### Elections

**Obama will win but it will be close and is reversible**

**Bouie, 9/10**/12 - staff writer at [The American Prospect](http://www.washingtonpost.com/blogs/plum-line/post/the-fundamentals-still-favor-obama/2012/09/10/d67db19e-fb6d-11e1-98c6-ec0a0a93f8eb_blog.html) (Jamelle, “The fundamentals still favor Obama,” Washington Post,[ht tp://www.washingtonpost.com/blogs/plum-line/post/the-fundamentals-still-favor-obama/2012/09/10/d67db19e-fb6d-11e1-98c6-ec0a0a93f8eb\_blog.html](http://www.washingtonpost.com/blogs/plum-line/post/the-fundamentals-still-favor-obama/2012/09/10/d67db19e-fb6d-11e1-98c6-ec0a0a93f8eb_blog.html)

Since the Democratic National Convention ended, there has been clear movement in the polls, and President Obama is winning. Nate Silver, who usually urges caution when reading poll results, made this point earlier today, when he [wondered if observers were understating the degree to which there’s been clear movement in the presidential race](http://fivethirtyeight.blogs.nytimes.com/2012/09/10/sept-9-call-it-as-you-see-it/):

[T]he polling movement that we have seen over the past three days represents the most substantial shift that we’ve seen in the race all year, with the polls moving toward Mr. Obama since his convention.

How far will Mr. Obama’s numbers rise, and how long will his bounce last? We don’t know that, of course. But the range of possible outcomes reads pretty favorably for him.

None of this is to say that Obama will win in November, but it’s increasingly clear that he’s winning. And while it may not seem like it — given the ups and downs of the campaign season — this has been true for most of the year. Yes, the race has been close since April, when Mitt Romney wrapped up the Republican presidential primary and consolidated the bulk of GOP voters. But since then, Obama has maintained a small but persistent lead over the former Massachusetts governor. Indeed, Romney has never held a lead in the averages calculated by [Pollster](http://elections.huffingtonpost.com/pollster/2012-general-election-romney-vs-obama#!mindate=2012-04-01&amp;smoothing=more&amp;hiddenpollsters=rasmussen,zogby-internet) or [Real Clear Politics](http://www.realclearpolitics.com/epolls/2012/president/us/general_election_romney_vs_obama-1171.html). It’s possible that this will change — Obama’s convention bounce could dissipate and voters could finally move to Romney — but given the contours of the race, that seems unlikely.

As [Greg has been pointing out](http://www.washingtonpost.com/blogs/plum-line/post/why-wont-obama-voters-break-up-with-him/2012/09/06/e4831e06-f84c-11e1-8398-0327ab83ab91_blog.html), it’s clear that the Romney campaign is governed by a crude economic determinism — “as long as the economy is bad, all we have to do is show up, and voters will reward us with the presidency.” Hence Romney pollster Neil Newhouse’s [declaration](http://www.mittromney.com/news/press/2012/09/memorandum-state-race1) that “the basic structure of the race hasn’t changed.” This is true, but not in a way that helps Romney. Simply put, the “basic structure of the race” still favors President Obama. The economy is poor and job creation is sluggish, but growth is on an upward trajectory, and according to most election models, this makes Obama a slight favorite for reelection. That the Romney campaign fails to see this explains everything from Romney’s refusal to provide policy detail to his team’s inexplicable decision to cede summer advertising to the Obama campaign.

#### Nuclear power is unpopular with the public – multiple reasons

Mariotte 12 – executive director and the chief spokesperson for NIRS, has testified in the United States Senate and before the U.S. House of Representatives on nuclear power, a graduate of Antioch College. (Michael, Jun 5th, “Nuclear Power and Public Opinion: What the polls say” <http://www.dailykos.com/story/2012/06/05/1097574/-Nuclear-Power-and-Public-Opinion-What-the-polls-say>) Jacome

These are all fundamental questions, the answers to which could affect our future far more than, say, who will be the next Senator from Indiana. Yet, perhaps surprisingly, until recently—really the past two or three years—other than regularly-conducted, loudly-trumpeted and rarely relevant industry-sponsored polls, polling of public opinion on nuclear power (and a lot of other energy issues) was haphazard at best.

Gallup, for example, over the past 18 years as best as we can find out, has conducted only 10 polls (and most of these only asked a half-sample, putting their numbers into question) asking people their opinion on nuclear power. But beginning in 2009, Gallup has begun polling annually. Unfortunately, Gallup asks the exact same question, with the same wording, that the Nuclear Energy Institute’s (NEI) own well-tested polling does. And the NEI doesn’t ask questions that it doesn’t want the answers to. Even so, Gallup’s answers don’t quite match those NEI gets, and which are usually heavily promoted in the media by NEI.

To try to get a better sense of what the public really thinks about nuclear power (and since we can’t afford to conduct our own polling), we took a look at every poll we could find on the issue, and related energy issues, over the past two years, and in some cases further back. Yes, that includes GOP/Fox News favorite Rasmussen.

As DailyKos readers know, if not the general public, examining all the possible polls leads to a much greater confidence in conclusions than relying on a single poll. Thus, we have a fairly strong confidence that our conclusions are a good statement of where the American public is at on nuclear power and our energy future in the Spring of 2012.

Conclusion 1: The public does NOT want to pay for new nuclear power. It IS willing to pay for renewable energy.

This one is a slam dunk.

New nuclear reactors are simply too expensive for utilities to build with their own assets. Nor are banks willing to lend money for most nuclear projects; they’re considered too risky given the long history of cost overruns, defaults, cancellations and other problems. Thus, the only two means of financing a new reactor are to either get money from taxpayers, through direct federal loans or taxpayer-backed loan guarantees, or from ratepayers in a few, mostly Southern states, which allow utilities to collect money from ratepayers before reactors are built—a concept known either as “early cost recovery” or Construction Work in Progress (CWIP).

ORC International (which polls for CNN, among others) has asked a straightforward question for the past two years (March 2011 and February 2012) in polls commissioned by the Civil Society Institute: “Should U.S. Taxpayers Take on the Risk of Backing New Nuclear Reactors?” The answer? Basically identical both years: 73% opposed in 2011, 72% opposed in 2012.

Maybe using the work “risk” skews the poll, you think? So ORC also asked, “Do you favor or oppose shifting federal loan guarantees from nuclear energy to clean renewables?” The answer was basically the same: 74% said yes in 2011, 77% in 2012 with 47% “strongly” holding that opinion both years.

A third poll conducted by ORC for Civil Society Institute in March 2012 asked this question:

“Utilities in some states are allowed to charge electricity ratepayers for “Construction Work in Progress” for new power plants. This means that ratepayers – instead of the companies – pay for construction of new nuclear reactors and other major power plants before any electricity ever reaches customers, thereby lowering the financial risks to shareholders. Knowing this, which of the following statements about “Construction Work in Progress” most closely reflects your view?”

The answer: fully 80% opposed CWIP.

Most pollsters have not asked similar questions; interestingly though, Rasmussen did in May 2012 for an undisclosed client. Their question: “The government is providing billions in loan guarantees to help the development of new nuclear plants. Would that money be better spent on the development of alternative new energy sources?” Unfortunately, Rasmussen did not publicize the results and hid them behind a paywall, which we were not inclined to pursue. But if anyone has access to that, we’d love to know what Rasmussen found.

Conclusion 2: Americans do not think nuclear power is “clean” energy, and still don’t want to pay for it.

Jumping back to ORC International, their March 2012 poll found this:

About two out of three Americans (66 percent) – including 58 percent of Republicans, 65 percent of Independents, and 75 percent of Democrats -- agree that the term “‘clean energy standard’ should not be used to describe any energy plan that involves nuclear energy, coal-fired power, and natural gas that comes from hydraulic fracturing, also known as ‘fracking.’”

and this:

About three out of four Americans (73 percent) agree that “federal spending on energy should focus on developing the energy sources of tomorrow, such as wind and solar, and not the energy sources of yesterday, such as nuclear power.” Fewer than one in four (22 percent) say that “federal spending on energy should focus on existing energy sources, such as nuclear, and not emerging energy sources, such as wind and solar.”

Meanwhile, the New York Times in May reported on a Harvard/Yale poll (also behind a paywall), conducted in 2011 but released in May 2012, that found that Americans are willing to pay an average of $162/year more for clean energy than they are paying now—an average 13% increase in electric bills. But when clean energy was defined as including nuclear power or natural gas, that support plummeted.

This is consistent with findings over the past decade, which have shown that nuclear power has typically ranked well below renewable energy sources, especially solar and wind, in public opinion, at times battling with coal for least-favorite U.S. energy source.

A March 2012 Gallup poll found that 69% of Americans support spending more government money on solar and wind power—with majorities among Democrats (84%) and Republicans (51%) alike. But support for “expanding the use of nuclear power” barely received a majority (52%) and then only due to Republican support: 64% of Republicans supported that idea, only 41% of Democrats.

Conclusion 3: On new reactors, how one asks the question matters.

Gallup and the Nuclear Energy Institute ask the same question: “Overall, do you strongly favor, somewhat favor, somewhat oppose or strongly oppose the use of nuclear energy as one of the ways to provide electricity in the U.S.?”

This question doesn’t really get to the issue of support for new nuclear reactors, although NEI typically tries to spin it that way. Although a question of support for current reactors wasn’t asked in any recent poll we saw, the public traditionally has been more supportive of existing reactors than new ones, and the question above could easily be interpreted as support for existing reactors, or even simple recognition that they exist. The results may also be skewed by the pollsters throwing nuclear in as “one of the ways,” without a context of how large a way.

Nonetheless, despite asking the same question, Gallup and NEI can’t agree on the answer. NEI, for example, in November 2011 asserted that 28% of the public strongly favors nuclear power with an additional 35% somewhat in favor. NEI found only 13% strongly opposed and another 21% somewhat opposed. A May 2012 NEI poll did not publicly break down the numbers into strongly vs somewhat, but claimed a similar 64-33% split between support for nuclear power and opposition.

Gallup, asking the same question in March 2012, found a narrower split. A smaller number was strongly in favor (23%, a drop of 5%) and a larger number strongly opposed (24%, increase of 3%)—overall an 8-point anti-nuclear swing among those with strong opinions. Those in the middle were 34% somewhat favor vs 16% somewhat opposed. The 2012 numbers were slightly worse for nuclear power than the identical question asked in March 2011, just before Fukushima.

But other polls suggest that Gallup and NEI may be asking the wrong question. For example, the LA Times reported on a Yale-George Mason University poll in April 2012 that found that support for new nuclear power had dropped significantly, from 61% in 2008 to 42% today.

Even Rasmussen in its May 2012 poll found that only 44% support building new reactors. That was good news for Rasmussen since it found that only 38% oppose them, with a surprising 18% undecided (surprising because no other poll we saw had such a high undecided contingent for any nuclear-related question).

Meanwhile the March 2012 ORC International poll found that:

“Nearly six in 10 Americans (57 percent) are less supportive of expanding nuclear power in the United States than they were before the Japanese reactor crisis, a nearly identical finding to the 58 percent who responded the same way when asked the same question one year ago. Those who say they are more supportive of nuclear power a year after Fukushima account for well under a third (28 percent) of all Americans, little changed from the 24 percent who shared that view in 2011.”

But perhaps the most telling, and easily the most interesting, poll comes from a March 2012 poll from the Yale Project on Climate Change Communications. Participants were asked, “When you think of nuclear power, what is the first word or phrase that comes to your mind?”

29% of those polled said “disaster.” Another 24% said “bad.” Only about 15% said “good” and that was the only measurable group that had anything positive to say. That poll also found that, “…only 47 percent of Americans in May 2011 supported building more nuclear power plants, down 6 points from the prior year (June 2010), while only 33 percent supported building a nuclear power plant in their own local area.”

Conclusions

Americans are not exactly wild about the idea of building new nuclear reactors. Polls asking the question different ways arrive at different results; at the lowest common denominator it is safe to say the country is divided on the issue. But Americans clearly don’t want to pay for construction of new reactors. And the reality is that no utility wants to or even can spend its own money building new reactors—they’re just too expensive. Congress, State legislatures and Public Service Commissions would do well to heed that warning, especially since it crosses all party and political lines.

#### Romney would support an Israeli strike on Iran

Robert W. Merry 8-1-2012; editor of The National Interest and the author of books on American history and foreign policyRomney Edges U.S. toward War with Iran <http://nationalinterest.org/commentary/romney-edges-us-toward-war-iran-7275>

The major newspapers all understood that GOP presidential candidate Mitt Romney’s expressions in Jerusalem last weekend were important, which is why they played the story on page one. But only the New York Times captured the subtle significance of what he said. The paper’s coverage, by Jodi Rudoren and Ashley Parker, reported that Romney sought to adhere to the code that says candidates shouldn’t criticize the president on foreign soil. “But,” they added, “there were subtle differences between what he said—and how he said it—and the positions of his opponent.” Most significantly, while Obama talks about stopping Iran from obtaining nuclear weapons, Israel insists Tehran should be prevented from having even the capacity to develop nuclear weapons. This means no nuclear development even for peaceful purposes. Romney embraced the Israeli language. In doing so, he nudged his nation closer to war with Iran. Based on Israeli prime minister Benjamin Netanyahu’s oft-repeated expressions, he clearly seems bent on attacking Iran to destroy or delay its nuclear program and, if possible, undermine the Iranian regime. And he wants America at his side when he does it. Obama has been seeking to dissuade Israel from contemplating such an assault in order to give the president’s austere sanctions regimen a chance to work. But what does he mean by “a chance to work?” If he means a complete capitulation by Iran, he’s dreaming, of course. History tells us that nations don’t respond to this kind of pressure by accepting humiliation. That’s the lesson of Pearl Harbor, as described in my commentary in these spaces. Many close observers of the Iran drama believe there may be an opportunity for a negotiated outcome that allows Iran to enrich uranium to a limited extent—say, 5 percent—for peaceful purposes. Iran insists, and most experts agree, that the Non-Proliferation Treaty allows such enrichment for energy production. In any event, numerous signatories to the NPT do in fact maintain limited enrichment programs for peaceful ends. Obama seems torn between pursuing such an outcome and embracing the Israeli position, which demands that Iran foreswear all enrichment and any peaceful nuclear development. In last spring’s Istanbul meeting between Iran and the so-called P5+1 group (the United States, Britain, France, China, Russia and Germany), there seemed to be a genuine interest on the part of those six nations to explore an outcome that would allow for some enrichment by Iran. Five weeks later in Baghdad, the P5+1 group seemed to backtrack and insist upon zero enrichment. Talks are ongoing but only among low-level technical people; any serious negotiations are on hold pending the election. Thus Obama has managed to maintain his flexibility during the delicate campaign period. But now we have Romney in Israel essentially telling the people there that they need fear no ambivalence on his part. If elected, he will embrace the Netanyahu position, which is designed to ensure the collapse of any negotiations attending anti-Iran sanctions, which Netanyahu already has labeled a failure. “We have to be honest,” he said over the weekend, during Romney’s visit, “and say that the sanctions and diplomacy so far have not set back the Iranian program by one iota.” That’s the view that Romney subtly embraced in Jerusalem.

#### Great power war

Trabanco 2009 – Independent researcher of geopolitical and military affairs (1/13/09, José Miguel Alonso Trabanco, “The Middle Eastern Powder Keg Can Explode at Anytime,” http://www.globalresearch.ca/index.php?context=va&aid=11762)

In case of an Israeli and/or American attack against Iran, Ahmadinejad's government will certainly respond. A possible countermeasure would be to fire Persian ballistic missiles against Israel and maybe even against American military bases in the regions. Teheran will unquestionably resort to its proxies like Hamas or Hezbollah (or even some of its Shiite allies it has in Lebanon or Saudi Arabia) to carry out attacks against Israel, America and their allies, effectively setting in flames a large portion of the Middle East. The ultimate weapon at Iranian disposal is to block the Strait of Hormuz. If such chokepoint is indeed asphyxiated, that would dramatically increase the price of oil, this a very threatening retaliation because it will bring **intense** financial and **economic havoc upon the West**, which is already facing significant trouble in those respects. In short, the necessary conditions for a major war in the Middle East are given. Such conflict could rapidly spiral out of control and thus a relatively minor clash could quickly and **dangerously escalate by engulfing the whole region** and perhaps even beyond. There are many key players: the Israelis, the Palestinians, the Arabs, the Persians and their respective allies and some **great powers could become involved** in one way or another (America, Russia, Europe, China). Therefore, any miscalculation by any of the main protagonists can trigger something no one can stop. Taking into consideration that the stakes are too high, perhaps it is not wise to be playing with fire right in the middle of a powder keg.

### 1NC Courts Shell

#### The United States Supreme Court should rule that compliance orders from federal enforcement agencies regarding Nuclear Regulatory Commission restrictions preventing the development and deployment of military-oriented small modular reactor technology unconstitutional.

#### The Court has this authority

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

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

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

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

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

### Neitzsche

The affirmative runs from the horror of existence – they do not confront suffering, and so mask it

Kain 7 (Philip J, Professor of philosophy at University of Santa Clara, "Nietzsche, Eternal Recurrence, and the Horror of Existence," the Journal of Nietzsche Studies, muse, AD: 7/2/09) jl

One might find all this unacceptable. After all, isn't it just obvious that we can change things, reduce suffering, improve existence, and make progress? Isn't it just obvious that modern science and technology have done so? Isn't it just absurd for Nietzsche to reject the possibility of significant change? Hasn't such change already occurred? Well, perhaps not. Even modern environmentalists might resist all this obviousness. They might respond in a rather Nietzschean vein that technology may have caused as many problems as it has solved. The advocate of the perfectible cosmos, on the other hand, would no doubt counter such Nietzschean pessimism by arguing that even if technology does cause some problems, the solution to those problems can only come from better technology. Honesty requires us to admit, however, that this is merely a hope, not something for which we already have evidence, not something that it is absurd to doubt—not at all something obvious. Further technology may or may not improve things. The widespread use of antibiotics seems to have done a miraculous job of improving our health and reducing suffering, but we are also discovering that such antibiotics give rise to even more powerful bacteria that are immune to those antibiotics. We have largely eliminated diseases like cholera, smallpox, malaria, and tuberculosis, but we have produced cancer and heart disease. We can cure syphilis and gonorrhea, but we now have AIDS. Even if we could show that it will be possible to continuously reduce suffering, it is very unlikely that we will ever eliminate it. If that is so, then it remains a real question whether it is not better to face suffering, use it as a discipline, perhaps even increase it, so as to toughen ourselves, rather than let it weaken us, allow it to dominate us, by continually hoping to overcome it. But whatever we think about the possibility of reducing suffering, the question may well become moot. Nietzsche tells a story: "Once upon a time, in some out of the way corner of that universe which is dispersed into numberless twinkling solar systems, there was a star upon which clever beasts invented knowing. That was the most arrogant and mendacious minute of 'world history,' but nevertheless, it was only a minute. After nature had drawn a few breaths, the star cooled and congealed, and the clever beasts had to die" (TL 1, 79). Whatever progress we might think we are making in reducing suffering, whatever change we think we are bringing about, it may all amount to nothing more than a brief and accidental moment in biological time, whose imminent disappearance will finally confirm the horror and meaninglessness of existence. The disagreement here is not so much about the quantity of suffering that we can expect to find in the world but, rather, its nature. For proponents of the designed cosmos, suffering is basically accidental. It is not fundamental or central to life. It is not a necessary part of the nature of things. It does not make up the essence of existence. We must develop virtue, and then we can basically expect to fit and be at home in the cosmos. For the proponents of a perfectible cosmos, suffering is neither essential nor unessential. The cosmos is neutral. We must work on it to reduce suffering. We must bring about our own fit. For Nietzsche, even if we can change this or that, even if we can reduce suffering here and there, what cannot be changed for human beings is that suffering is fundamental and central to life. The very nature of things, the very essence of existence, means suffering. Moreover, it means meaningless suffering—suffering for no reason at all. That cannot be changed—it can only be concealed. Nietzsche does not reject all forms of change. What he rejects is the sort of change necessary for a perfectible cosmos. He rejects the notion that science and technology can transform the essence of things—he rejects the notion that human effort can significantly reduce physical suffering. Instead, he only thinks it possible to build up the power necessary to construct meaning in a meaningless world and thus to conceal the horror of existence, which cannot be eliminated. We cannot prove the opposite view, and I do not think we can dismiss Nietzsche's view simply because it goes counter to the assumptions of [End Page 52] Christianity, science, liberalism, socialism, and so forth. And we certainly cannot dismiss this view if we hope to understand Nietzsche. At any rate, for Nietzsche, we cannot eliminate suffering; we can only seek to mask it.

**They spend their lives trying to create a perfect world, so that they can live satisfied lives; it is in the product, and not the process that they find value. This engenders hatred for life.**

Paul **Saurette**, PhD in political theory at John Hopkins U, **in 96** "I mistrust all systematizers and avoid them': Nietzshce, Arendt and the Crisis of the Will to Order in INternational Relations Theory." Millenium Journal of International Studies. Vol. 25 no. 1 page 3-6

The Will to Order and Politics-as-Making The Philosophical Foundation of the Will to Truth/Order •. I mistrust all systematizers and avoid them. A will to a system is a lack .of ! integrity."

According to Nietzsche, the philosophical foundation of a society is the set of ideas which give meaning to the phenomenon of human existence within a given cultural framework. As one manifestation of the Will to Power, this will to , meaning fundamentally influences the social and political organisation of a particular community.5 Anything less than a profound historical interrogation of the most basic philosophical foundations of our civilization, then, misconceives the origins of values which we take to be intrinsic and natural. Nietzsche suggests, .therefore, that to understand the development of our modem conception of society and politics, we must reconsider the crucial influence of the Platonic formulation of Socratic thought. Nietzsche claims that pre-Socratic Greece based its philosophical justification of life on heroic myths which honoured tragedy and k competition. Life was understood as a contest in which both the joyful and ordered (Apollonian) and chaotic and suffering (Dionysian) aspects of life were accepted and .affirmed as inescapable aspects of human existence.6 However, this •incarnation of the will to power as tragedy weakened, and became unable to sustain meaning in Greek life. Greek myths no longer instilled the self-respect and self-control that had upheld the pre-Socratic social order. -Everywhere the : instincts were in anarchy; everywhere people were.but five steps from excess: the monstrum-in-animo was a universal danger’. No longer willing to accept the tragic hardness and self-mastery of pre-Socratic myth, Greek thought yielded to decadence, a search for a new social foundation which would soften the tragedy of life, while still giving meaning to existence. In this context, Socrates' thought became paramount. In the words of Nietzsche, Socrates saw behind his aristocratic Athenians; he grasped that his case, the idiosyncrasy of his case, was no longer exceptional. The same kind of degeneration was everywhere silently preparing itself: the old Athens was coming to an end—And Socrates understood that the world had need of him —his expedient, his cure and his personal art of self-preservation. Socrates realised that his search for an ultimate and eternal intellectual standard paralleled the widespread yearning for assurance and stability within society. His expedient, his cure? An alternative will to power. An alternate foundation that promised mastery and control not through acceptance of the tragic life, but through the disavowal of the instinctual, the contingent, and the problematic. In response to the failing power of its foundational myths, Greece tried to renounce the very experience that had given rise to tragedy by retreating/escaping into the Apollonian world promised by Socratic reason. In Nietzsche's words, '[rationality was divined as a saviour...it was their last expedient. The fanaticism with which the whole of Greek thought throws itself at rationality betrays a state of emergency: one was in peril, one had only one choice: either to perish, or be absurdly rational....'9 Thus, Socrates codified the wider fear of instability into an intellectual framework. The Socratic Will to Truth is characterised by the attempt to understand and order life rationally by renouncing the Dionysian elements of existence and privileging an idealised Apollonian order. As life is inescapably comprised of both order and disorder however, the promise of control through Socratic reason is only possible by creating a 'Real World\* of eternal and meaningful forms, in opposition to an 'Apparent World of transitory physical existence. Suffering and contingency is contained within the Apparent World, disparaged, devalued, and^ ignored in relation to the ideal order of the Real World. Essential to the Socratic Will to Truth, then, is the fundamental contradiction between the experience of Dionysian suffering in the Apparent World and the idealised order of the Real World. According to Nietzsche, this dichotomised model led to the emergence of a uniquely 'modern'10 understanding of life which could only view suffering as the result of the imperfection of the Apparent World. This outlook created a modern notion of responsibility in which the Dionysian elements of life could be understood only as a phenomenon for which someone, or something is to blame. Nietzsche terms this philosophically-induced condition *ressentiment*. and argues that it signalled a potential crisis of the Will to Truth by exposing the central contradiction of the Socratic resolution. This contradiction, however, was resolved historically through the aggressive universalisation of the Socratic ideal by Christianity. According to Nietzsche,' ascetic Christianity exacerbated the Socratic dichotomisation by employing the Apparent World as the responsible agent against which the ressentiment of life could be turned. Blame for suffering fell on individuals within the Apparent World, precisely because they did not live up to God, the Truth, and the Real World, As Nietzsche wrote, ‘I suffer: someone must be to blame for it’ thinks every sickly sheep. But his shepherd, the ascetic priest tells him: ‘Quite so my sheep! Someone must be to blame for it: but you yourself are this someone, you alone are to blame for yourself,-you alone are to blame for yourself '-This is brazen and.false enough: but one thing, is achieved by it, the direction of ressentiment is altered." Faced, with the collapse of the Socratic resolution and the prospect of meaninglessness, once again, 'one was in peril, one had only one choice: either to perish, or be absurdly rational.... '12 The genius of the ascetic ideal was that it preserved the meaning of the Socratic Will to Power as Will to Truth by extrapolating ad absurdiuin the Socratic division through the redirection of ressentiment against the Apparent World! Through this redirection, the Real World was transformed from a transcendental world of philosophical escape into a model towards which the Apparent World actively aspired, always blaming its contradictory experiences on its own imperfect knowledge and action. This subtle transformation of the relationship between the dichotomised worlds creates the .Will to Order as the defining characteristic of the modern Will to Truth. Unable to accept the Dionysian suffering inherent in the Apparent World, the ascetic ressentiment desperately searches for 'the hypnotic sense of nothingness, the repose of deepest. sleep, in short absence of suffering According to the ascetic model, however, this escape is possible only when the Apparent World perfectly duplicates the Real World. The Will to Order, then, is the aggressive need increasingly to order the Apparent World in line with the precepts of the moral-Truth of the Real World. The ressentiment of the Will to Order, therefore, generates two interrelated reactions. First, ressentiment engenders a need actively to mould the Apparent World in accordance with the dictates of the ideal Apollonian Real World. In order to achieve this," however, the ascetic ideal also asserts that a 'truer', more complete knowledge of the Real World must be established creating an ever-increasing Will-to Truth. This self-perpetuating movement creates an interpretative structure within which everything must be understood and ordered in relation to the ascetic Truth of the Real World. As Nietzsche suggests, [t]he ascetic ideal has a goal—this goal is so universal that all other interests of human existence seem, when compared with it, petty and narrow; it interprets epochs, nations, and men inexorably with a view to this one goal; it permits no other interpretation, no other goal; it rejects, denies, affirms and sanctions solely from the point of view of its interpretation.''1 The very structure of the Will to Truth ensures that theoretical investigation must be increasingly ordered, comprehensive, more True, and closer to the perfection of the ideal. At the same time, this understanding of intellectual theory ensures that it creates practices which attempt to impose increasing order in the Apparent World. With this critical transformation, the Will to Order becomes .the fundamental philosophical principle of modernity.

**The alternative is the demonic question – the ballot is an answer to the question “do you desire this innumerable times more” – do nothing in the case of the plan and vote neg to say yes**

**Nietzsche, ’87** (Friedrich Wilhelm, 1887, The Gay Science, “The greatest weight,” Aphorism 341)

What, if some day or night a demon were to steal after you into your loneliest loneliness and say to you: "This life as you now live it and have lived it, you will have to live once more and innumerable times more; and there will be nothing new in it, but every pain and every joy and every thought and sigh and everything unutterably small or great in your life will have to return to you, all in the same succession and sequence—even this spider and this moonlight between the trees, and even this moment and I myself. The eternal hourglass of existence is turned upside down again and again, and you with it, speck of dust!" Would you not throw yourself down and gnash your teeth and curse the demon who spoke thus? Or have you once experienced a tremendous moment when you would have answered him: "You are a god and never have I heard anything more divine." If this thought gained possession of you, it would **change you** as you are **or** perhaps **crush you**. The question in each and every thing, **"Do you desire this once more and innumerable times more?"** would lie upon your actions as the greatest weight. Or how well disposed would you have to become to yourself and to life to crave nothing more fervently than this ultimate eternal confirmation and seal?

### Oil

#### Oil prices will stabilize now – prices will stick above OPEC break-even levels without significant changes

Irina Rogovaya August 2012; writer for Oil and Gas Eurasia, Oil Price Changes: Everyone Wants Stability <http://www.oilandgaseurasia.com/articles/p/164/article/1875/>

According to the current base forecast for the Eurozone prepared by Oxford Economics, within the next two years oil prices will continue to drift lower, but not beyond the bounds of the “green” corridor for the world economy – $80-100 per barrel. This forecast coincides with the expectations of the World Bank (see Fig. 4). Meanwhile, S&P analysts presented three scenarios for the energy market in June. In the base scenario, oil will remain at $100 per barrel. S&P calculates that the likelihood of a stressful scenario in which the price of oil drops below $60 per barrel (the bottom in 2009) is 1:3. Analysts believe that given today’s state of economic and geopolitical affairs, strong political will would be needed to force the price of oil below $70-80 (the current level of effective production). So far, that will is nowhere to be seen. Recent events have shown that nobody is interested in the Eurozone breaking apart. And nobody wants a war in the Persian Gulf. Furthermore, nobody today intends to force the production of less valuable oil. At least that is what OPEC leaders promised during the recent summit. “Stability on the market should be at the center of our attention,” General Secretary Abdalla El-Badri said. Even Saudi Arabia, which consistently violates OPEC discipline in over-producing its quotas, announced at the beginning of July that it would review its margins to determine a higher price for Saudi supplies ordered on August contracts. Analysts noted that the average price of oil supplied to Europe and Asia had jumped (by $0.85 and $0.66 per barrel respectively), a fact which could be seen as proof that the collective members of the cartel will not let prices fall under $100 per barrel.

#### Nuclear power reduces oil dependence – displaces oil power generation, powers maritime and ground transportation, and causes hydrogen transition

ANS 2012; American Nuclear Society, Top 10 Myths about Nuclear Energyhttp://www.new.ans.org/pi/resources/myths/

Myth # 10: Nuclear energy can't reduce our dependence on foreign oil. Truth: Nuclear-generated electricity powers electric trains and subway cars as well as autos today. It has also been used in propelling ships for more than 50 years. That use can be increased since it has been restricted by unofficial policy to military vessels and ice breakers. In the near-term, nuclear power can provide electricity for expanded mass-transit and plug-in hybrid cars. Small modular reactors can provide power to islands like Hawaii, Puerto Rico, Nantucket and Guam that currently run their electrical grids on imported oil. In the longer-term, nuclear power can directly reduce our dependence on foreign oil by producing hydrogen for use in fuel cells and synthetic liquid fuels.

#### Oil futures are overshot by speculation – lowering demand would set off a price collapse

Alexei Bayer 7-26-2012; Alexei Bayer is head of KAFAN FX Information Services. His monthly “Global Economy” column in Research has received an excellence award from the New York State Society of Certified Public Accountants for the past six years, 2004-2009 “Pop That Bubble Policies should aim at pushing oil prices down” http://www.advisorone.com/2012/07/26/pop-that-bubble?page=3

A Soft Market Demand for oil, then, is softening because the global economy is weakening and consumers are reducing their oil use on a more lasting basis, even as greater supply is coming on line, from projects begun before 2008 and from producers eager to protect their market shares. Oil prices are set by futures markets and therefore fluctuate with traders’ psychology, speculation and liquidity. That means oil prices tend to overshoot. Just as they rocketed prior to 2008 and again in early 2012, driven by rising demand as well as various political concerns and fears, so a softening demand could push oil even below its long-term inflation-adjusted equilibrium price range of around $20-40 per barrel.

#### High prices are key to the Russian economy and domestic stability

Michael Schuman 7-5-2012 ; writes about Asia and global economic issues as a correspondent for TIME in Hong Kong. B.A. in Asian history and political science from the University of Pennsylvania and a master of international affairs from Columbia; “Why Vladimir Putin Needs Higher Oil Prices” http://business.time.com/2012/07/05/why-vladimir-putin-needs-higher-oil-prices/

But Vladimir Putin is not one of them. The economy that the Russian President has built not only runs on oil, but runs on oil priced extremely high. Falling oil prices means rising problems for Russia – both for the strength of its economic performance, and possibly, the strength of Putin himself. Despite the fact that Russia has been labeled one of the world’s most promising emerging markets, often mentioned in the same breath as China and India, the Russian economy is actually quite different from the others. While India gains growth benefits from an expanding population, Russia, like much of Europe, is aging; while economists fret over China’s excessive dependence on investment, Russia badly needs more of it. Most of all, Russia is little more than an oil state in disguise. The country is the largest producer of oil in the world (yes, bigger even than Saudi Arabia), and Russia’s dependence on crude has been increasing. About a decade ago, oil and gas accounted for less than half of Russia’s exports; in recent years, that share has risen to two-thirds. Most of all, oil provides more than half of the federal government’s revenues. What’s more, the economic model Putin has designed in Russia relies heavily not just on oil, but high oil prices. Oil lubricates the Russian economy by making possible the increases in government largesse that have fueled Russian consumption. Budget spending reached 23.6% of GDP in the first quarter of 2012, up from 15.2% four years earlier. What that means is Putin requires a higher oil price to meet his spending requirements today than he did just a few years ago. Research firm Capital Economics figures that the government budget balanced at an oil price of $55 a barrel in 2008, but that now it balances at close to $120. Oil prices today have fallen far below that, with Brent near $100 and U.S. crude less than $90. The farther oil prices fall, the more pressure is placed on Putin’s budget, and the harder it is for him to keep spreading oil wealth to the greater population through the government. With a large swath of the populace angered by his re-election to the nation’s presidency in March, and protests erupting on the streets of Moscow, Putin can ill-afford a significant blow to the economy, or his ability to use government resources to firm up his popularity. That’s why Putin hasn’t been scaling back even as oil prices fall. His government is earmarking $40 billion to support the economy, if necessary, over the next two years. He does have financial wiggle room, even with oil prices falling. Moscow has wisely stashed away petrodollars into a rainy day fund it can tap to fill its budget needs. But Putin doesn’t have the flexibility he used to have. The fund has shrunk, from almost 8% of GDP in 2008 to a touch more than 3% today. The package, says Capital Economics, simply highlights the weaknesses of Russia’s economy: This cuts to the heart of a problem we have highlighted before – namely that Russia is now much more dependent on high and rising oil prices than in the past… The fact that the share of ‘permanent’ spending (e.g. on salaries and pensions) has increased…creates additional problems should oil prices drop back (and is also a concern from the perspective of medium-term growth)…The present growth model looks unsustainable unless oil prices remain at or above $120pb.

#### Russian economic collapse causes global nuclear war

Steven David, January/February 1999;Professor of International Relations and Associate Dean of Academic Affairs at the Johns Hopkins University, FOREIGN AFFAIRS, **,** http://www.foreignaffairs.org/19990101faessay955/steven-r-david/saving-america-from-the-coming-civilwars.html

If internal war does strike Russia, economic deterioration will be a prime cause. From 1989 to the present, the GDP has fallen by 50 percent. In a society where, ten years ago, unemployment scarcely existed, it reached 9.5 percent in 1997 with many economists declaring the true figure to be much higher. Twenty-two percent of Russians live below the official poverty line (earning less than $ 70 a month). Modern Russia can neither collect taxes (it gathers only half the revenue it is due) nor significantly cut spending. Reformers tout privatization as the country's cure-all, but in a land without well-defined property rights or contract law and where subsidies remain a way of life, the prospects for transition to an American-style capitalist economy look remote at best. As the massive devaluation of the ruble and the current political crisis show, Russia's condition is even worse than most analysts feared. If conditions get worse, even the stoic Russian people will soon run out of patience.  A future conflict would quickly draw in Russia's military. In the Soviet days civilian rule kept the powerful armed forces in check. But with the Communist Party out of office, what little civilian control remains relies on an exceedingly fragile foundation -- personal friendships between government leaders and military commanders. Meanwhile, the morale of Russian soldiers has fallen to a dangerous low. Drastic cuts in spending mean inadequate pay, housing, and medical care. A new emphasis on domestic missions has created an ideological split between the old and new guard in the military leadership, increasing the risk that disgruntled generals may enter the political fray and feeding the resentment of soldiers who dislike being used as a national police force. Newly enhanced ties between military units and local authorities pose another danger. Soldiers grow ever more dependent on local governments for housing, food, and wages. Draftees serve closer to home, and new laws have increased local control over the armed forces. Were a conflict to emerge between a regional power and Moscow, it is not at all clear which side the military would support.  Divining the military's allegiance is crucial, however, since the structure of the Russian Federation makes it virtually certain that regional conflicts will continue to erupt. Russia's 89 republics, krais, and oblasts grow ever more independent in a system that does little to keep them together. As the central government finds itself unable to force its will beyond Moscow (if even that far), power devolves to the periphery. With the economy collapsing, republics feel less and less incentive to pay taxes to Moscow when they receive so little in return. Three-quarters of them already have their own constitutions, nearly all of which make some claim to sovereignty. Strong ethnic bonds promoted by shortsighted Soviet policies may motivate non-Russians to secede from the Federation. Chechnya's successful revolt against Russian control inspired similar movements for autonomy and independence throughout the country. If these rebellions spread and Moscow responds with force, **civil war is likely**.  Should Russia succumb to internal war, the consequences for the United States and Europe will be severe. **A major power** like Russia -- even though in decline -- **does not suffer civil war quietly or alone**. An embattled Russian Federation might provoke **opportunistic attacks from enemies such as China.** Massive flows of refugees would pour into central and western Europe. Armed struggles in Russia could easily spill into its neighbors. Damage from the fighting, particularly attacks on nuclear plants, would poison the environment of much of Europe and Asia. Within Russia, the consequences would be even worse. Just as the sheer brutality of the last Russian civil war laid the basis for the privations of Soviet communism, a second civil war might produce another horrific regime.

### Naval Power

**Status quo solves – DoD is already exempt**

**US NRC, 8/22** (US Nuclear Regulatory Commission, NRC Regulations, http://www.nrc.gov/reading-rm/doc-collections/cfr/part070/part070-0013.html)//CC

§ 70.13 Department of Defense. The regulations in this part do not apply to the Department of Defense to the extent that the Department receives, possesses and uses special nuclear material in accordance with the direction of the President pursuant to section 91 of the Act.

**And, contractors exempt, solves your spillover claims**

**US NRC, 8/22** (US Nuclear Regulatory Commission, NRC Regulations, http://www.nrc.gov/reading-rm/doc-collections/cfr/part050/part050-0011.html)//CC

Nothing in this part shall be deemed to require a license for:

(a) The manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91 of the Act, or the use of such facility by the Department of Defense or by a person under contract with and for the account of the Department of Defense;

**Naval forces are resilient – US will continue to outpace competitors**

**Gates 9** – US Secretary of Defense (Robert M., "A Balaced Strategy" Foreign Affairs January/February 2009, http://www.jmhinternational.com/news/news/selectednews/files/2009/01/20090201\_20090101\_ForeignAffairs\_ABalancedStrategy.pdf)

But it is also important to keep some perspective. As much as the U.S. Navy has shrunk since the end of the Cold War, for example, in terms of tonnage, its battle fleet is still larger than the next 13 navies combined -- and 11 of those 13 navies are U.S. allies or partners. Russian tanks and artillery may have crushed Georgia's tiny military. But before the United States begins rearming for another Cold War, it must remember that what is driving Russia is a desire to exorcise past humiliation and dominate its "near abroad" -- not an ideologically driven campaign to dominate the globe. As someone who used to prepare estimates of Soviet military strength for several presidents, I can say that Russia's conventional military, although vastly improved since its nadir in the late 1990s, remains a shadow of its Soviet predecessor. And adverse demographic trends in Russia will likely keep those conventional forces in check. All told, the 2008 National Defense Strategy concludes that although U.S. predominance in conventional warfare is not unchallenged, it is sustainable for the medium term given current trends. It is true that the United States would be hard-pressed to fight a major conventional ground war elsewhere on short notice, but as I have asked before, where on earth would we do that? U.S. air and sea forces have ample untapped striking power should the need arise to deter or punish aggression -- whether on the Korean Peninsula, in the Persian Gulf, or across the Taiwan Strait. So although current strategy knowingly assumes some additional risk in this area, that risk is a prudent and manageable one. Other nations may be unwilling to challenge the United States fighter to fighter, ship to ship, tank to tank. But they are developing the disruptive means to blunt the impact of U.S. power, narrow the United States' military options, and deny the U.S. military freedom of movement and action.

**US Navy is resilient, despite asymmetric threats**

**Gates 10** – US Secretary of Defense (Robert M., "Navy League Sea-Air-Space Exposition" Remarks Delivered at the National Harbor at Maryland on May 3rd, <http://www.defense.gov/speeches/speech.aspx?speechid=1460>)

We know other nations are working on asymmetric ways to thwart the reach and striking power of the U.S. battle fleet. At the low end, Hezbollah, a non-state actor, used anti-ship missiles against the Israeli navy in 2006. And Iran is combining ballistic and cruise missiles, anti-ship missiles, mines, and swarming speedboats in order to challenge our naval power in that region. At the higher end of the access-denial spectrum, the virtual monopoly the U.S. has enjoyed with precision guided weapons is eroding – especially with long-range, accurate anti-ship cruise and ballistic missiles that can potentially strike from over the horizon. This is a particular concern with aircraft carriers and other large, multi-billion-dollar blue-water surface combatants, where, for example, a Ford-class carrier plus its full complement of the latest aircraft would represent potentially a $15 to $20 billion set of hardware at risk. The U.S. will also face increasingly sophisticated underwater combat systems – including numbers of stealthy subs – all of which could end the operational sanctuary our Navy has enjoyed in the Western Pacific for the better part of six decades. One part of the way ahead is through more innovative strategies and joint approaches. The agreement by the Navy and the Air Force to work together on an Air-Sea Battle concept is an encouraging development, which has the potential to do for America’s military deterrent power at the beginning of the 21st century what Air-Land Battle did near the end of the 20th. But we must also rethink what and how we buy – to shift investments towards systems that provide the ability to see and strike deep along the full spectrum of conflict. This means, among other things: Extending the range at which U.S. naval forces can fight, refuel, and strike, with more resources devoted to long-range unmanned aircraft and intelligence, surveillance, and reconnaissance capabilities. New sea-based missile defenses; A submarine force with expanded roles that is prepared to conduct more missions deep inside an enemy’s battle network. We will also have to increase submarine strike capability and look at smaller and unmanned underwater platforms. These changes are occurring even as the Navy is called upon to do more missions that fall on the low end of the conflict spectrum – a requirement that will not go away, as the new naval operational concept reflects. Whether the mission is counterinsurgency, piracy, or security assistance, among others, new missions have required new ways of thinking about the portfolio of weapons we buy. In particular, the Navy will need numbers, speed, and the ability to operate in shallow water, especially as the nature of war in the 21st century pushes us toward smaller, more diffuse weapons and units that increasingly rely on a series of networks to wage war. As we learned last year, you don’t necessarily need a billion-dollar guided missile destroyer to chase down and deal with a bunch of teenage pirates wielding AK-47s and RPGs. The Navy has responded with investments in more special warfare capabilities, small patrol coastal vessels, a riverine squadron, and joint high-speed vessels. Last year’s budget accelerated the buy of the Littoral Combat Ship, which, despite its development problems, is a versatile ship that can be produced in quantity and go places that are either too shallow or too risky for the Navy’s big, blue-water surface combatants. The new approach to LCS procurement and competition should provide an affordable, scalable, and sustainable path to producing the quantity of ships we need.

### Nuclear Leadership

#### The US can’t prevent proliferation.

Mez, ‘12

[Lutz, senior Associate Professor at the Department of Political and Social Sciences, Freie Universität Berlin, and managing director of the Environmental Policy Research Centre, “Nuclear energy – any solution for sustainability and climate protection?” Energy Policy, Science Direct]

Viewed in historical terms, military use of nuclear energy has gone hand in hand with the development of civil nuclear technology, because most countries attached first priority to the development of nuclear weapons and other military uses, with production of energy in nuclear power plants at first only being a waste product. This by-product developed its own momentum, however: nuclear power became an icon for clean, highly modern technology and technological progress. Moreover, it was a risk-free, highly profitable business for operators of plants because governments paid considerable sums in subsidies and producers could pass on costs to electrical power customers. Branches of the economy which are the most intensive users of electrical power profited from cheap nuclear power —as did the militaries in countries with nuclear weapons—because civil nuclear facilities offer many possibilities for military use.¶ The borderlines between military and civil nuclear technology and thus between war and peace are often hazy (Mez et al., 2010). In order to minimize the risks of military use, regulation of civil use of nuclear energy have been contemplated within a multilateral framework for some time. The idea of establishing an international atomic energy agency (IAEA), to which states are to transfer uranium stocks and other fissionable material, was proposed by former US President Dwight D. Eisenhower in his Atoms for Peace speech3 as far back as 1953 and during the first Geneva atomic conference in 1955. The purpose of the IAEA was to develop methods to ensure that fissionable nuclear material can be used by humankind in a peaceful manner—in agriculture, medicine and energy production for countries and regions of the world with limited energy resources. The Non-Proliferation Treaty, which went into effect in 1970, constituted an attempt to prevent nuclear beggarsfrom becoming nuclear powers through civil nuclear technology transfer. In reality, however, a series of countries including Israel, India, Pakistan and North Korea have obtained nuclear weapons under the pretext of civil use of nuclear power, while other countries such as Iran are accused of having this same intention. This development shows that it is difficult to prevent nuclear weapons from being built and that there is a great likelihood that more and more countries will obtain nuclear capabilities in the future. When a nuclear infrastructure is in place and the basic material for weapons is being produced in facilities for enrichment or reprocessing—in military reactors, dual-purpose reactors or fast breeder-reactors—then it is merely a question of political will and willingness to invest in nuclear technology which decides whether a country develops nuclear weapons or not.

#### Nuclear leadership is impossible -- US arsenal creates hypocrisy and international resentment.

Perkovich, ‘8

[George, vice president for studies and director of the Nonproliferation Program at the Carnegie Endowment for International Peace, “Abolishing Nuclear Weapons: Why the United States Should Lead,” October, http://www.carnegieendowment.org/files/abolishing\_nuclear\_weapons.pdf]

This Brief summarizes four security interests that would be served by making the longterm project of abolishing nuclear weapons a central purpose of U.S. policy: preventing proliferation; preventing nuclear terrorism; reducing toward zero the unique threat of nuclear annihilation; and fostering optimism regarding U.S. global leadership. Each of these objectives can be (and has been) pursued without the larger purpose of eliminating nuclear weapons. However, the chances of success will steadily diminish if the few nuclear-armed states try to perpetuate a discriminatory order based on haves and have-nots and if they enforce it firmly against some states and hollowly against others. Such inequity breeds noncooperation and resistance when what is needed now is cooperation to prevent proliferation, nuclear terrorism, and the failure of deterrence. Why should everyone cooperate in enforcing a system that looks like it was designed to favor just a few?

#### the plan increases the potential risk catastrophically

**Banks, et al, 10** [John, Professorial Lecturer Adjunct Professor, Georgetown University, Master of Science in Foreign Service (MSFS) NON-PROLIFERATION AND THE NUCLEAR “RENAISSANCE”: THE CONTRIBUTION AND RESPONSIBILITIES OF THE NUCLEAR INDUSTRY John P. Banks Charles K. Ebinger Michael M. Moodie Lawrence Scheinman Sharon Squassoni, <http://dspace.cigilibrary.org/jspui/bitstream/123456789/28690/1/Non-Proliferation%20and%20the%20Nuclear%20Renaissance%20-%20The%20Contribution%20and%20Responsibilities%20of%20the%20Nuclear%20Industry.pdf?1>]

An expansion of the civilian nuclear sector to include new actors will bring with it a wider diffusion of nuclear materials, technologies, and knowledge at a time when the international regulatory regime is struggling to cope with existing security and safety concerns. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the foundation of international efforts to ensure nuclear non-proliferation, is facing both institutional and operational challenges with respect to current nuclear activities. Any expansion of nuclear commerce involving the spread of sensitive technologies such as uranium enrichment and spent fuel reprocessing will put additional pressure on a fragile non-proliferation regime leading to increased risks.

#### US won’t be able to exert prolif leadership -- too many bureaucratic constraints.

**NEI, ‘12**

[“Improved Policies for Commercial Nuclear Trade Will Create American Jobs,” June, http://www.nei.org/resourcesandstats/documentlibrary/newplants/policybrief/improved-policies-for-commercial-nuclear-trade-will-create-american-jobs?page=1]

While U.S. firms offer some of the most innovative and safest nuclear energy technologies, they are hampered by cumbersome trade regulations, lack of coordination among the federal agencies involved, an inefficient export licensing process, limited options for financing nuclear exports and the absence of an international liability regime. These companies face intense competition from suppliers in nations with less restrictive policies and substantial government subsidies for their nuclear industries. To facilitate a greater U.S. role in the global commercial nuclear market, government support must be integrated into a seamless mechanism that includes coordination of nuclear trade policy, creation of bilateral agreements, export control reform and enhanced export financing. It also is vital that the United States pursue the international adoption of effective civil nuclear liability regimes.

#### The failure to accept spent fuel undermines U.S. nuclear leadership

**BENGELSDORF, 07** – consultant and former director of both key State and Energy Department offices that are concerned with international nuclear and nonproliferation affair (HAROLD, “THE U.S. DOMESTIC CIVIL NUCLEAR INFRASTRUCTURE AND U.S. NONPROLIFERATION POLICY”, White Paper prepared for the American Council on Global Nuclear Competitiveness, May, http://www.nuclearcompetitiveness.org/images/COUNCIL\_WHITE\_PAPER\_Final.pdf) //DH

During the last several decades, the U.S. has been struggling to implement a national policy for management of commercial spent nuclear fuel, independently of whether it will result in direct disposal of the spent fuel or reprocessing and recycle. In fact, the U.S. Government is presently in protracted litigation with most U.S. utilities for monetary damages associated with DOE's inability to accept their spent fuel and dispose of it as called for in contracts that it has with each of these customers. One adverse implication that this may have on U.S. nuclear nonproliferation policy is that it seriously undermines the ability of the U.S. to offer fuel leasing or cradle-

 to-grave fuel cycle services to foreign countries. The ability to make such offers could be a valuable tool for discouraging the spread of sensitive nuclear technologies.

### Water Security

**No impact to water wars – people tend to cooperate rather than have wars over water**

**Allouche 11** – fellow at the Institute of Development Studies at Brighton, UK (Jeremy, "The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade" Food Policy, Volume 36, Supplement 1)

At the same time, Ostrom’s work (1990) shows how local people cooperate in times of scarcity. Refuting Hardin’s (1968) pessimistic ‘tragedy of the commons’, her publications have highlighted a variety of conditions under which collective action in resource management operates effectively, such as when there are clear resource boundaries and relative socio-economic homogeneity among users. What seem to be emerging, in fact, is that geographical scale and intensity of conflict are inversely related. However, water-related conflicts are caused more by the way in which water use is governed than by water scarcity (see for example the ongoing tensions between landowners and poorer peasants in the Chittoor District, India, over the lowering of the water table). The outcome of local conflicts tends to reflect societal problems. The evidence that countries engage in wars specifically over water is poor but there is little doubt that water conflicts are common at the inter-sector, inter-community, inter-farm and inter- (and intra-) household levels. Access and control over water, political power, and social and gender relations are the major drivers causing water crises, especially at the local level (see for example Mehta, 2005). The risks of water-related conflicts are at the level of human security. As suggested by Gleick (2009), these risk can be reduced if: (i) basic human needs for water are met as a way to ensure, if not absolute justice, at least some semblance of equity, (ii) effective peace-keeping operations at the United Nations are developed when resource disputes cannot be resolved locally, and (iii) diplomats have a better understandings of the connections between water and conflict so that they can apply the tools in other conflict situations to reduce water disputes.

**Water wars are mostly regional – won’t escalate internationally**

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This article has provided an overview of the current and future challenges in terms of global food and water systems. The major focus of the argument has been on how resource scarcity is a contested and subjective concept which cannot fully explain conflict, political instability or food insecurity. The politics of inequality and allocation are much more important variables in explaining water and food insecurity. This is particularly true for conflicts. Although resource scarcity has been linked to international wars, the current data shows that most conflict over water and food are much more local. But there again, although resource scarcity can be linked to malnutrition, hunger and water insecurity, in the majority of cases, water and food insecurity are rarely about competition over resources but rather reflect the politics of allocation and inequality. In this respect, war and conflicts aggravate these insecurities not just on the short term but also on the long term. At the global level, food security has considerably improved and provides the means to address these insecurities. Trade can certainly be seen as a way to address access for countries that are under severe stress in terms of food and water and provides logical grounds for questioning the various water and food wars scenarios. Although global trade and technological innovation are key drivers in providing stable and resilient global systems, the most destabilizing global water-related threat is increasing food prices and hunger. Overall, decision-makers should show greater concern for the human beings who make their living in agriculture, so that those at risk of livelihood and food-security failures, especially under anticipated scenarios of climate change, will be less deprived. Current debates linked to global food security and climate fail to address the political dimension of resource scarcity which is primarily linked to the politics of inequality, gender and power.