, has appeared in contemporary thought under different names and broken out in the renaissance of psychoanalysis, in the rediscovery of Nietzsche and Heidegger, in the new metaphysics of Absence and of Difference.27 It is exactly this religious intention — of which the iconoclast thought described above is both vehicle and witness — the present reaction intends to exorcise. In a significant manner Ferry and Renaut share with Habermas the same expression to designate the movement of modern discourse, the popular expression: tourner en rond or "to go a round in a circle"29 By its circular procedure such discourse is bound to betray its initial goal. Pretending to put an end to the metaphysics of reason centered upon the subject, in fact it critically outbids itself, thereby betraying again the "desubjectivized" man to the dark forces from which the enlightment had freed him. As Habermas explains in relation to the "negative dialectics" of Horkheimer and Adorno, this ironic trajectory results from "a performative contradiction," consisting of wishing to deconstruct reason by means of discourse which it organizes. In order to stop this movement of nonproductive negativity, the pragmatic philosophy undertakes the task of envisaging in the present what it is possible to do in the domains of knowledge and of practice by the means placed at the disposition of man through the progress of reason. Under the inspiration of Kant’s revolution in thought, this proposes to substitute the quest for an absolute, considered to be beyond reach, by the more humble but equally more efficient role of carrying forward the heritage of the Enlightenment while adapting it to the conditions and priorities of the actual world. It is within the limits of the program thus defined that philosophy can rediscover its universal value of "guardian of rationality." Thence, the question necessarily arises of knowing if such an attitude, rooted in a basic realism, is able to satisfy the principle needs for which the sacrificial dynamic has thus far been sufficient. It questions whether or not the requirements of sacrality — which appear in the activities associated by Bataille to notions of "negativity without a task" and of "non-productive expenditure," namely, activities of which literature and theory form only one aspect, privileged but restricted — can be simply and entirely rationalized without their following a reversal of individual and social structures such that it will henceforth be necessary to dream up a new type of humanity. For, the supposition that the sacred is nothing more than a fashion has itself lasted throughout our entire history.

#### Voting aff doesn’t affirm excess or sovereignty---they only cause self-indulgent babble

Paul Mann 99, Literature prof @ Pomona, 1999, Masocriticism, p. 67-69

I would like at one and the same time to affirm this model and to dismiss it as the most desperate alibi of all. For “sacrificial consumption” can never become an explicit critical motive.13 At the moment it presents itself as a proper element of some critical method, it degenerates into another useful trope, another bit of intellectual currency, another paper-thin abyss, another proxy transgression; and the force of transgression moves elsewhere, beneath a blinder spot in the critical eye.’4 Questions of motive or understanding, the fact that one might be self-critical or at least aware of recuperation, are immaterial: what is at stake here is not self-consciousness but economics, material relations of appropriation and exclusion, assimilation and positive loss. Whatever transgression occurs in writing on Bataille does so only through the stupid recuperation and hence evacuation of the whole rhetoric and dream of transgression, only insofar as the false profundity of philosophy or theory evacuates the false profundities it apes. To justify this as the sublime loss of loss is merely to indulge a paradoxical figure. Excess is not a project but a by-product of any discourse; the interest of Bataillean discourse lies chiefly in the compulsive and symptomatic way it plays with its feces. The spectacle of critics making fools of themselves does not reveal the sovereign truth of death: it is only masocritical humiliation, a pathological attempt to disavow the specter of death. As for the present essay, it makes no claims to any redeeming sacrifice. Far from presenting you with a truer Bataille, far from speaking in his voice more clearly than his other readers, this essay pleads guilty to the indictment against every appropriation. Until philosophy and theory squeal like a pig before Bataille’s work, as he claims to have done before Dali’s canvases, there will be no knowledge of Bataille. In the end, one might have to take an even stricter view: there is no discourse of transgression, either on or by Bataille. None at all. It would be necessary to write a ‘Postscript to Transgression” were it not for the fact that Foucault already wrote it in his ‘Preface,” were it not for the fact that Bataille himself wrote it the moment before he first picked up his pen. It makes no difference whether one betrays Bataille, because one is hip to heterology or does it by accident, whether one lip syncs Bataille’s rhetoric or drones on in the most tedious exposition. All of these satellite texts are not heliotropic in relation to the solar anus of Bataille’s writing, or the executioners he hoped (really?) would meet him in the Bois de Boulogne, or dépensives in spite of themselves. It would be sentimental to assign them such privileges. They merely fail to fail. They are symptoms of a discourse in which everyone is happily transgressing everyone else and nothing ever happens, traces of a certain narcissistic pathos that never achieves the magnificent loss Bataille’s text conveniently claims to desire, and under whose cover it can continue to account for itself, hoarding its precious debits in a masocriticism that is anything but sovereign and gloriously indifferent. What is given to us, what is ruinously and profitably exchanged, is a lie. Heterology gives the lie to meaning and discourse gives the lie to transgression, in a potlatch that reveals both in their most essential and constitutive relation. Nothing is gained by this communication except profit-taking from lies. We must indict Bataille as the alibi that allows all of this writing to go on and on, pretending it is the nothing it is not, and then turn away from Bataille as from a sun long since gone nova, in order to witness the slow freezing to death of every satellite text. The sacrificial consumption of Bataille has played itself out; the rotten carcass has been consumed: no more alibis. What is at stake is no longer ecstatic sexuality or violent upheavals or bloody sacrifices under the unblinking eye of the sun; nor was it ever, from the very beginning of Bataille’s career. These are merely figures in the melodramatic theater of what is after all a “soft expenditure” (Hollier 1989, xv), a much more modest death, a death much closer to home. It has never been more than a question of the death of theory and of theory itself as death. Of theory-death. A double fatality.

#### Voting for them is bad faith---trying to assign meaning to the immanence of the debate re-inscribes transcendent notions of aff/neg, win/loss, etc---proves that they can never solve revolt

Hollywood 10—prof at Harvard’s Divinity School (Amy, Sensible Ecstasy: Mysticism, Sexual Difference, and the Demands of History, 27-30)

At the level of explicit critique, Sartre claims that Bataille evokes the temporality and historicisity of the human condition only in order to attempt to escape from that condition through the instantaneous. Bataille, Sartre argues, is a "new mystic" or a "pantheist noir," who claims to confront human contingency, history, and the death of God only in order to evade them in a flight to the transcendent. By hypostatizing negation and nothingness as the unknown, Sartre claims, even Bataille's experience of the void becomes a space in which the transcendent might emerge. Bataille simultaneously denies God and mysticism and returns to a transcendent reality and a new kind of mystical, atemporal communion with it; for Sartre, these contradictions convincingly demonstrate Bataille's bad faith. Yet beneath Sartre's explicit analysis of Inner Experience lies another reading of Bataille's work, one in which the problem is not Bataille's desire to escape history, but the inordinate nature of his historically situated desire. Not surprisingly, Sartre suggests this alternative reading of Bataille in a discussion of the festival. By 1943, Sartre had published his important philosophical novel, Nausea (1938), and his long account of “phenomenological ontology,” Being and Nothingness (1943), as well as a number of shorter philosophical studies. In the final years of the war, he wrote a series of review essays in which he assesses the major writers among his contemporaries, thereby establishing his own position as a central critical voice in postwar France. In these reviews, Sartre 28 asserts mastery over French philosophy and literature, creates alliances with like-minded thinkers, and carefully differentiates his positions from those of his contemporaries. “A New Mystic” should be read in the context of this critical enterprise, which was closely tied to the postwar purge of writers and intellectuals. As Philip Watts shows, the spirit of the purge emerged well before the end of the war. As early as 1942, Sartre and others associated with the resistance to German occupation and the Vichy regime demanded retribution from those who collaborated with the Germans. In that year the resistance journal Les Lettres françaises proclaimed: “French letters are under attack,” and “we will defend them.” 2 This defense required identification of those who served the cause of France and those who betrayed her; an essential part of Sartre’s self-appointed critical task lay in making and supporting such judgments. Only in this way could the ground be cleared of old, destructive influences and opened for the dissemination of new intellectual, artistic, and political projects. Bataille, who in the late 1920s and in the 1930s was an active, if often dissident, participant in the world of surrealism, literary and artistic reviews, and left-wing politics, might seem to represent the old Parisian scene rather than the new world to which Sartre looks in the mid-1940s. 3 Sartre suggests as much when he dismisses Bataille’s desire to lose himself as “rigorously dated; one recalls the thousand experiences of the young people of 1925: drugs, eroticism, and all those lives tossed up to chance out of the hatred of project” (NM 173– 74). Sartre here betrays his familiarity with Bataille’s prewar writings and suggests the deeper reasons for his rejection of (although with lingering signs of fascination, as I will show) Bataille’s work: What one glimpses under the icy exhortations of this solitary is nostalgia for one of those primitive festivals where a whole tribe gets drunk, laughs and dances and couples by chance, one of those festivals that are consummation and consumption, and where each one, in the frenzy of running amok, in joy, lacerates himself and mutilates himself, gaily destroys a year’s worth of patiently amassed wealth, and finally loses himself, rips himself up like a piece of cloth, gives himself to death while singing— without God, without hope, carried by wine and cries and sex [le rut] to the extremes of generosity, killing himself for nothing. (NM 174) Sartre glimpses the excesses of Bataille’s prewar work on the festival in Bataille’s wartime writing; he here acknowledges that Bataille’s desire is exorbitant, 29 without limits, and uncontainable. Yet Sartre immediately asks whether Bataille is sincere in this desire and argues, ultimately, that he is not. Despite denying salvation, Sartre avers, Bataille claims to find it. Thus it is less the prewar excesses of Bataille (and the other surrealists and dissident surrealists with whom Sartre associates him) that Sartre explicitly rejects than it is Bataille’s complicity, as Sartre sees it, with a certain “totalitarian thought” (NM 149)—despite the fragmentation of Bataille’s text. “Monsieur Bataille,” Sartre writes, “wants to exist wholly and immediately: in the instant” (NM 147). Sartre has no grounds for claiming Bataille’s complicity with fascism; 4 he recognizes, moreover, that the form of Bataille’s text seems antithetical to totalitarian thought and practice. Yet beneath Inner Experience’s fragmentation and heterogeneity, Sartre purports to glimpse a thinking grounded in the absolute, the transcendent, and the denial of history and project. Sartre does not repeat the heavily incriminating term “totalitarian”; 5 yet his three interlocking criticisms of Bataille’s text are linked by this early, seemingly passing, denunciation. Sartre begins by criticizing Bataille for confusing scientific and existentialist claims. Bataille writes a “martyr-essay” grounded in interior experience and revolt, but at the same time purports to speak scientifically and objectively about nature and the human condition. Moreover, he believes that scientific facts give rise to and explain human experiences of anguish and revolt. “Monsieur Bataille,” Sartre writes, “simultaneously takes on two contradictory points of view” (NM 162) and hence cannot escape error and absurdity. Bataille’s ideas are “soft” and “unformed” (informe, a crucial term in the early Bataille’s lexicon), 6 Sartre complains, in sharp contrast to the “hardness” of his emotions (NM 171). By continually reinterpreting Bataille’s arguments in terms of German existentialism (to the extent that Sartre implies Bataille’s thought must be translated into German to be rendered coherent), Sartre suggests that what Bataille lacks is the existentialist, phenomenological method through which subjective consciousness can be philosophically described. In other words, to make sense of the quasi-existentialist aspect of Bataille’s thought, Sartre needs the method and descriptive ontology that he himself provides in Being and Nothingness. 7 Sartre goes on to argue that Bataille’s description of the human condition does not lie at the heart of his text, an argument that leads Sartre to his second critique of Bataille. Although Bataille pretends to locate human beings fully in history, speaking of the human condition rather than of human nature and underscoring the contingency and historicity of human existence, he 30 simultaneously claims to step outside of history in the instantaneous moment. The turn to history, Sartre suggests, is merely a vestige of Bataille’s Catholic past. As in the Catholic tradition, history will ultimately be overcome through a salvific apotheosis (NM 150). Bataille asserts the death of God and the end of salvation, Sartre argues, but reinstates the transcendent as nothingness or the unknown and then claims a mystical union with that unknown: By naming nothing the unknown, I turn it into an existence whose essence is to escape my knowing; and if I add that I know nothing, that signifies that I communicate with this existence in some way other than by knowing. . . . It appears that abandonment to this night is ravishing: I am hardly astonished. This is a way, in effect, to dissolve oneself into nothing. But this nothing is easily managed in such a way as to be all. (NM 184)

## 2NC

### FW

#### they double turn all their offense

Corlett 93—prof of polsci at Bates (William, Community without unity, 192-4)

Bataille opens the last section sounding very much like Derrida: "human life cannot in any way be limited to the closed systems which are assigned to it in reasonable conceptions" (318/128). But when Bataille elaborates, he relies upon just the sort of reasonable conceptions he would supplant. Of course, anyone who is not silent must do this. At issue is whether his reliance treats irrationality as an insubordinate exile or as an inseparable, if irreconcilable, part of making sense. Bataille writes: "life starts with the 'deficit' of these systems." The presence of deficit suggests that the forces of "deraison" are exiled in Bataille's writing. Using this word to name a principle of downfall, or loss ("la perte") commits Bataille to an opposition as reasonable and orderly as the one he eschews. His text is unable—despite its plea for insubordination—to subvert or supplement the authority of this opposition. Deficit (from the latin de + facio) is the mere dismantlement of what was constructed. Bataille's efforts to neutralize oppositions seem only to inaugurate new oppositions. This last section, after such an incisive opening, collapses into a summation of the essay that makes extravagant gift- giving seem as destructive as possible. Bataille reminds us that human beings, rather than living for productive values, such as balancing their accounts, live for unproductive values, such as the glory in deficit spending. What glory can be found there? The excitement of degrading oneself makes glory complete because it gives vent to the insubordinate desire to expend freely with no end in mind, a desire hidden within us all. Bataille achieves this reversal by pointing out that social existence has been dominated all along by glory. This urge (that so many struggle to keep under control) to live outside the bounds of reason and order, is actually insubordinate. It continually declares itself sovereign, like an exiled monarch. Instead of living to achieve goals, we assure our subsistence in order to acquiesce to the insubordinate function of free expenditure. And the greater the deficit the more intense the pleasure. So the pleasure of gift-giving lies in the glorification of loss, waste, and excrement. The glory in giving extravagant gifts lies in the pleasure of giving in to the insubordinate urge to ruin life, to use it up, to burn it out. This is best accomplished by humiliating those folks called "less fortunate" because they have less money to burn. Gift-giving is a form of domination at the limit of savagery. The problem with presenting the excesses ignored by reason and order as a deficit, or loss, is that it inaugurates a new hierarchy: loss/gain. This, coupled with the implicit elapsing time continuum in Bataille's essay, leads his work straight to nihilism which cannot be anything but solitary and mad, unless it lingers in apathy on the fringe of reassurance. Bataille, despite his avant-garde reputation, does not think play radically. For if the play of absence and presence—in this case irrational loss/rational gain—is to be thought radically, play must be imagined to neutralize opposition without destroying the infinite possibilities of difference. Bataille is forced to substitute new oppositions for old along the line of time. His extravagant expenditure is a form of deficit spending, an alternative to gainfully balancing the books.

#### Stoekl votes aff

Stoekl 7—professor of comparative literature, Penn State (Allan, Bataille’s Peak, 143)

For Bataille, in 1949, peace was the unforeseen, unplanned aftereffect of spending without return on a national scale By expending excess energy through the Marshall Plan, the world was (according to Bataille) spared yet another buildup of weapons. But – and this perhaps was the weakness of Bataille’s argument – the Marshal Plan distributed money, the ability to buy manufactured goods, energy stored in products and things. For us today, expenditure entails the eroticized, fragmented object, the monstrous body that moves and contorts and burns off energy in its death-driven dance. Expenditure cannot be mass-produced because in the end it cannot be confused with mechanisms of utility: mass production, mass marketing, mass destruction. All of these involve, are dependent on, and therefore can be identified with a calculation, a planning, a goal orientation that is foreign to expenditure as analyzed by Bataille. At best they afford us a simulacrum of the dangerous pleasure of sacred expenditure (and thus their inevitable triumph over sustainability as austere renunciation). If then we affirm Bataille’s expenditure, we affirm an energy regime that burns the body’s forces, that contorts, distorts, mutilates the body, and we affirm as well the forces that are undergone rather than controlled and mastered. The energy of these forces spreads like contagion; it cannot be quantified and studied objectively. Which is not to sy that it does not make its effects feltquite literally; the blood-covered vodo priest ina trance (a photograph reproduced in Erotism), L’Abbe C. squirming in agony, and Dirty retching violently (in Blue of Noon [1978]) bear witness to this shuddering force. This energy, however, has little to do with that put to use in a modern industrial economy. This is not to deny that some rational instrumentality is necessary to survival; in order to live, spend, and reproduce, all creatures, and humans above all (because they are conscious of it), marshal their physical force and spend judiciously. But, as Bataille would remind us, there is always something left over, some excessive disgusting or arousing element, some energy, and it is this that is bred off and that sets us afire.

#### the absolute sovereignty they advocate requires a restrictive object to rebel against --- it’s better to retain predictability and be creative within it

Armstrong 2K – Paul B. Armstrong, Professor of English and Dean of the College of Arts and Sciences at the State University of New York at Stony Brook, Winter 2000, “The Politics of Play: The Social Implications of Iser's Aesthetic Theory,” New Literary History, Vol. 31, No. 1, p. 211-223

Such a play-space also opposes the notion that the only alternative to the coerciveness of consensus must be to advocate the sublime powers of rule-breaking. 8 Iser shares Lyotard's concern that to privilege harmony and agreement in a world of heterogeneous language games is to limit their play and to inhibit semantic innovation and the creation of new games. Lyotard's endorsement of the "sublime"--the pursuit of the "unpresentable" by rebelling against restrictions, defying norms, and smashing the limits of existing paradigms--is undermined by contradictions, however, which Iser's explication of play recognizes and addresses. The paradox of the unpresentable, as Lyotard acknowledges, is that it can only be manifested through a game of representation. The sublime is, consequently, in Iser's sense, an instance of doubling. If violating norms creates new games, this crossing of boundaries depends on and carries in its wake the conventions and structures it oversteps. The sublime may be uncompromising, asocial, and unwilling to be bound by limits, but its pursuit of what is not contained in any order or system makes it dependent on the forms it opposes. [End Page 220]

The radical presumption of the sublime is not only terroristic in refusing to recognize the claims of other games whose rules it declines to limit itself by. It is also naive and self-destructive in its impossible imagining that it can do without the others it opposes. As a structure of doubling, the sublime pursuit of the unpresentable requires a play-space that includes other, less radical games with which it can interact. Such conditions of exchange would be provided by the nonconsensual reciprocity of Iserian play.

Iser's notion of play offers a way of conceptualizing power which acknowledges the necessity and force of disciplinary constraints without seeing them as unequivocally coercive and determining. The contradictory combination of restriction and openness in how play deploys power is evident in Iser's analysis of "regulatory" and "aleatory" rules. Even the regulatory rules, which set down the conditions participants submit to in order to play a game, "permit a certain range of combinations while also establishing a code of possible play. . . . Since these rules limit the text game without producing it, they are regulatory but not prescriptive. They do no more than set the aleatory in motion, and the aleatory rule differs from the regulatory in that it has no code of its own" (FI 273). Submitting to the discipline of regulatory restrictions is both constraining and enabling because it makes possible certain kinds of interaction that the rules cannot completely predict or prescribe in advance. Hence the existence of aleatory rules that are not codified as part of the game itself but are the variable customs, procedures, and practices for playing it. Expert facility with aleatory rules marks the difference, for example, between someone who just knows the rules of a game and another who really knows how to play it. Aleatory rules are more flexible and open-ended and more susceptible to variation than regulatory rules, but they too are characterized by a contradictory combination of constraint and possibility, limitation and unpredictability, discipline and spontaneity.

#### Constraints are key to creativity---challenging ourselves to innovate within the confines of rules creates far more creative responses than starting with a blank slate

Mayer 6 – Marissa Ann Mayer, vice-president for search products and user experience at Google, February 13, 2006, “Creativity Loves Constraints,” online: http://www.businessweek.com/print/magazine/content/06\_07/b3971144.htm?chan=gl

When people think about creativity, they think about artistic work -- unbridled, unguided effort that leads to beautiful effect. But if you look deeper, you'll find that some of the most inspiring art forms, such as haikus, sonatas, and religious paintings, are fraught with constraints. They are beautiful because creativity triumphed over the "rules." Constraints shape and focus problems and provide clear challenges to overcome. Creativity thrives best when constrained.

But constraints must be balanced with a healthy disregard for the impossible. Too many curbs can lead to pessimism and despair. Disregarding the bounds of what we know or accept gives rise to ideas that are non-obvious, unconventional, or unexplored. The creativity realized in this balance between constraint and disregard for the impossible is fueled by passion and leads to revolutionary change.

A few years ago, I met Paul Beckett, a talented designer who makes sculptural clocks. When I asked him why not do just sculptures, Paul said he liked the challenge of making something artistically beautiful that also had to perform as a clock. Framing the task in that way freed his creative force. Paul reflected that he also found it easier to paint on a canvas that had a mark on it rather than starting with one that was entirely clean and white. This resonated with me. It is often easier to direct your energy when you start with constrained challenges (a sculpture that must be a clock) or constrained possibilities (a canvas that is marked).

#### Abolishing constraints does not improve creativity---starting from defined constraints like the topic is better for overall creativity because innovative thinking comes from problem-solving like figuring out how to read what you want to read while still being topical

Intrator 10 – David, President of The Creative Organization, October 21, 2010, “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.”

As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.”

The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not.

In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired.

But, in fact, creativity is not about divine inspiration or magic.

It’s about problem-solving, and by definition a problem is a constraint, a limit, a box.

One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities.

What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution.

This can be quite demanding, both intellectually and emotionally.

Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary.

More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like.

Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered.

But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works.

That’s the hard part.

It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated.

It also can be emotionally difficult.

You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

#### Fairness is an impact in and of itself

**Prensky** **1** (Marc. Internationally acclaimed speaker, writer, consultant, and designer in the critical areas of education and learning, Founder, CEO and Creative Director of games2train.com, former vice president at the global financial firm Bankers Trust, BA from Oberlin College, an MBA from Harvard Business School with distinction and master's degrees from Middlebury and Yale. “Fun, Play and Games: What Makes Games Engaging,”Digital Game-Based Learning, www.marcprensky.com/writing/Prensky%20-%20Digital%20Game-Based%20Learning-Ch5.pdf)

So fun — in the sense of enjoyment and pleasure — puts us in a relaxed, receptive frame of mind for learning. Play, in addition to providing pleasure, increases our involvement, which also helps us learn. Both “fun” and “play” however, have the disadvantage of being somewhat abstract, unstructured, and hard-to-define concepts. But there exists a more formal and structured way to harness (and unleash) all the power of fun and play in the learning process — the powerful institution of games. Before we look specifically at how we can combine games with learning, let us examine games themselves in some detail. Like fun and play, game is a word of many meanings and implications. How can we define a game? Is there any useful distinction between fun, play and games? What makes games engaging? How do we design them? Games are a subset of both play and fun. In programming jargon they are a “child”, inheriting all the characteristics of the “parents.” They therefore carry both the good and the bad of both terms. Games, as we will see, also have some special qualities, which make them particularly appropriate and well suited for learning. So what is a game? Like play, game, has a wide variety of meanings, some positive, some negative. On the negative side there is mocking and jesting, illegal and shady activity such as a con game, as well as the “fun and games” that we saw earlier. As noted, these can be sources of resistance to Digital Game-Based Learning — “we are not playing games here.” But much of that is semantic. What we are interested in here are the meanings that revolve around the definition of games involving rules, contest, rivalry and struggle. What Makes a Game a Game? Six Structural Factors The Encyclopedia Britannica provides the following diagram of the relation between play and games: 35 PLAY spontaneous play organized play (GAMES) noncompetitive games competitive games (CONTESTS) intellectual contests physical contests (SPORTS) Our goal here is to understand why games engage us, drawing us in often in spite of ourselves. This powerful force stems first from the fact that they are a form of fun and play, and second from what I call the six key structural elements of games: 1. Rules 2. Goals and Objectives 3. Outcomes & Feedback 4. Conflict/Competition/Challenge/Opposition 5. Interaction, and 6. Representation or Story. There are thousands, perhaps millions of different games, but all contain most, if not all, these powerful factors. Those that don’t contain all the factors are still classified as games by many, but can also belong to other subclasses described below. In addition to these structural factors, there are also important design elements that add to engagement and distinguish a really good game from a poor or mediocre one. Let us discuss these six factors in detail and show how and why they lead to such strong engagement. Rules are what differentiate games from other kinds of play. Probably the most basic definition of a game is that it is organized play, that is to say rule-based. If you don’t have rules you have free play, not a game. Why are rules so important to games? Rules impose limits – they force us to take specific paths to reach goals and ensure that all players take the same paths. They put us inside the game world, by letting us know what is in and out of bounds. What spoils a game is not so much the cheater, who accepts the rules but doesn’t play by them (we can deal with him or her) but the nihilist, who denies them altogether. Rules make things both fair and exciting. When the Australians “bent” the rules of the America’s Cup and built a huge boat in 1988, and the Americans found a way to compete with a catamaran, it was still a race — but no longer the same game.

#### Debate’s a process that solves ideological calcification --- it’s only as teleological as saying all telos’ are bad

Morson 4—Northwestern prof (Greg, Bakhtinian Perspectives on Language, Literacy, and Learning, 330-1)

Nothing Conclusive ¶ A belief in truly dialogic ideological becoming would lead to schools that were quite different. In such schools, the mind would be populated with a complexity of voices and perspectives it had not known, and the student would learn to think with those voices, to test ideas and experiences against them, and to shape convictions that are innerly persuasive in response. This very process would be central. Students would sense that whatever word they believed to be innerly persuasive was only tentatively so: the process of dialogue continues. We must keep the conversation going, and formal education only initiates the process. ¶ The innerly persuasive discourse would not be final, but would be, like experience itself, ever incomplete and growing. As Bakhtin observes of the innerly persuasive word: ¶ Its creativity and productiveness consist precisely in the fact that such a word awakens new and independent words, that it organizes masses of our words from within, and does not remain in an isolated and static condition. It is not so much interpreted by us as it is further, that is, freely, developed, applied to new material, new conditions; it enters into interanimating relationships with new contexts. . . . The semantic structure of an innerly persuasive discourse is not finite,itis open; in each of the new contexts that dialogize it, this discourse is able to reveal ever newer ways to mean. (DI, 345– 6) ¶ We not only learn, we also learn to learn, and we learn to learn best when we engage in a dialogue with others and ourselves. We appropriate the world of difference, and ourselves develop new potentials. Those potentials allow us to appropriate yet more voices. Becoming becomes endless becoming. ¶ We talk, we listen, and we achieve an open-ended wisdom. Difference becomes an opportunity (see Freedman and Ball, this volume). Our world manifests the spirit that Bakhtin attributed to Dostoevsky: “nothing conclusive has yet taken place in the world, the ultimate word of the world and about the world has not yet been spoken, the world is open and free, everything is in the future and will always be in the future.” 3 Such a world becomes our world within, its dialogue lives within us, and we develop the potentials of our ever-learning selves. ¶ Let me draw some inconclusive conclusions, which may provoke dialogue. Section I of this volume, “Ideologies in Dialogue: Theoretical Considerations” and Bakhtin’s thought in general suggest that we learn best when we are actually learning to learn. We engage in dialogue with ourselves and others, and the most important thing is the value of the open-ended process itself. ¶ Section II, “Voiced, Double Voiced, and Multivoiced Discourses in Our Schools” suggests that a belief in truly dialogic ideological becoming would lead to schools that were quite different. In such schools, the mind would be populated with a complexity of voices and perspectives it had not known, and the student would learn to think with those voices, to test ideas and experiences against them, and to shape convictions that are innerly persuasive in response. Teachers would not be trying to get students to hold the right opinions but to sense the world from perspectives they would not have encountered or dismissed out of hand. Students would develop the habit of getting inside the perspectives of other groups and other people. Literature in particular is especially good at fostering such dialogic habits. ¶ Section III, “Heteroglossia in a Changing World” may invite us to learn that dialogue involves really listening to others, hearing them not as our perspective would categorize what they say, but as they themselves would categorize what they say, and only then to bring our own perspective to bear. We talk, we listen, and we achieve an open-ended wisdom. ¶ The chapters in this volume seem to suggest that we view learning as a perpetual process. That was perhaps Bakhtin’s favorite idea: that to appreciate life, or dialogue, we must see value not only in achieving this or that result, but also in recognizing that honest and open striving in a world of uncertainty and difference is itself the most important thing. ¶ What we must do is keep the conversation going.

#### Agonism is at its least effective and most meaningless when there are no constraints on the scope of discussion---commitment to draw lines and declare some arguments out of bounds does not do violence to particular individuals, rather it upholds everyone’s commitment to the form of the agon that makes discussion and competition possible in the first place

Christa Davis Acampora 3, Professor of Philosophy at Hunter College of the City University of New York, 2003, “Demos Agonistes Redux: Reflections on the Streit of Political Agonism,” Nietzsche-Studien 32, p. 373-389

As Siemens describes, the first set of charges can be easily addressed by reviewing the limits Nietzsche indicates for the agon in the practice of ostracism: a matchless force that forecloses the possibility of genuine engagement is subject to expulsion. This practice stems from an institutional commitment to ensuring the vitality of the contest rather than preserving the status quo. Nietzsche's contest is further limited by the ways in which he conceives what constitutes productive action within the agon Nietzsche deploys a theory of action drawn on the agonistic model. In his distinction between different modes of action within the contest and his investigation of whether creation or destruction is at work in those actions, one finds the emergence of a Nietzschean ethos of contest, which develops over time and is applied virtually throughout each of Nietzsche's writings.13 Moreover, as the agonistic model is extended to pertain not only to competitions among noblemen but also to physiological and political constitutions, what one finds is something more than merely an encomium to fighting or the provocation to conflict. Nietzsche's agonistic ideals do not promote reactivity and "incessant contestation," because it is not contest for its own sake that agonistic striving seeks.

As I have argued at length elsewhere, Nietzsche sees the agon as a cultural and social site for the creation of a sense of the public good, a practice of meaning making. What is at stake in agonistic interaction is the authorization or legitimation of values and meanings - the production and definition of excellence, the articulation of standards of judgment, the constitutional basis or founding of judgment itself. And as Nietzsche sought to poetically extend the metaphor of agon to metaphysics, he sought a unified theory of development and change that would apply not only to descriptions of processes of valuation but also to descriptions of all natural development, growth, and change. Whether or not the agon can adequately serve the functions Nietzsche envisioned for it remains a topic for further investigation, but it should be clear from the numerous discussions that treat Nietzsche's conception of the agon that he is not simply an advocate of a form of might-makes-right Homeric nobility or the celebration of bravado. Rather, Nietzsche's view of agon unfolds in an attempt at a comprehensive interpretation of life.

In his response to Schrift, Dombowsky denies the applicability of Nietzsche's earlier ideas about the role of ostracism to his later interest in agon Claiming that the Nietzsche of Homer's Contest stands far way from the Nietzsche who authored the later writings, Dombowsky endeavors to show that the later Nietzsche replaces his interest in contest and competition with a thirst for domination. He claims that Schrift is not sensitive to the development of Nietzsche's ideas and ways in which his views about the agon in particular shift over time. Dombowsky claims that Nietzsche favors a unified rather than a multiplicate subject who aims for domination not merely over the multiple aspects of himself but of other beings, especially other human beings. But the argument Dombowsky endeavors to mount against Schrift on this point is constructed in the very manner about which he is critical - namely, in the course of criticizing Schrift for not being more attentive and sensitive to the development of Nietzsche's ideas over time with regard to the agon Dombowsky cites snippets of ideas and phrases from the Nachlafi Thus Spoke Zarathustra^ and Beyond Good and Evil stitching them together in a rather haphazard manner.

Support for Dombowsky's claims depends upon attributing to Nietzsche interest in a strict and rigid rank ordering. The evidence he mounts for this claim (again, drawn from fragments of a great variety of sources) supports the latter (i.e. rank ordering) without the qualifications that Dombowsky wishes to associate with it, namely its rigidity. This opens up a concern that apparently continues to need to be addressed despite the fact that intelligent discussions of these matters have appeared in the secondary literature. The issue can be more narrowly focused in addressing the following question: What is the relation between the openness of the agon and the creation of new values?

Surely, Nietzsche's philosophy aims at creating new values and supporting those who might become their legislators. This does not translate into allowing everyone to become one's own legislator of values such that what we are left with is a great relativism (the battle over how Nietzsche's perspectivism stands in relation to relativism has already been won, I take it). The point of supporting creators of new values is to have those values received and endorsed, through the ways in which said values animate and make possible vibrant forms of life by those who hold them. How does the agon negotiate not only the sorting out of difference but also the regulation of the standards of judgment? Nietzsche admires the agon not because of its tolerance and sheer variety. It is hailed specifically and repeatedly as a mechanism for the production of value through which individuals and communities become bound to, not liberated from the claims of values of others.

The linchpin of Dombowsky's case against Schrift, that the later Nietzsche unlike the author of Homer's Contest "wants the institution of agonism without the institution of ostracism"14 appears to rest upon speculation about how Nietzsche conceives the relation between the immoralists and their opponents. This relation is articulated by drawing on phrases from Twilight of the Idols and the Nachlaf'm which it is allegedly revealed that:

Preserving opposition and war, tension and competition, is necessary and prudent for the "immoralists and anti-Christians", who see that it is to their "advantage that the Church exist" (GD Moral as Widernatur 3). They do not aim to destroy the Christian ideal but only to end its tyranny. For "the continuance of the Christian ideal is one of the most desirable things there are." The immoralists require that their enemies "retain their strength", but at the same time they want "to become master over then" (NachlaSS 1885-87, KSA 12,10 [117]), perhaps to make them an instrument of governance or for the purpose of external regulation.15

And so it is here that Nietzsche himself apparently "gives up the contest" (to borrow a phrase from Nietzsche's own Homer's Contest), evident in the fact that he wants to win. But what we really have here is Dombowsky conflating the aims internal to agonistic engagement with the goals external to specific contests that support and regulate the agonistic institutions themselves. Opponents should want to win. Nietzsche never casts his conception of the agon in any way that commits him to the facile view common in various quarters of contemporary education that "it isn't whether you win or lose but how you play the game".16 For those participating in the contest, for those subjecting themselves to the scrutiny of the community that provides the condition for the possibility of contestation, winning is surely the primary aim, although, as I have discussed elsewhere, this does not necessarily commit them to the view that they must seek to win at any cost17 Clearly, desiring to compete well is compatible with desiring to win, and one might prudently strive to compete well as a means toward greater success. But truly great competitors do have an interest in competing well — in whatever ways that becomes defined by the community or institution that makes competition possible, other than merely as a means to the end of victory.

What great victors want are legitimate (and legitimizing) wins. By "great victors" 1 mean those whose accomplishments acquire maximal meaning in their communal context. There can be little doubt that what such competitors seek for themselves is victory that is complete: namely, that which secures their entitlement to the distinction not only of having surmounted their opposition but also of serving as the standard bearer of what constitutes excellence in the context of those particular kinds of agonistic exchange. In this sense, it seems perfectly reasonable to say that the victor wants mastery^ that the victor does not wish to be subjected to ostracism, that the victor might rightly consider ostracism a violation of the terms of fair play. But that does not mean that the community that seeks its own regulation through agonistic interaction must be similarly disposed. Nietzsche is quite mindful of this difference, often much more so than those who continue to wrestle with the challenges of agonistic politics today.18

#### Engaging the call of the topic is key to authentic existence---they’re the flip-side of compulsory production which shirks all action and engagement with the world

Biles 7—prof of divinity at U Chicago (Jeremy, Ecce Monstrum: Georges Bataille and the Sacrifice of Form, 63-4)

Following the publication in 1943 of Bataille's book Inner experience, Bataille and Jean-Paul Sartre engage in a brief but mordant polemical volley in which Sartre accuses Bataille of being "a new mystic." As a term of derision, "mystic' here connotes for Sartre a person who has disengaged himself from life, retreating from the crucial choices that ensure an authentic human existence. Bataille's pursuit of a "rapturous escape from the self" amounts to cowardice, flagrant irresponsibility - a failure to exercise the free involvement with the world that defines authenticity. 141 He accuses Bataille of escaping engagement, evading meaningful action. 142

Though Sartre does not explicitly rely on Nietzsche in formulating his philosophical response to Bataille's mystical raptures, Sartre does pressuppose a certain reading of Nietzsche, his "Great predecessor" 143 - for Nietzsche emblematizes what Sartre refers to as authenticity, the antithesis of "bad faith." Drawing from the German philosopher's emphasis on free will and overcoming, Sartre formulates his brand of existentialist philosophy around a humanistic vision in which choice (the free act of the will) allows a person to live authentically - that is, with an eye to future possibilities. Nietzsche's philosophy becomes a "call for man to choose his own life, to take responsibility for it." 144 According to Sartre, existence is absurd unless humans engage in projects through which they project themselves into the future. It is this telically oriented life that Bataille seeks to challenge. 145

#### they just flip the hierarchy and efface the neg

Galloway 7—Samford Comm prof (Ryan, Contemporary Argumentation and Debate, Vol. 28, 2007)

While affirmative teams often accuse the negative of using a juridical rule to exclude them, the affirmative also relies upon **an unstated rule** to **exclude the negative response**. This unstated but understood rule is that the negative speech act must serve to negate the affirmative act. Thus, affirmative teams often exclude **an entire range of negative arguments**, including arguments designed to challenge the hegemony, domination, and oppression inherent in topical approaches to the resolution. Becoming more than just a ritualistic tag-line of “fairness, education, time skew, voting issue,” **fairness exists in the implicit right to be heard in a meaningful way**. Ground is just that—**a ground to stand on**, **a ground to speak from**, **a ground by which to meaningfully contribute to an ongoing conversation**.

#### Their move to subvert negative engagement DENIES our intimacy and participation

Galloway 7—Samford Comm prof (Ryan, Contemporary Argumentation and Debate, Vol. 28, 2007)

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

#### It gets worse---if you think the aff is breaking the implicit bargain set out by the resolution, vote neg on jurisdiction

Kuhn 2 (Thomas, The Structure of Scientific Revolutions, turkpsikiyatri.org/arsiv/kuhn-ssr-2nded.pdf)

**PARAGRAPH AFTER THEIR CARD ENDS**

These consequences of scientific education have a converse that provides a third reason to suppose that paradigms guide research by direct modeling as well as through abstracted rules. Normal science can proceed without rules only so long as the relevant scientific community accepts without question the particular problem-solutions already achieved. Rules should therefore become important and the characteristic unconcern about them should vanish whenever paradigms or models are felt to be insecure. That is, moreover, exactly what does occur. The pre-paradigm period, in particular, is regularly marked by frequent and deep debates over legitimate methods, problems, and standards of solution, though these serve rather to deine schools than to produce agreement. We have already noted a few of these debates in optics and electricity, and they played an even larger role in the development of seventeenth-century chemistry and of early nineteenth-century geology. 3 Furthermore, debates like these do not vanish once and for all with the appearance of a paradigm. Though almost non-existent during periods of normal science, they recur regularly just before and during scientiic revolutions, the periods when paradigms are irst under attack and then subject to change. The transition from Newtonian to quantum mechanics evoked many debates about both the nature and the standards of physics, some of which still continue. 4 There are people alive today who can remember the similar arguments engendered by Maxwell’s electromagnetic theory and by statistical mechanics. 5 And earlier still, the assimilation of Galileo’s and Newton’s mechanics gave rise to a particularly famous series of debates with Aristotelians, Cartesians, and Leibnizians about the standards legitimate to science. 6 When scientists disagree about whether the fundamental problems of their ield have been solved, the search for rules gains a function that it does not ordinarily possess. While paradigms remain secure, however, they can function without agreement over rationalization or without any attempted rationalization at all.

#### Hicks and Greene are backwards---prioritizing personal conviction over switching sides is worse for democracy and dissent---conviction doesn’t just go one way, it could just as easily prop up exceptionalism and whatever else they criticize

Stannard 2006 (Matt, Department of Communication and Journalism, University of Wyoming, Spring 2006 Faculty Senate Speaker Series Speech, April 18, http://theunderview.blogspot.com/2006/04/deliberation-democracy-and-debate.html)

If it is indeed true that debate inevitably produces other-oriented deliberative discourse at the expense of students' confidence in their first-order convictions, this would indeed be a trade-off worth criticizing. In all fairness, Hicks and Greene do not overclaim their critique, and they take care to acknowledge the important ethical and cognitive virtues of deliberative debating. When represented as anything other than a political-ethical concern, however, Hicks and Greene's critique has several problems: First, as my colleague J.P. Lacy recently pointed out, it seems a tremendous causal (or even rhetorical) stretch to go from "debating both sides of an issue creates civic responsibility essential to liberal democracy" to "this civic responsibility upholds the worst forms of American exceptionalism." Second, Hicks and Greene do not make any comparison of the potentially bad power of debate to any alternative. Their implied alternative, however, is a form of forensic speech that privileges personal conviction. The idea that students should be able to preserve their personal convictions at all costs seems far more immediately tyrannical, far more immediately damaging to either liberal or participatory democracy, than the ritualized requirements that students occasionally take the opposite side of what they believe. Third, as I have suggested and will continue to suggest, while a debate project requiring participants to understand and often "speak for" opposing points of view may carry a great deal of liberal baggage, it is at its core a project more ethically deliberative than institutionally liberal. Where Hicks and Greene see debate producing "the liberal citizen-subject," I see debate at least having the potential to produce "the deliberative human being." The fact that some academic debaters are recruited by the CSIS and the CIA does not undermine this thesis. Absent healthy debate programs, these think-tanks and government agencies would still recruit what they saw as the best and brightest students. And absent a debate community that rewards anti-institutional political rhetoric as much as liberal rhetoric, those students would have little-to-no chance of being exposed to truly oppositional ideas. Moreover, if we allow ourselves to believe that it is "culturally imperialist" to help other peoples build institutions of debate and deliberation, we not only ignore living political struggles that occur in every culture, but we fall victim to a dangerous ethnocentrism in holding that "they do not value deliberation like we do." If the argument is that our participation in fostering debate communities abroad greases the wheels of globalization, the correct response, in debate terminology, is that such globalization is non-unique, inevitable, and there is only a risk that collaborating across cultures in public debate and deliberation will foster resistance to domination—just as debate accomplishes wherever it goes. Indeed, Andy Wallace, in a recent article, suggests that Islamic fundamentalism is a byproduct of the colonization of the lifeworld of the Middle East; if this is true, then one solution would be to foster cross-cultural deliberation among people on both sides of the cultural divide willing to question their own preconceptions of the social good. Hicks and Greene might be correct insofar as elites in various cultures can either forbid or reappropriate deliberation, but for those outside of that institutional power, democratic discussion would have a positively subversive effect.

#### Their critiques of debate miss the mark—defending a topic that involves the state for the sake of deliberation is distinct from accepting it, and limiting out some arguments for the sake of that deliberation is a more productive discourse that solves the aff better

**Talisse 2005** – philosophy professor at Vanderbilt (Robert, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges”) \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

These two serious activist challenges may be summarized as follows. First, the activist has claimed that political discussion must always take place within the context of existing institutions that due to structural inequality grant to certain individuals the power to set discussion agendas and constrain the kinds of options open for consideration prior to any actual encounter with their deliberative opponents; the deliberative process is in this sense rigged from the start to favor the status quo and disadvantage the agents of change. Second, the activist has argued that political discussion must always take place by means of antecedent ‘discourses’ or vocabularies which establish the conceptual boundaries of the deliberation and hence may themselves be hegemonic or systematically distorting; the deliberative process is hence subject to the distorting influence of ideology at the most fundamental level, and deliberative democrats do not have the resources by which such distortions can be addressed. As they aim to establish that the deliberativist’s program is inconsistent with her own democratic objectives, this pair of charges is, as Young claims, serious (118). However, I contend that the deliberativist has adequate replies to them both.

Part of the response to the first challenge is offered by Young herself. The deliberative democrat does not advocate public political discussion only at the level of state policy, and so does not advocate a program that must accept as given existing institutional settings and contexts for public discussion. Rather, the deliberativist promotes an ideal of democratic politics according to which deliberation occurs at all levels of social association, including households, neighborhoods, local organizations, city boards, and the various institutions of civil society. The longrun aim of the deliberative democrat is to cultivate a more deliberative polity, and the deliberativist claims that this task must begin at more local levels and apart from the state and its policies. We may say that deliberativism promotes a ‘decentered’ (Habermas, 1996: 298) view of public deliberation and a ‘pluralistic’ (Benhabib, 2002: 138) model of the public sphere; in other words, the deliberative democrat envisions a ‘multiple, anonymous, heterogeneous network of many publics and public conversations’ (Benhabib, 1996b: 87). The deliberativist is therefore committed to the creation of ‘an inclusive deliberative setting in which basic social and economic structures can be examined’; these settings ‘for the most part must be outside ongoing settings of official policy discussion’ (115).

Although Young characterizes this decentered view of political discourse as requiring that deliberative democrats ‘withdraw’ (115) from ‘existing structural circumstances’ (118), it is unclear that this follows. There certainly is no reason why the deliberativist must choose between engaging arguments within existing deliberative sites and creating new ones that are removed from established institutions. There is no need to accept Young’s dichotomy; the deliberativist holds that work must be done both within existing structures and within new contexts. As Bohman argues,

Deliberative politics has no single domain; it includes such diverse activities as formulating and achieving collective goals, making policy decisions and means and ends, resolving conflicts of interest and principle, and solving problems as they emerge in ongoing social life. Public deliberation therefore has to take many forms. (1996: 53)

The second challenge requires a detailed response, so let us begin with a closer look at the proposed argument. The activist has moved quickly from the claim that discourses can be systematically distorting to the claim that all political discourse operative in our current contexts is systematically distorting. The conclusion is that properly democratic objectives cannot be pursued by deliberative means. The first thing to note is that, as it stands, the conclusion does not follow from the premises; the argument is enthymematic. What is required is the additional premise that the distorting features of discussion cannot be corrected by further discussion. That discussion cannot rehabilitate itself is a crucial principle in the activist’s case, but is nowhere argued.

Moreover, the activist has given no arguments to support the claim that present modes of discussion are distorting, and has offered no analysis of how one might detect such distortions and discern their nature.20 Rather than providing a detailed analysis of the phenomenon of systematic distortion, Young provides (in her own voice) two examples of discourses that she claims are hegemonic. First she considers discussions of poverty that presume the adequacy of labor market analyses; second she cites discussions of pollution that presume that modern economies must be based on the burning of fossil-fuels. In neither case does she make explicit what constitutes the distortion. At most, her examples show that some debates are framed in ways that render certain types of proposals ‘out of bounds’. But surely this is the case in any discussion, and it is not clear that it is in itself always a bad thing or even ‘distorting’. Not all discursive exclusions are distortions because the term ‘distortion’ implies that something is being excluded that should be included.

Clearly, then, there are some dialectical exclusions that are entirely appropriate. For example, it is a good thing that current discussions of poverty are often cast in terms that render white supremacist ‘solutions’ out of bounds; it is also good that pollution discourses tend to exclude fringe-religious appeals to the cleansing power of mass prayer. This is not to say that opponents of market analyses of poverty are on par with white supremacists or that Greens are comparable to fringe-religious fanatics; it is rather to press for a deeper analysis of the discursive hegemony that the activist claims undermines deliberative democracy. It is not clear that the requested analysis, were it provided, would support the claim that systematic distortions cannot be addressed and remedied within the processes of continuing discourse. There are good reasons to think that continued discussion among persons who are aware of the potentially hegemonic features of discourse can correct the distorting factors that exist and block the generation of new distortions.

As Young notes (116), James Bohman (1996: ch. 3) has proposed a model of deliberation that incorporates concerns about distorted communication and other forms of deliberative inequality within a general theory of deliberative democracy; the recent work of Seyla Benhabib (2002) and Robert Goodin (2003: chs 9–11) aims for similar goals. Hence I conclude that, as it stands, the activist’s second argument is incomplete, and as such the force of the difficulty it raises for deliberative democracy is not yet clear. If the objection is to stick, the activist must first provide a more detailed examination of the hegemonic and distorting properties of discourse; he must then show both that prominent modes of discussion operative in our democracy are distorting in important ways and that further discourse cannot remedy these distortions.

## 1NR

### Case

#### The aff is an observation with no pragmatic strategy---only advocating tangible solutions can avoid intellectual abstractions that re-enforce the squo---without engaging in the hard task of reconstruction, pure critique is just fuel for the narcissism of academics

Bryant 12 (Levi, Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

I must be in a mood today– half irritated, half amused –because I find myself ranting. Of course, that’s not entirely unusual. So this afternoon I came across a post by a friend quoting something discussing the environmental movement that pushed all the right button. As the post read,¶ For mainstream environmentalism– conservationism, green consumerism, and resource management –humans are conceptually separated out of nature and mythically placed in privileged positions of authority and control over ecological communities and their nonhuman constituents. What emerges is the fiction of a marketplace of ‘raw materials’ and ‘resources’ through which human-centered wants, constructed as needs, might be satisfied. The mainstream narratives are replete with such metaphors [carbon trading!]. Natural complexity,, mutuality, and diversity are rendered virtually meaningless given discursive parameters that reduce nature to discrete units of exchange measuring extractive capacities. Jeff Shantz, “Green Syndicalism”¶ While finding elements this description perplexing– I can’t say that I see many environmentalists treating nature and culture as distinct or suggesting that we’re sovereigns of nature –I do agree that we conceive much of our relationship to the natural world in economic terms (not a surprise that capitalism is today a universal). This, however, is not what bothers me about this passage.¶ What I wonder is just what we’re supposed to do even if all of this is true? What, given existing conditions, are we to do if all of this is right? At least green consumerism, conservation, resource management, and things like carbon trading are engaging in activities that are making real differences. From this passage– and maybe the entire text would disabuse me of this conclusion –it sounds like we are to reject all of these interventions because they remain tied to a capitalist model of production that the author (and myself) find abhorrent. The idea seems to be that if we endorse these things we are tainting our hands and would therefore do well to reject them altogether.¶ The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities.¶ Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park:¶ The underpants gnomes have a plan for achieving profit that goes like this:¶ Phase 1: Collect Underpants¶ Phase 2: ?¶ Phase 3: Profit!¶ They even have a catchy song to go with their work:¶ Well this is sadly how it often is with the academic left. Our plan seems to be as follows:¶ Phase 1: Ultra-Radical Critique¶ Phase 2: ?¶ Phase 3: Revolution and complete social transformation!¶ Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing?¶ But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition

(have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done!¶ But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.¶ What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle.¶ I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation.¶ “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

#### Reducing social reality to discourse and text undermines emancipatory politics --- leaves the Left incapable of responding to environmental crises

Alan D. Sokal 96, Professor of Physics at New York University, “A Physicist Experiments With Cultural Studies,” Lingua Franca, May, 1996, http://www.physics.nyu.edu/sokal/lingua\_franca\_v4/lingua\_franca\_v4.html

Why did I do it? While my method was satirical, my motivation is utterly serious. What concerns me is the proliferation, not just of nonsense and sloppy thinking per se, but of a particular kind of nonsense and sloppy thinking: **one that denies the existence of objective realities, or (when challenged) admits their existence but downplays their practical relevance**. At its best, a journal like Social Textraises important questions that no scientist should ignore -- questions, for example, about how corporate and government funding influence scientific work. Unfortunately, epistemic relativism does little to further the discussion of these matters.

In short, my concern over the spread of subjectivist thinking is both intellectual and political. Intellectually, the problem with such doctrines is that they are false (when not simply meaningless). **There is a real world; its properties are not merely social constructions**; **facts and evidence do matter**. What sane person would contend otherwise? And yet, much contemporary academic theorizing consists precisely of attempts to blur these obvious truths -- the utter absurdity of it all being **concealed through obscure** and **pretentious** language.

Social Text's acceptance of my article exemplifies the intellectual arrogance of Theory -- meaning postmodernist literarytheory -- carried to its logical extreme. No wonder they didn't bother to consult a physicist. If all is discourse and ``text,'' then knowledge of the real world is superfluous; even physics becomes just another branch of Cultural Studies. If, moreover, all is rhetoric and ``language games,'' then **internal logical consistency is superfluous** too: a patina of theoretical sophistication serves equally well. **Incomprehensibility becomes a virtue**; allusions, metaphors and puns substitute for evidence and logic. My own article is, if anything, an extremely modest example of this well-established genre.

Politically, I'm angered because most (though not all) of this silliness is emanating from the self-proclaimed Left. We're witnessing here a profound historical volte-face. For most of the past two centuries, the Left has been identified with science and against obscurantism; we have believed that rational thought and the fearless analysis of objective reality (both natural and social) are incisive tools for combating the mystifications promoted by the powerful -- not to mention being desirable human ends in their own right. The recent turn of many ``progressive'' or ``leftist'' academic humanists and social scientists toward one or another form of epistemic relativism betrays this worthy heritage and undermines the already fragile prospects for progressive social critique. Theorizing about ``the social construction of reality'' **won't help us find an effective treatment for AIDS or devise strategies for** preventing global warming**. Nor can we combat false ideas in history, sociology, economics and politics** if we reject the notions of truth and falsity.