## 1NC

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#### First, interpretation- restrictions on energy production are limited to direct legal prohibitions or limits on the ability to produce

#### A-Restrictions are policy instruments—either statutory or regulatory—that directly limit activity

Free Legal Dictionary, accessed 12

[http://legal-dictionary.thefreedictionary.com/restriction //wyo-tjc]

restriction n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects, managed by homeowners' associations or similar organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions," intended to enhance the use of common facilities and property, recorded and incorporated into the title of each owner.

#### B-‘On’ refers to the indicated destination or focus of an effort

Merriam Webster, no date

[http://www.merriam-webster.com/dictionary/on]

9a —used as a function word to indicate destination or the focus of some action, movement, or directed effort <crept up on him> <feast your eyes on this> <working on my skiing> <made a payment on the loan> b —used as a function word to indicate the focus of feelings, determination, or will <have pity on me> <keen on sports> <a curse on you> c —used as a function word to indicate the object with respect to some misfortune or disadvantageous event <the crops died on them> d —used as a function word to indicate the subject of study, discussion, or consideration <a book on insects> <reflect on that a moment> <agree on price> e : with respect to <go light on the salt> <short on cash>

#### Second, violation: the affirmative defines restrictions as the companies having to cover the cost of cleaning up, there is no legal penalty for clean-up or legal barrier BLOCKING the production of wind power in these areas

#### Third, Reasons to prefer:

#### A-Principled limit- restriction isn’t a term of art in energy literature and it is commonly used in context. Direct legal barriers is the only way to place a limit on what counts

#### B- Education- expansive definitions creates an opportunity cost with learning about the ins and outs of the barriers within the leasing system because a larger topic trades off with in depth case research and results in more generics

#### Fourth, vote negative: Topicality is a voting issue because it is a prima facie burden and should be evaluated as a question of competing interpretations

### 1NC Marx

#### BUTLERS OBSTINANT AND INTENTIONAL IGNORANCE OF THE MATERIAL CONDITIONS THAT UNDERPIN VULNERABILITY MEANS THEY DON’T SOLVE AND MAKE THE PROBLEM WORSE

Paul **Smith**, Instructor, Cultural Studies Doctoral Program, George Mason Unversity, “Precarious Politics,” SYMPLOKE 12: 1-2, 20**04**, pp. 254-260, Project Muse.

The nub of all this comes early in the book, when Butler proposes to consider "the conditions under which certain human lives are more vulnerable than others, and thus certain human lives more grievable than others" (30).Thus, she asks why it is that Americans cannot grieve the Muslim dead in the post 9/11 conflicts. The absence of the Muslim dead from the news and the obituaries is immediately aligned with the struggles of "sexual minorities . . . transgendered people . . . intersexed people . . . [the] physically challenged" and racial minorities, all of whom struggle with the social imposition of parameters of the human, with normative values and "culturally viable notions of the human" (35). This sweeping homology is driven home by reference to "the queer lives that vanished on September 11," who went unrecognized in the obituaries and whose relatives were "belatedly and selectively . . . made eligible for benefits" (35). This rather breathtaking alignment has perhaps the opposite effect to that intended. Here and elsewhere Butler is at pains to say that she's not calling for simply some warm and fuzzy inclusion of excluded subjective into the faulty normative schemes that she sees all around her. Instead, she is calling for what she calls "an insurrection at the level of ontology" (33). (If that's to be the new slogan of radicalism, Bush, Ashcroft, Rumsfeld and their ilk probably aren't going to be losing a lot of sleep!) But rather than offering ways to reconceive relational subjectivity, or even simply highlighting the specific struggles of different subjects, Butler in effect produces nothing more than some rough equivalency amongst all those who somehow don't fit neatly into the "culturally [End Page 256]viable notions of the human." To conceive of such an equivalency you have to do a lot of stripping away of materiality and you have to be virtually impervious to levels of specificity. At best, what Butler is pointing to here is a purely discursive or ideological homology, and it turns out to be a very incomplete homology even in its own terms. That is, there's something analytically wrong when Butler's highlighting of the "vanished lives" from the WTC can't include the laborers, janitors, food workers, homeless people and undocumented immigrants who died there, and whose struggles for recognition were not just about their access to "culturally viable notions of humanity" but equally about their economic value. In mostly unpublicized struggles to gain compensation and benefits, the relatives of many of these people, as well as attack survivors themselves, confronted the simple fact that their lives were simply not valued. The struggles of many of these people continue, three years after the attacks. These kinds of people don't appear in Butler's pantheon of victims—and nor do her victims themselves appear as labor, or as subjects whose identity is in any way at all constituted by their relation to capitalism (even though this might well be why they were attacked, as representatives of a predatory capitalist imperium). This elision, executed during Butler's cheerleading for the principles of inculsivity and relationality, is more than simply symptomatic of Butler's approach; it is a reminder of the weakness of any consideration of identity that cannot or will not entertain the historical and material conditions under which such identities are formed. In the end, what divides and differentiates subjects is not some factitious, contingent and unsatisfactory use of the category "human;" rather more it is the continual and relentless depredations of capital. So it's not really "conditions" that Butler investigates in this book; she isn't asking about American imperialism, or media power, or any of the material factors that inflect contemporary ideologies. Rather, she is simply pointing to some of the discursive structures and attitudinal habits that express those conditions.

#### THE DETERMINISM OF CAPITAL IS RESPONSIBLE FOR THE INSTRUMENTALIZATION OF ALL LIFE—IT IS THIS LOGIC THAT MOBILIZES AND ALLOWS FOR THE 1AC’S SCENARIOS IN THE FIRST PLACE

DYER-WITHERFORD (professor of Library and Info. Sciences at the U of Western Ontario) 1999
[Nick. Cyber Marx: Cycles and Circuits of Struggle in High Technology Capitalism.]

For capitalism, the use of machines as organs of “will over nature” is an imperative. The great insight of the Frankfurt School—an insight subsequently improved and amplified by feminists and ecologists—was that capital’s dual project of dominating both humanity and nature was intimately tied to the cultivation of “instrumental reason” that systematically objectifies, reduces, quantifies and fragments the world for the purposes of technological control. Business’s systemic need to cheapen labor, cut the costs of raw materials, and expand consumer markets gives it an inherent bias toward the piling-up of technological power. This priority—enshrined in phrases such as “progress,” “efficiency,” “productivity,” “modernization,” and “growth”—assumes an automatism that is used to override any objection or alternative, regardless of the environmental and social consequences. Today, we witness global vistas of toxification, deforestation, desertification, dying oceans, disappearing ozone layers, and disintegrating immune systems, all interacting in ways that perhaps threaten the very existence of humanity and are undeniably inflicting social collapse, disease, and immiseration across the planet. The degree to which this project of mastery has backfired is all too obvious.

#### Vote Negative to validate and adopt the method of structural/historical criticism that is the 1NC.

#### THIS IS NOT THE ALTERNATIVE, BUT IN TRUTH THE ONLY OPTION— METHOD IS THE FOREMOST POLITICAL QUESTION BECAUSE ONE MUST UNDERSTAND THE EXISTING SOCIAL TOTALITY BEFORE ONE CAN ACT ON IT—GROUNDING THE SITES OF POLITICAL CONTESTATION OR KNOWLEDGE OUTSIDE OF LABOR AND SURPLUS VALUE MERELY SERVE TO HUMANIZE CAPITAL AND PREVENT A TRANSITION TO A SOCIETY BEYOND OPPRESSION

TUMINO (Prof. English @ Pitt) 2001

[Stephen, “What is Orthodox Marxism and Why it Matters Now More than Ever”, Red Critique, p. online //wyo-tjc]

Any effective political theory will have to do at least two things: it will have to offer an integrated understanding of social practices and, based on such an interrelated knowledge, offer a guideline for praxis. My main argument here is that among all contesting social theories now, only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity. But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . . ). This systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All modes of Marxism now explain social inequalities primarily on the basis of these secondary contradictions and in doing so—and this is my main argument—legitimate capitalism. Why? Because such arguments authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society, based on cultural equality but economic inequality, has always been the not-so-hidden agenda of the bourgeois left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . . ) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . . ) to. . . . For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . . ). Such an understanding of social inequality is based on the fundamental understanding that the source of wealth is human knowledge and not human labor. That is, wealth is produced by the human mind and is thus free from the actual objective conditions that shape the historical relations of labor and capital. Only Orthodox Marxism recognizes the historicity of labor and its primacy as the source of all human wealth. In this paper I argue that any emancipatory theory has to be founded on recognition of the priority of Marx's labor theory of value and not repeat the technological determinism of corporate theory ("knowledge work") that masquerades as social theory.

### 1NC States CP

#### Text: The 50 states, Washington D.C., and relevant territories should offer to accept all liability imposed by the Comprehensive Environmental Response, Compensation, and Liability Act for the production and construction of wind projects on Brownfields.

#### State level reform and action is the basis for progressive reform and movements – federal action constitutes political death

Stephen Clark, Professor of Law, Albany Law School of Union University, 2003 (“Progressive Federalism? A Gay Liberationist Perspective” – Albany Law Review) p. lexis

Indeed, perhaps the greatest risk to dissident progressive interests is the possibility of national action precipitously and uniformly repudiating those interests on a preemptive, nationwide basis before they gain a foothold anywhere. American history seems to indicate that progressive reform movements tend to build momentum by gaining success at state or local levels before ultimately generating sufficient strength to prevail nationally. Rare has been the progressive reform that succeeded in performing the political equivalent of a standing high-jump, surmounting a looming, counter-progressive national policy in a single bound with no running start among state and local governments. In part this seems to be because dissident progressive interests benefit from the gradual introduction provided by states and local governments serving as "laboratories where many lessons in regulation may be learned by trial and error on a small scale without involving" the country as a whole "in every experiment." Progressive advocacy of same-sex marriage or death with dignity is greatly enhanced by the recognition of civil unions in Vermont and physician-assisted suicide in Oregon, which demonstrate that such existing law reforms do not cause the stars to fall from the sky. It is for that reason that nascent progressive movements are particularly vulnerable to the threat of nationally prohibitory legislation that maintains and reinforces the marginalizing sense of taboo, exoticism, or absurdity that may often envelop newly emerging progressive interests.

### 1NC Elections

#### Obama is leading Romney by a slim margin

Reuters 11-1

(“Race tight in four states, Obama holds slight edge - Reuters/Ipsos poll” 11-1-12 http://uk.reuters.com/article/2012/11/01/uk-usa-campaign-poll-idUKBRE89U1PX20121101//wyoccd)

Nationwide, Obama leads Romney among likely voters by a statistically insignificant margin of 47 percent to 46 percent, the online survey found. The numbers were unchanged from Tuesday and neither candidate has held a clear lead since early October. Gallup and several other polls have suspended activity since Monday because of Hurricane Sandy, which left millions without power along the East Coast, but Clark said she saw little evidence the disaster had affected the four-day survey's results. "Our numbers haven't gone strange on us," Clark said. "We're still getting interviews from those areas." Ipsos has monitored response rates and not seen a significant difference due to Sandy, she said. Some 24 percent of those surveyed nationally said they had already cast their ballots, providing further evidence that early voting will play a larger role than ever in the election. Among those who had not yet voted, a quarter said they planned to cast their ballots before Election Day. Obama led Romney by 53 percent to 41 percent among the 1,660 respondents who said they had already voted. Although the race remains tight, 52 percent expected Obama to win. Only 30 percent said they thought Romney would

#### Obama winning the working class white vote now, but Romney is close enough for vote switching

National Post 10-31

(“White Working-Class Voters Expanding Presidential Battleground Map” 10-31-12 http://www.nationaljournal.com/columns/against-the-grain/white-working-class-voters-expanding-presidential-battleground-map-20121031//wyoccd)

That’s creating a scenario where the president faces a high bar to expand the minority share of electorate even further over 2008 to compensate. Indeed, one of the reasons polling tends to be most volatile in these states is that the makeup of the electorate will determine the winner. There aren’t a whole lot of persuadable voters here. Polls showing Romney ahead assume the electorate will be whiter and older; polls showing Obama leading tend to expect a more diverse electorate. The winner in these states will be which campaign is best able to turn out its base. Early vote tallies in all three states suggest that Democrats are coming close to hitting their turnout targets, but with GOP enthusiasm surging substantially versus a weak showing in 2008. Meanwhile, the Obama turnout machine isn’t quite as valuable in the more homogeneous battleground states--Iowa, Ohio, Wisconsin, and New Hampshire--that make up the president’s firewall. These states have older, whiter electorates. The name of the game for Democrats here is persuasion as much as mobilization. In Ohio, Obama’s campaign strategy is clear: making Romney’s opposition to the auto bailout a central part of the bid to hold onto enough working-class whites to win the state. But it’s also becoming clear that it’s not just Ohio, Iowa, and Wisconsin that are looking winnable for Romney--it’s the entire swath of competitive Midwestern and Rust Belt states that share demographic similarities, and where Republicans made significant gains during the 2010 midterms. Obama holds a small lead in Ohio thanks to the auto bailout, but the issues driving the electorate in neighboring states are more favorable to Republicans.

#### Blue collar, working class whites will decide the election due to their swing state locations- Obama will alienate them and send them to Romney should he reject traditional FF expansion

Mead 2012

[Walter Russell Mead, James Clarke Chace Professor of Foreign Affairs and Humanities at Bard College and Editor-at-Large of The American Interest magazine, and is recognized as one of the country's leading students of American foreign policy. June 6, 2012, <http://blogs.the-american-interest.com/wrm/2012/06/06/green-politics-hurting-obama-in-swing-states/>, Uwyo//amp]

Since the beginning of the recession, America’s “brown jobs” revolution has been one of the few bright spots in an otherwise shaky recovery. States like North Dakota and Texas have led the country in growth due to their strong energy sectors, and the discovery of vast quantities of shale gas in states like Pennsylvania, Ohio, and Colorado are now providing new jobs. These states have more than shale gas in common: all of them are also on the short list of swing states that decide this year’s presidential election. Republicans are seizing the opportunity to make energy politics a centerpiece of their campaign. As the FT reports: “Blue-collar voters were never that sold on environmental issues, and if some Democrats come across as not keen on economic development, it could lose them support here in Ohio,” he said. Republicans, from Mitt Romney, the party’s presidential candidate, to the congressional leadership, have made Barack Obama’s alleged stifling of the energy industry a centrepiece of their campaigns this year. . . . Mr Romney has said he will approve the Keystone XL pipeline as soon as he wins office and curb the powers of the Environmental Protection Agency. Only time will tell whether this is a winning strategy, but there is reason to think it could work. As we’ve mentioned before, energy politics is an area where Obama is particularly vulnerable. His decision to nix the popular Keystone pipeline earlier this year signaled antipathy toward one of America’s strongest industries while doing nothing to help the environment; it was lambasted as a pointless blunder by observers on both sides of the aisle. Meanwhile, his pet projects in alternative energy have fallen flat, as debacles like Solyndra have received far more attention than the program’s few successes. This should be seriously worrying to the Obama campaign. Brown jobs may be unpopular in Obama’s white-collar, urban, coastal base, but it is blue collar voters in swing states that are likely to decide the election, and many of these voters stand to reap significant benefits from an expansion of America’s energy sector. From a political perspective, Obama has placed himself on the wrong side of this issue. It may come back to bite him come November.

#### Romney would enforce neoliberal politics- abandons the poor, focuses on the individual destroying sense community destroying the sense and identity of the Other

Giroux 12

[HENRY GIROUX, holds the Global TV Network chair in English and Cultural Studies at McMaster University in Canada. His most recent books include: “Take Back Higher Education” (co-authored with Susan Searls Giroux, 2006), “The University in Chains: Confronting the Military-Industrial-Academic Complex” (2007) and “Against the Terror of Neoliberalism: Politics Beyond the Age of Greed” (2008). His latest book is Twilight of the Social: Resurgent Publics in the Age of Disposability,” (Paradigm.), “Authoritarian Politics in the Age of Casino Capitalism”, August 28, 2012, <http://www.greanvillepost.com/2012/08/28/neoliberalisms-culture-of-cruelty/>, \\wyo-bb]

The 2012 U.S. Presidential Election exists at a pivotal moment in this transformation away from democracy, a moment in which formative cultural and political realms and forces – including the rhetoric used by election candidates – appear saturated with celebrations of war and Social Darwinism. Accordingly, the possibility of an even more authoritarian and ethically dysfunctional leadership in the White House in 2013 has certainly caught the attention of a number of liberals and other progressives in the United States. American politics in general and the 2012 election in particular present a challenge to progressives, whose voices in recent years have been increasingly excluded from both the mainstream media and the corridors of political power. Instead, the media have played up the apocalyptic view of the Republican Party’s fundamentalist warriors, who seem fixated on translating issues previously seen as non-religious—such as sexual orientation, education, identity, and participation in public life—into the language of a religious revival and militant crusade against evil. How else to explain Republican Vice-Presidential nominee Paul Ryan’s claim that the struggle for the future is a “fight of individualism versus collectivism,” with its nod to the McCarthyism and cold war rhetoric of the 1950s. Or Rick Santorum’s assertion that “President Obama is getting America hooked on ‘The narcotic of government dependency,’” promoting the view that government has no responsibility to provide safety nets for the poor, disabled, sick, and elderly. There is more at work here than simply a ramped up version of social Darwinism with its savagely cruel ethic of “reward the rich, penalize the poor, [and] let everyone fend for themselves,” [ii] there is also a full scale attack on the social contract, the welfare state, economic equality, and any viable vestige of moral and social responsibility. The Romney-Ryan appropriation of Ayn Rand’s ode to selfishness and self-interest is of particular importance because it offers a glimpse of a ruthless form of extreme capitalism in which the poor are considered “moochers,” viewed with contempt, and singled out to be punished. But this theocratic economic fundamentalist ideology does more. It destroys any viable notion of the and civic virtue in which the social contract and common good provide the basis for creating meaningful social bonds and instilling in citizens a sense of social and civic responsibility. The idea of public service is viewed with disdain just as the work of individuals, social groups, and institutions that benefit the citizenry at large are held in contempt. As George Lakoff and Glenn W. Smith point out, casino capitalism creates a culture of cruelty: “its horrific effects on individuals-death, illness, suffering, greater poverty, and loss of opportunity, productive lives, and money.”[iii] But it does more by crushing any viable notion of the common good and public life by destroying “the bonds that hold us together.”[iv] Under casino capitalism, the spaces, institutions, and values that constitute the public are now surrendered to powerful financial forces and viewed simply as another market to be commodified, privatized and surrendered to the demands of capital. With religious and market-driven zealots in charge, politics becomes an extension of war; greed and self-interest trump any concern for the well-being of others; reason is trumped by emotions rooted in absolutist certainty and militaristic aggression; and skepticism and dissent are viewed as the work of Satan. If the Republican candidacy race of 2012 is any indication, then political discourse in the United States has not only moved to the right—it has been introducing totalitarian values and ideals into the mainstream of public life. Religious fanaticism, consumer culture, and the warfare state work in tandem with neoliberal economic forces to encourage privatization, corporate tax breaks, growing income and wealth inequality, and the further merging of the financial and military spheres in ways that diminish the authority and power of democratic governance.[v] Neoliberal interests in freeing markets from social constraints, fueling competitiveness, destroying education systems, producing atomized subjects, and loosening individuals from any sense of social responsibility prepare the populace for a slow embrace of social Darwinism, state terrorism, and the mentality of war—not least of all by destroying communal bonds, dehumanizing the other, and pitting individuals against the communities they inhabit.

### Mourning Answers: 1NC

#### FIRST, THERE ARE LOTS OF THINGS BUTLER CRITICIZES AS FOUNDATIONS OF THEIR HARMS—EITHER THEY DON’T SOLVE BECAUSE THEY DON’T HAVE A ‘BROWNFIELDS KEY/SNOWBALLS’ CARD OR THEY ARE NOT TOPICAL

Robin May **Schott**, PhD & Lecturer, Department of Philosophy, Education, and Rhetoric, University of Copenhagen, “Politics and the Art of Mourning,” December 20, 20**04**. Available from the World Wide Web at:: [www.kvinfo.dk/side/563/article/297/](http://www.kvinfo.dk/side/563/article/297/), accessed 9/30/06.

The five essays that comprise Precarious Life were all written after the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001. In these essays, Butler addresses the rise of censorship and anti-intellectualism in the U.S.; the refusal to mourn those that the U.S. has killed; the indefinite detention of prisoners in Guantanomo Bay in violation of the Geneva Convention; the dangers of equating anti-Zionism with anti-Semitism; and the ethics of non-violence.

#### SECOND, THEIR ETHICS ARE INCOMPLETE—MOURNING CAN ALSO FUEL THE –ISMS THEY SEEK TO ADDRESS

Robin May **Schott**, PhD & Lecturer, Department of Philosophy, Education, and Rhetoric, University of Copenhagen, “Politics and the Art of Mourning,” December 20, 20**04**. Available from the World Wide Web at:: [www.kvinfo.dk/side/563/article/297/](http://www.kvinfo.dk/side/563/article/297/), accessed 9/30/06.

Third, what does it mean to make something politically out of grief? Butler notes, "it is not that mourning is the goal of politics, but that without the capacity to mourn, we lose that keener sense of life we need in order to oppose violence". She is right that loss and mourning are inevitably part of life. The emphasis on loss, mourning and failure is part of a tragic tradition in philosophy. And she is right that grief can lead to many things politically besides revenge and retaliation. Mourning can lead to a transformation not only of oneself but of the political conditions in which one finds oneself. Losing a close friend to AIDS intensifies my protest against the racism that made it impossible for him as a black man to reveal his illness. In Michael Moore's movie Bowling for Columbine the father whose six-year old daughter was shot to death by another six-year old in a school in Flint, Michigan began to protest against the National Rifle Association. And in Moore's Fahrenheit 9/11 a mother from Flint, whose son was killed while he was a soldier in Iraq, began to organize anti-war activities. So the capacity to mourn can fuel political protest. But it can also fuel racism, violence, and war. What Butler presumes here is that one can distinguish between proper and improper mourning. Whereas proper mourning involves protesting a system that has caused one's loss, improper mourning would involve hurting the person(s) who caused this loss, in revenge or retaliation. But she needs to give a much more careful discussion of mourning and the basis on which a judgment of grief can be made.

#### THIRD, THEIR POLITICS DON’T SOLVE—SIMPLY SHIFT THE BOUNDARIES OF HUMAN/NON-HUMAN

Robin May **Schott**, PhD & Lecturer, Department of Philosophy, Education, and Rhetoric, University of Copenhagen, “Politics and the Art of Mourning,” December 20, 20**04**. Available from the World Wide Web at:: [www.kvinfo.dk/side/563/article/297/](http://www.kvinfo.dk/side/563/article/297/), accessed 9/30/06.

Second, I wonder whether her own theory can support her call for us to widen the concept of the human. Her theoretical work has elaborated on how the process of dehumanization, which excludes certain lives from being recognized as human, is also constitutive of the concept of the human. If this is right, can one ever eliminate the logic by which some lives are treated as non-human? Is the ethical task to try to limit the number of lives who fall into this category? Or do we merely shift who is considered non-human in different places and times?

#### FOURTH, BUTLER NEEDS TO DO UPDATES—THE CULTURE HAS SHIFTED AGAINST THE LOSS OF COMPASSION THEY CITE EARLY IN THE WAR ON TERRORISM, INCLUDING VIA THE MEDIA COVERAGE THAT BUTLER CRITICIZES

Paul **Smith**, Instructor, Cultural Studies Doctoral Program, George Mason Unversity, “Precarious Politics,” SYMPLOKE 12: 1-2, 20**04**, pp. 254-260, Project Muse.

Followers of Butler's work will no doubt be happy to see her address so overtly some of the major issues of the last lethal years. But things have changed even in the few months since the book's publication in April 2004. In July of this year the US Supreme Court ruled substantially against the Bush administration's claim to be able to indefinitely detain "enemy combatants," foreign and American, without interference from the law. From a body that was widely seen as being deeply in the tank for the Bush administration, the sharp constitutional lessons it delivered must have hurt. And those rulings came quickly on the heels of the Abu-Ghraib prison "scandal" that severely damaged the American [End Page 254]government, denting its credibility at home and worsening its reputation even further abroad. At the same time, the much trumpeted handover of sovereignty to Iraqis (or what Naomi Klein has called the "underhand," given the multiple ways the US constrained and compromised it) has done little to convince the world that the US is anything but a heavy-handed and corrupt occupying power, still embroiled in violent struggle with Iraqis.

And importantly, given the fact that Butler frequently stresses the poverty of media-led public discourse, the tide of American public discourse on all this has been turning too. For much of 2004 many parts of the media—led, perhaps, by TheNew York Times and CNN—have been visibly releasing themselves from the onus of their self-defined and unquestioned duty to reproduce the most impoverished of all possible American responses to 9/11 and its aftermath that the Bush administration manufactured. Those media are still "embedded" in all kinds of ways, to be sure; but from the position of being pig-headedly in the tank for the Bush administration, they have been slowly recovering the ability to critique the whole post-9/11 farrago, the misadventures in Iraq, and even the Mosaic leader himself.

#### FIFTH, BUTLER’S ETHICS AREN’T REVOLUTIONARY, THEY’RE APOLOGIST AND NARCISSISTIC—WE NEED A TRULY RADICAL POLITICS

Jodi **Dean**, Professor, Political Theory, Hobart & William Smith Colleges, “Beginning Again,” May 15, 20**06**. Available from the World Wide Web at: <http://jdeanicite.typepad.com/i_cite/2006/05/beginning_again.html>, accessed 9/30/06.

Today's dilemma: Butler's ethics. What sort of ethics stems from vulnerability? How is the awareness of the vulnerability of ourselves and others an ethical source or inspiration, particularly when, as Butler notes, what is recognizable as vulnerability is already given to us in the form of norms that we may well contest. I find myself thinking of the pathetically vulnerable and narcissistic subjects that Zizek describes, these late capitalist subjects so vulnerable, so unprotected, so at risk before the enjoyment of the other and the unceasing demands of the superego. Such vulnerabilities hardly seem an auspicious site for ethics or the ethics they incite, an ethics of the acknowledgement of vulnerability, seems a more horrific version of regulation and delicacy, of tiptoeing and whispering and being careful not to offend, such that they feed and support the very dimension of the superego that Butler rightly wants to diminish. But even this dilemma isn't the one that really paralyzes me. What really bothers me is the turn to ethics when what is needed is politics. I can imagine Machiavelli (and Nietzsche and, why not, Hannibal Lecter) grinning at a politics of vulnerability: "oh yes, please, be my guest, you who are at risk, you who are uncertain, join me as I dine."

#### SIXTH THEIR POLITICS OF MOURNING ARE REALLY JUST MELANCHOLIA IN DRAG (PUN INTENDED), WHICH FORECLOSES UPON ANALYZING THE POLITICAL POTENTIALITIES OF OUR CURRENT SITUATION

Wendy **Brown**, Professor, Political Science and Women’s Studies, University of California-Berkeley, “Resisting Left Melancholia,” LOSS: THE POLITICS OF MOURNING, ed. David L. Eng & David Kazanjian, 20**02**, p. 458-459.

For the last two decades, cultural theorist Stuart Hall has insisted that the “crisis of the Left” is due neither to internal divisions in the activist or academic Left nor to the clever rhetoric or funding schemes of the Right. Rather, he has charged, this ascendancy is consequent to the Left’s own failure to apprehend the character of the age and to develop a political critique and a moral-political vision appropriate to this character. For Hall, the rise of the Thatcher-Reagan Right was a symptom rather than a cause of this failure, just as the Left’s dismissive or suspicious attitude toward cultural politics is for Hall a sign not of its unwavering principles but of its anachronistic habits of thought and its fears and anxieties about revising those habits.

But what are the content and dynamic of these fears and anxieties? I want to develop just one thread of this problem through a consideration of the phenomenon named “Left melancholia” by Walter Benjamin more than half a century ago. What did Benjamin mean by and with this pejorative appellation for a certain intellectual and political bearing? As most readers will know, Benjamin was neither categorically nor characterologically opposed to the value and valence of sadness as such, nor to the potential insights gleaned from brooding over one’s losses. Indeed, he had a well-developed appreciation of the productive value of acedia, sadness, and mourning for political and cultural work, and in his study of Baudelaire, Benjamin treated melancholia itself as something of a creative wellspring. But “Left melancholia” is Benjamin’s unambivalent epithet for the revolutionary hack who is, finally, more attached to a particular political analysis or ideal— even to the failure of that ideal— than to seizing possibilities for radical change in the present. In Benjamin’s enigmatic insistence on the political value of a dialectical historical grasp of “the time of the Now,” Left [458] melancholia represents not only a refusal to come to terms with the particular character of the present, that is, a failure to understand history in terms other than “empty time” or “progress.” It signifies as well a certain narcissism with regard to one’s past political attachments and identity that exceeds any contemporary investment in political mobilization, alliance, or transformation. 1

The irony of melancholia, of course, is that attachment to the object of one’s sorrowful loss supersedes any desire to recover from this loss, to live free of it in the present, to be unburdened by it. This is what renders melancholia a persistent condition, a state, indeed, a structure of desire, rather than a transient response to death or loss. In Freud’s 1917 meditation on melancholia, he reminds us of a second singular feature of melancholy: It entails “a loss of a more ideal kind [than mourning]. The object has not perhaps actually died, but has been lost as an object of love.” 2 Moreover, Freud suggests, the melancholic will often not know precisely what about the object has been loved and lost: “This would suggest that melancholia is in some way related to an object-loss which is withdrawn from consciousness, in contradistinction to mourning, in which there is nothing about the loss that is unconscious.” 3 The loss precipitating melancholy is more often than not unavowed and unavowable. Finally, Freud suggests that the melancholic subject— low in self-regard, despairing, even suicidal— has shifted the reproach of the once-loved object (a reproach waged for not living up to the idealization by the beloved) onto itself, thus preserving the love or idealization of the object even as the loss of this love is experienced in the suffering of the melancholic.

Now why would Benjamin use this term, and the emotional economy it represents, to talk about a particular formation on and of the Left? Benjamin never offers a precise formulation of Left melancholia. Rather, he deploys it as a term of opprobrium for those more beholden to certain long-held sentiments and objects than to the possibilities of political transformation in the present. Benjamin is particularly attuned to the melancholic’s investment in “things.” In the Trauerspiel, he argues that “melancholy betrays the world for the sake of knowledge,” here suggesting that the loyalty of the melancholic converts its truth (“every loyal vow or memory”) about its beloved into a thing, indeed, imbues knowledge itself with a thinglike quality. 4 Another version of this formulation: “In its tenacious self-absorption [melancholy] embraces dead objects in its contemplation.” 5 More simply, melancholia is loyal “to the world of things,” 6 suggesting a certain logic of fetishism— with all the conservatism and withdrawal from human relations that fetishistic desire implies— contained within the melancholic logic. In the critique of Kastner’s poems in which Benjamin first coins “Left melancholia,” Benjamin suggests that sentiments themselves become things for the Left melancholic who “takes as much pride in the [459] traces of former spiritual goods as the bourgeois do in their material goods.” 7 We come to love our Left passions and reasons, our Left analyses and convictions, more than we love the existing world that we presumably seek to alter with these terms or the future that would be aligned with them. Left melancholia, in short, is Benjamin’s name for a mournful, conservative, backward-looking attachment to a feeling, analysis, or relationship that has been rendered thinglike and frozen in the heart of the putative Leftist. If Freud is helpful here, then this condition presumably issues from some unaccountable loss, some unavowably crushed ideal, contemporarily signified by the terms Left, Socialism, Marx, or the Movement.Certainly the losses, accountable and unaccountable, of the Left are many in our own time. The literal disintegration of socialist regimes and the legitimacy of Marxism may well be the least of it. We are awash in the loss of a unified analysis and unified movement, in the loss of labor and class as inviolable predicates of political analysis and mobilization, in the loss of an inexorable and scientific forward movement of history, and in the loss of a viable alternative to the political economy of capitalism. And on the backs of these losses are still others: we are without a sense of international, and often even local, Left community; we are without conviction about the Truth of the social order; we are without a rich moral-political vision of the Good to guide and sustain political work. Thus we suffer with the sense of not only a lost movement but also a lost historical moment, not only a lost theoretical and empirical coherence but also a lost way of life and a lost course of pursuits. This much many on the Left can forthrightly admit, even if we do not know what to do about it. But in the hollow core of all these losses, perhaps in the place of our political unconscious, is there also an unavowed loss— the promise that Left analysis and Left commitment would supply its adherents a clear and certain path toward the good, the right, and the true? Is it not this promise that formed the basis for much of our pleasure in being on the Left, indeed, for our self-love as Leftists and our fellow feeling toward other Leftists? And if this love cannot be given up without demanding a radical transformation in the very foundation of our love, in our very capacity for political love or attachment, are we not doomed to Left melancholia, a melancholia that is certain to have effects that are not only sorrowful but also self-destructive? Freud again: “If the love for the object— a love which cannot be given up though the object itself is given up— takes refuge in narcissistic identification, then the hate comes into operation on this substitutive object, abusing it, debasing it, making it suffer and deriving sadistic satisfaction from its suffering.” 8

#### SEVENTH, EVEN THEY IF SOMEHOW WIN THAT THERE IS A DISCURSIVE ELEMENT TO POWER, THEY STILL DON’T SOLVE BECAUSE BUTLER IS *STILL* WRONG—IT IS LIMITED AND OPERATES AROUND OTHER MODALITIES OF SUBJECTIVITY—POLITICS MUST RECOGNIZE THAT THERE IS A MATERIAL OUTSIDE TO POWER

Don **Moore**, Doctoral Candidate, English and Cultural Studies, McMaster University, “Rethinking the Butlerian Sovereignty Exception: Judi,” POLITICS AND CULTURE, 20**05**. Available from the World Wide Web at: <http://aspen.conncoll.edu/politicsandculture/page.cfm?key=375>, accessed 9/30/06.

The methodological point I am trying to make here is to underline the importance of rethinking the limitations of Butlerian power as a ground by which Precarious Life: The Powers of Mourning and Violence theorizes the power of mourning to discursively produce the ethical limits of the "human" subject. Reading this book more carefully for the ways in which it is in dialogue with Agamben's critique of power demonstrates, for me, that power is not so much a totalizing "ground" by which to measure the operations of all modalities of subjectivity, i.e. class, race, gender, age, but is instead an important yet limited concept that works in, through, and alongside these other modalities of subjectivity. Not recognizing the epistemological limits of power as a concept, as Spivak and Agamben have pointed out, is to blind oneself - as perhaps Butler sometimes does - to the ways in which humanity is constituted by the sovereign exception over that which does not count in the biopolitics of humanity. And surely this is a crucial point to ponder for those interested in negotiating the possibilities of political agency for subjects that may find themselves not subject to power; those who, through the powerful hegemonic exceptionalism of certain sovereign groups - the abused prisoners of Abu Ghraib whose human rights were suspended by the US government come to mind - are either partially or entirely excluded from humanity and thus the rights afforded to humans.

#### EIGHTH, THEIR ETHICS OF VUNLERABILITY ARE SIMPLY THE FLIP SIDE OF THE BIOPOLITICS—ROOTING ETHICS IN THE OTHER IS JUST STILL BIOPOLITICAL BECAUSE IT PLACES DEMANDS UPON THE OTHER AS THE BASIS OF OUR OWN IDENTITY

Slavoy **Zizek**, Keepin’ It Real Since ‘68, “Homo Sacer as the Object of the Discourse of the University,” 20**04**. Available from the World Wide Web at: <http://www.lacan.com/hsacer.htm>

Is this not the attitude of the hedonistic Last Man? Everything is permitted, you can enjoy everything, BUT deprived of its substance which makes it dangerous. (This is also Last Man's revolution — "revolution without revolution.") Is this not one of the two versions of Lacan's anti-Dostoyevski motto "If God doesn't exist, everything is prohibited"? (1) God is dead, we live in a permissive universe, you should strive for pleasures and happiness — but, in order to have a life full of happiness and pleasures, you should avoid dangerous excesses, so everything is prohibited if it is not deprived of its substance; (2) If God is dead, superego enjoins you to enjoy, but every determinate enjoyment is already a betrayal of the unconditional one, so it should be prohibited. The nutritive version of this is to enjoy directly the Thing Itself: why bother with coffee? Inject caffeine directly into your blood! Why bother with sensual perceptions and excitations by external reality? Take drugs which directly affect your brain! - And if there is God, then everything is permitted — to those who claim to act directly on behalf of God, as the instruments of His will; clearly, a direct link to God justifies our violation of any "merely human" constraints and considerations (as in Stalinism, where the reference to the big Other of historical Necessity justifies absolute ruthlessness).

Today's hedonism combines pleasure with constraint — it is no longer the old notion of the "right measure" between pleasure and constraint, but a kind of pseudo-Hegelian immediate coincidence of the opposites: action and reaction should coincide, the very thing which causes damage should already be the medicine. The ultimate example of it is arguably a chocolate laxative, available in the US, with the paradoxical injunction "Do you have constipation? Eat more of this chocolate!", i.e., of the very thing which causes constipation. Do we not find here a weird version of Wagner's famous "Only the spear which caused the wound can heal it" from Parsifal? And is not a negative proof of the hegemony of this stance the fact that true unconstrained consumption (in all its main forms: drugs, free sex, smoking…) is emerging as the main danger? The fight against these dangers is one of the main investments of today's "biopolitics." Solutions are here desperately sought which would reproduce the paradox of the chocolate laxative. The main contender is "safe sex" — a term which makes one appreciative of the truth of the old saying "Is having sex with a condom not like taking a shower with a raincoat on?". The ultimate goal would be here, along the lines of decaf coffee, to invent "opium without opium": no wonder marijuana is so popular among liberals who want to legalize it — it already IS a kind of "opium without opium."

The structure of the "chocolate laxative," of a product containing the agent of its own containment, can be discerned throughout today's ideological landscape. There are two topics which determine today's liberal tolerant attitude towards Others: the respect of Otherness, openness towards it, AND the obsessive fear of harassment — in short, the Other is OK insofar as its presence is not intrusive, insofar as the Other is not really Other… A similar structure is clearly present in how we relate to capitalist profiteering: it is OK IF it is counteracted with charitable activities — first you amass billions, then you return (part of) them to the needy… And the same goes for war, for the emergent logic of humanitarian or pacifist militarism: war is OK insofar as it really serves to bring about peace, democracy, or to create conditions for distributing humanitarian help. And does the same not hold more and more even for democracy: it is OK if it is "rethought" to include torture and a permanent emergency state, if it is cleansed of its populist "excesses," and if the people are "mature" enough to live by it…

However, what we were describing what cannot but appear as two opposite ideological spaces: that of the reduction of humans to bare life, to homo sacer as the dispensable object of the expert caretaking knowledge; and that of the respect for the vulnerable Other brought to extreme, of the attitude of narcissistic subjectivity which experiences itself as vulnerable, constantly exposed to a multitude of potential "harassments." Is there a stronger contrast than the one between the respect for the Other's vulnerability and the reduction of the Other to "mere life" regulated by the administrative knowledge?

But what if these two stances nonetheless rely on the same root, what if they are the two aspects of one and the same underlying attitude, what if they coincide in what one is tempted to designate as the contemporary case of the Hegelian "infinite judgement" which asserts the identity of opposites? What the two poles share is precisely the underlying refusal of any higher Causes, the notion that the ultimate goal of our lives is life itself. Nowhere is the complicity of these two levels clearer as in the case of the opposition to death penalty — no wonder, since (violently putting another human being to) death is, quite logically, the ultimate traumatic point of biopolitics, the politics of the administration of life. To put it in Foucauldian terms, is the abolition of death penalty not part of a certain "biopolitics" which considers crime as the result of social, psychological, ideological, etc., circumstances: the notion of the morally/legally responsible subject is an ideological fiction whose function is to cover up the network of power relations, individuals are not responsible for the crimes they commit, so they should not be punished? Is, however, the obverse of this thesis not that those who control the circumstances control the people? No wonder the two strongest industrial complexes are today the military and the medical, that of destroying and that of prolonging life.

Superego is thus not directly S2; it is rather the S1 of the S2 itself, the dimension of an unconditional injunction that is inherent to knowledge itself. Recall the informations about health we are bombarded with all the time: "Smoking is dangerous! To much fat may cause a heart attack! Regular exercise leads to a longer life!" etc.etc. — it is impossible not to hear beneath it the unconditional injunction "You should enjoy a long and healthy life!"… What this means is that the discourse of the University is thoroughly mystifying, concealing its true foundation, obfuscating the unfreedom on which it relies.

### Consequentialism

**Consequentialism is key to ethical decision making, because it ensures beings are treated as equal—any other approach to ethics is arbitrary because it considers one’s preferences as more important than others**

**Lillehammer, 2011**

[Hallvard, Faculty of Philosophy Cambridge University, “Consequentialism and global ethics.” Forthcoming in M. Boylan, Ed., Global Morality and Justice: A Reader, Westview Press, Online, <http://www.phil.cam.ac.uk/teaching_staff/lillehammer/Consequentialism_and_Global_Ethics-1-2.pdf>] /Wyo-MB

Contemporary discussions of consequentialism and global ethics have been marked by a focus on examples such as that of the shallow pond. In this literature, distinctions are drawn and analogies made between different cases about which both the consequentialist and his or her interlocutor are assumed to have a more or less firm view. One assumption in this literature is that progress can be made by making judgements about simple actual or counterfactual examples, and then employing a principle of equity to the effect that like cases be treated alike, in order to work out what to think about more complex actual cases. It is only fair to say that in practice such attempts to rely only on judgements about simple cases have a tendency to produce trenchant stand-offs. It is important to remember, therefore, that for some consequentialists the appeal to simple cases is neither the only, nor the most basic, ground for their criticism of the ethical status quo. **For** some of the historically most prominent **consequentialists** **the** evidential **status of judgements** about simple cases **depends on** their derivability from **basic ethical principles** (plus knowledge of the relevant facts). Thus, in The Methods of Ethics, Henry Sidgwick argues that ethical thought is grounded in a small number of self-evident axioms of practical reason. **The first** of these **is that we ought to promote our own good**. **The second is that the good of any one individual is objectively of no more importance than the good of any other (**or, in Sidgwick’s notorious metaphor, **no individual’s good is more important ‘from the point of view of the Universe’ than that of any other). The third is that we ought to treat like cases alike. Taken together**, Sidgwick takes **these axioms** to **imply** a form of **consequentialism**. **We ought to promote our own good. Yet since our own good is objectively no more important than the good of anyone else, we ought to promote the good of others as well. And in order to treat like cases alike, we have to weigh our own good against the good of others impartially, all other things being equal.** iv It follows that the **rightness of our actions is fixed by what is best for the entire universe of ethically relevant beings.** **To claim otherwise is to claim for oneself and one’s preferences a special status they do not possess**. When understood along these lines, **consequentialism is by definition a global ethics: the good of everyone should count for everyone, no matter their identity, location, or personal and social attachments, now or hereafter**. v Some version of this view is also accepted by a number of contemporary consequentialists, including Peter Singer, who writes that it is ‘preferable to proceed as Sidgwick did: search for undeniable fundamental axioms, [and] build up a moral theory from them’ (Singer 1974, 517; Singer 1981). For these philosophers the question of our ethical duties to others is not only a matter of our responses to cases like the shallow pond. It is also a matter of whether these responses cohere with an ethics based on first principles. If you are to reject the consequentialist challenge, therefore, you will have to show what is wrong with those principles.

## 2NC

**50 State action is better for environmental justice**

**-- Local Solutions**

**A. States lead to greater community spirit and informed decision making**

Steven G. Calabresi, Professor of Constitutional Law, Formerly Law Clerk, Supreme Court Justice Antonin Scalia, Court of Appeals Judge Robert H. Bork, and Ralph K. Winter, and Served in the Reagan and Bush Administrations, December 1995 (“A Government of Limited and Enumerated Powers: In Defense of United States v. Lopez” – Michigan Law Review) p. lexis

The greater congruence of mores between citizens and representatives in state governments in turn **may produce greater civic mindedness and community spirit** at the state level. This might ameliorate the highly corrosive decline of public spiritedness at the national level that has occurred as a result of the current perception that there exists a discongruence of mores between members of Congress and the public. Finally, decentralization improves the quality of governmental decisionmaking by improving the information flow from the populace to the relevant government decisionmakers. Centralized command and control decisionmaking is often economically inefficient beyond a certain point in all social organizations. This point holds true for the military, for corporations that contract out for many goods and services, and for government as well. Large, multilayered bureaucracies cannot process information successfully. Decentralization alleviates this crucial problem by leading to better informed decisionmaking. As our society and economy grow in complexity, the amount of information that government must process increases as well. This is why overly centralized, top-down command and control mechanisms are even less desirable in today's complex modern economy than they were during the Model-T era of Franklin Roosevelt's New Deal. Ironically, the decentralized federalism of the horse-and-buggy era is better suited to the needs of our information economy than is the overly centralized, outmoded nationalism of the New Deal.

**B. That forms the crux of the environmental justice - the movement is decisively in favor of community activism and against federal action**

Richard L. **Revesz**, Professor of Law, New York University, **December 2001** (“Federalism and Environmental Regulation: A Public Choice Analysis” – Harvard Law Review) p. lexis

In particular, the environmental justice movement is made up of a large number of advocacy groups concerned with issues such as the location and cleanup of hazardous waste sites. A study by Robert Lowry found that **these local groups have different outlooks** than their national counterparts. For example, **they are not comfortable with technocratic solutions** and tend to view environmental problems in moral terms. More importantly, these groups strongly favor community-level action. As Luke Cole, a prominent environmental justice advocate puts it: "The question of where - at **what level of government** - environmental decisions should be made is one which has been answered **clearly and decisively by the E**nvironmental **J**ustice **Movement**: at the community level." That such groups, which first emerged in the early 1980s, now have considerable impact on public policy is strong evidence against Ratliff's thesis.

**-- Collective Action – the federal level creates more problems for environmental movements and compromises their goals – state focused advocacy is more effective**

Richard L. **Revesz**, Professor of Law, New York University, **December 2001** (“Federalism and Environmental Regulation: A Public Choice Analysis” – Harvard Law Review) p. lexis

Therefore, contrary to the assertions of those who espouse the public choice rationale in support of federal environmental regulation, the theory of collective action **does not predict greater success** for environmental groups at the federal level. **Much the opposite**: it suggests that, given the necessarily larger size of groups acting at the federal level, **groups will** in fact **be less effective** there **than at the state level.** Moreover, the national aggregation of environmental interests results in the **loss of homogeneity of interests**, thereby further complicating organizational problems. For example, environmentalists in Massachusetts may care primarily about air quality, whereas environmentalists in Colorado may care more about limitations on logging on public lands. Other things being equal, state-based environmental groups seeking, respectively, better air quality in Massachusetts and more protection of public lands in Colorado are likely to be more effective than a national environmental group seeking both improvements at the federal level.

**-- Self Determination**

**A. Self-determination is a critical goal of the environmental justice movement**

Lincoln L. **Davies**, J.D. Stanford Law School, **Fall 1999** (“If You Give the Court a Commerce Clause: An Environmental Justice Critique of Supreme Court Interstate Waste Jurisprudence” – Fordham Environmental Law Journal) p. lexis

Closely linked to environmental justice's need for participation -- and legitimization of that participation -- is **the movement's advocacy of self-determination.** To be sure, legitimate participation and fair representation in the political system are the precursors to self-determination, but true self-determination moves beyond participation and representation alone. As the Principles of Environmental Justice state, "Environmental justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples." In other words, the movement strives to give all citizens means by which to determine and influence the environment where they live. Without such means, community residents are left to rely on others for environmental protection; with such means, however, residents are empowered to help achieve true environmental justice, and they become accountable for any injustice they allow. In this sense, self-determination is akin to the sovereignty sought after by American Indian tribes n88 -- self-governance within each community's own cultural and historical interface.

**B. Federal regulation compromises self-determination, while state governments enhance it**

Daniel C. **Esty**, Yale Law School and Yale School of Forestry and Environmental Studies, Formerly Deputy Chief of Staff and Deputy Assistant Administrator for Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, **December 1996** (“Revitalizing Environmental Federalism” – Michigan Law Review) p. lexis

In addition to efficiency gains, advocates of regulatory devolution employ public choice theory to argue against centralized environmental regulation. Two arguments are commonly advanced: first, that decisions made at higher and more distant levels of government **compromise selfdetermination and are less "representative"** than those made closer to home; and second, that interest group distortions of political decisionmaking become more severe at higher levels of government. Environmental problems often have important local dimensions that are more likely to be captured by giving decisionmaking authority to those close to the issue. Cleanup standards for a toxic waste dump should, for example, turn on what the future land use of the site is likely to be. Similarly, how much money to spend to remove radionuclides from drinking water depends heavily on the potential competing financial needs and risk exposures of the community in question. This information is likely to be lodged at the local level. Of course, decisions made directly by the common citizen avoid altogether the risk that elected representatives might not accurately reflect the public's will. This longing for direct democracy often emerges with particular force in the environmental domain because choices are being made about public health and land use, and they evoke strong feelings and a deep distrust of the elite decisionmaking implied by any form of representative government. The second strand of the public choice argument against federalized environmental programs relates to the distortion of governmental decisions by interest group politics. Some second-generation commentators suggest that the asymmetries of political power between industrial and environmental interests have been exaggerated. Others indicate that even if there ever were a perceivable gap in interest group access and influence between the federal and state-local levels, **it now has been closed** with the emergence of many environmental groups operating at these levels. In addition, some second-generation theorists argue that, irrespective of whether environmental interests are underrepresented at the state and local levels, they are overrepresented at the national level. More dramatically, some commentators argue that Madison's federal architecture, designed to reduce the influence of economic factions, **has given way to a special-interest-dominated federal government** in which regulatory powers are often captured by rent-seeking interests or other narrowly focused groups. In this world of "Madison's nightmare," environmental groups run amok inflicting huge costs on society because their misguided actions play out with magnified significance on the national or international stages.

#### Obama is winning the election now, but it’s close

Montanaro 10-29

(Domenico Montanaro, writer for MSNBC. “Romney, Obama camps spar over who's really winning” 10-29-12 http://firstread.nbcnews.com/\_news/2012/10/29/14783817-romney-obama-camps-spar-over-whos-really-winning?lite//wyoccd)

The latest is over whether Republican challenger Mitt Romney is making up so much ground on President Barack Obama that he is expanding the map into places like Pennsylvania and even Minnesota – or whether Romney’s path is so limited that he needs to find new states to put in play. Recommended: Sandy gives unpredictable twist to 2012 election There is some evidence for the expansion and tightened battleground landscape. There is a new poll today, for example, from the University of Cincinnati showing Romney closing the gap in Ohio to a tied race, 49 to 49 percent. Some polls in the Keystone State in recent weeks have showed Romney within 5 points, but the Romney campaign has not made a serious play for the state, booking no ads despite those public polls. A poll out today from the Philadelphia Inquirer shows Obama up 49 to 43 percent. That’s a slight improvement for Romney from earlier this month, when Obama was up 50 to 42 percent. The pro-Romney outside group Restore Our Future, however, is now giving it another shot in Pennsylvania, booking $2 million in ads for this week. The Obama campaign says it will respond with ads of its own, because it’s not “going to take anything for granted right now,” Campaign Manager Jim Messina said on a conference call with reporters, but the campaign categorically denies that it is seeing any momentum for Romney in its data. "I don't want to be ambiguous about this at all: We're winning this race,” Obama campaign adviser David Axelrod said on the call, “and I say that not on the basis of some mystical faith in a wave that's going to come...We base it on cold, hard data. … In just eight days, we'll know who was bluffing and who wasn't." Two polls in Minnesota show two different stories – one from Mason-Dixon showing a 4-point race, 47 to 43 percent with Obama leading; the other from St. Cloud University has it Obama 53 percent, Romney 45 percent, close to the president’s 2008 margin. The Obama campaign began running advertising in Minneapolis last week, which it said is intended for Wisconsin, but it is also dispatching former President Bill Clinton to Minnesota for two campaign events tomorrow.

#### Obama ahead now, several polls suggest winning key swing states

Sobel 10-28

(Robert Sobel, staff writer for the Examiner. “New polls: Obama now holding leads in Florida, Ohio, Virginia and Wisconsin” 10-28-12 http://www.examiner.com/article/new-polls-obama-now-holding-leads-florida-ohio-virginia-and-wisconsin-1//wyoccd)

With the election right around the corner, new polls released show President Obama starting to inch ahead of his Republican challenger, Mitt Romney. As a disappointing October comes to an end, President Obama hopes that new momentum can carry him to a second term. New polls released this weekend show President Obama holding a slight national lead, and holding or regaining leads in key swing states. The new Reuters/Ipsos poll released Sunday shows the president with a narrow national advantage, leading the former CEO of Bain Capital by two points, 47 to 45 percent. A new Minneapolis Star-Tribune poll has Mitt Romney trailing President Obama by three points in Minnesota, down 47 to 44 percent, with ten electoral votes on the line. Public Policy Polling released two new polls from Florida and New Hampshire, each showing President Obama with a small, but important lead. With the Sunshine State of Florida seeming like a lock for Mitt Romney, the new PPP poll now puts President Obama in the lead by one point. The lead is nothing to celebrate, but considering Romney had a lead as much as seven points in Florida over the last two weeks, the president and his campaign have to be happy at the swing in momentum. In New Hampshire, the PPP has President Obama up by two points over Mitt Romney, a three-point reversal from the previous week when Romney held a one point advantage. According to a new Washington Post poll, President Obama is leading Mitt Romney by four points in Virginia eclipsing the important 50 percent threshold, holding on to a 51 to 47 percent advantage. The PPP poll has President Obama matching his exact Virginia numbers in Ohio, leading Mitt Romney 51 to 47 percent. The election is coming down to the wire, and as both candidates continue to push their message, it's almost as important where the message gets delivered as it is what the message is. Mitt Romney saw his best stretch of the election following the first presidential debate, but after two bounce back performances by the president, Romney's "debate bounce" has stalled and the race is back to reality.Nate Silver of the New York Times and the 538 blog give President Obama a 74.6 percent chance of winning the election, carrying 296.6 electoral votes compared to 241.4 for Mitt Romney. While all eyes are on presidential polls, there's only number that really matters - 270 electoral votes and who gets there first.

#### Obama winning now, but it’s so close anything can happen

Page 10-29

(Susan Page, writer for USA Today. “Will this election be a replay of 2000?” 10-29-12 http://www.usatoday.com/story/news/nation/2012/10/29/will-this-presidential-election-be-a-replay-of-2000/1667665//wyoccd)

10:07PM EDT October 29. 2012 - WASHINGTON -- The final chapter of the 2000 presidential campaign is hard to forget: One winner in the Electoral College, another in the popular vote. Disputes over butterfly ballots and hanging chads. A crucial Florida recount that was settled by a 5-4 Supreme Court decision. Ready for a reprise? Some of the soap-opera elements that fueled the electoral drama 12 years ago don't apply this time (for instance, one candidate's brother isn't governor of the most critical battleground). And Florida and other states have tried to redress the ballot mishaps that plagued that election. But the ingredients are clearly present in 2012 for another difficult Election Day and long election night — with potentially catastrophic repercussions for the budget and tax negotiations slated to follow in hopes of preventing the federal government from falling off the "fiscal cliff" at the end of the year. STORY: President Romney, but Veep Biden? If the election were held today, national and statewide polls indicate there might well be a split decision: President Obama winning the Electoral College and Republican Mitt Romney carrying the popular vote. Activists on both sides are braced for Election Day problems over new voter procedures in such key states as Virginia and Ohio. And a razor-close finish automatically would prompt recounts in Colorado, Florida, Ohio and elsewhere. "In this close an election, anything could happen," cautions political scientist John Aldrich of Duke University. Statewide surveys in the battlegrounds give Obama has a slightly stronger standing than his rival. According to polls aggregated by RealClearPolitics.com (and posted online on USA TODAY's Presidential Poll Tracker), the president is ahead by a tick in Iowa, Nevada, New Hampshire, Ohio and Wisconsin. Romney leads in Florida and North Carolina. That gives the president a wider path to the 270 votes in the Electoral College needed to win the White House. Meanwhile, Romney holds a very narrow edge nationwide in the aggregated surveys; he leads by 51%-46% among likely voters in Gallup's daily poll. Romney fares better nationally than in the swing states because Republicans generally are more enthusiastic about the election than Democrats — that makes them more likely to vote without a campaign apparatus to push them — and because he racks up big margins across the South, where antipathy to Obama is the strongest. The Romney camp dismisses speculation about the prospect of winning the popular vote only to lose the Electoral College. "We are confident we will win the election decisively on Nov. 6," press secretary Andrea Saul says.