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### 1

#### The aff decreases regulations but not restrictions—restrictions are direct prohibitions on production

Sinha 6

Supreme Court of India Union Of India & Ors vs M/S. Asian Food Industries on 7 November, 2006 Author: S.B. Sinha Bench: S Sinha, Mark, E Katju CASE NO.: Writ Petition (civil) 4695 of 2006 PETITIONER: Union of India & Ors. RESPONDENT: M/s. Asian Food Industries DATE OF JUDGMENT: 07/11/2006 BENCH: S.B. Sinha & Markandey Katju JUDGMENT: J U D G M E N T [Arising out of S.L.P. (Civil) No. 17008 of 2006] WITH CIVIL APPEAL NO. 4696 OF 2006 [Arising out of S.L.P. (Civil) No. 17558 of 2006] S.B. SINHA, J :

http://www.indiankanoon.org/doc/437310/

We may, however, notice that this Court in State of U.P. and Others v. M/s. Hindustan Aluminium Corpn. and others [AIR 1979 SC 1459] stated the law thus:

"It appears that a distinction between regulation and restriction or prohibition has always been drawn, ever since Municipal Corporation of the City of Toronto v. Virgo. Regulation promotes the freedom or the facility which is required to be regulated in the interest of all concerned, whereas prohibition obstructs or shuts off, or denies it to those to whom it is applied. The Oxford English Dictionary does not define regulate to include prohibition so that if it had been the intention to prohibit the supply, distribution, consumption or use of energy, the legislature would not have contented itself with the use of the word regulating without using the word prohibiting or some such word, to bring out that effect."

#### Regulations concern how you control an activity—outright prohibitions are distinct

Randy Barnett (writer for the Free Republic) June 2005 “The power to regulate v. the power to prohibit” http://www.freerepublic.com/focus/f-news/1419654/posts

The power to regulate does not generally include the power to prohibit.

Samuel Johnson defines "to regulate" as "To adjust by rule or method. . . . To direct." In other words, the term "to regulate" means "to make regular."¶ The power to regulate is, in essence, the power to say, "if you want to do something, here is how you must do it." For example, the making of contracts and wills are "regulated" by the law of contracts and estates. To make an enforceable agreement for a sale of goods over five hundred dollars requires that the agreement be in writing. To make a will requires a specified number of witnesses to one's signature. These requirements regulate--or "make regular"--the making of contracts and wills by subjecting them to a rule or method.¶ The power to regulate the making of contracts or wills is not the power to prohibit such activity, even though contracts or wills that do not conform to the regulation are necessarily unenforceable. A pure regulation of commerce, then, is a set of rules that tells people, "If you want to trade or exchange with others, here is how you must go about it."¶ In contrast, Johnson defines "to prohibit" as "1. To forbid; to interdict by authority. . . . 2. To debar; to hinder."¶ Forbidding, interdicting, and hindering are not the same thing as regulating, or "making regular," or adjusting by rule or method. It does not tell you how to do something, but instead tells you that you may not do it at all.¶ And in Johnson's dictionary, neither "to regulate" nor "to prohibit" is defined in terms of the other; each seems quite distinct. Indeed, both terms appear in the Constitution and the context in which they are used suggests that their meanings sharply differ. Apart from the Commerce Clause, the terms "regulate" or "regulation" appear seven other times in the body of the Constitution and three times in the amendments proposed by Congress to the states, though only once in the Bill of Rights as ratified. The term "prohibit" is used once in the body of the Constitution and twice in the Bill of Rights. Article I, Section 4 gives Congress the power to "alter such Regulations" on the time, place, and manner of elections prescribed by state legislatures. Clearly, the power to regulate or facilitate elections is not the power to prohibit them. Article I, Section 8 gives Congress the power "to . . . regulate the Value" of money, not to prohibit the use of money or to "regulate" its value to zero.¶ In two places the Constitution makes an explicit distinction between prohibition and regulation. Article III, Section 2 gives the Supreme Court appellate jurisdiction, both as to law and fact, "with such Exceptions, and under such Regulations as the Congress shall make." By distinguishing "exceptions" from "regulations," the Constitution distinguished Congress's power to regulate or subject to rule the Court's appellate jurisdiction and its power to prohibit the Court from exercising its jurisdiction by making "exceptions" thereto.¶ If the power to make regulations included the power to prohibit that which is regulated, there would have been no need to give explicit power to Congress to make "exceptions" to appellate jurisdiction. That the Constitution does not adopt the broader meaning of regulation as "to govern" is also reflected in Article I, Section 8, which gives Congress the power "to make Rules for the Government and Regulation of the land and naval Forces."Here, the term "government" is coupled with "regulation" in a manner that makes clear that Congress has complete power to command or govern the army and navy, not merely the power to regulate them.¶ Less clear, but still consistent with the distinction between "To regulate" and "to govern," is Congress's power in Article IV, Section 3 "to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." Congress clearly has the power to govern the territories, and the term "rules and regulations" suggests strongly that its powers are broader than merely regulatory, though it includes the power to make "regulations" as well as other needful "rules."¶ That the Constitution uses the term "to regulate" in this sense is made plain by the Second Amendment, the first portion of which reads, "A well-regulated Militia, being necessary to the security of a free State."¶ A "well-regulated" militia is not a prohibited militia but one that is well drilled. Even those who read the Second Amendment as a "collective" rather than an individual right on the basis of this preface concede--indeed their theory requires them to insist--that the power to regulate the militia that the Constitution elsewhere confers upon Congress does not include the power to forbid or prohibit the militia. By their interpretation, the sole purpose of the Second Amendment was to protect the continued existence of the state militias.¶ By the same token, the power of Congress to "well-regulate" commerce among the states does not include the power to forbid or prohibit commerce. James Madison described a direct parallel between the regulation of the militia and the regulation of commerce when he asked: How can the trade between the different States be duly regulated without some knowledge of their relative situations in these and other points? . . . How can uniform regulations for the militia be duly provided without a similar knowledge of some internal circumstances by which the States are distinguished from each other? These are the principal objects of federal legislation and suggest most forcibly the extensive information which the representatives ought to acquire.¶ How do the debates in the state ratification debates bear out this distinction between the power "to regulate" and the power "to prohibit"?¶ The term "regulate" appears fifty-five times in all the records we have of the deliberations in the states. In every case where the context makes the meaning clear, the term connotes "subject to a rule" or "make regular" in the sense that "if you want to do something, here is how you should do it." As with the word "commerce," the term "regulate" is used with stunning uniformity--so much so that it would be tedious to reproduce the quotes here. And it is unnecessary because the term appears overwhelmingly in the context of regulatory powers that, as we observed in the intratextual discussion above, could not plausibly have included the power to prohibit such activities. These are references to the powers to regulate elections, jury trials, courts, militias, taxes, treaties, and the deliberations of the Senate In the rest, the term "regulate" is used in its ordinary sense, in some context other than the Constitution of the new government.

#### Voter for limits—expansive readings confound research predictability and undermine our ability to engage in meaningful energy debates

Eric Heinze (Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard) 2003 “The Logic of Liberal Rights A study in the formal analysis of legal discourse” http://mey.homelinux.org/companions/Eric%20Heinze/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20%28839%29/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20-%20Eric%20Heinze.pdf

Variety of ‘restrictions’

The term ‘restriction’, defined so broadly, embraces any number of familiar concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

#### And, neg ground—questionable restrictions affs are terminally skewed because no counterplans and few DAs apply—that’s the core of our prep.

### 2

#### Roberts’ minimalist leanings are the only thing standing in the way of a broad sweeping ruling to dismantle affirmative action in public institutions

**HANNAH-JONES 3/26**/13 (Nikole; ProPublica, 3/26, “Another Race Case for a Hostile Supreme Court,” <http://www.propublica.org/article/another-race-case-for-a-hostile-court>)

Little doubt exists that the Supreme Court's most conservative justices want to do away with affirmative action and other race-conscious programs. And for months, the public has waited to see if they would do it with one broad decision: The case of a Texas woman who said she was denied admission to the university of her choice because she is white.

But on Monday, with a ruling in the Texas case expected at any time, the nation's highest court announced it would hear another affirmative action case out of Michigan. That case challenges a federal appellate court decision that overturned a voter-approved constitutional ban on racial affirmative action in public education, hiring and contracting.

The court's move surprised activists on both sides of the affirmative action issue, who then quickly did the analysis: Instead of a sweeping ruling on affirmative action, the Texas case may be decided more narrowly. In taking another case right on its heels, the activists believe, the court might well have opted to undo the fabric of race-conscious laws and policies thread by thread.

"If the court is poised to deliver a lethal blow to the use of race across the board in college admissions, why would they hear this case in the fall? That confused me a bit," said Ward Connerly, head of the American Civil Rights Institute, which led the successful campaign to eliminate affirmative action in Michigan as well several other states. But either way, he said, "It portends good news from my perspective."

Legal experts agreed.

"The court seems eager to weigh in on race," said Ian Haney-Lopez, a constitutional scholar at the University of California, Berkeley School of Law. "I think we are about to see an even more aggressive stance, not just against affirmative action but limiting anti-discrimination measures themselves."

The Texas and Michigan cases, while both centering on the government's use of race, address substantially different issues.

The Texas case, Fisher v. University of Texas at Austin, challenges whether the Constitution permits the university to consider race in order to achieve diversity when admitting students.

But Schuette v. Michigan Coalition to Defend Affirmative Action deals with whether a ban on affirmative action in the state constitution — adopted in a statewide vote in 2006 — violates the 14th Amendment because it discriminates against racial minorities. The U.S. Court of Appeals for the Sixth Circuit ruled that subjecting the use of race to a popular vote that can only be overturned if racial minorities can convince a majority of the population to change their vote deprives racial minorities of equal protection under the Constitution.

William Eskridge Jr., a Yale University constitutional law scholar, said the timing might be unexpected but that this type of case is tailor-made for this Supreme Court.

"This is the classic case where the Roberts court would grant cert," he said. "It's a liberal ruling by one of the courts of appeals overturning a populate initiative or statute that is objected to by racial minorities. That is the sort of case four members of the Supreme Court are strongly opposed to."

But Eskridge said taking this case likely means that whatever the Supreme Court rules in the Texas case will not affect Michigan's.

Several legal scholars agree that the exact nature and reach of the coming rulings likely hinge on one man: Justice Anthony Kennedy.

Chief Justice John Roberts, along with Justices Clarence Thomas, Antonin Scalia and Samuel Alito, make up what is widely regarded as the most conservative bench in seven decades, and they have made it clear they would like to strike down any use of race by the government — whether that involves voting laws, education or employment. The liberal judges are expected to vote to uphold such cases to address both the legacy of discrimination and current inequalities.

In recent years, the conservative-leaning Kennedy has planted himself in the court's middle ground, consistently narrowing the use of race to address racial inequalities while still allowing for it in some limited instances.

"Kennedy is the crucial decider," said John O. McGinnis, a constitutional law scholar at Northwestern University.

The court's decision to take the Michigan case so close to an expected decision in the Texas case could signal that Kennedy once again has declined to side fully with his conservative brethren on the court.

"The most plausible explanation really is that the court is not going to end this all the way primarily because of Kennedy," Connerly said.

In the Michigan case, voters passed a ballot measure that amended the state constitution to prohibit the use of race in college admissions and government contracting and hiring. Opponents filed suit, arguing that singling out race for a constitutional ban and not other factors discriminated against racial minorities.

"It put up a specific roadblock for minorities," McGinnis said. "It's an issue that goes to state power. It is a different issue from Fisher. That question was whether a state could give some preferences to minorities. This is can they ban it."

Haney-Lopez said the issue is broader than that. "This is not about whether a state can end affirmative action or not; they clearly can," said Haney-Lopez. "It's about whether they can prohibit supporters of affirmative action from going to the legislature like other groups, whether the voters of Michigan can close the doors of government to supporters of affirmative action."

Kennedy, it turns out, wrote the decision striking down a constitutional amendment passed by ballot measure in Colorado that would have banned state and local government from passing laws protecting gays from discrimination. Kennedy wrote that the amendment imposed a "special disability" on gay Americans because they could only gain civil rights protections by convincing enough citizens to vote to amend the state constitution in their favor.

This is the same reasoning that the Sixth Circuit used in a split decision overturning Michigan's constitutional ban on affirmative action.

But Eskridge, the Yale professor, said Kennedy may not necessarily be the only conservative justice standing in the way of a sweeping, precedent-obliterating decision that outlaws any use of race by government to help racial minorities. Robert's unexpected yet critical vote upholding President Obama's Affordable Care Act shows that he has softened some of his earlier hardline views because he has grown increasingly concerned about exposing the court to charges of political activism, he said.

"He is more sensitive to the charge that the court is interfering to trump the political process," Eskridge said.

With that said, the two affirmative action cases should be viewed along with another — the Voting Rights Act challenge the court also took up this term — as evidence of the court aggressively moving to confront the issue of whether race remains a category that should trigger government intervention, experts say.

For Connerly, it's a long-hoped-for moment. "The country has reached a place where we believe it is morally wrong to discriminate against anyone based on race," he said, referring, in this instance, to whites.

But Haney-Lopez sees the court's actions as signaling a new nadir when set against the long history of the Supreme Court's role in ensuring opportunities for racial minorities.

"They are crafting new jurisprudence around race and equal protection," he said. "We're in a period where the more hostile contours of this new equal protection will soon crystalize."

#### Consistency is key to maintaining a minimalist Court – Broad decisions undermine Roberts’ ability to control the court’s decision making

**CITRON ’06** (Rodger; assistant professor of law at Touro Law Center, Slate Magazine, “Process Makes Perfect,” 7/7, <http://www.slate.com/articles/news_and_politics/jurisprudence/2006/07/process_makes_perfect.single.html>)

The question for the future: Can Roberts continue to orient the court toward his goals of judicial modesty and greater consensus on the court? If so, he may succeed in his task of distancing the court from the political fray.

On both the left and the right, skeptics deny that law can be distinguished from politics. Critical legal scholars and their disciples on the left insist that court decisions are no more than the exercise of political power, and such cynicism seemed vindicated by, for instance, the Supreme Court's decision in Bush v. Gore. On the right, court-bashing continues to be a popular sport. Although President Bush has appointed hundreds of sitting federal judges, some on the far right continue to attack any federal court that disagrees with them.

Roberts' ability to deliver a more modest, "legal process" court depends upon whether he is deemed sincere in his conviction that law is separate from politics and can be consistent in his efforts to reduce the role of judicial oversight in American political life. A truly principled Justice follows the law, even when that route leads to a disappointing decision. Such sincerity can be measured in two ways. Do his decisions appear to be results-oriented? And do his decisions seem judicial rather than political?

The answer to the first question is possibly, but not definitely, yes. In his first term, Roberts voted with the conservative bloc more frequently than the liberal bloc. (In particular, he voted more often with Justice Alito than any other justice and less often with Justice John Paul Stevens—now considered the court's most liberal justice—than any other justice.) Furthermore, Roberts' votes this term tended toward deference to other government actors—which in the current climate tend to support politically conservative results. Thus, depending upon your political orientation, his votes were either cast by a principled jurist or a politician in a black robe. This is a complicated question to sort out, and the truth is it's too early to tell.

But consider two closely decided cases in which there was no clear majority because the justices' votes were splintered. In League of United Latin American Citizens v. Perry, the voting rights case, Roberts voted consistently against judicial correction of Texas' redistricting map. Was Roberts' vote a stand against judicial oversight of redistricting (a political action) taken by the Texas legislature (a representative body)? Or a vote to preserve the districts created by the Republican legislature, presumably for the party's benefit? You make the call.

Similarly, in Rapanos v. United States, the court rejected the Army Corps of Engineers' approach to determining whether wetlands are "waters" covered by the Clean Water Act. Roberts joined the other four conservative justices in ruling against the government. But before his vote can be dismissed as a political preference for business and against regulation, note that his brief concurring opinion chastised the agency for failing to properly address the problem itself—thereby defaulting on the general claim by a government agency that it is entitled to deference.

Finally, turn to Roberts' written opinions. His decisions, so far, have been straightforward and clear; he tends to eschew footnotes and to cite only legal authority—prior cases, statutes, and regulations. After reading Roberts' first two decisions, David Barron of Harvard Law School described Roberts' citation practice earlier this year as "statecraft by hornbook." Although Barron noted that the opinions have "a kind of no nonsense quality," he also expressed concern that they "suggest a vision of constitutional decision making that is awfully cramped and technical," in which "any sense of the broader legal culture that produces authoritative legal statements" could be lost.

Roberts would likely be delighted with this description of his writing. A legal process justice is the first to acknowledge that neither he nor the court can do it all. The question for the next term—with cases involving partial-birth abortion, the role of race in public high-school education, and the EPA's authority to regulate carbon dioxide emissions—is whether Roberts will continue to move, and to be seen as moving, the court away from the political fray.

#### The impact is global secessionist conflicts

**LAKE and ROTHSCHILD ’98** (David A.; Professor of Political Science – University of California-San Diego and Donald; Professor of Political Science – University of California-Davis, The International Spread of Ethnic Conflict: Fear, Diffusion, and Escalation, p. 58-9)

There are signs that Americans troubled by their government’s domestic ethnic policies will not remain as quiescent as they became after around 1970. The Supreme Court has declared unconstitutional the most egregious forms of ethnic gerrymandering. The voters of California have repealed their state’s affirmative action laws. The University of California, the country’s largest state university system, has sent shock waves through the higher education establishment by repealing its affirmative action guidelines. Finally, numerous politicians have signaled their preparedness to restrict, if not to scrap, the federal government’s affirmative action mandates. Such developments are unveiling reservations that many have long harbored about the role that ethnicity plays in American life. One cannot know whether they will fuel a bandwagon that ends up reducing the emphasis ethnic rights. But if a major shift does occur, there may be repercussions in other countries. Just as the twentieth century saw ethnic movements grow and spread, the twenty-first might see them lose strength.

After World War II, in certain regions of the world, including Europe, ethnic assimilation gained legitimacy partly because crimes carried out in the name of German, Italian, and Japanese nationalism made ethnic movements suspect. This reaction was also fueled by the fact that influential branches of scholarship interpreted the observed dip in ethnic activity as evidence that modernization was reducing the significance of ethnicity.27 The unfolding public backlash to affirmative action in the United States may well help activate another global decline in ethnic dissimilation. Combined with the horrors generated by the recent ethnic cleansings in Africa, the Balkans, and elsewhere, the turns in American public discourse and official policies could jolt nations into recognizing the dangers of ethnic divisiveness. Accordingly, they may serve as watershed events that make people everywhere reconsider incumbent policies.

The ultimate consequences of events that make people reconsider prevailing structures are not perfectly predictable, however. Because the individual decisions that determine aggregate ethnic activity in any given country, and also the outcomes of countries are interdependent, slight differences in individual responses can produce huge differences in global trends. Likewise, intrinsically minor differences in such factors as the global spread of information, the interpretation of trends, and the organizational capacities of activists can make and appreciable difference. The effects of the relevant factors are thus both nonlinear and nonmonotonic in ways that do not lend themselves to exact identification.

One possible scenario hinges on the responses of nationalist activists. Recall that such activists are self-motivated to resist ethnic divisions. As such, many are committed to the preservation of existing states. In the course of an ethnic dissimilation process, their efforts are eclipsed by those of ethnic activists. Alarmed by the extreme consequences of dissimilation, like ethnic riots and ethnic cleansing, the nationalist activists redouble their efforts to focus attention on national commonalities, trying to make ethnic divisiveness disreputable. Insofar as they succeed, individual thresholds of responsiveness to ethnic activity climb, thus making the pressures of ethnic activists less effective. In any given society, then the diffusion curve shifts downward, possibly destroying the incumbent equilibrium that features high ethnic activity. Turn back to Figure 2.3, and suppose that aggregate ethnic activity is d. Through the efforts of nationalist activists, the diffusion curve shifts to position II, lowering ethnic activity to c. There is no guarantee, of course, that the nationalist activists will be successful, for the ethnic activists will counter their assimilationist efforts. Also, small differences in opposing efforts can dramatically influence observed behavioral patterns.

#### Secessionist violence risks Nuclear War

**SHEHADI ‘93** (Kamal S.; Research associate at the International Institute for Strategic Studies) “Ethnic Self Determination and the Break-up of States” December Adelphi Paper no. 283

This paper has argued that self-determination conflicts have direct adverse consequences on international security. As they begin to tear nuclear states apart, the likelihood of nuclear weapons falling into the hands of groups willing to use them, or to trade them to others, will reach frightening levels. This likelihood increases if a conflict over self-determination escalates into a war between two nuclear states. The Russian Federation and Ukraine may fight over the Crimea and the Donbass area; and India and Pakistan may fight over Kashmir. Ethnic conflicts may also spread both within a state and from one state to the next. This can happen in countries where more than one ethnic self-determination conflict is brewing: Russia, India, and Ethiopia, for example. The conflict may also spread by contagion from one country to another if the state is weak politically and militarily and cannot contain the conflict on its doorstep. Lastly, there is a real danger that regional conflicts will erupt over national minorities and borders.

#### Affirmative Action is key to military readiness

**LEACH ’04** (Bryan W.; “Race as Mission Critical: The Occupational Need Rationale in Military Affirmative Action and Beyond,” March, 113 Yale L.J. 1093, l/n)

The arguments that military experts have invoked in defense of affirmative action differ substantially from the standard diversity rationale that emerged in the two decades after the Supreme Court's Bakke [\*1115] decision. n113 Unlike their civilian counterparts, military officials have placed relatively little emphasis on the intrinsic benefits students derive from taking part in a vibrant intellectual atmosphere characterized by the exchange of diverse viewpoints. Nor have they advanced social justice claims suggesting that officer commissions are scarce public employments that should be allocated more fairly across different segments of society. Instead, the military's chief contention has been that a racially diverse officer corps is indispensable for ensuring unit cohesion and preserving high morale among active duty troops. n114

The military has traditionally advanced two distinct theories of how a racially diverse officer corps furthers critical military objectives, both of which featured prominently in the brief filed by retired military officers in Grutter. Although conceptually distinct, these strands of reasoning are often interwoven and used interchangeably in military and court documents. By examining the implications of each strand separately, we may arrive at a clearer understanding of how racially diverse leadership affects military performance.

1. Race as a Bona Fide Occupational Qualification

Because military officers are responsible for managing relationships within a diverse company of troops, sensitivity toward racial matters is considered an invaluable job qualification. A climate of racial discrimination, when left unchecked, has proven detrimental to the common sense of purpose necessary to motivate soldiers in a combat theater. n115 In the opinion of military historian Bernard Nalty,

The outbreaks of racial violence [prior to the 1970s] ... could be seen as manifestations of a general collapse of morale ... . At the root of the problem was a loss of confidence in the military as an institution, its officers, and its values. Mistrust gave way to contempt, and contempt to disobedience and revenge. n116

[\*1116] Similarly, military experts responsible for overseeing several Army studies relating to unit cohesion have testified before Congress that the quality of relationships among soldiers continues to be "a critical factor in combat motivation." n117 Commanding officers alerted to this reality seek to foster an environment conducive to racial sensitivity, avoiding stereotypical judgments and punishing instances of racial intolerance. Because discrimination often occurs in ways imperceptible to most officers, preserving open lines of communication between soldiers and their superiors is also critically important. n118 Above all, soldiers must feel confident that their grievances will be recorded and taken seriously. As the Army Affirmative Action Plan asserts, "Leaders at all levels promote individual readiness by developing competence and confidence in their subordinates. A leadership climate in which all soldiers perceive they are treated with fairness, justice, and equity is crucial to the development of this confidence." n119

### 3

#### Removal of government regulation will make the US the largest exporter of natural gas

**Siegel, 4/7** president of J.J. Richardson, a registered investment advisor that manages a hedge fund in Bethesda, Md. (John R. Siegel, Barrons, 7 April 2012, “The World’s Largest LNG Supplier?” http://online.barrons.com/article/SB50001424052748704759704577267370939083182.html)//CC

By 2017 the U.S. could be the largest exporter of liquefied natural gas in the world, surpassing leading LNG exporters Qatar and Australia. There is one big "if," however. America can produce more gas, export a surplus, improve the trade deficit, create jobs, generate taxable profits and reduce its dependence on foreign energy if the marketplace is allowed to work and politics doesn't get in the way. In May 2011 Cheniere Energy received an Energy Department license to export LNG from its Sabine Pass LNG import terminal in Louisiana. Cheniere subsequently reached long-term deals with the U.K.'s BG Group, Spain's Gas Natural and India's GAIL. Cheniere is targeting operation in 2016 and plans to export up to 730 billion cubic feet of LNG annually, roughly 3% of current U.S. gas production. Sabine Pass originally was built as an import facility to alleviate projected U.S. gas shortages. Shale-gas technology changed that assumption radically. Now Sabine Pass is attractive because it already possesses much of the infrastructure for an export plant: LNG storage tanks, gas-handling facilities and docking terminals. Only a liquefaction plant is needed to convert natural gas into LNG. Overall, Cheniere can create its export terminal for half the investment required for a new one. With world oil over $100 per barrel, equivalent to $17 per million BTUs of gas, versus domestic natural gas at $2.10 per million BTUs, the opportunity is obvious: Cheniere can deliver its gas to Asia or European customers well below current market prices.

#### Exports offset natural gas from Russia

**Ratner et al, ’12** \*specialist in Energy Policy at Congressional Research Service \*\*Specialist in European Affairs \*\*\*Specialist in Russian and Eurasian Affairs \*\*\*\*Specialist in European Affairs (Michael Ratner Paul Belkin Jim Nichol and Steven Woehrel, Congressional Research Service, 13 March 2012, “Europe’s Energy Security: Options and Challenges to Natural Gas Supply Diversification,” p. 25)//CC

Proposed U.S. LNG export projects, if all were constructed today, would make the United States the second largest LNG exporter behind Qatar. The proposed projects are at various stages in the regulatory approval process. Nevertheless, analysts have already begun speculating on what a significant increase in U.S. LNG exports would mean to natural gas markets, especially to European markets. Any volumes of LNG from the United States would benefit the market, including Europe, by offering a new supplier to consumers. For parts of Europe, especially the Baltic region and Central Europe, where the United States enjoys strong and friendly relations, any decision to export U.S. LNG to that region would be welcomed as a potential offset to their dependence on Russian gas. However, the bigger effect of U.S. entry into global LNG sales may be on pricing rather than supplies. The United States is one of the few countries that does not link its natural gas price to the price of oil and therefore may add to the pressure to delink the two commodities. Most natural gas sold in the world, by pipeline or as LNG, is sold under long-term contracts and indexed to the price of oil. Historically, the two commodities competed more directly in markets than they do today.

#### Russia’s gas dominance is the lifeblood of its economy-oil can’t compensate

Lindsay **Wright 9**, contributor to the Pipeline and Gas Journal August 2009 (PIPELINE POLITICS: RUSSIA’S NATURAL GAS DIPLOMACY; Vol. 236 No. 8)

**Natural resources are the lifeblood of the Russian economy** and Siberia’s riches excite envy and awe from onlooking countries. Revenues from exports of oil and gas made possible one of the greatest economic comeback stories in recent memory. From the wreckage of the fall of communism and the subsequent currency collapse of 1998, an economic and political powerhouse has emerged. Russia is emboldened by renewed wealth and has no qualms about using its considerable clout in the energy industry to twist the arms of its neighbors. Some 157,000 km of natural gas pipelines serving more than 30 export markets are both an **engine of economic growth** and a powerful political sword.In the privatization frenzy of post-Soviet reconstruction, many of Russia’s energy resources were sold off to individuals and corporations, often at cut-rate prices. However, under President Putin, energy assets were systematically and strategically brought back under state control. Deeply embedded in the Russian psyche is a belief that politics is a zero-sum game, and advancing “national interests” is the chief driver behind political decisions. Casualties are not only tolerated, they are expected. In the energy business, this mentality effectively gives Gazprom, the majority state-owned natural gas producer and distributer, liberty to take politically significant actions under the mantle of a legitimate business activity.The Kremlin and Gazprom have intertwining purposes and interests. The company produces more than 90% of Russia’s natural gas and provides the state with roughly one quarter of its total tax revenue, in addition to owning and operating the massive pipeline infrastructure. Russian President Dmitry Medvedev is former chairman of Gazprom. This cozy relationship allows the Kremlin to influence international commodity markets for political gain.Natural gas is less of a fungible good than oil and this distinction is reflected in the inconsistent prices for the resource. Pipelines are the only effective means of transporting natural gas at today’s prices and with today’s technology. The price of a unit of Russian gas varies by the terms of contracts set between Russia and its individual customers. Pipelines, by their fixed nature and high capital cost, force a long-term relationship between buyer and seller.Unlike the situation for oil suppliers, a gas producer cannot quickly divert his or her product to another willing buyer should the initial customer be unable, or unwilling, to pay. Buyers do not have much flexibility either. In the short term, they have little choice but to purchase gas from the supplier at the other end of the pipeline. The relative rigidity of the natural gas industry inextricably links European gas consumers to Russia’s foreign policy objectives. These goals - broadly increased wealth, influence and security - are realized through the web of Gazprom’s pipelines crisscrossing the continent.

#### Russian economic decline causes nuclear war

**FILGER 2009** (Sheldon, author and blogger for the Huffington Post, “Russian Economy Faces Disastrous Free Fall Contraction” http://www.globaleconomiccrisis.com/blog/archives/356)

In Russia historically, economic health and political stability are intertwined to a degree that is rarely encountered in other major industrialized economies. It was the economic stagnation of the former Soviet Union that led to its political downfall. Similarly, Medvedev and Putin, both intimately acquainted with their nation’s history, are unquestionably alarmed at the prospect that Russia’s economic crisis will endanger the nation’s political stability, achieved at great cost after years of chaos following the demise of the Soviet Union. Already, strikes and protests are occurring among rank and file workers facing unemployment or non-payment of their salaries. Recent polling demonstrates that the once supreme popularity ratings of Putin and Medvedev are eroding rapidly. Beyond the political elites are the financial oligarchs, who have been forced to deleverage, even unloading their yachts and executive jets in a desperate attempt to raise cash. Should the Russian economy deteriorate to the point where economic collapse is not out of the question, the impact will go far beyond the obvious accelerant such an outcome would be for the Global Economic Crisis. There is a geopolitical dimension that is even more relevant then the economic context. Despite its economic vulnerabilities and perceived decline from superpower status, Russia remains one of only two nations on earth with a nuclear arsenal of sufficient scope and capability to destroy the world as we know it. For that reason, it is not only President Medvedev and Prime Minister Putin who will be lying awake at nights over the prospect that a national economic crisis can transform itself into a virulent and destabilizing social and political upheaval. It just may be possible that U.S. President Barack Obama’s national security team has already briefed him about the consequences of a major economic meltdown in Russia for the peace of the world. After all, the most recent national intelligence estimates put out by the U.S. intelligence community have already concluded that the Global Economic Crisis represents the greatest national security threat to the United States, due to its facilitating political instability in the world. During the years Boris Yeltsin ruled Russia, security forces responsible for guarding the nation’s nuclear arsenal went without pay for months at a time, leading to fears that desperate personnel would illicitly sell nuclear weapons to terrorist organizations. If the current economic crisis in Russia were to deteriorate much further, how secure would the Russian nuclear arsenal remain? It may be that the financial impact of the Global Economic Crisis is its least dangerous consequence.

### 4

The Environmental Protection Agency should set technology-neutral performance standards requiring a state-specific, scalable reduction in carbon emissions from existing power plants in the United States, based on recommendations from the Natural Resources Defense Council.

#### The CP uses the authority behind the NSPS. It substantially decreases CO2 emissions, air pollution and boosts the economy by driving a mix of investments in energy efficiency and renewables

**NRDC, 12 –** Natural Resources Defense Council Issue Brief (“Using the Clean Air Act to Sharply Reduce Carbon Pollution from Existing Power Plants, Creating Clean Energy Jobs, Improving Americans’ Health, and Curbing Climate Change” December, <http://www.nrdc.org/air/pollution-standards/files/pollution-standards-IB.pdf>)

This administration can create jobs, grow the economy, and curb climate change by going after the country’s largest source of climate-changing pollution—emissions from the hundreds of existing power plants. NRDC’s proposal shows how the Environmental Protection Agency, in partnership with the states, can set new carbon pollution standards under existing authority in the Clean Air Act that will cut existing power plant emissions 26 percent by 2020 (relative to peak emissions in 2005). The approach includes an innovative provision that will drive investment in cost-effective energy efficiency, substantially lowering the cost of compliance, lowering electricity bills, and creating thousands of jobs across the country. Further, NRDC’s analysis shows that the benefits—in saved lives, reduced illnesses and climate change avoided—far outweigh the costs, by as much as 15 times. Having endured a year when climate change contributed to damaging floods, widespread wildfires, record drought and superstorm Sandy, which cost Americans hundreds of lives and hundreds of billions of dollars, we can’t afford to wait any longer to act. For the health and welfare of Americans, for the nation’s economy, and for the stability of the planet, now is the time to reduce pollution from America’s power plants, dramatically increase the energy efficiency of our economy and reduce the threat of climate change. We know where the pollution is; now we just have to go get it. THE IMPERATIVE TO CUT CARBON POLLUTION Unless heat-trapping carbon pollution is sharply reduced, negative impacts on the health of our families, communities, economy and our planet will only grow. Already, climate change is increasing the numbers of record heat waves, droughts, and floods—and these extreme weather events will become even more powerful and frequent, threatening both lives and the global economy. In the wake of superstorm Sandy, which devastated swaths of the U.S. coastline, states and cities must rebuild for this new reality. But simply preparing for more extreme weather is not an answer by itself. Future storms will be stronger and do even worse damage unless we act now to curb the carbon pollution that is driving dangerous climate change. To this end, nothing is more important than reducing carbon dioxide (CO2) emissions from the largest industrial source of pollution: electricity-generating power plants. In the United States these plants emit about 2.4 billion tons of CO2 each year, roughly 40 percent of the nation’s total emissions. To be sure, the EPA has taken important first steps by setting standards that will cut the carbon pollution from automobiles and trucks nearly in half by 2025 and by proposing standards to limit the carbon pollution from new power plants. But the EPA has yet to tackle the CO2 pollution from hundreds of existing fossil-fueled power plants in the United States. The EPA has both the authority and responsibility to reduce pollution from these plants under the Clean Air Act, the nation’s bedrock air pollution law adopted in 1970. NRDC has crafted an effective and flexible approach to cut carbon pollution from existing power plants that: n Uses the legal authority under the Clean Air Act. n Recognizes differences in the starting points among states. n Charts a path to affordable and effective emissions reductions by tapping into the ingenuity of the states and the private sector. n Provides multiple compliance options, including cleaning up existing power plants, shifting power generation to plants with lower emissions or none at all, and improving the efficiency of electricity use. Using the same sophisticated integrated planning model used by the industry and the EPA, NRDC calculated the pollution reductions that would result from the proposed approach—and the costs and benefits of achieving those reductions. The plan would cut CO2 pollution from America’s power plants by 26 percent from 2005 levels by 2020 and 34 percent by 2025. The price tag: about $4 billion in 2020. But the benefits— in saved lives, reduced illnesses, and climate change avoided —would be $25 billion to 60 billion, 6 to 15 times greater than the costs. For Americans’ health and welfare, for the nation’s economy, and for the health of the planet, we can’t afford not to curb the carbon pollution from existing power plants. EPA HAS THE LEGAL AUTHORITY AND OBLIGATION TO REDUCE CARBON POLLUTION The Clean Air Act has been remarkably successful over its 40-year history. Most Americans now breathe much cleaner air, our cities are no longer enveloped in smoke and smog, the nation’s lakes and rivers are recovering from acid rain, and the ozone layer that shields us from dangerous ultraviolet radiation is healing after the phase-out of CFCs and other ozone-destroying chemicals. The Clean Air Act can also help stem the threat of climate change by reducing carbon pollution. In 2007, in Massachusetts v. EPA, the U.S. Supreme Court ruled that the EPA has the authority and responsibility to curb heattrapping pollutants under the Clean Air Act, rejecting the Bush Administration’s claim that greenhouse gases are not pollutants under that law. In that case, the nation’s highest court ruled that if the science shows CO2 and other heattrapping pollutants endanger public health and welfare, then the EPA must set standards to reduce their emissions from new cars and trucks. In President Obama’s first term, the EPA responded to the Supreme Court decision by presenting overwhelming scientific evidence that CO2 and the other heat-trapping pollutants do indeed endanger public health and welfare. The administration then set new standards in 2010 and 2012 to dramatically cut the carbon pollution from new cars and SUVs and from heavy trucks and buses. In a second Supreme Court decision in 2011, American Electric Power v. Connecticut, the high court ruled that it is also the EPA’s responsibility to curb the carbon pollution from the nation’s power plants. The legal authority for power plant standards comes from Section 111 of the Clean Air Act, which directs the EPA to set “standards of performance” (typically a maximum emissions rate) for stationary sources like power plants that emit harmful air pollutants. Section 111(b) covers new facilities, while Section 111(d) gives the EPA and states shared responsibility for curbing pollution from existing facilities. Under Section 111(d), the EPA issues guidelines on “the best system of emission reduction,” and then each state is required to adopt and submit a plan for setting and meeting emissions standards. In April 2012, the agency took the first step toward addressing power plant pollution by proposing the “Carbon Pollution Standard for New Power Plants” under Section 111(b). The standard would require that new plants emit no more than 1000 pounds of CO2 per megawatt-hour (lbs/ MWh). To put that in context, coal power plants typically produce about 2100 lbs/MWh, while natural gas-fired plants emit 1000/MWh or less. Power companies building new facilities could thus meet the standard with existing natural gas power plant technologies, zero-emitting renewables, or with efficient coal plants equipped with systems to capture and sequester carbon dioxide. The EPA’s assessment, widely shared in the private sector, is that even without the proposed carbon pollution standard new power supply needs will be met by a combination of natural gas, renewables, energy efficiency, and other resources because the construction of new conventional coal-fired power plants is uneconomic. The new source standard is expected to be finalized in the next few months. EPA, however, still hasn’t addressed the largest source of carbon pollution, existing power plants. NRDC’s approach addresses the challenge of creating equitable regulations for these sources under Section 111(d), recognizing that the type and mix of power plants varies among the states. If all existing power plants were limited to 1000 lbs of CO2 /MWh, for instance, states with a high percentage of coal-fired plants would face a much larger task compared to those with lots of natural gas plants or renewables. The flexible approach NRDC proposes will help reduce the carbon pollution from existing power plants in a fair, affordable, and achievable manner. STATE-SPECIFIC STANDARDS AND FLEXIBLE COMPLIANCE OPTIONS The NRDC plan has two key elements: (1) EPA would set state-specific emissions rates, reflecting the diversity of the nation’s electricity sector, as well as the state-by-state structure of Section 111(d). (2) Power plant owners and states would have broad flexibility to meet standards in the most cost-effective way, through a range of technologies and measures. Here’s how it would work: the EPA would first tally up the share of electricity generated by coal and gas-fired plants in each state during the baseline years (2008-2010 was used for this analysis). Then the agency would set a target emission rate for each state for 2020, based on the state’s baseline share of coal and gas generation. The state standards proposed and analyzed in this report were calculated by applying a rate of 1500 lbs of CO2 /MWh for the baseline coal generation share and 1000 lbs of CO2 /MWh for the baseline gas-fired generation share. For example, a state that now gets 90 percent of its fossilfueled electricity from coal and 10 percent from gas would be required to reduce its 2020 emissions rate to 1450 lbs/MWh [(90 percent x 1500) + (10 percent x 1000)]. In contrast, a state with 90 percent gas-fired generation would have a target of 1050 lbs/MWh [(10 percent x 1500) +(90 percent x 1000)]. A state starting with a 50:50 ratio of coal and gas generation would have a target of 1250 lbs/MWh. The allowable emissions rate would drop further in 2025. The emissions standard for each state would be an overall emission rate average of all fossil fuel plants in the state. An individual plant could emit at a higher or lower rate. Each covered plant with an emission rate above the state standard could meet the standard by using one or more compliance options: First, a plant could reduce its own CO2 emission rate by retrofitting a more efficient boiler or installing CO2 capture systems, for instance, or it could burn a mixture of coal and cleaner fuels, such as gas or certain types of biomass. Second, the owners of multiple power plants could average the emissions rates of their plants, meeting the required emission rate on average by running coal plants less often, and ramping up generation from natural gas plants or renewable sources instead. They could retire coal plants and build new natural gas and renewable capacity, if needed, creating a cleaner overall electricity-generating fleet. Low- or zero-emitting sources, such as wind and solar, would earn credits that generators could use to lower their average emissions rate. The plan also allows trading of credits between companies within a state, and across state lines among states that choose to allow it, further lowering the overall costs of compliance. An innovative feature of the proposal is the inclusion of energy efficiency. State-regulated energy efficiency programs could earn credits for avoided power generation, and avoided pollution. Generators could purchase and use those credits towards their emissions compliance obligations, effectively lowering their calculated average emissions rate. Energy efficiency is one of the lowest cost energy resources and emission reduction options. States could use this provision to slash emissions without costly and lengthy power plant retrofits or new construction, reducing the overall cost of the regulations.

#### The CP is key to US environmental leadership – it sends a more powerful signal than the aff and gets other countries on board for emissions reductions

**Chipman, 12** (Kim, “U.S. Could Cut Power Plant Pollution 26%, NRDC Says” Business Week, 12/4, <http://www.businessweek.com/news/2012-12-04/u-dot-s-dot-could-cut-power-plant-pollution-26-percent-nrdc-says>)

President Barack Obama could cut greenhouse-gas emissions from U.S. power plants 26 percent by 2020, the Natural Resources Defense Council said in a plan that puts pressure on the administration to issue new rules. Obama can use his authority under the Clean Air Act to clamp down existing polluters in a cost-effective way, the NRDC said in a report today. These emitters, which include Southern Co. (SO) and Duke Energy Corp. (DUK), are the biggest sources of U.S. carbon-dioxide pollution, with power plants fueled by coal, oil and natural gas making up one-third of total emissions. Environmental Protection Agency Administrator Lisa Jackson said earlier this year the agency had no plans to move ahead with rules, spurring an outcry among environmentalists who say the regulations are crucial in the fight against climate change. NRDC is calling on the newly re-elected Obama to act. “The time is right for the president and the EPA to address this,” David Doniger, climate policy director for NRDC in Washington, said in an interview. “While ultimately we need U.S. legislation to cut emissions deeply over the long term, we can take a big bite out of carbon pollution with the laws we already have on the books.” EPA View EPA Assistant Administrator Gina McCarthy said Nov. 13 that any rule regulating emissions from existing coal-fired power plants is at least several years away. The NRDC is making its proposal as envoys from more than 190 nations meet in Doha this week to negotiate terms for a new climate change treaty that would require emissions cuts from the world’s biggest polluting nations, including China and the U.S. for the first time. Developing countries are pressing industrial nations for further steps on global warming. The U.S. has pledged to cut greenhouse gases about 17 percent by 2020 over 2005 levels and says it won’t increase that target at this year’s United Nations meeting. Resources for the Future, which gets funds through government grants, foundations and companies such as Goldman Sachs, estimates the U.S. can cut emissions 16.3 percent by 2020, assuming the EPA rules for existing polluters are enacted. Plant Guidelines Under NRDC’s plan, the EPA would set guidelines for existing power plants that reflect a state’s specific mix of power sources. For example, a state that gets most of its electricity from burning coal would have a different EPA guideline than one that has more of a split between coal, natural gas and oil. “NRDC’s proposal is designed to give power plant owners freedom to choose how they would achieve the required emission reductions, giving credit for increases in energy efficiency and electricity generation using renewable sources and allowing emission-rate averaging among fossil fuel-fired power plants,” according to the NRDC report. “States would also have the freedom to design their own approach, as long as it achieved equivalent emission reductions.” NRDC’s plan doesn’t call for emissions trading, known as “cap and trade,” though states could implement such a program if they choose, Doniger said. The group says that if the new standards were put in place, carbon emissions from plants would decline 26 percent over this decade from 2005 levels. Annual costs would amount to about $4 billion in 2020, and estimated benefits from “saving lives and reducing the risks of catastrophic climate change” would range from $25 billion to $60 billion. Call for Action European Union, China, Brazil and India have called on the U.S. to step up greenhouse gas reductions as a first step toward a treaty on reducing emissions worldwide. The U.S. never ratified the 1997 Kyoto Protocol, which limits emissions in industrial nations such as the EU, Australia and Norway. The UN Intergovernmental Panel on Climate Change has said developed countries need to cut emissions by 25 percent to 40 percent in 2020 from 1990 levels to meet its target of keeping warming since the industrial revolution to below 2 degrees Celsius (3.6 degree Fahrenheit). Only Norway and Monaco have submitted pledges in that range. Obama’s climate envoys are in Doha this week for UN talks for a new global warming treaty by 2015 that would take force in 2020. U.S. lead negotiator Todd Stern told reporters yesterday that the U.S. is “on track” to meet its 17-percent emissions reduction goal, in spite of Obama’s 2010 failure to push national cap-and-trade legislation through Congress. UN Talks Environmentalists and delegates from countries including China say they will be closely watching the UN negotiations for any signs of how forceful Obama may be on climate policy over the next four years, both domestically and internationally. “The single most important thing that President Obama can do over the next couple of months is issue standards for existing power plants,” Jake Schmidt of NRDC said in an interview in Doha. “That’s what will send a very clear signal to the international community that the U.S. can reduce emissions and be on track for an international agreement.”

#### Environmental leadership prevents extinction

**Harris 1** – Lecturer – Lignan University, Associate Fellow – Oxford Center for Environment, Ethics, and Society at Mansfield College, Oxford University

(Paul, The Environment, International Relations, and U.S. Foreign Policy pg 241-242, dml)

In addition to promoting U.S. global interests, a more robust acceptance by the U.S. government of international equity as an objective of global environmental policy—and indeed of foreign policy generally—has potentially beneficial implications for humankind. Implementation of the equity provisions of international environmental arrangements may reduce human suffering by helping to prevent changes to local, regional, and global environmental commons that would adversely affect people, most notably the many poor peoplein the economically developing countries who are least able to cope with environmental changes. Insofar as environmental protection policies focus on sustainable economic development, human suffering may be mitigated as developing countries—especially the least-developed countries—are aided in meeting the basic needs of their citizens. Economic disparities within and between countries are growing. At least one-fifth of the world’s population already lives in the squalor of absolute poverty.59 This situation can be expected to worsen in the future. If this process can be mitigated or reversed by international policies focusing on environmentally sustainable economic development, human well-being on a global scale will rise. ‘What is more, international cooperative efforts to protect the environment that are made more likely and more effective by provisions for international equity will help governments protect their own environment and the global environment if they are successful. Insofar as the planet is one biosphere—that it is in the case of ozone depletion and climate change seems indisputable-persons in every local and national community are simultaneously members of an interdependent whole. Most activities, especially widespread activities in the United States and the rest of the industrialized world, including the release of ozone-destroying chemicals and greenhouse gases, are likely to adversely affect many or possibly all persons on the planet. Efforts to prevent such harm or make amends for historical harm (i.e., past pollution, which is especially important in these examples because many pollutants continue doing harm for years and often decades) require that most communities work together. Indeed, affluent lifestyles in the United States, ‘Western Europe, and other developed areas may harm people in poor areas of the world more than they will harm those enjoying such lifestyles because the poor are ill-equipped to deal with the consequences.6° Furthermore, by concerning themselves with the consequences of their actions on the global poor and polluted, Americans and the citizens of other developed countries will be helping their immediate neighbors—and themselves—in the long run. Actualization of international equity in conjunction with sustainable development may help prevent damage to the natural environment worldwide, thereby promoting human prosperity. The upshot is that the United States has not gone far enough in actively accepting equity as an objective of global environmental policy. It ought to go further in doing so for purely self-interested reasons. But there are more than self-interested reasons for the United States to move in this direction. It ought to embrace international equity as an objective of its global environmental policy for ethical reasons as well. We can find substantial ethical justification for the United States, in concert with other developed countries, to support politically and financially the codification and implementation of international equity considerations in international environmental agreements. The United States ought to be a leader in supporting a fair and just distribution among countries of the benefits, burdens, and decision-making authority associated with international environmental relations.61 To invoke themes found in the corpus of ethical philosophy (but without here assuming the burden of philosophical exegesis!), the United States ought to adopt policies that engender international equity in at least the environmental field (1) to protect the health and well-being of the human species; (2) to promote basic human rights universally; (3) to help the poor be their own moral agents (a Kantian rationale); (4) to help right past wrongs and to take responsibility for past injustices (i.e., past and indeed ongoing U.S. pollution of the global environment); (5) to aid the world’s least-advantaged people and countries (a Rawlsian-like conception); (6) and to fhlflll the requirement of impartiality (among other ethical reasons)62—all in addition to the more dearly self-interested justification that doing so will bolster U.S. credibility and influence in international environmental negotiations and contemporary global politics more generally. One might argue, therefore, that the United States ought to be aiding the developing countries to achieve sustainable development because to do so may simultaneously reduce human suffering and reduce or potentially reverse environmental destruction that could otherwise threaten the healthy survival of the human species. Insofar as human-caused pollutionand resource exploitation deny individuals and their communities the capacity to survive in a healthy condition, the United States, which consumes vastly more than necessary, has an obligation to stop that unnecessary consumption. From this basic rights perspective,63 the U.S. government should also take steps to reduce substantially the emissions of pollutants from within the United States that harm people in other countries.64 The United States ought to refrain from unsustainable use of natural resources and from pollution of environmental commons shared by people living in other countries—or at least make a good effort toward that end—because the people affected by these activities cannot reasonably be expected to support them (we would not be treating them as independent moral agents, to make a Kantian argument65)

### 5

#### The United States Supreme Court should overturn it’s decision in Gonzales v. Raich by substantially narrowing the definition of economic activity for the purposes of determining Congress’ commerce clause authority.

#### Solves the case -- Raich ruling created a massive expansion of federal control that devastated the Commerce Clause -- only the CPs reversal maintains cooperative federalism

Shunnara, ‘7

[Tanya K., “THE COMMERCE CLAUSE COUNTER-REVOLUTION,” Cumberland Law Review, 37 Cumb. L. Rev. 575, Lexis]

To appreciate the full implications of the Court's holding in Raich, first consider its effect on the lower courts' application of Lopez and Morrison. In the cases previously discussed that involved challenges of congressional commerce power, Raich overwhelmingly controlled the [\*601] constitutional analysis. n218 In fact, when Lopez and Morrison were mentioned, it was merely for a recitation of the four-factor Commerce authority test, n219 but even the balancing of these factors was controlled by Raich rationale. n220 As a result of Raich's liberal interpretation of the Commerce authority, not one case meaningfully applied the judicially-enforced federalism principles articulated by Lopez and Morrison. This trend has led one commentator to conclude that after Raich, "Wickard is the heart of Commerce Clause doctrine, while Lopez and Morrison are, if not outliers, at least cases that merely police the outer boundaries of the doctrine to ensure that Congress is regulating economic activity in the broad sense defined by Raich." n221 Raich may also signal the end of the as-applied Commerce Clause challenge. This is evidenced in the fact that every Commerce Clause question in the cases described above was rejected by the courts. n222 Even a Circuit court has recently expressed its concern as to whether as-applied challenges of the Commerce Clause are valid any longer after Raich. n223 Because the "as-applied" challenge is one that addresses a statute's application to a particular class, and because the Raich Court held that Congress is authorized to regulate any class of activities that are an essential part of a comprehensive regulatory scheme that affects commerce, no potential remains for a successful as-applied Commerce Clause Challenge. n224 After Raich, "we are unlikely to see a lower federal court . . . strike down an act of Congress on Commerce Clause grounds, or even take the more modest step of upholding an as-applied challenge to a federal law." n225 [\*602] Furthermore, the practical effect of Raich is that it will encourage Congress to legislate more broadly so as to avoid any Commerce Clause difficulties. n226 As Justice O'Connor predicted in her dissent of Raich, Morrison and Lopez have seemingly been reduced to nothing more than a "drafting guide" n227 or mere procedural hurdles that Congress must satisfy. This reflects the notion that the fatal flaw of the statutes at issue in Lopez and Morrison was that they were stand-alone statutes, and not a part of a comprehensive regulatory scheme. Furthermore, a majority of the Court ascribed to the theory that "the existence of a comprehensive regulatory scheme allows Congress greater latitude . . . to regulate activities that have substantial effects on interstate commerce, even if those activities are not themselves commercial or economic[.]" n228 Therefore, while Congress may lack the constitutional power to regulate a particular activity standing alone, it may gain such authority by legitimately regulating the entire area related to the given activity. n229 Professor John Parry best expressed the apparent ramifications of this notion: "the more Congress regulates, the more it can regulate." n230 The necessary implication of such a rationale is that Raich "encourages Congress to enact legislation intruding most deeply into state affairs by packaging regulation of purely local activities into comprehensive statutes." n231 Professors Denning and Reynolds predict that "Raich's elaboration of the national-regulatory-scheme principle will invite lower courts to characterize existing statutes that had previously been thought vulnerable to Commerce Clause challenges as parts of national regulatory schemes, and hold that Congress may reach all local, noncommercial activity within the classes of activities covered by those statutes." n232 Judging by the cases that have been decided since Raich, the trends seem to indicate that our federal government is increasingly becoming one limited in name alone. Conclusion One of the eternal constitutional dilemmas that our courts face is deciding how to balance the enumerated powers of the States, which retain all that has not been delegated, with those of the federal government, which has powers that may be construed broadly enough to allow congressional control over practically any aspect of human affairs. After Raich, it is clear that Congress will no longer view the Commerce Clause [\*603] as a barrier to bureaucracy, as it did prior to the New Deal era, but will instead use it as a constitutional invitation to legislate freely and broadly. Thus, in many ways, Raich signifies a counter-revolution. Primarily, Raich signifies a departure from the way that the Rehnquist court viewed the Commerce Clause, as is made evident by the fact that lower courts now find little value in applying Lopez and Morrison in a meaningful way. Clearly, after Raich, it will be much more difficult for future Commerce Clause challenges to be sustained. However, Raich also signifies a counter-revolution in the way that our courts approach the underlying federalism issues that surround practical questions of conflicting state and federal power. While Raich is undoubtedly a federalism case, I do not contend that the Supreme Court, in Raich, directly created any new constitutional jurisprudence regarding federalism. To the contrary, I would argue that the Court did not attempt to construe the meaning of the Tenth Amendment or to overrule the federalism underpinnings acknowledged in Lopez and Morrison. As explained above, the Supreme Court in Raich simply adopted a broad definition of economic activity. This single interpretation, however, has indirectly and undeniably changed the way that courts will frame Commerce Clause questions. n233 And more fundamentally, the Supreme Court's understanding of what constitutes economic activity has far-reaching consequences in what role federalism plays in our society. In Raich, the majority's commitment to such an expansive definition of commerce permitted the Constitution to be interpreted in such a way as to necessarily broaden the scope of local activity that Congress could reach. n234 I suggest, therefore, that Raich symbolizes an acceptance that conceptualism is alive and well in the halls of the United States Supreme Court; and with this acceptance comes the recognition that, as our culture evolves, so must our laws.

### Federal Crowd-Out

**States regulations failed – The scale of the problem is too loud, and worthless without federal action**

**Buzbee ’09 (**William W. Buzbee, “ STATE GREENHOUSE GAS REGULATION, FEDERAL CLIMATE CHANGE LEGISLATION, AND THE PREEMPTION SWORD//JC)

The proliferation of state and local measures to address climate change has spawned a lively debate. Much of this debate seeks to identify why sub-national levels of government would, seemingly illogically, grapple with an international challenge of global magnitude.1 This is especially a puzzle since others’ inaction or opportunistic actions can defeat benefits of state and local activism.2 Some question the efficacy of such state and local efforts.3 A broad consensus notes, however, that in this and other areas of environmental regulation, state and local regulatory interventions have catalyzed support for federal legislation, with once vocal industry opponents coming to prefer federal legislation over often diverse state and local measures.4 Scholars and policymakers broadly agree that larger-level responses are also necessary, ideally via international legal instruments and national legislation and implementing regulation.5

#### States have increased chance of rolled back and failed legislation

**Boston Globe 12/2/12**

WASHINGTON — The Heartland Institute, a libertarian think tank skeptical of climate change science, has joined with the conservative American Legislative Exchange Council to write model legislation aimed at reversing state renewable energy mandates. The Electricity Freedom Act, adopted by the council’s board of directors in October, would repeal state standards requiring utilities to get a portion of their electricity from renewable power, calling it ‘‘essentially a tax on consumers of electricity.’’ Twenty-nine states and the District of Columbia have binding renewable standards; in the absence of federal climate legislation, these initiatives have become the subject of intense political battles. The legislative council, or ALEC, is a conservative-leaning group of state legislators from all 50 states that has sought to roll back climate regulation in the past. It lost some corporate sponsors early this year because of its role promoting ‘‘stand your ground’’ laws that allow the use of force in self-defense without first retreating when faced with a serious threat. But the involvement of the Heartland Institute, which posted a billboard in May comparing those who believe in global warming to domestic terrorist Theodore Kaczynski, shows the breadth of conservatives’ efforts to undermine environmental initiatives on the state and federal level. In many cases, the groups involved accept money from oil, gas, and coal companies that compete against renewable energy suppliers. The Heartland Institute received more than $7.3 million from Exxon Mobil between 1998 and 2010, and nearly $14.4 million between 1986 and 2010 from foundations affiliated with Charles and David Koch, whose firm Koch Industries has substantial oil and energy holdings. James Taylor, the Heartland Institute’s senior fellow for environmental policy, said he was able to persuade most of ALEC’s state legislators and corporate members to push for a repeal of laws requiring more solar and wind power use on the basis of economics. ‘‘Renewable power mandates are very costly to consumers throughout the 50 states, and we feel it is important that consumers have access to affordable electricity,’’ Taylor said.

**Federal regulations key- effectiveness, biz con- they are only a floor- states can go higher**

David M. **Uhlmann** **2013** Jeffrey F. Liss Professor from Practice and Director of the Environmental Law and Policy Program at the University of Michigan Law School. https://www.acslaw.org/sites/default/files/Uhlmann\_-\_Toward\_a\_Sustainable\_Future.pdf Jan 2013

Given the potential significance of fracking to our economy and our future energy needs, it may come as a surprise to most Americans that federal regulatory authority is limited for fracking. The federal government, of course, controls how fracking occurs on public lands. In addition, EPA can regulate methane venting from fracking, as well as the disposal of wastewater from fracking if it occurs in jurisdictional waters of the United States. But fracking itself was exempted from federal regulation in 2005 by what is known as the Halliburton exemption.90 As a result**, regulation of the drilling activity is left to state and local governments, which produces a patchwork of laws that may not protect public health and the environment and imposes undue costs on industry by forcing national companies to comply with disparate state requirements.**91 Fracking has become too central to our national energy policy to leave regulation of its health and environmental effects entirely to the states. The President should urge Congress to repeal the Halliburton exemption, so that we can move forward with fracking regulations that address both the benefits and the potential risks involved. As with other cooperative federalism programs, the federal government should set a “floor” for safeguards. Individual states would then implement the regulatory program with the option of going beyond federal requirements but could not offer less stringent protection.92 The regulatory process should involve industry representatives, environmental leaders, and federal and state regulators. It should build on the work of the Department of Energy advisory board subcommittee that studied fracking in 2011,93 as well as the numerous studies that are occurring at universities.94 But we cannot regulate fracking the way we regulated deepwater drilling for oil, where we realized we had inadequate safeguards in place only after we experienced the worst accidental oil spill in world history.95 Indeed, with so many companies rushing to join the fracking boom, weak regulation could allow companies with poor safety programs to have accidents that jeopardize the entire industry.

#### Newer studies disprove methane impcat

**Bump, 12** - writes about the news for Gristmill. (Philip, Grist, “Fracking may release less methane than thought” <http://grist.org/news/fracking-may-release-less-methane-than-thought/>)

Last year, researchers from Cornell reported that fracked natural-gas wells leak 40 to 60 percent more methane than conventional natural-gas wells – making fracking a more dangerous source of greenhouse gas emissions than coal.

But today, a team from MIT suggested the Cornell report may be incorrect — that fracking doesn’t result in much more methane emission than standard natural-gas drilling.

From E&E News:

[A]bout 216 gigagrams of methane [emitted] in 2010 … was due to hydraulic fracturing, a technique in which drillers inject pressurized water, sand and chemicals to fracture shale rock and release trapped gas. Fracking accounted for 3.6 percent of the 6,002 gigagrams of methane emitted overall by natural gas operations in 2010.

The implication is that shale gas drilling operations leak most of their methane from much of the same points as conventional gas drilling operations: pipelines, compressor stations, valves and other point sources. These account for about 96.4 percent of the emissions from a gas production site, the study finds.

#### No risk of massive methane release – too far underground to be triggered even in the next 1000 years

Andrew **Revkin**, staff writer, 12-14-**2011**, “Methane Time Bomb in Arctic Seas – Apocalypse Not,” NYT, <http://dotearth.blogs.nytimes.com/2011/12/14/methane-time-bomb-in-arctic-seas-apocalypse-not/>

A very important research effort has been under way during recent summers in the warming, increasingly ice-free shallows off Russia’s Siberian coast. There, an international array of scientists has been investigating widening areas of open water that are disgorging millions of tons of methane each year.Given that methane, molecule for molecule, has at least 20 times the heat-trapping properties of carbon dioxide, it’s important to get a handle on whether these are new releases, the first foretaste of some great outburst from thawing sea-bed stores of the gas, or simply a longstanding phenomenon newly observed. If you read the Independent of Britain, you’d certainly be thinking the worst. The newspaper has led the charge in fomenting worry over the gas emissions, with portentous, and remarkably similar, stories in 2008 and this week. [Dec. 29, 1:44 p.m. | Updated | Steve Connor, the writer (also science editor) at The Independent, alerted me that the article has been revised with a new headline and expanded to include content that didn't make it into the piece when first published.] If you read geophysical journals and survey scientists tracking past and future methane emissions, you get an entirely different picture:A paper published in Dec. 6 in the Journal of Geophysical Research appears to confirm pretty convincingly that the gas emissions seen in recent years are from a thawing process that has been under way for 8,000 years — since seas rose sufficiently to cover the near-shore seabed. Sharp warming of the sea in the region since 1985 has clearly had an influence on the seabed, according to the paper, led by Igor Dmitrenko of the Leibniz Institute of Marine Sciences in Kiel, Germany.But read this summary of the paper from the American Geophysical Union, which publishes the journal, and see if you feel reassured that the “methane time bomb” there is safe for a long time to come: [T]he authors found that roughly 1 meter of the subsurface permafrost thawed in the past 25 years, adding to the 25 meters of already thawed soil.Forecasting the expected future permafrost thaw, the authors found that even under the most extreme climatic scenario tested this thawed soil growth will not exceed 10 meters by 2100 or 50 meters by the turn of the next millennium. The authors note that the bulk of the methane stores in the east Siberian shelf are trapped roughly 200 meters below the seafloor… [Read the rest.] Here’s the link to the paper itself: “Recent changes in shelf hydrography in the Siberian Arctic: Potential for subsea permafrost instability.” To review, the authors confirm “drastic bottom layer heating over the coastal zone” that they attribute to warming of the Arctic atmosphere, but conclude that “recent climate change cannot produce an immediate response in sub-sea permafrost.” That’s the understatement of the year considering their conclusion that even under sustained heating, the brunt of the sub-sea methane won’t be affected in this millennium.It’s worth considering the risks of “single-study syndrome,” given that other recent work continues to find disturbing amounts of methane emissions in Arctic shallows. But scientists who track methane in the atmosphere in the Arctic and elsewhere around the planet see no big surge that can be pinned on such releases. Before I distributed the link to the new paper above to relevant scientists, I’d already heard from Ed Dlugokencky, one of the top federal researchers tracking methane trends. He sent a detailed review of atmospheric measurements from the Arctic to the Equator and concluded, quite simply: [B]ased on what we see in the atmosphere, there is no evidence of substantial increases in methane emissions from the Arctic in the past 20 years. This all builds on what I was told in 2010, when I last visited the question of methane releases from Arctic seas. (There’s an entirely different set of questions, also with relatively reassuring answers, about the vast amounts of methane locked in permafrost on land.) I urge you to read, and pass around, the 2010 post — “The Heat Over Bubbling Arctic Methane.” Sothe next time you see a “science stunner” about Arctic methane time bombs, reach out to a couple of scientists working on this gas before you run to the ramparts.

#### Current tech development solves – and companies will adopt it because reducing leaks increases profits

Westervelt, 3/28/13 (Amy, “The New Tech that Aims to Make Methane Leaks a Thing of the Past” Forbes, 3/28, <http://www.forbes.com/sites/amywestervelt/2013/03/28/the-new-tech-that-aims-to-make-methane-leaks-a-thing-of-the-past/>)

Santa Clara, Calif.-based tech company Picarro has developed a vehicle-mounted surveying product that enables utilities to cruise around their territories, constantly on the look out for methane leaks. That job used to be conducted on foot, with hand-held devices, which only enabled the utility to spot-check pipelines, oftentimes when a customer reported a potential issue. “This is a complete game-changer,” says Steve Redding, PG&E’s Director of Maintenance and Construction. Redding has been in the utility business for more than 20 years and says it’s not just that Picarro enables monitoring for methane leaks from utility vehicles, but that it overlays leak information on service area maps and compares data against other known sources of methane (farm animals, for example) to ensure that what looks like a pipeline leak is definitely something worth investigating.

“We also now have that data digitally, in a database,” Redding says. “You used to have to go to a particular area, walk around on foot holding a device, and then write down your findings on paper.”

Taking that whole process digital means PG&E employees can cover more ground and be proactive about finding potential issues.

Picarro’s technology is also being embraced by the natural gas exploration industry, particularly as the process of hydraulic fracturing, or “fracking”, continues to pick up steam. The company just released a product aimed specifically at measuring fugitive emissions at fracking and coal seam gas sites. To date no technology has been able to accurately measure and quantify the amount of methane emitted from fracking sites and other natural gas fields over a large scale. Everything has been done with estimates and modeling, leaving industry to claim less than 3 percent of all methane is lost in natural gas production, while scientists estimate losses of 9 percent or more.

“Our technology is a thousand times more sensitive–literally–than the technology currently being used by natural gas companies to estimate methane leaks,” says Michael Woelk, CEO of Picarro.

While scientists and local governments want to get a better read on fracking-related methane emissions to ensure public safety, Woelk says natural gas companies are also interested in the technology’s ability to help measure and reduce production losses. “There’s currently a lot of consternation and discussion around methane emissions in the natural gas industry, in terms of how much the natural gas industry is releasing into the air during production, in addition to the natural gas that’s just naturally seeping into the air,” Woelk says. “I think we’ll see from science that the emissions caused by natural gas production are way higher than the industry believes.”

#### No internal link to extinction –

#### a. eliminating all methane only reduces US emissions by 14% - keeping leaks just means natural gas has the same warming effect as coal

**Nocera, 12** – “How to Extract Gas Responsibly” New York Times, 2/27, <http://www.nytimes.com/2012/02/28/opinion/nocera-how-to-frack-responsibly.html?_r=0>)

Question No. 2: How big a difference will it make to the environment if industry can minimize methane leaks? A lot. To illustrate the point, Steven Hamburg, the group’s chief scientist, showed me a model he had devised. It allowed me to see the effect on greenhouse gas emissions as methane leaks were reduced. Suppose, for instance, the current leak rate turns out to be 4 percent. Suppose we then reduce it in half. That would mean an immediate reduction in overall U.S. greenhouse gases by — are you sitting down for this? — 9 percent. If the leaks are reduced to 1 percent, the decrease in greenhouse gases jumps to 14 percent. (That number eventually gets smaller as the potency of the methane wears off.) Meanwhile, failing to reduce methane leaks largely eliminates the environmental advantage of natural gas over coal. You can plug in different estimates and get different results, but the point is this: There is no denying the huge difference it can make to the environment to reduce methane gas leaks.

#### B. Other countries

**Kirkland, 10** – (Joel, “Global Emissions Predicted to Grow through 2035” Scientific American, http://www.scientificamerican.com/article.cfm?id=global-emissions-predicted-to-grow

Global carbon dioxide emissions will increase 43 percent by 2035 if major nations remain tied to existing energy policies and do not act to curb global warming, according to the U.S. Energy Information Administration.

EIA, in its 2010 long-term global energy analysis, predicts oil prices will hover around $133 a barrel in 2035 and energy use will increase 49 percent between 2007 and 2035. Most of that new energy consumption will be out of China, India and other developing countries as they churn out steel, build more power plants and drive more cars.

#### Methane release, even in the worst case scenario, can’t kill us all

David **Archer**, professor in the Department of The Geophysical Sciences at the University of Chicago, 1-11-**2012**, “Much Ado About Methane,” Climate Central, <http://www.climatecentral.org/news/partner-news/opinion-much-ado-about-methane>

We do know those methane deposits are seeping into the atmosphere, however. Andthe possibility of a catastrophic release is of course, what gives methane its power over the imagination. Journalists in particular seem susceptible to doomsday predictions from such a scenario. Alvin is a submersible capable of photographing and sampling methane vents on the seafloor. Credit: pennstatelive/flickr. We have seen methane bubbling from the sea floor in the Arctic. Lakes provide an escape path for the methane by creating “thaw bulbs” in the underlying soil, and lakes are everywhere appearing and disappearing in the Arctic as the permafrost melts. Yet so farwe haven't seen iron-clad evidence of greater methane releases due to anthropogenic warming, though such an event is certainly believable for the coming century. This brings us to the key question: What effect would a methane release have on climate? The impact depends on whether methane is released all at once or in an ongoing, sustained manner. 100,000 years Let's pick the most likely scenario: A slow ongoing release. Methane is a powerful greenhouse gas, trapping 72 times the amount of heat per molecule in the short term compared to carbon dioxide but “burning” to CO2 in the atmosphere in about a decade. We suspect large stores of methane, known as methane hydrates, lie frozen at the bottom of ever-warming oceans, particularly in the Arctic. On land, decomposing organic matter in thawing permafrost is another potential methane source. I've modeled what happens if that methane is released continually for several decades: The atmospheric impact from methane itself only persists for about a decade beyond the methane release, whereas the extra CO2 in the atmosphere persists throughout the simulation of 100,000 years. The possibility of a catastrophic release is more remote, but it's a subject that, as journalists say, has legs. A submarine landslide might release a gigaton of carbon as methane, but the effect of that would be small, about equal in magnitude to— but opposite in effect of — a volcanic eruption.Detectable, perhaps, but not the end of humankind as a species.No Huge Bubble So what could happen to methane in the Arctic? The methane bubbles coming from the Siberian shelf are part of a system that takes centuries to respond to changes in temperature. The methane from the Arctic lakes is also potentially part of a new, enhanced, chronic methane release to the atmosphere. Neither of them could release a catastrophic amount of methane — hundreds of gigatons — within a short time-frame of a few years or less. There isn’t some huge bubble of methane waiting to erupt as soon as its roof melts. And so far, the sources of methane from high latitudes are small, relative to the big players: wetlands in warmer climes and human emissions. It is very difficult to know whether the bubbles are a brand-new methane source caused by global warming, or a response to warming that has happened over the past 100 years, or whether plumes like this happen all the time. In any event, it doesn’t matter very much unless they get 10 or 100 times larger, because high-latitude sources are small compared to the tropics. So maybe by century's end, perhaps 2,000 gigatons of carbon could be released into the atmosphere by humans burning fossil fuels and other activities under some sort of business-as-usual scenario.And we might see another 1,000 gigatons of carbon from soil and methane hydrate release, as a worst case.Can we get some sort of a doomsday, runaway greenhouse effect scenario from that?I tweaked my models to try. If the methane hydrates released too much carbon, say two carbons from hydrates for every one carbon from fossil fuels, on a time scale that was too fast — say 1,000 years instead of 10,000 years — the system could run away. But the fact that ice core and sediment records do not seem full of methane spikes makes it seem like the real world is not as sensitive as we were able to set the model up to be.Clean-Up Time On the other hand, the deep ocean could ultimately — after a thousand years or so — warm up by several degrees in the business-as-usual scenario, making it warmer than it has been in millions of years. It takes millions of years to grow the hydrates; they have had time to grow in response to Earth’s relative cold of the past 10 million years or so. Also, the climate is very sensitive to changes in CO2 when its concentration is low, as it is today relative to what it was 50 million of years ago. In short, if there was ever a good time to provoke a hydrate meltdown it would be now. But "now" is in a geological sense, thousands of years into the future, not really "now" in a human sense. Thawing methane hydrates in the ocean and permafrost peats could be a significant multiplier of the long tail of the carbon dixoide, but it will probably not be a huge player in climate change in the coming century.

#### No warming impact

**Michaels 7** – Cato senior fellow (Patrick, 2/2, Live with Climate Change, http://www.cato.org/pub\_display.php?pub\_id=7502)

Consequently, the best policy is to live with some modest climate change now and encourage economic development, which will generate the capital necessary for investment in the more efficient technologies of the future.

Fortunately, we have more time than the alarmists suggest. The warming path of the planet falls at the lowest end of today's U.N. projections. In aggregate, our computer models tell us that once warming is established, it tends to take place at a constant, not an increasing, rate. Reassuringly, the rate has been remarkably constant, at 0.324 degrees F per decade, since warming began around 1975. The notion that we must do "something in 10 years," repeated by a small but vocal band of extremists, enjoys virtually no support in the truly peer reviewed scientific literature.

Rather than burning our capital now for no environmental gain (did someone say "ethanol?"), let's encourage economic development so people can invest and profit in our more efficient future.

People who invested in automobile companies that developed hybrid technology have been rewarded handsomely in the past few years, and there's no reason to think environmental speculators won't be

### Federalism

#### And, can’t solve – health care is a massive drain on federal resources – guts solutions to national security

Your Own Author Nivolar 2k7

(“Rediscovering Federalism,” pg online @ <http://mavdisk.mnsu.edu/parsnk/2011-12/Pol680-fall11/POL%20680%20readings/federalism-wk%202/07governance_nivola.pdf> //um-ef)

**The long-standing premise that social programs such as welfare and health insurance are best centralized needs to be reconsidered**. Great progress in economic stabilization, political transformations of state government, and the respectable performance of the states under the TANF law have all weakened the argument for centralization. So has another fact: The federal government will not be able to sustain the impending demographically-induced bulge of the nation’s extant welfare state without either imposing Draconian tax increases or sacrificing essentials, **starting with national security.** 21 The costs of Social Security, Medicare, and Medicaid are projected to corner most of the federal budget, and claim around a fifth of the gross domestic product by 2040. This is not an acceptable prospect. The answer to these circumstances is not to keep loading budget-busting entitlement oblig ations on an undisciplined government in Washington but to lodge more social servicin g in the states, whose governments have at least some institutional capacity for self-restraint. 22 A natural point of departure, of course, is Medicaid, the federally co-sponsored health program that is smaller than Medicare but that also is ballooning and, unless further devolved, can only aggravate Wa shington’s long-term fiscal overreach. 23 Currently, 50 percent to nearly 80 percent of Medicaid’s expense are paid by the federal government, and its liabilities are open-ended. 24 With this sky-is-the-limit approach to matching state outlays, states lack adequate incentive to cut costs and innovate—for example, by buying services more cheaply, investing efficiently in information technology, reducing fraud, establishing different benefit packages for different populations, and en couraging people to buy private long-term care insurance.

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#### And, federal gas tax

Your Own Author Nivolar 2k7

(“Rediscovering Federalism,” pg online @ <http://mavdisk.mnsu.edu/parsnk/2011-12/Pol680-fall11/POL%20680%20readings/federalism-wk%202/07governance_nivola.pdf> //um-ef)

As late as the mid-1950s, motor vehicles traversing many of America’s states would discover that their turnpikes abruptly stopped at the state line. To reach similar roads in a neighboring state, cars and trucks were often forced onto rudimentary byways that became hopelessly congested, dangerous, an d detrimental to the flow of the nation’s commerce. The need for an integrated network of interstate highways was beyond dispute. That was then. But this is now: Federal financing has since paved 46,483 miles of interstates—supplementing over 9,300 mile s of other freeways and expressways, an Rediscovering Federalism 14 some 3,910,000 miles of ordinary roads. The case for pouring additional hundreds of billions of federal tax revenues into the transportation infrastructure ad infinitum is questionable. The federal government today has better uses for its taxpayers’ money. To be sure, particular cities or states will continue to clamor for new roads, multi-billio n dollar “big digs,” and **other infrastructure investments. They should mostly be told: from here on, if you want it, you pay for it**. One of the many peculiar American political institutions that have locked in the status quo is the federal highway trust fund. Fed by an earmarked excise tax on gasoline, the trust fund was originally intended to ensu re completion of the interstate system but now subsidizes a lot of locally-focused transportation projects. This gift that keeps on giving is eccentric; no other advanced nation has hitched so much local road-building to so sacred a cash cow. 44 It is also anachronistic. At a time when the national tax system ought to collect more of its general-purpos e revenue from taxing consumption rather than just people’s earnings and savings, the federal gasoline tax ought to be, if anything, increased and its lucrative proceeds made av ailable to the twenty-first century’s other pressing priorities.

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#### Increased U.S. Manufacturing decreases Chinese Exports

**Manzella Report** 11/23/**12**

(John Manzella, “Energy Revolution Could Supercharge U.S. Manufacturing, Hurt China,” pg online @ <http://www.manzellareport.com/index.php/manufacturing/543-energy-revolution-could-supercharge-u-s-manufacturing-hurt-china> //um-ef)

As a result of a projected increase in American manufacturing, **U.S. exports are likely to rise**. Stated by Boston Consulting, “Before the end of the decade, we project that the U.S. will capture up to **$130 billion in annual exports from other nations.** Combined with production work that will likely be reshored from China, these higher U.S. exports could create 2.5 million to 5 million American jobs **in factories** and related services by 2020.” China To Feel the Pinch For decades, **China’s economic model has largely been based on its ability to cheaply mass-produce labor-intensive goods for export** to the European Union and the United States. This model, no doubt, **has been under stress** since the Great Recession began in 2008. Since then, economic demand in both the U.S. and EU has lessened. Plus, the EU has been hit hard by the ongoing economic situation in Greece and other Southern European countries, which has further depressed demand. As a result, both U.S. and EU import growth rates are down. For example, U.S. import growth declined from an average annual rate of 11.7 percent to 4.8 percent during the periods of 2004-2007 and 2008-2011, respectively; EU import growth rates also dropped, from 15.5 percent to 4.4 percent during the same time period. And since EU and U.S. export markets are China’s largest, China’s average annual export growth rate declined from 29.2 percent to 13.3 percent during the same period. Weaker U.S. and EU import demand likely will continue well into the future. According to Credit Suisse, a financial services company, the U.S. and major European countries’ share of global private consumption is projected to continue to decline. In addition, **new manufacturing activity projected in the United States, instead of in China, may further negatively impact Chinese exports to the U.S.** According to a report published by the World Bank, “China’s economic performance over the last three decades has been impressive. GDP growth averaged 10 percent a year, and over 500 million people were lifted out of poverty.” Importantly, the report indicates that moving forward, China’s economic model needs to be revised to accommodate for today’s new challenges.

#### B. That collapses CCP Stability, the Global Economy and Causes War with Taiwa

**Lewis 2k7** (Research Director of the Economic Research Council (Dan, April 19, 2007, “The nightmare of a Chinese economic collapse,” World Finance, <http://www.economicpolicycentre.com/wp-content/uploads/2010/10/The-nightmare-of-a-Chinese-economic-collapse.pdf> )

**A reduction in demand for imported Chinese goods would quickly entail a decline in China’s economic growth rate**. That is alarming. It has been calculated that to keep China’s society stable – ie to manage the transition from a rural to an urban society without devastating unemployment - **the minimum growth rate is 7.2 percent**. Anything less than that and unemployment will rise and the massive shift in population from the country to the cities becomes unsustainable. This is when real discontent with communist party rule becomes vocal and hard to ignore. It doesn’t end there. **That will at best bring a global recession**. The crucial point is that communist authoritarian states have at least had some success in keeping a lid on ethnic tensions – so far. But when multi-ethnic communist countries fall apart from economic stress and the implosion of central power, history suggests that they don’t become successful democracies overnight. Far from it. **There’s a very real chance that China might go the way of Yugoloslavia or the Soviet Union – chaos, civil unrest and internecine war. In the very worst case scenario, a Chinese government might seek to maintain national cohesion by going to war with Taiwan** – whom America is pledged to defend.

#### C. Collapse of the CCP control triggers a nuclear civil war and regional conflicts

**Yee and Storey 2k2**

(Herbert Yee, Professor of Politics and International Relations at the Hong Kong Baptist University, and Ian Storey, Lecturer in Defence Studies at Deakin University, 2002 (The China Threat: Perceptions, Myths and Reality, p. 5.)

The fourth factor contributing to the perception of a China threat is the fear of political and economic collapse in the PRC, resulting in territorial fragmentation, civil war and waves of refugees pouring into neighbouring countries. Naturally, any or all of these scenarios would have a profoundly negative impact on regional stability. Today the Chinese leadership faces a raft of internal problems, including the increasing political demands of its citizens, a growing population, a shortage of natural resources and a deterioration in the natural environment caused by rapid industrialisation and pollution. These problems are putting a strain on the central government's ability to govern effectively. Political disintegration or a Chinese civil war might result in millions of Chinese refugees seeking asylum in neighbouring countries. Such an unprecedented exodus of refugees from a collapsed PRC would no doubt put a severe strain on the limited resources of China's neighbours. A fragmented China could also result in another nightmare scenario - nuclear weapons falling into the hands of irresponsible local provincial leaders or warlords.'2 From this perspective, a disintegrating China would also pose a threat to its neighbours and the world.

#### D. China-Taiwan War Escalates to nuclear war

**Straits Times 2k**

[“Regional Fallout: No one gains in war over Taiwan,” Jun 25, LN]

**THE high-intensity** scenario postulates a **cross-strait war escalating into a full-scale war between the US and China**. If Washington were to conclude that splitting China would better serve its national interests, then a full-scale war becomes unavoidable. **Conflict** on such a scale **would embroil other countries far and near and** -- horror of horrors -- **raise the possibility of a nuclear war.** Beijing has already told the US and Japan privately that it considers any country providing bases and logistics support to any US forces attacking China as belligerent parties open to its retaliation. In the region, this means South Korea, Japan, the Philippines and, to a lesser extent, Singapore. If China were to retaliate, **east Asia will be set on fire. And the conflagration may not end there as opportunistic powers elsewhere may try to overturn the existing world order**. With the US distracted, **Russia may seek to redefine Europe's political landscape. The balance of power in the Middle East may be similarly upset by the likes of Iraq. In south Asia, hostilities between India and Pakistan, each armed with its own nuclear arsenal, could enter a new and dangerous phase.** Will a full-scale Sino-US war lead to a nuclear war? According to General Matthew Ridgeway, commander of the US Eighth Army which fought against the Chinese in the Korean War, the US had at the time thought of using nuclear weapons against China to save the US from military defeat. In his book The Korean War, a personal account of the military and political aspects of the conflict and its implications on future US foreign policy, Gen Ridgeway said that US was confronted with two choices in Korea -- truce or a broadened war, which could have led to the use of nuclear weapons. If the US had to resort to nuclear weaponry to defeat China long before the latter acquired a similar capability, there is little hope of winning a war against China 50 years later, short of using nuclear weapons. The US estimates that China possesses about 20 nuclear warheads that can destroy major American cities. **Beijing** also **seems prepared to go for the nuclear option.** **A Chinese military officer disclosed** recently **that Beijing was considering a review of its "non first use" principle regarding nuclear weapons.** Major-General Pan Zhangqiang, president of the military-funded Institute for Strategic Studies, told a gathering at the Woodrow Wilson International Centre for Scholars in Washington that although the government still abided by that principle, there were strong pressures from the military to drop it. **He said military leaders considered the use of nuclear weapons mandatory if the country risked dismemberment as a result of foreign intervention.** Gen Ridgeway said that **should that come to pass, we would see the destruction of civilisation. There would be no victors in such a war. While the prospect of a nuclear Armaggedon over Taiwan might seem inconceivable, it cannot be ruled out entirely, for China puts sovereignty above everything else.**

#### Alt cause to chemical- laundry list

Swift, 12 -- American Chemistry Council chief economist and managing director

(Thomas, "What Will 2012 Bring?" 1-13-12, www.chemicalprocessing.com/articles/2012/what-will-2012-bring/?show=all, accessed 9-22-12, mss)

A two-speed manufacturing sector, with about one-half of industries soft and others doing well, has emerged. The boom in oil and **gas** is creating opportunities both on the demand side (e.g., for pipe and oilfield machinery) and the supply side (e.g., for chemicals, fertilizers and direct iron reduction). There's strength in light vehicles and aircraft as well as in industries involved with business investment (iron and steel, foundries, computers, etc.), and a recovery in construction materials. Elsewhere, structural issues are **sapping dynamism** in a number of industries (textiles, paper, printing, etc.). Forward momentum **depends** up**on** demand for consumer goods, which ultimately drives factory output. However, weakening foreign demand (chemicals are early on in supply chain and exports to Europe have **evaporated**) presents challenges for the manufacturing sectors. Balance sheets are strong and lower raw material costs have benefited manufacturers. **Nonetheless**, an uncertain business and regulatory environment is constraining business optimism — and hiring. Light vehicles represent an important market for chemicals (nearly $3,000 per vehicle), and production has experienced temporary disruptions from the disaster in Japan. US light vehicle sales should rise to 13.5 million units in 2012 as pent-up demand fosters growth. Sales will improve even further during 2013, exceeding 14.5 million units then. However, housing, the other large consumer of chemicals (over $15,000 per start), faces ongoing challenges. New homebuilding remains depressed as foreclosures continue to flood inventories. Only a minor gain in housing starts should occur in 2012 and the recovery in this sector will be quite slow. Housing activity should begin to stir in 2013. It remains well below the previous peak of 2.07 million units in 2005 and below the long-term underlying demand of 1.5 million units per year as suggested by demographics and replacement needs. Unfortunately, today's massive housing inventory will delay a full recovery until later this decade.

#### Chemical industry resilient- war chests

KPMG, 12

("Commercialization Of Shale Gas Points To Unprecedentedly Bright Outlook For U.S. Chemical Industry: KPMG Report," 6-27-12, www.kpmg.com/us/en/issuesandinsights/articlespublications/press-releases/pages/commercialization-of-shale-gas-points-to-unprecedentedly-bright-outlook-for-u-s-chemical-industry-kpmg-report.aspx, accessed 9-22-12, mss)

Efficient, Cash-strong companies eyeing Mergers & Acquisitions for Growth

Chemical companies have spent much of the past four years examining a range of other cost cutting measures within the organization. This cost cutting and operating efficiency combined with the impact of cheap gas feedstock has driven profitability and cash generation across the industry. The environment of economic uncertainty and a strong desire to achieve financial flexibility in the face of continued market turbulence has led many of the top U.S. chemical companies to **build** up **significant war chests and financial reserves** that are now being cracked open to enhance shareholder value and take advantage of synergies in the market.

#### No impact- outsourcing

Shotter, 12 – Financial Times staff

(James, "Chemical industry warns of green threat," Financial Times, 6-24-12, www.ft.com/intl/cms/s/0/2139861c-baec-11e1-81e0-00144feabdc0.html#axzz277hhJ3Ln, accessed 9-21-12, mss)

“We are a commoditised industry where people compete on price, which means that companies locate where it is cheapest to produce. If it becomes too expensive to produce here, companies will just go abroad, to the US or the Far East,” said Mr Eastwood. However, the Department of Energy and Climate Change pointed out that carbon taxes were only one factor in rising energy prices.

#### Hegemony isn’t key anymore. Rivalry, stability, and deterrence claims are all false

**Friedman 10**—research fellow in defense and homeland security, Cato. PhD candidate in pol sci, MIT (Ben, Military Restraint and Defense Savings, 20 July 2010, http://www.cato.org/testimony/ct-bf-07202010.html)

Another argument for high military spending is that U.S. military hegemony underlies global stability. Our forces and alliance commitments dampen conflict between potential rivals like China and Japan, we are told, preventing them from fighting wars that would disrupt trade and cost us more than the military spending that would have prevented war. The theoretical and empirical foundation for this claim is weak. It overestimates both the American military's contribution to international stability and the danger that instability abroad poses to Americans. In Western Europe, U.S. forces now contribute little to peace, at best making the tiny odds of war among states there slightly more so.7 Even in Asia, where there is more tension, the history of international relations suggests that without U.S. military deployments potential rivals, especially those separated by sea like Japan and China, will generally achieve a stable balance of power rather than fight. In other cases, as with our bases in Saudi Arabia between the Iraq wars, U.S. forces probably create more unrest than they prevent. Our force deployments can also generate instability by prompting states to develop nuclear weapons. Even when wars occur, their economic impact is likely to be limited here.8 By linking markets, globalization provides supply alternatives for the goods we consume, including oil. If political upheaval disrupts supply in one location, suppliers elsewhere will take our orders. Prices may increase, but markets adjust. That makes American consumers less dependent on any particular supply source, undermining the claim that we need to use force to prevent unrest in supplier nations or secure trade routes.9 Part of the confusion about the value of hegemony comes from misunderstanding the Cold War. People tend to assume, falsely, that our activist foreign policy, with troops forward supporting allies, not only caused the Soviet Union's collapse but is obviously a good thing even without such a rival. Forgotten is the sensible notion that alliances are a necessary evil occasionally tolerated to balance a particularly threatening enemy. The main justification for creating our Cold War alliances was the fear that Communist nations could conquer or capture by insurrection the industrial centers in Western Europe and Japan and then harness enough of that wealth to threaten us — either directly or by forcing us to become a garrison state at ruinous cost. We kept troops in South Korea after 1953 for fear that the North would otherwise overrun it. But these alliances outlasted the conditions that caused them. During the Cold War, Japan, Western Europe and South Korea grew wealthy enough to defend themselves. We should let them. These alliances heighten our force requirements and threaten to drag us into wars, while providing no obvious benefit.

#### No impact or transition wars

**Sachs, 11** – Director of The Earth Institute, Quetelet Professor of Sustainable Development, and Professor of Health Policy and Management at Columbia University. He is also Special Advisor to United Nations Secretary-General Ban Ki-moon (Jeffrey, “A World of Regions,” 5/26, http://www.social-europe.eu/2011/05/a-world-of-regions/)

In almost every part of the world, long-festering problems can be solved through closer cooperation among neighboring countries. The European Union provides the best model for how neighbors that have long fought each other can come together for mutual benefit. Ironically, today’s decline in American global power may lead to more effective regional cooperation. This may seem an odd time to praise the EU, given the economic crises in Greece, Spain, Portugal, and Ireland. Europe has not solved the problem of balancing the interests of strong economies in the North and those of weaker economies in the South. Still, the EU’s accomplishments vastly outweigh its current difficulties. The EU has created a zone of peace where once there was relentless war. It has provided the institutional framework for reuniting Western and Eastern Europe. It has fostered regional-scale infrastructure. The single market has been crucial to making Europe one of the most prosperous places on the planet. And the EU has been a global leader on environmental sustainability. For these reasons, the EU provides a unique model for other regions that remain stuck in a mire of conflict, poverty, lack of infrastructure, and environmental crisis. New regional organizations, such as the African Union, look to the EU as a role model for regional problem-solving and integration. Yet, to this day, most regional groupings remain too weak to solve their members’ pressing problems. In most other regions, ongoing political divisions have their roots in the Cold War or the colonial era. During the Cold War, neighbors often competed with each other by “choosing sides” – allying themselves with either the United States or the Soviet Union. Pakistan tilted towards the Americans; India towards the Soviets. Countries had little incentive to make peace with their neighbors as long as they enjoyed the financial support of the US or the USSR. On the contrary, continued conflict often led directly to more financial aid. Indeed, the US and Europe often acted to undermine regional integration, which they believed would limit their roles as power brokers. Thus, when Gamal Abdel Nasser launched a call for Arab unity in the 1950’s, the US and Europe viewed him as a threat. The US undercut his call for strong Arab cooperation and nationalism, fearing a loss of American influence in the Middle East. As a result, Nasser increasingly aligned Egypt with the Soviet Union, and ultimately failed in the quest to unite Arab interests. Today’s reality, however, is that great powers can no longer divide and conquer other regions, even if they try. The age of colonialism is finished, and we are now moving beyond the age of US global dominance. Recent events in the Middle East and Central Asia, for example, clearly reflect the decline of US influence. America’s failure to win any lasting geopolitical advantage through the use of military force in Iraq and Afghanistan underscore the limits of its power, while its budget crisis ensures that it will cut its military resources sooner rather than later. Similarly, the US played no role in the political revolutions underway in the Arab world, and still has not demonstrated any clear policy response to them. President Barack Obama’s recent speech on the Middle East is a further display of America’s declining influence in the region. The speech drew the most attention for calling on Israel to return to its 1967 borders, but the effect was undercut when Israel flatly rejected the US position. The world could see that there would be little practical follow-up. The rest of the speech was even more revealing, though it drew little public notice. When Obama discussed the Arab political upheavals, he noted the importance of economic development. Yet when it came to US action, the most that the US could offer financially was slight debt relief for Egypt ($1 billion), scant loan guarantees ($1 billion), and some insurance coverage for private investments. The real message was that the US government would contribute very little financially to the region’s economic recovery. The days when a country could depend on large-scale American financing are over. We are, in short, moving to a multi-polar world. The Cold War’s end has not led to greater US dominance, but rather to the dissemination of global power to many regions. East Asia, South Asia, Latin America, and the Middle East have new geopolitical and economic influence. Each region, increasingly, must find its own path to economic development, energy and food security, and effective infrastructure, and must do so in a world threatened by climate change and resource scarcity. Each region, therefore, will have to secure its own future. Of course, this should occur in a context of cooperation across regions as well as within them. The Middle East is in a strong **position to help itself**. There is a high degree of economic complementarity between Egypt and the oil-rich Gulf States. Egypt can supply technology, manpower, and considerable expertise for the Arab region, while the Gulf provides energy and finance, as well as some specialists. The long-delayed vision of Arab economic unity should be returned to the table. Israel, too, should recognize that its long-term security and prosperity will be enhanced as part of an economically stronger region. For the sake of its own national interests, Israel must come to terms with its neighbors. Other regions also will find that the decline of US power increases the **urgency of stronger cooperation** between neighbors. Some of the greatest tensions in the world – say India and Pakistan, or North and South Korea – should be defused as part of region-wide strengthening. As the EU shows, ancient enmities and battle lines can be turned into mutually beneficial cooperation if a region looks forward, to resolving its long-term needs, rather than backward, to its long-standing rivalries and conflicts.

#### Not sustainable

**Quinn, 11** – Lecturer in International Studies at the University of Birmingham, having previously worked at the University of Leicester and the University of Westminster alongside his graduate studies at the LSE. His chief area of interest is the role of national history and ideology in shaping US grand strategy (Adam, “The art of declining politely: Obama’s prudent presidency and the waning of American power”, International Affairs 87:4 (2011) 803–824 http://www.chathamhouse.org/sites/default/files/87\_4quinn.pdf)

Today, as another round of the debate unfolds, it is the understandable instinct of some scholars to classify ‘American decline’ as a cyclical cultural trope, indicative more of the United States’ domestic and intellectual frailties than of genuine material or comparative trends. 7 Given such a history of jeremiads rendered foolish-looking by subsequent events, it might seem brave, bordering on foolhardy, to enter battle now in defence of declinism. As an intellectual rallying cry, ‘this time is different’ has a dubious pedigree. 8 And even if one should ultimately be vindicated, the proverb that even stopped clocks are correct twice a day stands poised for deployment. Nevertheless, there is sound reason for concluding that, in the words of one analysis, ‘this time it’s for real’. 9 Furthermore, if one tidies the undergrowth of cross-cutting arguments somewhat, there may be more scope for consensus on the substance than appears plausible upon first glance. Several critiques raise important caveats and qualifications that should be appended to any crude statement of the declinist thesis. But caveats and qualifications, however worthwhile, are not rebuttals of the core claim: that the United States is in decline in the sense that its power, measured in resources and resultant capacity to disproportionately affect others, is, and will in future be, to become significantly less than it has been. 10

Advocates of this core declinist proposition often find themselves occupying a peculiar space in the national conversation. A frequent response—perhaps the most frequent—to the presentation of the declinist argument has two stages: first, the prediction of decline is accorded the status of conventional wisdom, a double-edged phrase connoting widespread support but also banality; then reasons are presented as to why American decline is not after all as likely as the declinist supposes. Thus declinism suffers the fate of being simultaneously perceived as the humdrum prevailing opinion and also honoured as such more often by efforts at rebuttal than endorsement. It is an imagined consensus with at least as many critics as advocates; a supposedly established church in danger of having a thinner congregation than its rival creed. 11 It is for this reason that restatement and clarification of the core declinist case, even while acknowledging those caveats that should accompany it, is not redundant but keenly worthwhile. Some may see this as the latest in a long line of declinists crying ‘wolf ’. But lest we forget, at the end of that story a wolf really did come.

Why worry?

There are two processes, not mutually exclusive, by means of which the US may decline in power relative to other nations: its own capacities degrade, and/or those of others expand. 12 In the present debate, Mahbubani has made perhaps the most vehement case that power is moving to the global East not only as a result of the West’s weaknesses but because of the increasing competence of Asian nations. 13 With somewhat more circumspection, Zakaria concludes similarly that the era of American dominance is drawing to a close because ‘the rest’ are getting better at doing the things necessary to carry weight in the world: order their own societies, generate wealth, and harness it for strategic purposes. 14

In addition to the strides being made by other nations, however, the United States is afflicted with serious internal problems. The central ingredient feeding the prospect of decline is a dire fiscal outlook. Several scholars have noted the disturbing facts and figures emanating from the Congressional Budget Office (CBO) which serve to support this analysis, but an especially instructive instance is perhaps that of Altman and Haass, since the latter was something of a sceptic during the last, Kennedy-inspired wave of declinism, warning against embracing self-fulfilling prophecies proffered by overreaching historians. 15 Altman and Haass note that the US fiscal outlook consists of three pieces of bad news, each worse than the last. In the short term, the situation is poor, with deficits of US$1.6 trillion and US$1.3 trillion in 2009 and 2010 respectively. In the medium term, it looks grimmer still, with CBO estimates suggesting that the accumulated total debt of US$9 trillion (62 per cent of GDP) in 2010 will have risen to 90 per cent of GDP by 2020, taking to US$5 trillion the annual cost to the Treasury simply of financing the deficit and refinancing mature debt (presumably through new borrowing). Worse, this takes no account of the approximately US$3 trillion in liabilities owed by state and local governments. And as for the long-term scenario, that is, after 2020, when the costs of rising public health-care commitments, social security liabilities and increased borrowing costs are taken into account, at that point the fiscal outlook becomes ‘downright apocalyptic’. 16

This profound undermining of the US government’s solvency is a bad thing in itself for the nation, but also has implications for the sustainability of its advantage in that sphere in which it is universally recognized as the present world leader: military capability. In order to retain its present status of military primacy, the United States needs funds with which not only to sustain its existing troops and equipment, but also to fund the research, development and procurement of future generations of weaponry. Military technology can move forward in bursts rather than at a steady, gradual pace, and without continued significant investment in the discovery and harnessing of the technologies of the future, the unparalleled advantage at present enjoyed by the US through its mixture of air power, aircraft-carriers and communications technology may ‘waste’ sooner than is often imagined. 17 Taking all these considerations into account, it should not be surprising that even the United States’ own intelligence assessment predicts that by 2025 the nation will be ‘less dominant’ and that ‘shrinking economic and military capabilities may force the US into a difficult set of tradeoffs between domestic versus foreign policy priorities’. 18 In short, US primacy shows all the signs of being unsustainable, and, to paraphrase Herbert Stein’s dictum, that which is unsustainable will not be sustained.

## 2nc t

### 2NC brightline

#### Restrictions go beyond inducements and disadvantages—formal, legal interpretation is key to avoid effects topicality and mixing burdens

**Groves 97**

Sourcebook on Intellectual Property Law

Dr Peter J Groves, LLB, MA, PhD, MITMA, Solicitor

Then I come to the word 'restrict', A person though not prohibited is restricted from using something if he is permitted to use it to a certain extent or subject to certain conditions but otherwise obliged not to use it, but I do not think that a person is properly said to be restricted from using something by a condition the effect of which is to offer him some inducement not to use it, or in some other way to influence his choice. To my mind, the more natural meaning here is restriction of the licensee's right to use the article and I am fortified in that opinion by two considerations. If I am right in thinking that 'require' and 'prohibit' refer to legal obligations to buy or not to use, I see nothing to suggest that 'restrict' is used in quite a different sense which has nothing to do with legal obligation but which relates to financial disadvantage. And, second, to say that the effect will be to restrict seems to me much more appropriate if restriction refers to restriction of the licensee's right to use than it would be if restriction refers to an inducement not to use. The legality of the condition has to be determined at the time when the licence is granted and if the terms of the conditions are such as to restrict the licensee's right to use an article in certain circumstances then it can properly be said that its effect will be to restrict him from using it. But if, as in the present case, all that can be said is that the effect of the condition in some circumstances will be to offer a financial advantage, which may be considerable or may be small, if the licensee uses the licensor's goods, I do not see how it can be said that its effect will be to restrict the licensee from using other goods. The licensee may be influenced by this financial advantage or he may, perhaps for good reason, choose to disregard it; it is impossible to say in advance what the effect will be.

#### Anell defines ‘restriction on production’—they don’t—key to predictability

**Haneman**, justice – Superior Court of New Jersey, Appellate Division, 12/4/**’59**

(J.A.D., “RUSSELL S. BERTRAND, ET AL., PLAINTIFFS-RESPONDENTS, v. DONALD T. JONES, ET AL., DEFENDANTS-APPELLANTS,” 58 N.J. Super. 273; 156 A.2d 161; 1959 N.J. Super. LEXIS 569)

HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.

HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word **is known from its associates**. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

### 2nc limits

#### Including energy regulations adds five million research hours

Tugwell 88 Franklin Tugwell joined The Asia Foundation's Board of Trustees in 2010. Dr. Tugwell has served as the President and CEO of Winrock International since 1999. Previously, Dr. Tugwell was the executive director of the Heinz Endowments of Pittsburgh, the founder and president of the Environment Enterprises Assistance Fund, and as a senior consultant for International Projects and Programs at PG&E Enterprises. He served as a deputy assistant administrator at USAID (1980-1981) and as a senior analyst for the energy program at the U.S. Office of Technology Assessment (1979-1980). Dr. Tugwell was also a professor at Pomona College and an adjunct distinguished professor at the Heinz School of Carnegie Mellon University. Additionally, he serves on the Advisory Board and International Committee of the American Council on Renewable Energy and on the Joint Board of Councilors of the China-U.S. Center for Sustainable Development. He also serves on the Board of Eucord (European Cooperative for International Development). Dr. Tugwell received a PhD in political science from Columbia University. “The Energy Crisis and the American Political Economy,” ISBN 0-8047-1500-9

Finally, administering energy regulations proved a costly and cumbersome endeavor, exacting a price all citizens had to pay. As the energy specialist Paul MacAvoy has noted: "More than 300,000 firms were required to respond to controls, ranging from the three dozen major refining companies to a quarter of a million retailers of petroleum products. The respondents had to file more than half a million reports each year, which probably took more than five million man-hours to prepare, at an estimated cost alone of $80 mil- lion."64 To these expenditures must be added the additional costs to the government of collecting and processing these reports, monitor- ing compliance, and managing the complex process associated with setting forth new regulations and adjudicating disputes. All to- gether, it seems likely that the administrative costs, private and public, directly attributable to the regulatory process also exceeded $1 billion a year from 1974 to 1980.65

#### Including energy regs is too big---it’s torture for the neg

Edwards 80 Opinion in BAYOU BOUILLON CORP. v. ATLANTIC RICHFIELD CO. Court of Appeal of Louisiana, First Circuit. May 5

Comprehending the applicability and complexity of federal energy regulation necessitates both a stroll down the tortuous legislative path and a review of legal challenges so numerous as to require the establishment of a Temporary Emergency Court of Appeals.

#### That destroys education---too much to comprehend

Stafford 83 G. William is an Associate at Ross, Marsh and Foster. Review of “Federal Regulation of Energy” by William F. Fox, Jr, http://felj.org/elj/Energy%20Journals/Vol6\_No2\_1985\_Book\_Review2.pdf

It may safely be said that any effort to catalogue "the entire spectrum of federal regulation of energy"' in a single volume certainly requires an enterprising effort on the part of the author. In this regard, Mr. Willam F. Fox, Jr., an Associate Professor of Law at Catholic University of America, has undertaken an examination of a vital aspect of United States policy in Federal Regulation of Energy, published in 1983 with an annual pocket supplement available. Despite the complex nature of the subject of his work, Mr. Fox has prepared a text that provides a significant description of many aspects of federal energy regulatory policy. Initially, the book's title may prove somewhat misleading in that it approaches the subject from an historical perspective focused more on substantive than procedural issues. Although a reader gets the impression that the author at time has tried to do too much -at least from the standpoint of the energy practitioner- the historical and technical insights it offers the student of federal energy relation are valuable. Moreover; its detailed explanations of the methods used to tneet federal energy goals are useful for those in the position of initiating energy policy. This strength notwithstanding, it appears unlikely that an energy law practitioner would benefit significantly from its use, other than from its historical point of view. A general impression is that the author may have been overly ambitious in his effort to undertake the monumental task of evaluating laws, regulations, and significant judicial decisions in a single work.

#### The distinction is clear

CJ Veeraswami (Former Chief Justice of the Madras High Court, India) 1966 “T.M. Kannappa Mudaliar And Ors. vs The State Of Madras” Majority opinion,

http://www.indiankanoon.org/doc/838831/)

The collection of a toll or a tax for the use of a road or for the use of a bridge or for the use of an aerodrome is no barrier or burden or deterrent to traders, who, in their absence, may have to take a longer or less convenient or more expensive route. Such compensatory taxes are no hindrance to anybody's freedom so long as they remain reasonable; but they could of course, be converted into a hindrance to the freedom of trade. If the authorities concerned really wanted to hamper anybody's trade they could easily raise the amount of tax or toll to an amount which would be prohibitive or deterrent or create other impediments which instead of facilitating trade and commerce would hamper them. It is here that the contrast, between 'freedom' (Article 301) and 'restrictions' (Articles 302 and 304) clearly appears; that which in reality facilitates trade and commerce is not a restriction, and that which in reality hampers or burdens trade and commerce is a restriction. It is the reality or substance of the matter that has to be determined. It is not possible apriori to draw a dividing line between that which would really be a charge for a facility provided and that which would really be a deterrent to a trade, but the distinction, if it has to be drawn is real and clear. For the tax to become a prohibited tax it has to be a direct tax the effect of which is to hinder the movement part of trade. So long as a tax remains compensatory or regulatory it cannot operate as a hindrance. 12. Subba Rao, J. as he then was, concurring with Das, J. took substantially the same view and observed (at page 1430);: The word ' freedom ' is not capable of precise definition, but it can be stated what would infringe or detract from the said freedom. Before a particular law can be said to infringe the said freedom, it must be ascertained whether the impugned provision operates as a restriction impeding the free movement of trade or only as a regulation facilitating the same. Restrictions obstruct the freedom, whereas regulations promote it. Police regulations, though they may superficially appear to restrict the freedom of movement, in fact provide the necessary conditions for the free movement. Regulations such as provision for lighting, speed, good condition of vehicles, timings, rule of the road and similar others, really facilitate the freedom of movement rather than retard it. So too, licensing system with compensatory fees would not be restrictions but regulatory provisions;, for without it, the necessary lines of communication such as roads, waterways and airways, cannot effectively be maintained and the freedom declared may in practice turn out to be an empty one....It is for the Court in a given case to decide whether a provision purporting to regulate trade is in fact a restriction on freedom. The further observations as to what was meant by Restrictions in Article 302 are (at page 1433): But the more difficult question is, what does the word " restrictions " mean in Article 302? The dictionary meaning of the word " restrict" is "to confine, bound, limit." Therefore any limitations placed upon the freedom is a restriction on that freedom. But the limitation must be real, direct and immediate, but not fanciful, indirect or remote....Of all the doctrines evolved in my view, the doctrine of ' direct and immediate effect' on the freedom would be a reasonable solvent to the difficult situation that might arise under our Constitution. If a law, whatever may have been its source, directly and immediately affects the free movement of trade, it would be restriction on the said freedom. But a law which may have only indirect and remote repercussions on the said freedom cannot be considered to be a restriction on it. 13. Subba Rao, J., as he then was summed up his views in the following words (at page 1436): The foregoing discussions may be summarised in the following propositions : (1) Article 301 declares a right of free movement of trade without any obstructions by way of barriers, inter-State or intra-State or other impediments operating as such barriers. (2) The said freedom is not impeded, but on the other hand, promoted by regulations creating conditions for the free movement of trade, such as, police regulations, provision for services, maintenance of roads, provision for aerodromes, wharfs, etc. with or without compensation. (3) Parliament may by law impose restrictions on such freedom in the public interest and the said law can be made by virtue of any entry with respect whereof Parliament has power to make a law. (4) The State also, in exercise of its legislative power, may impose similar restrictions, subject to the two conditions laid down in Article 304 (b) and subject to the Proviso mentioned therein. (5) Neither Parliament nor the State Legislature can make a law giving preference to one State over another or making discrimination between one State and another, by virtue of any entry in the Lists, infringing the said freedom. (6) This ban is lifted in the case of Parliament for the purpose of dealing with situations arising out of scarcity of goods in any part of the territory of India and also in the case of a State under Article 304 (h), subject to the conditions mentioned therein. And (7) the State can impose a non-discriminatory tax on goods imported from other States or the Union territory to which similar goods manufactured or produced in the State are subject. 14. It is thus well established that regulatory provisions which do not directly or immediately impede or burden the free movement of trade, commerce and intercourse but provide or intend to provide facilities for trade, commerce and intercourse are not restrictions within the meaning of Part XIII and are compatible with the freedom of trade declared by Article 301. Atiabari Tea Co., Ltd. v. State of Assam , and Automobile Transport Ltd. v. State of Rajasthan , are both cases of imposition of tax. The first was concerned with the Assam Taxation (on Goods carried by Roads or Inland Waterways) Act, 1954,, which was successfully attacked on the ground that it violated Article 301 and was not saved by Article 304 (b). The Act imposed a tax on specified goods transported by road or inland waterways in the State of Assam. The majority in that case held that the Act put a direct restriction on the freedom of trade and, since in doing so, had not complied with the provisions of Article 304 (b), it must be declared to be void. In the second case the Rajasthan Motor Vehicles Taxation Act, 1951, was impugned as violating Article 301. But the majority did not accept the contention on the view that the Act was merely a regulatory measure imposing compensatory taxes for the use of trading facilities. The scope of Article 301 was again in the light of the earlier decisions referred to in Khyerbari Tea Co. v. State of Assam , where the Assam Taxation (On goods carried by Roads or Inland Waterways) Act as amended after Atiabari Tea Co. Ltd. v. State of Assam , was attacked on various grounds but without success. 15. As already seen, the distinction between a restriction and a regulation is fine but real, though the dividing line is not capable in the nature of things of a comprehensive and satisfactory definition. The test, broadly speaking, is whether the impugned provisions lay a direct and immediate burden on the movement of trade, commerce and intercourse or are intrinsically beneficial to and provide, in the ultimate analysis, facilities for better conduct of trade, commerce and intercourse. Observed Das, J., in Automobile Transport Ltd. v. State of Rajasthan

### AT: Overlimits – only oil/gas

#### Many oil and gas restrictions affs exist

**Hutzler, 13** - Distinguished Senior Fellow Institute for Energy Research (Mary, CQ Congressional Testimony, 2/5, lexis)

One frequent criticism of the development of the Alaskan National Wildlife Refuge (ANWR), for instance, is that it would take years to start producing oil. In 1995, President Clinton vetoed a bill to permit oil exploration and development in ANWR. If he had signed that bill, oil would be produced in ANWR today, and the Trans Alaskan Pipeline would not be running at about one quarter of its capacity. Meanwhile, Shell has paid the government over $2.5 billion and spent in excess of $4 billion to explore for oil offshore Alaska, but has yet to receive permits from the government to drill for oil and gas. If more oil is not allowed to be produced soon from Alaska, the Trans Alaskan Pipeline System, one of North America's most valuable energy assets will be at risk. The pipeline, which once delivered 2.1 million barrels of oil per day to the West Coast, now has sufficient underutilized capacity to accommodate twice the amount of oil that is currently being produced in North Dakota, the second largest oil producing state in the Union. There is no lack of oil in Alaska or off its coasts; the problem is that government policies stand in the way of additional oil production in Alaska. Areas that the federal government could open to oil and gas development include: -- The 10.4 billion barrels of oil and 8.6 trillion cubic feet of natural gas in the Arctic National Wildlife Refuge -- The 86 billion barrels of oil and 420 trillion cubic feet of natural gas in the outer continental shelf of the lower 48 states -- The 896 million barrels of oil and 53 trillion cubic feet of natural gas in the Naval Petroleum Reserve-Alaska -- The 25 billion barrels of oil in the outer continental shelf of Alaska -- The 90 billion barrels of oil and 1,669 trillion cubic feet of natural gas in the geologic provinces north of the Arctic circle -- The 982 billion barrels of oil shale in the Green River Formation in Colorado, Utah, and Wyoming. These technically recoverable resources total 1,194 billion barrels of oil and 2,150 trillion cubic feet of natural gas that is owned by the federal taxpayer. At today's prices ($100.00 per barrel of oil and $4.00 per thousand cubic feet of natural gas), the value of the estimated oil resources is $119.4 trillion and the value of the estimated natural gas resources is $8.6 trillion for a grand total of $128 trillion.32

#### Oil and gas affs meet our interpretation – there is a wide range of federal energy production that could occur if restrictions are lifted

**Watson, 3** - physical scientist with the Department of the Interior (Richard, “The Energy Policy and Conservation Act (EPCA) Inventory of Restrictions and Impediments to Federal Oil and Gas Leasing”, <http://ipec.utulsa.edu/Conf2003/Papers/watson_14.pdf>)

Approximately 25% (15 million acres) of the Federal land is available for leasing with restrictions on oil and gas operations beyond standard lease stipulations (Categories 4-9) These lands contain 28% of the technically recoverable oil and 25% of the technically recoverable gas in the basins ¾ Approximately 36% (21 million acres) of the Federal land is NOT available for leasing (Categories 1-3) These lands contain about 15% of the technically recoverable oil and 12% of the technically recoverable natural gas in the basins

#### Contextually – reducing restrictions on production means allowing access to federal lands – it’s distinct from regulations

**American Petroleum Institute, 1** (“THE ROLE OF TAX INCENTIVES IN ENERGY POLICY” Senate Hearing, 7/10, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=50&ved=0CG4QFjAJOCg&url=http%3A%2F%2Fwww.finance.senate.gov%2Flibrary%2Fhearings%2Fdownload%2F%3Fid%3Dc46ce957-32e4-475e-a4f8-6c5c27dd52cb&ei=AqQ7UY3NM4qB2gXuiYCYCA&usg=AFQjCNHXlvPflpUyJhIsNUK2oOtGWOO1uA>)

Our industry strongly supports tax law changes designed to encourage increased domestic petroleum activity, which, in turn, will help to expand overall product supply in the United States. Expansion of available supply is critical to meeting DOE projections of a 33 percent increase in U.S. petroleum demand and a more than 50 percent increase in U.S. natural gas demand by 2020. Existing tax laws do not begin to address how this nation will encourage the massive capital investment needed to meet this energy demand growth. Positive tax changes will help promote the use of new technologies for exploration, development and production, help maintain the economic viability of mature production sites, and develop urgently needed new refining capacity. Notwithstanding the positive effects of these new tax provisions, their potential to help increase and sustain domestic petroleum production will be limited unless Congress also acts to reduce restrictions on access to federal lands and to rationalize the increasingly burdensome regulatory apparatus imposed on all segments of the industry. Moreover, it must be recognized that expected growth in U.S. demand for oil and natural gas cannot be met merely through increased U.S. production. While U.S. reliance on imported oil can be reduced, restoring the global competitive position of the U.S. oil and gas industry through changes in U.S. international tax policy will be crucial to ensuring that U.S. consumers continue to enjoy adequate and affordable supplies of our industry’s major products.

## 2nc Nrdc cp

### overview

#### U.S. leadership on the broader green tech transition solves hegemony

**Klarevas 9** –Louis Klarevas, Professor for Center for Global Affairs @ New York University, 12/15, “Securing American Primacy While Tackling Climate Change: Toward a National Strategy of Greengemony,” <http://www.huffingtonpost.com/louis-klarevas/securing-american-primacy_b_393223.html>

As national leaders from around the world are gathering in Copenhagen, Denmark, to attend the United Nations Climate Change Conference, the time is ripe to re-assess America's current energy policies - but within the larger framework of how a new approach on the environment will stave off global warming and shore up American primacy. By not addressing climate change more aggressively and creatively, the United States is squandering an opportunity to secure its **global primacy** for the next few generations to come. To do this, though, the U.S. must rely on innovation to help the world escape the coming environmental meltdown. Developing the key technologies that will save the planet from globalwarming will allow the U.S. to outmaneuver potential great power rivals seeking to replace it as the international system's hegemon. But the greening of American strategy must occur soon. The U.S., however, seems to be stuck in time, unable to move beyond oil-centric geo-politics in any meaningful way. Often, the gridlock is portrayed as a partisan difference, with Republicans resisting action and Democrats pleading for action. This, though, is an unfair characterization as there are numerous proactive Republicans and quite a few reticent Democrats. The real divide is instead one between realists and liberals.Students of realpolitik, which still heavily guides American foreign policy, largely discount environmental issues as they are not seen as advancing national interests in a way that generates relative power advantages vis-à-vis the other major powers in the system: Russia, China, Japan, India, and the European Union. ¶ Liberals, on the other hand, have recognized that global warming might very well become the greatest challenge ever faced by (hu)mankind. As such, their thinking often eschews narrowly defined national interests for the greater global good. This, though, ruffles elected officials whose sworn obligation is, above all, to protect and promote American national interests. What both sides need to understand is that by becoming a lean, mean, green fighting machine, the U.S. can actually bring together liberals and realists to advance a collective interest which benefits every nation, while at the same time, securing America's global primacy well into the future. To do so, the U.S. must re-invent itself as not just your traditional hegemon, but as history's first ever green hegemon. Hegemons are countries that dominate the international system - bailing out other countries in times of global crisis, establishing and maintaining the most important international institutions, and covering the costs that result from free-riding and cheating global obligations. Since 1945, that role has been the purview of the United States. Immediately after World War II, Europe and Asia laid in ruin, the global economy required resuscitation, the countries of the free world needed security guarantees, and the entire system longed for a multilateral forum where global concerns could be addressed. The U.S., emerging the least scathed by the systemic crisis of fascism's rise, stepped up to the challenge and established the postwar (and current) liberal order. But don't let the world "liberal" fool you. While many nations benefited from America's new-found hegemony, the U.S. was driven largely by "realist" selfish national interests. The liberal order first and foremost benefited the U.S. With the U.S. becoming bogged down in places like Afghanistan and Iraq, running a record national debt, and failing to shore up the dollar, the future of American hegemony now seems to be facing a serious contest: potential rivals - acting like sharks smelling blood in the water - wish to challenge the U.S. on a variety of fronts. This has led numerous commentators to forecast the U.S.'s imminent fall from grace. Not all hope is lost however. With the impending systemic crisis of global warming on the horizon, the U.S. again finds itself in a position to address a transnational problem in a way that will benefit both the international community collectively and the U.S. selfishly. The current problem is two-fold. First, the competition for oil is fueling animosities between the major powers. The geopolitics of oil has already emboldened Russia in its 'near abroad' and China in far-off places like Africa and Latin America. As oil is a limited natural resource, a nasty zero-sum contest could be looming on the horizon for the U.S. and its major power rivals - a contest which threatens American primacy and global stability. Second, converting fossil fuels like oil to run national economies is producing irreversible harm in the form of carbon dioxide emissions. So long as the global economy remains oil-dependent, greenhouse gases will continue to rise. Experts are predicting as much as a 60% increase in carbon dioxide emissions in the next twenty-five years. That likely  means more devastating water shortages, droughts, forest fires, floods, and storms. In other words, if global competition for access to energy resources does not undermine international security, global warming will. And in either case, oil will be a culprit for the instability. Oil arguably has been the most precious energy resource of the last half-century. But "black gold" is so 20th century. The   key resource for this century will be green gold - clean, environmentally-friendly energy like wind, solar, and hydrogen power. Climate change leaves no alternative. And the sooner we realize this, the better off we will be. What Washington must do in order to avoid the traps of petropolitics is to convert the U.S. into the world's first-ever green hegemon. For starters, the federal government must drastically increase investment in energy and environmental research and development (E&E R&D). This will require a serious sacrifice, committing upwards of $40 billion annually to E&E R&D - a far cry from the few billion dollars currently being spent. By promoting a new national project, the U.S. could develop new technologies that will assure it does not drown in a pool of oil. Some solutions are already well known, such as raising fuel standards for automobiles; improving public transportation networks; and expanding nuclear and wind power sources. Others, however, have not progressed much beyond the drawing board: batteries that can store massive amounts of solar (and possibly even wind) power; efficient and cost-effective photovoltaic cells, crop-fuels, and hydrogen-based fuels; and even fusion. Such innovations will not only provide alternatives to oil, they will also give the U.S. an edge in the global competition for hegemony. If the U.S. is able to produce technologies that allow modern, globalized societies to escape the oil trap, those nations will eventually have no choice but to adopt such technologies. And this will give the U.S. a tremendous economic boom, while simultaneously providing it with means of leverage that can be employed to keep potential foes in check. The bottom-line is that the U.S. needs to become green energy dominant as opposed to black energy independent.

### A2 fails

#### American leadership is key to global environmental solutions

**Khosla, 09** – Ashok, IUCN President (“A New President for the United States: We have a dream,” International Union for Conservation of Nature, 1/29/09, <http://cms.iucn.org/news_events/?uNewsID=2595>)**Red**

A rejuvenated America, with a renewed purpose, commitment and energy to make its contribution once again towards a better world could well be the turning point that can reverse the current decline in the state of the global economy, the health of its life support systems and the morale of people everywhere. This extraordinary change in regime brings with it the promise of a deep change in attitudes and aspirations of Americans, a change that will lead, hopefully, to new directions in their nation’s policies and action. In particular, we can hope that from being a very reluctant partner in global discussions, especially on issues relating to environment and sustainable development, the United States will become an active leader in international efforts to address the Millennial threats now confronting civilization and even the survival of the human species. For the conservation of biodiversity, so essential to maintaining life on Earth, this promise of change has come not a moment too soon. It would be a mistake to put all of our hopes on the shoulder of one young man, however capable he might be. The environmental challenges the world is facing cannot be addressed by one country, let alone by one man. At the same time, an inspired US President guided by competent people, who does not shy away from exercising the true responsibilities and leadership his country is capable of, could do a lot to spur the international community into action. To paraphrase one of his illustrious predecessors, “the world asks for action and action now.” What was true in President Roosevelt’s America 77 years ago is even more appropriate today. From IUCN’s perspective, the first signals are encouraging. The US has seriously begun to discuss constructive engagement in climate change debates. With Copenhagen a mere 11 months away, this commitment is long overdue and certainly very welcome. Many governments still worry that if they set tough standards to control carbon emissions, their industry and agriculture will become uncompetitive, a fear that leads to a foot-dragging “you go first” attitude that is blocking progress. A positive intervention by the United States could provide the vital catalyst that moves the basis of the present negotiations beyond the narrowly defined national interests that lie at the heart of the current impasse. The logjam in international negotiations on climate change should not be difficult to break if the US were to lead the industrialized countries to agree that much of their wealth has been acquired at the expense of the environment (in this case greenhouse gases emitted over the past two hundred years) and that with the some of the benefits that this wealth has brought, comes the obligation to deal with the problems that have resulted as side-effects. With equitable entitlement to the common resources of the planet, an agreement that is fair and acceptable to all nations should be easy enough to achieve. Caps on emissions and sharing of energy efficient technologies are simply in the interest of everyone, rich or poor. And both rich and poor must now be ready to adopt less destructive technologies – based on renewables, efficiency and sustainability – both as a goal with intrinsic merit and also as an example to others. But climate is not the only critical global environmental issue that this new administration will have to deal with. Conservation of biodiversity, a crucial prerequisite for the wellbeing of all humanity, no less America, needs as much attention, and just as urgently. The United States’ self-interest in conserving living natural resources strongly converges with the global common good in every sphere: in the oceans, by arresting the precipitate decline of fish stocks and the alarming rise of acidification; on land, by regenerating the health of our soils, forests and rivers; and in the atmosphere by reducing the massive emission of pollutants from our wasteful industries, construction, agriculture and transport systems. Historically, American consumers have acquired highly inefficient habits in the way they use natural resources – energy, materials, water. And these consumers produce enough wastes, particularly greenhouse gases, to overwhelm nature’s capacity to absorb them. US corporations have invented remarkable products that have been the source of material wellbeing for hundreds of millions around the world, but have used production systems whose unintended fallout threatens the very viability of life on our planet. These consumption patterns and production methods must change, but that does not mean going back to the Stone Age. An average citizen of Switzerland, whose per capita GDP is higher than USA’s emits one third as much CO2 as an American. And in other societies and cultures, a full and happy life can be had for one third of what the Swiss consume. Doing more with less is possible – usually by doing it differently -- and now it has become essential, an issue of planetary survival.

## 2nc China

### 2nc ov china

#### CCP Collapse Causes CBW Lashout and nuclear war

Renxing 05 (San, The Epoch Times "The CCP's Last-ditch Gamble: Biological and Nuclear War. Hundreds of millions of deaths proposed", 8/5, http://en.epochtimes.com/news/5-8-5/30931.html)

Since the Party’s life is “above all else,” **it would not be surprising if the CCP resorts to the use of bio**logical, **chem**ical, **and nuclear weapons in its attempt to postpone its life**. The **CCP,** that disregards human life, **would not hesitate to kill two hundred million Americans, coupled with seven or eight hundred million Chinese, to achieve its ends**. The “speech,” free of all disguises, lets the public see the CCP for what it really is: with evil filling its every cell, the CCP intends to fight all of mankind in its desperate attempt to cling to life. And that is the theme of the “speech.” The theme is murderous and utterly evil. We did witness in China beggars who demanded money from people by threatening to stab themselves with knives or prick their throats on long nails. But we have never, until now, seen a rogue who blackmails the world to die with it by wielding biological, chemical, and nuclear weapons. Anyhow, the bloody confession affirmed the CCP’s bloodiness: a monstrous murderer, who has **killed 80 million Chinese people, now plans to hold one billion people hostage and gamble with their lives.**

#### Extinction

Ochs 02 (Richard, Member – Chemical Weapons Working Group, “Biological Weapons Must be Abolished Immediately, 6-9, http://www.freefromterror.net/other\_articles/abolish.html)

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

#### And, Asian conflicts escalate globally

Toshimaru Ogura and Ingyu Oh, Teachers – Economics, Monthly Review, April 1997.

**North Korea, South Korea, and Japan have achieved** quasi- or **virtual nuclear armament**. Although these countries do not produce or possess actual bombs, they possess sufficient technological know-how to possess one or several nuclear arsenals. Thus, **virtual armament creates a new nightmare in this region** - **nuclear annihilation. Given the concentration of economic affluence and military power in this region and its growing importance to the world system, any** hot **conflict** among these countries **would threaten to escalate into a global conflagration.**

### Manu k2 china econ

#### And, manufacturing is a CRITICAL component of the Chinese Economy – Manufactured exports are key

My Republica 1/20/13

(“Chinese limitations,” pg lexis//um-ef)

**China's economy is at a crossroads. As 2013 begins**, foreign and domestic observers alike are asking which path the country's economic development should take in the next decade. How can China ensure stable and sustainable growth in the face of significant internal and external challenges, including slowing medium-and long-term growth, rising labor costs, and growing inflationary pressure? After the global economic crisis weakened external demand, which sustained China's unprecedented economic growth for three decades, the authorities agreed that internal demand, especially domestic consumption, must become the country's new growth engine. At the Chinese Communist Party's congress in November, China's leaders declared their intention to double per capita income by 2020, unleashing 64 trillion renminbi ($10.2 trillion) of purchasing power. Indeed, with roughly 130 million middle-class consumers, China's domestic market holds significant potential. The Boston Consulting Group estimates that, with an average annual GDP growth rate of seven percent in China and two percent in the United States, Chinese domestic consumption will rise to half of America's by 2015, and 80 percent in 2020 (assuming that the renminbi appreciates at an average rate of three percent against the US dollar over the next few years). Moreover, the current-account surplus plummeted from more than 10 percent of GDP in 2007 to 2.8 percent in 2011, reflecting China's decreasing reliance on exports to drive economic growth. In 2010, China's imports ranked second in the world, and are expected to grow at an average annual rate of 27 percent in 2011-2015, outpacing export growth by five percentage points. As a result, the total value of imports is expected to exceed $10 trillion in only two years, providing lucrative investment opportunities and broader markets to foreign investors. This potential is not lost on multinational companies. A survey conducted in May 2012 by China's State Council Development Research Center asked 394 Chinese and foreign companies about their future strategic orientation in China. The respondents most often viewed China not only as a market opportunity, a research-and-development base, and an export base, but also as a high-end manufacturing base, a regional-headquarters site, and a service base. The results also reflected China's declining attractiveness as a base for product assembly, low-cost manufacturing, and parts production. In fact, while the US and other developed countries have sought to bring manufacturing home ("reshoring"), they have been establishing innovation facilities in China. Multinational companies have created nearly 1,000 R&D centers in China, including 194 in 2010 alone, enabling them to develop products for the local market. More than 1,400 foreign-funded R&D institutions are currently operating in China, and data from China's Ministry of Commerce indicate that 480 of the world's top 500 companies have established local subsidiaries. But China cannot rely on consumption as its only growth engine. History has shown that a one-dimensional development model cannot ensure sustainable competitiveness, just as no single market can sustain global demand. Given this, **China must continue to develop its manufacturing sector.** China is the world's top manufacturing country by output. But, while it accounts for 19.8 percent of total global manufacturing, it receives less than three percent of the world's manufacturing R&D investment. As a result, China's innovative capacity remains relatively low, with its high-tech and knowledge-intensive industries unable to compete globally. On average, China's industrial enterprises are relatively small, and, although its industrial labor productivity (real manufacturing value added per employee) has improved over the last decade, it remains much lower than that of developed countries-just 4.4 percent of America's and Japan's productivity, and 5.6 percent of Germany's. And the "pauperization" phenomenon-in which companies must adjust their commercial strategies to cope with an impoverished consumer base-is increasingly affecting traditional industries, further undermining China's capacity for sustainable development. Moreover, the quality of Chinese-manufactured products continues to lag behind that of developed countries' manufactured goods. Whereas one unit of intermediate input in developed countries typically generates one unit or more of added value, in China the ratio is only 0.56.

### Internals: Regime Instability = Collapse

#### Insecurity in the regime sets the stage for collapse

CWU 2k11

(“China: Lessons of 1989 mass democracy movement,” China Worker Info, May 30, <http://chinaworker.info/en/content/news/1471/> )

No matter how hard the misnamed ‘communist’ party-state tries, the ‘spectre’ of June 4 refuses to be banished. **Despite the world’s most sophisticated police controls on cyberspace and a total media clampdown on reporting these events, a new generation is probing to seek the truth. The regime has** also **attempted to bury** the memory of **1989 underneath** a heap of outwardly **impressive GDP figures, a** world record **construction boom, and the message of China’s inexorable rise.**  Crackdown – Fear of Arabian ‘flu’ Now the second largest economy, having overtaken Japan, and boasting the world’s biggest car market, biggest housing market, biggest telecoms market, most internet users (479 million), **many would argue that the Chinese regime should be unfazed** by the approach of yet another June 4 anniversary. But **this is clearly not the case**. China is in the midst of a ferocious clampdown on dissent, most clearly shown by the brutal extra-legal kidnapping of artist Ai Weiwei along with some of China’s most high profile public interest lawyers. This display of state thuggery is taking place in broad daylight, with only minimal protests from ‘democratic’ governments who long ago placed business with the Chinese dictatorship before wishy-washy talk about ‘human rights’. The ‘disappearance’ and intermittent release of human rights lawyers – who have reappeared miraculously without their ability to speak – is another form of systematic terror against a profession that the regime wants to subdue and control. Similar selective terror is directed against campaigning journalists and bloggers. In this sense, China has ‘developed’ since the wholesale butchery of June 1989. A more sophisticated but no less sinister police state has emerged, armed with the latest hi-tech gadgetry often developed by US and other ‘democratic’ capitalist countries, who are bound by a thick web of economic interests to the Chinese regime. **The crackdown of 2011, described as “chilling” by Amnesty International**, is the most severe since the events of 1989 and their immediate aftermath. Yet far from a sign of strength, this **underlines the insecurity of the dictatorship. The rising curve of repression**, which began at the time of the 2008 Olympics and unrest in Tibet, **has become even more pronounced this year as the regime fears the ‘Arabian flu’** – protests seeking to emulate the revolutions in the Arab world. **The revolutionary shocks** that have swept at least 15 countries in North Africa and the Middle East, toppling two dictators and threatening many others, **have exercised enormous influence on world politics**. Mass protest movements in Spain and the US state of Wisconsin have been heavily influenced by the mass struggles especially in Egypt and Tunisia. China’s turn coming? The Chinese regime is not so blinded by hubris and its apparent economic successes that it cannot see the warning signs. **Egypt also recorded several years of strong GDP growth, around 7 percent annually, under** the hated US-backed dictator Hosni **Mubarak. This did not endear Mubarak**’s military-police regime **to the Egyptian people**. The country’s GDP growth has been ‘kidnapped’ by a small capitalist elite along with top military and government officials – who formally control almost half the economy. **The vast majority of Egyptians are still mired in poverty, fighting for economic survival against corruption, inflation and an acute lack of jobs** for young people and graduates. **China’s problems are not so different** and the regime knows this, **no matter how much gloss it puts on its economic achievements**. **The wealth gap in China** – a “serious threat to social stability” in the government’s own words – **is more extreme than in Egypt, Tunisia and almost all other Middle Eastern states currently hit by popular uprisings.** Half of China’s 1.37 billion people live in rural areas, but together they account for just 12 percent of the country’s wealth. The World Bank says that approximately 500 million Chinese live on less than US$2 per day. At the opposite end of the social scale a minority has grown fabulously rich. China consumed 27.5 percent of the world’s luxury goods last year, to a value of US$10 billion. The sales of luxury cars increased six fold in 2010. A social explosion on similar lines to events in the Middle East, evoking comparisons to 1989, is far from a fanciful notion in this situation. **The economic contradictions accumulating beneath the surface of the ‘economic miracle’ are also a portent of cataclysmic changes ahead.**

## 1nr case

### Heg

**No impact**

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

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

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

**Zero studies exist to confirm that primacy is peaceful**

**Montiero, 12** - Assistant Professor of Political Science at Yale University (Nuno, “Unrest Assured: Why Unipolarity is Not Peaceful” International Security, Winter, http://www.mitpressjournals.org/doi/pdf/10.1162/ISEC\_a\_00064)

In contrast, the question of unipolar peacefulness has received **virtually no attention**. Although the past decade has witnessed a resurgence of security studies, with much scholarship on such conflict-generating issues as terrorism, preventive war, military occupation, insurgency, and nuclear proliferation, no one has systematically connected any of them to unipolarity. This silence is unjustified. The first two decades of the unipolar era have been anything but peaceful. U.S. forces have been deployed in four interstate wars: Kuwait in 1991, Kosovo in 1999, Afghanistan from 2001 to the present, and Iraq between 2003 and 2010. 22 In all, the United States has been at war for thirteen of the twenty-two years since the end of the Cold War. 23 Put another way, the first two decades of unipolarity, which make up less than 10 percent of U.S. history, account for more than 25 percent of the nation’s total time at war. 24 And yet, the theoretical consensus continues to be that unipolarity encourages peace. Why? To date, scholars do not have a theory of how unipolar systems operate. 25 The debate on whether, when, and how unipolarity will end (i.e., the debate on durability) has all but monopolized our attention.

**Regional cooperation fills in**

**Sachs, 11** – Director of The Earth Institute, Quetelet Professor of Sustainable Development, and Professor of Health Policy and Management at Columbia University. He is also Special Advisor to United Nations Secretary-General Ban Ki-moon (Jeffrey, “A World of Regions,” 5/26, http://www.social-europe.eu/2011/05/a-world-of-regions/)

In almost every part of the world, long-festering problems can be solved through closer cooperation among neighboring countries. The European Union provides the best model for how neighbors that have long fought each other can come together for mutual benefit. Ironically, today’s decline in American global power may lead to more effective regional cooperation. This may seem an odd time to praise the EU, given the economic crises in Greece, Spain, Portugal, and Ireland. Europe has not solved the problem of balancing the interests of strong economies in the North and those of weaker economies in the South. Still, the EU’s accomplishments vastly outweigh its current difficulties. The EU has created a zone of peace where once there was relentless war. It has provided the institutional framework for reuniting Western and Eastern Europe. It has fostered regional-scale infrastructure. The single market has been crucial to making Europe one of the most prosperous places on the planet. And the EU has been a global leader on environmental sustainability. For these reasons, the EU provides a unique model for other regions that remain stuck in a mire of conflict, poverty, lack of infrastructure, and environmental crisis. New regional organizations, such as the African Union, look to the EU as a role model for regional problem-solving and integration. Yet, to this day, most regional groupings remain too weak to solve their members’ pressing problems. In most other regions, ongoing political divisions have their roots in the Cold War or the colonial era. During the Cold War, neighbors often competed with each other by “choosing sides” – allying themselves with either the United States or the Soviet Union. Pakistan tilted towards the Americans; India towards the Soviets. Countries had little incentive to make peace with their neighbors as long as they enjoyed the financial support of the US or the USSR. On the contrary, continued conflict often led directly to more financial aid. Indeed, the US and Europe often acted to undermine regional integration, which they believed would limit their roles as power brokers. Thus, when Gamal Abdel Nasser launched a call for Arab unity in the 1950’s, the US and Europe viewed him as a threat. The US undercut his call for strong Arab cooperation and nationalism, fearing a loss of American influence in the Middle East. As a result, Nasser increasingly aligned Egypt with the Soviet Union, and ultimately failed in the quest to unite Arab interests. Today’s reality, however, is that great powers can no longer divide and conquer other regions, even if they try. The age of colonialism is finished, and we are now moving beyond the age of US global dominance. Recent events in the Middle East and Central Asia, for example, clearly reflect the decline of US influence. America’s failure to win any lasting geopolitical advantage through the use of military force in Iraq and Afghanistan underscore the limits of its power, while its budget crisis ensures that it will cut its military resources sooner rather than later. Similarly, the US played no role in the political revolutions underway in the Arab world, and still has not demonstrated any clear policy response to them. President Barack Obama’s recent speech on the Middle East is a further display of America’s declining influence in the region. The speech drew the most attention for calling on Israel to return to its 1967 borders, but the effect was undercut when Israel flatly rejected the US position. The world could see that there would be little practical follow-up. The rest of the speech was even more revealing, though it drew little public notice. When Obama discussed the Arab political upheavals, he noted the importance of economic development. Yet when it came to US action, the most that the US could offer financially was slight debt relief for Egypt ($1 billion), scant loan guarantees ($1 billion), and some insurance coverage for private investments. The real message was that the US government would contribute very little financially to the region’s economic recovery. The days when a country could depend on large-scale American financing are over. We are, in short, moving to a multi-polar world. The Cold War’s end has not led to greater US dominance, but rather to the dissemination of global power to many regions. East Asia, South Asia, Latin America, and the Middle East have new geopolitical and economic influence. Each region, increasingly, must find its own path to economic development, energy and food security, and effective infrastructure, and must do so in a world threatened by climate change and resource scarcity. Each region, therefore, will have to secure its own future. Of course, this should occur in a context of cooperation across regions as well as within them. The Middle East is in a strong **position to help itself**. There is a high degree of economic complementarity between Egypt and the oil-rich Gulf States. Egypt can supply technology, manpower, and considerable expertise for the Arab region, while the Gulf provides energy and finance, as well as some specialists. The long-delayed vision of Arab economic unity should be returned to the table. Israel, too, should recognize that its long-term security and prosperity will be enhanced as part of an economically stronger region. For the sake of its own national interests, Israel must come to terms with its neighbors. Other regions also will find that the decline of US power increases the **urgency of stronger cooperation** between neighbors. Some of the greatest tensions in the world – say India and Pakistan, or North and South Korea – should be defused as part of region-wide strengthening. As the EU shows, ancient enmities and battle lines can be turned into mutually beneficial cooperation if a region looks forward, to resolving its long-term needs, rather than backward, to its long-standing rivalries and conflicts.

### Chemical Industry

#### Alt cause to chemical- laundry list

Swift, 12 -- American Chemistry Council chief economist and managing director

(Thomas, "What Will 2012 Bring?" 1-13-12, www.chemicalprocessing.com/articles/2012/what-will-2012-bring/?show=all, accessed 9-22-12, mss)

A two-speed manufacturing sector, with about one-half of industries soft and others doing well, has emerged. The boom in oil and **gas** is creating opportunities both on the demand side (e.g., for pipe and oilfield machinery) and the supply side (e.g., for chemicals, fertilizers and direct iron reduction). There's strength in light vehicles and aircraft as well as in industries involved with business investment (iron and steel, foundries, computers, etc.), and a recovery in construction materials. Elsewhere, structural issues are **sapping dynamism** in a number of industries (textiles, paper, printing, etc.). Forward momentum **depends** up**on** demand for consumer goods, which ultimately drives factory output. However, weakening foreign demand (chemicals are early on in supply chain and exports to Europe have **evaporated**) presents challenges for the manufacturing sectors. Balance sheets are strong and lower raw material costs have benefited manufacturers. **Nonetheless**, an uncertain business and regulatory environment is constraining business optimism — and hiring. Light vehicles represent an important market for chemicals (nearly $3,000 per vehicle), and production has experienced temporary disruptions from the disaster in Japan. US light vehicle sales should rise to 13.5 million units in 2012 as pent-up demand fosters growth. Sales will improve even further during 2013, exceeding 14.5 million units then. However, housing, the other large consumer of chemicals (over $15,000 per start), faces ongoing challenges. New homebuilding remains depressed as foreclosures continue to flood inventories. Only a minor gain in housing starts should occur in 2012 and the recovery in this sector will be quite slow. Housing activity should begin to stir in 2013. It remains well below the previous peak of 2.07 million units in 2005 and below the long-term underlying demand of 1.5 million units per year as suggested by demographics and replacement needs. Unfortunately, today's massive housing inventory will delay a full recovery until later this decade.

#### Chemical industry resilient- war chests

KPMG, 12

("Commercialization Of Shale Gas Points To Unprecedentedly Bright Outlook For U.S. Chemical Industry: KPMG Report," 6-27-12, www.kpmg.com/us/en/issuesandinsights/articlespublications/press-releases/pages/commercialization-of-shale-gas-points-to-unprecedentedly-bright-outlook-for-u-s-chemical-industry-kpmg-report.aspx, accessed 9-22-12, mss)

Efficient, Cash-strong companies eyeing Mergers & Acquisitions for Growth

Chemical companies have spent much of the past four years examining a range of other cost cutting measures within the organization. This cost cutting and operating efficiency combined with the impact of cheap gas feedstock has driven profitability and cash generation across the industry. The environment of economic uncertainty and a strong desire to achieve financial flexibility in the face of continued market turbulence has led many of the top U.S. chemical companies to **build** up **significant war chests and financial reserves** that are now being cracked open to enhance shareholder value and take advantage of synergies in the market.

#### No impact- outsourcing

Shotter, 12 – Financial Times staff

(James, "Chemical industry warns of green threat," Financial Times, 6-24-12, www.ft.com/intl/cms/s/0/2139861c-baec-11e1-81e0-00144feabdc0.html#axzz277hhJ3Ln, accessed 9-21-12, mss)

“We are a commoditised industry where people compete on price, which means that companies locate where it is cheapest to produce. If it becomes too expensive to produce here, companies will just go abroad, to the US or the Far East,” said Mr Eastwood. However, the Department of Energy and Climate Change pointed out that carbon taxes were only one factor in rising energy prices.

## 1nr addons

### Terrorism

#### Federalism could mean no federal oversight which would be ineffective – no evidence that the government would stop trying to focus on other things, just that they’d keep getting struck down

#### No motive—low odds of success deter and capabilities are underutilized

**Moodie 2** – president of the Chemical and Biological Arms Control Institute (Brad Roberts and Michael Moodie, Biological Weapons: Toward a Threat Reduction Strategy, http://www.ndu.edu/inss/DefHor/DH15/DH15.htm)

The argument about terrorist motivation is also important. Terrorists generally have not killed as many as they have been capable of killing. This restraint seems to derive from an **understanding of mass casualty attacks as** both unnecessary and **counterproductive**. They are unnecessary because terrorists, by and large, have succeeded by conventional means. Also, they are counterproductive because they might alienate key constituencies, whether among the public, state sponsors, or the terrorist leadership group. In Brian Jenkins’ famous words, terrorists want a lot of people watching, not a lot of people dead. Others have argued that the lack of mass casualty terrorism and effective exploitation of BW has been more a matter of accident and good fortune than capability or intent. Adherents of this view, including former Secretary of Defense William Cohen, argue that “it’s not a matter of if but when.”

The attacks of September 11 would seem to settle the debate about whether terrorists have both the motivation and sophistication to exploit weapons of mass destruction for their full lethal effect. After all, those were terrorist attacks of unprecedented sophistication that seemed clearly aimed at achieving mass casualties— had the World Trade Center towers collapsed as the 1993 bombers had intended, perhaps as many as 150,000 would have died. Moreover, Osama bin Laden’s constituency would appear to be not the “Arab street” or some other political entity but his god. And terrorists answerable only to their deity have proven historically to be among the most lethal.

But this debate cannot be considered settled. Bin Laden and his followers could have killed many more on September 11 if killing as many as possible had been their primary objective. They now face the core dilemma of asymmetric warfare: how to escalate without creating new interests for the stronger power and thus the incentive to exploit its power potential more fully. Asymmetric adversaries want their stronger enemies fearful, not fully engaged—militarily or otherwise. They seek to win by preventing the stronger partner from exploiting its full potential. To kill millions in America with biological or other weapons would only commit the United States—and much of the rest of the international community—to the annihilation of the perpetrators.

#### No retaliation

**Bremmer 4—**IR prof, Columbia. Faculty member at Stanford’s Hoover Institution. Senior Fellow, World Policy Institute. PhD in pol sci, Stanford (Ian, 11/13, Suppose a new 9/11 hit America . . ., http://www.newstatesman.com/200409130005, AG)

What would happen if there were a new terrorist attack inside the United States on 11 September 2004? How would it affect the presidential election campaign? The conventional wisdom is that Americans - their patriotic defiance aroused - would rally to President George W Bush and make him an all but certain winner in November. But consider the differences between the context of the original 9/11 and that of any attack which might occur this autumn. In 2001, the public reaction was one of disbelief and incomprehension. Many Americans realised for the first time that large-scale terrorist attacks on US soil were not only conceivable; they were, perhaps, inevitable. A majority focused for the first time on the threat from al-Qaeda, on the Taliban and on the extent to which Saudis were involved in terrorism. This time, the public response would move much more quickly from shock to anger; debate over how America should respond would begin immediately. Yet it is difficult to imagine how the Bush administration could focus its response on an external enemy. Should the US send 50,000 troops to the Afghan-Pakistani border to intensify the hunt for Osama Bin Laden and "step up" efforts to attack the heart of al-Qaeda? Many would wonder if that wasn't what the administration pledged to do after the attacks three years ago. The president would face intensified criticism from those who have argued all along that Iraq was a distraction from "the real war on terror". And what if a significant number of the terrorists responsible for the pre-election attack were again Saudis? The Bush administration could hardly take military action against the Saudi government at a time when crude-oil prices are already more than $45 a barrel and global supply is stretched to the limit. While the Saudi royal family might support a co-ordinated attack against terrorist camps, real or imagined, near the Yemeni border - where recent searches for al-Qaeda have concentrated - that would seem like a trivial, insufficient retaliation for an attack on the US mainland. Remember how the Republicans criticised Bill Clinton's administration for ineffectually "bouncing the rubble" in Afghanistan after the al-Qaeda attacks on the US embassies in Kenya and Tanzania in the 1990s. So what kind of response might be credible? Washington's concerns about Iran are rising. The 9/11 commission report noted evidence of co-operation between Iran and al-Qaeda operatives, if not direct Iranian advance knowledge of the 9/11 hijacking plot. Over the past few weeks, US officials have been more explicit, too, in declaring Iran's nuclear programme "unacceptable". However, in the absence of an official Iranian claim of responsibility for this hypothetical terrorist attack, the domestic opposition to such a war and the international outcry it would provoke would make quick action against Iran unthinkable.

### ESA

Even if the ESA makes it worse, no reverse causal internal link to solving agriculture loss, etc

The ESA is critical to prevent species extinctions

UCS 6

Union of Concerned Scientists, http://www.ucsusa.org/scientific\_integrity/restoring/science-in-the-endangered.html

Biological diversity provides food, fiber, medicines, clean water, and many other products and services we depend upon every day. Yet nearly one-third of native species in the United States are at risk of disappearing. "As children, small creatures endlessly fascinate us; as adults, we can protect them so as to inspire future children." - Les E. Watling, Marine Ecologist It is clear that the ESA has given new hope for sustained survival to numerous species that were on the brink of extinction—less than one percent of species listed under the ESA have gone extinct since 1973, while 10 percent of candidate species still waiting to be listed have suffered that fate. In addition to the hundreds of species that the Act has protected from extinction, listing has contributed to population increases or the stabilization of population declines for more than 30 percent of listed species, as well as the recovery of such signature species as the peregrine falcon.

**No impact**

**Lomberg 01 –** associate professor of statistics in the Department of Political Science at the University of Aarhus, Denmark (Bjorn, August 9, “Environmentalists tend to believe that, ecologically speaking, things are getting worse and worse.”<http://74.125.95.132/search?q=cache:754-vC_Td94J:www.warwickhughes.com/climate/lomborg2.htm+biodiversity+exaggerated&cd=46&hl=en&ct=clnk&gl=us>)

Dr Ehrlich's prediction echoed that made 170 years earlier by Thomas Malthus. Malthus claimed that, if unchecked, human population would expand exponentially, while food production could increase only linearly, by bringing new land into cultivation. He was wrong. Population growth has turned out to have an internal check: as people grow richer and healthier, they have smaller families. Indeed, the growth rate of the human population reached its peak, of more than 2% a year, in the early 1960s. The rate of increase has been declining ever since. It is now 1.26%, and is expected to fall to 0.46% in 2050. Malthus also failed to take account of developments in agricultural technology. These have squeezed more and more food out of each hectare of land. It is this application of human ingenuity that has boosted food production, not merely in line with, but ahead of, population growth. It has also, incidentally, reduced the need to take new land into cultivation, thus reducing the pressure on biodiversity. Third, that threat of biodiversity loss is real, but exaggerated. Most early estimates used simple island models that linked a loss in habitat with a loss of biodiversity. A rule-of-thumb indicated that loss of 90% of forest meant a 50% loss of species. As rainforests seemed to be cut at alarming rates, estimates of annual species loss of 20,000-100,000 abounded. Many people expected the number of species to fall by half globally within a generation or two. However, the data simply does not bear out these predictions. In the eastern United States, forests were reduced over two centuries to fragments totalling just 1-2% of their original area, yet this resulted in the extinction of only one forest bird. In Puerto Rico, the primary forest area has been reduced over the past 400 years by 99%, yet “only” seven of 60 species of bird has become extinct. All but 12% of the Brazilian Atlantic rainforest was cleared in the 19th century, leaving only scattered fragments. According to the rule-of-thumb, half of all its species should have become extinct. Yet, when the World Conservation Union and the Brazilian Society of Zoology analysed all 291 known Atlantic forest animals, none could be declared extinct. Species, therefore, seem more resilient than expected. And tropical forests are not lost at annual rates of 2-4%, as many environmentalists have claimed: the latest UN figures indicate a loss of less than 0.5%.

**Too many alt causes**

**Pynn 7** (Larry, staff writer at The Vancouver Sun, “Global warming not biggest threat: expert,” The Vancouver Sun, http://www2.canada.com/vancouversun/news/story.html?id=6e2988da-31ab-4697-810d-7a008306d571&p=1)

"We all worry about climate change, as we should, but it doesn't mean we shouldn't worry about protecting habitat," says James Grant, a biology professor at Concordia University in Montreal and co-author of a new report on threats to endangered species in Canada. "The really immediate causes right now for many species are things like farming, urbanization and habitat loss caused by the direct things we do." Research by Grant and his pupils shows the biggest threat is habitat loss at 84 per cent, overexploitation 32 per cent, native species interactions 31 per cent, natural causes 27 per cent, pollution 26 per cent, and introduced species 22 per cent. On average, species are threatened by at least two of the six categories. Human activities representing the biggest source of habitat loss and pollution are not industrial resource extraction, but agriculture at 46 per cent and urbanization at 44 per cent. "Farming is huge," Grant said in an interview. "The Prairies are one of the most affected habitats in the world. We've turned them into wheat fields." The southern Okanagan-Similkameen is another example, home to about one-third of species at risk in B.C. as well as a thriving agricultural industry, including vineyards, and increased urban development.

### Nanotech

Makes no sense – says EPA Is bad at it but no evidence another agency fills in and solves it

**Nanotech is science fiction, not science – manipulating atoms violates the laws of physics**

Colin Milburn, graduate student at Harvard University in History of Science, 2003. “Nanotechnology in the Age of Posthuman Engineering: Science Fiction as Science,” http://muse.jhu.edu/journals/configurations/v010/10.2milburn.html#top

Due to the tendency of nanowriting to speculate on the far future and to prognosticate its role in the radical metamorphosis of human life (coupled with the fact that nanotech research has yet to produce material counterparts to its adventurous mathematical models and computer simulations), many critics have claimed that nanotechnology is less a science and more a science fiction. For instance, David E. H. Jones, chemist at the University of Newcastle upon Tyne, insinuates that nanotech is not a "realistic" science, and that, because its aspirations seem to violate certain natural limits of physics, "nanotechnology need not be taken seriously. It will remain just another exhibit in the freak-show that is the boundless-optimism school of technical forecasting." 16 Gary Stix, staff writer for Scientific American and a persistent critic of nanotech, has compared Drexler's writings to the scientific romances of Jules Verne and H. G. Wells, suggesting that "real nanotechnology" is not to be found in these science fiction stories. 17 Furthermore, Stix maintains that nanowriting, a "subgenre of science fiction," damages the legitimacy of nanoscience in the public eye, and that "[d]istinguishing between what's real and what's not" is essential for nanotech's prosperity. 18 Similarly, Stanford University biophysicist Steven M. Block has said that many nanoscientists, particularly Drexler and those involved with the Foresight Institute, have been too influenced by laughable "science fiction" expectations and have gotten ahead of themselves; he proposes that for "real science to proceed, nanotechnologists ought to distance themselves from the giggle factor." 19 Several critics have stated that direct manipulation and engineering of atoms is not physically possible for thermodynamic or quantum mechanical reasons; others have suggested that, without experimental [End Page 265] verification for its outrageous notions and miraculous devices, nanotechnology is not scientifically valid; many more have dismissed the long-range predictions made by nanowriting on the grounds that such speculation obscures the reality of present-day research and the appreciable accomplishments within the field. These attacks have in common a strategic use of the term "real science" as opposed to "science fiction," and, whether rejecting the entire field as mere fantasy or attempting to extricate the scientific facts of nanotech from their science-fictional entanglements, charges of science-fictionality have repeatedly called the epistemological status of nanotechnology into question. 20

Even if they read evidence that this scenario is solved by government regulations, they will fail

James J. Hughes, Ph.D., Public Policy Studies Program, Trinity College. 11/14/01. “Relinquishment or Regulation,” Scientific Freedom and Responsibility Co-Curricular Initiative. <http://www.changesurfer.com/Acad/RelReg.pdf> [Takumi Murayama]

To regulate the new technologies at the depth required to prevent apocalyptic outcomes, we need to create new global regulatory institutions. **Enormous forces will be arrayed in opposition to their creation. The first will be the alliance of corporate interests** who stand to profit from less fettered research and development. **The second will the various citizen and consumer beneficiaries of the new technologies**, from patients receiving new treatments to those receiving cheaper dwellings, new clothes, better food and better educations. Every step forward with biotechnology, molecular engineering, robotics and information technology will create enormous popular as well as corporate constituencies. **Any effort to slow scientific progress will be vigorously fought.** Occasionally Luddite forces, such the right-to-life movement in the case of stem cell research, may erect road blocks. But in the end their efforts will prove meaningless, as research continues in other countries, such as England which is publicly financing embryonic stem cell and therapeutic cloning research. Even cloning, which has inspired paranoiac hysteria far out of proportion to any actual threats it poses, may be impossible for international regulators to prevent as offshore havens shelter experimenters. **As we slowly create transnational regulatory institutions, a third source of resistance will come from the less developed world, seeing that invasive safety regulation will make it more difficult for them to benefit** from the new technologies. One of the most contentious issues in global climate talks has been the impact of environmental regulation on economic and industrial progress in the less developed world. **Even if we could coerce or convince developing nations to cooperate with bans on technologies, it would only force the research underground, making it impossible to monitor and regulate.** I believe we will build strong global institutions in the next couple of decades capable of technology regulation. But **there will be no support for global governance** that attempts to deny consumers, patients, corporations and developing countries the right to benefit from the emerging technologies at all. Global regulation of the new technologies will only be possible if it is focused on safety and not on abolition.

Their attempts to prevent an arms race just fuels it, creating a cycle of competition and confrontation

Mark Avram Gubrud, Superconductivity Researcher – University of Maryland, 1997. “Nanotechnology and International Security,” Foresight Institute, http://www.foresight.org/Conferences/MNT05/Papers/Gubrud/

\* The prospect of revolutionary advances in military capabilities will stimulate competition to develop and apply the new technologies toward war preparations, as falling behind would imply an intolerable security risk. Indeed, it is plausible that a nation which gained a sufficient lead in molecular nanotechnology would at some point be in a position to simply disarm any potential competitors.

\* If two or more technologically advanced nations or blocs exist in de facto confrontation, regardless of political differences or other substantial conflicts of interest, then competition to apply the advanced technologies could segue directly into an uncontrolled arms race — unless restraints have been put in place before the new technologies can be applied.

\* A race to develop early military applications of molecular manufacturing could yield sudden breakthroughs, leading to the abrupt emergence of new and unfamiliar threats, and provoking political and military reactions which further reinforce a cycle of competition and confrontation.

## 1nr minimalism DA

### Uniqueness – Minimalism High

**The court is minimalist**

**LARSEN ’12** (Allison Orr; Assistant Professor of Law – College of William and Mary, “Confronting Supreme Court Fact Finding,” October, 98 Va. L. Rev. 1255, l/n)

The call for minimalism has been quite influential. Most observers agree that an increasing number of decisions from the modern Supreme Court are minimalist decisions. n242 Indeed, some have suggested that Chief Justice Roberts has his eye set on a legacy of minimalism. n243 And at least seven members of the current Court (Justices Roberts, Kennedy, Breyer, Ginsburg, Alito, Sotomayor, and Kagan) have been labeled a minimalist - either by Sunstein or others. n244

### Brink

#### This term is vital for determining the minimalist leaning of the Court

**RICHEY ’12** (Warren, Staff Writer, “As US Supreme Court opens, all eyes on Chief Justice John Roberts,” CSM, 9/30, <http://www.csmonitor.com/USA/Justice/2012/0930/As-US-Supreme-Court-opens-all-eyes-on-Chief-Justice-John-Roberts>)

The US Supreme Court begins its 2012-13 term on Monday with a blunt question: Which version of Chief Justice John Roberts will show up at the high court this year?

Will it be the hard-charging conservative who struck down election-season speech restrictions on corporations in the 2010 Citizens United decision, and who invalidated racial preferences in public schools in Seattle and Louisville, Ky., in 2007?

Or will it be the circumspect judicial minimalist who guided the high court away from overturning a major provision of the Voting Rights Act in a 2009 Texas case, and who last June voted with the court’s liberal wing to prevent the election-year invalidation of President Obama’s health-care reform law?

The chief justice is expected to have ample opportunity in the new term to become reacquainted with his conservative colleagues in potential blockbuster cases involving affirmative action, voting rights, and gay marriage.

The question is, will he?

#### Conservative justices are actively targeting affirmative action

**DERUY 3/26**/13 (Emily; ABC News, “Affirmative Action Cases Could Broadly Impact College Admissions,” <http://abcnews.go.com/ABC_Univision/News/supreme-court-hear-affirmative-action-cases-broadly-impact/story?id=18809068>)

But Susan Low Bloch, a Georgetown University law professor, said she wouldn't read much into the Court taking the Michigan case. It only takes four justices to grant a case, and she thinks there are four opposed to affirmative action who are determined to keep hearing such cases in an attempt to limit the practice.

Bloch thinks a 4-4 tie is a definite possibility, since Justice Elena Kagan has recused herself. A tie would mean that the lower court ruling that sided with the Texas program would hold. But Bloch also thinks a ruling that finds the use of race in the Texas program and others like it unconstitutional, but upholds affirmative action in other instances, is likely.

### Minimalism key to Aff Action

**Roberts has the political cover necessary to make a sweeping ruling on affirmative action – his minimalist leanings are the only thing standing in the way**

**ROSEN ’12** (Jeffrey; Legal Affairs Editor – New Republic, “Big Chief,” <http://www.newrepublic.com/article/politics/magazine/104898/john-roberts-supreme-court-aca>)

For all the drama surrounding Roberts’s decision in the health care case, it was entirely consistent with his behavior since he joined the Court. His worldview is conservative, and he votes with the conservatives more often than not. But he has never joined them in embracing the most radical form of the Constitution in Exile. He generally favors narrow rulings over broad ones when possible, and prefers to chip away at precedents incrementally rather than to overturn them cleanly. (Justice Scalia scoffed at this incrementalism as “faux judicial restraint.”) He is willing to embrace “saving constructions” of laws in the spirit of John Marshall (Thomas Jefferson, Marshall’s archrival, derisively called them “twistifications”) in order to avoid striking down federal laws, as he did in the 2009 case upholding the Voting Rights Act. Yet, when Roberts believes that no such twistifications are possible, he enforces constitutional principles he cares about in sweeping terms, as he did in the Seattle affirmative action case that outlawed a program to integrate city schools.

All of these instincts converged in the health care case, in which Roberts set aside his ideological preference to protect the Court from a decision along party lines that would have imperiled its legitimacy. After initially siding with the conservatives, Roberts tried to persuade his liberal and conservative colleagues to converge around a result that would avoid a sweeping 5–4 ruling along party lines, according to Crawford. When that proved impossible, he chose the least disruptive path, upholding the mandate by finding that it was within Congress’s taxing power. The decision revealed the chief justice as a master strategist with a nuanced concern for institutional integrity that is less dramatic or nefarious than the characterizations advanced by partisans on the left or the right. But grasping these nuances is crucial to understanding how Roberts is shaping the Court.

WHAT DOES ALL THIS mean for the next term and beyond? The rift between Roberts and the other conservatives will most likely be repaired. The conservatives need his vote too urgently to maintain their temper tantrums for very long. And the liberal victory in the health care case may come at a high price, since Roberts now has the bipartisan cover to reassert his conservative credentials. He may not be an ideologue like Scalia or Thomas, but he has strong views on certain issues—such as the color-blind Constitution and the importance of protecting business interests against regulation by litigation. His health care votes may embolden him to join the conservatives in striking down not only affirmative action and the Voting Rights Act next year, but in enforcing other limits on federal power in the future.

### Aff Action key to Readiness

#### Affirmative Action key to readiness

**NYT** 12-30-**06**

Mr. Cannon had served on the Board of Visitors of the Naval Academy, and both he and Mr. Ford knew how important affirmative action was to the military, especially its officer corps. Mr. Cannon had been told many times by the Navy's top brass that they did not want ships full of enlisted men, who tended to be heavily minority, to be commanded exclusively by white officers. Affirmative action wasn't social engineering, it was military necessity; and Mr. Cannon and Mr. Ford wanted to make sure the justices heard that message.

Active-duty officers could not take a stand on such a controversial issue, but Mr. Cannon, prompted by Mr. Ford, sought out the next best thing: retired military officers. In time, the University of Michigan defense team recruited Gen. H. Norman Schwarzkopf, Gen. John M. Shalikashvili, Gen. Hugh Shelton, Adm. William J. Crowe Jr. and two dozen others eminences to sign a friend-of-the-court brief in support of affirmative action written by a Washington lawyer, Carter G. Phillips.

### Cohesion K/T Readiness

#### Unit cohesion is key to readiness

**McBreen, 02** (Brendan, Major in the US Marine Corps, “Improving Unit Cohesion: The First Step in Improving Marine Corps Infantry Battalion Capabilities”, 5/23, <http://www.2ndbn5thmar.com/coh/iuc.htm>)

Cohesive units fight better. At the tactical level, small unit cohesion is a key predictor of combat performance. This linkage has been recognized in accounts of battles for hundreds of years and well-demonstrated during the last fifty years by the German army in World War II (Shils and Janowitz, 1948, Van Crevald, 1982), the North Vietnamese forces of the Vietnam wars (Henderson, 1979), the Israeli army of the Arab-Israeli wars (Luttwak and Horowitz, 1983), and the British army of the Falklands war (Stewart, 1988 and 1991). The U.S. Army’s systematic failure to create and maintain cohesive combat units, and the resulting problems, have weakened the Army’s fighting units from World War II (Van Crevald, 1982), through Vietnam and beyond (Henderson, 1985).

      An Israeli study found that soldiers in cohesive units had a higher sense of sacrifice for their fellow soldiers and performed more heroically in combat (Stewart, 1991). Analysts credit cohesive units with providing positive peer pressure. A soldier who values the opinions of his comrades, who trusts his primary group for support and protection, overcomes his fears and fights well. Honor and self-esteem minimize the effects of fear and the override the impetus to shirk or run. The known fighting ability of his comrades and the group collective experiences founded on trust and interdependency serve to increase a soldier’s own confidence and combat abilities. A soldier can focus outward on the enemy only when he knows his comrades will support and protect him.

      In simulated combat during multiple training exercises in the U.S. Army, observers found that sixty-six percent of high performing units had above median cohesion (Oliver, 1988). Although performance was affected by other variables such as leader style and abilities, the tactical skill of non-commissioned officers, a critical measure of good units, was also found to be better in cohesive units.

      Since combat effectiveness is a function of collective action, cohesive units executing team evolutions with skill and experience are more effective in combat. Faris Kirkland was a researcher for the U.S. Army’s COHORT program, a cohesion effort for combat arms units that stabilized new soldiers in the same unit for three years. Kirkland estimated that the least capable COHORT unit was three times more skilled and effective than the most capable standard, individual replacement unit. The most effective COHORT units were superb, impossible to compare with individual replacement units. “The best COHORT units took people’s breath away” (Canby, Gudmundsson and Shay, 2000).

      At the U.S. Army’s National Training Center in Fort Irwin, California, researchers found that vertical cohesion between soldiers and platoon level leaders was “an effective predictor of performance” (Alderks, 1992). Intense interpersonal relationships kept men performing well in extremely trying circumstances. Leaders of platoons with strong vertical cohesion displayed quality leadership, technical ability, and a sincere caring for their soldiers. Alderks also found that few or no breaks in the vertical chain from soldier to squad leader to platoon leader created a stronger and more capable team that resulted in better platoon performance. Other research showed that cohesive platoons had stronger performance even when weakly led (Braun, 1983).

### 2NC Overview – Secessionism

**Risks Nuclear Conflict, Disease Spread, Terrorism, and Environmental Destruction**

**GOTTLIEB ‘93** (Gidon; Director of the Middle East Peace Project and Visiting Senior Fellow at the Council on Foreign Relations and Distinguished Visiting Fellow at the Hoover Institution for War and Peace and Leo Spitz Professor of International Law and Diplomacy at the University of Chicago) Nation Against State: A New Approach to Ethnic Conflicts and the Decline of Sovereignty p. 26-27

Self-determination unleashed and unchecked by balancing principles constitutes a menace to the society of states. There is simply no way in which all the hundreds of peoples who aspire to sovereign independence can be granted a state of their own without loosening fearful anarchy and disorder on a planetary scale. The proliferation of territorial entities poses exponentially greater problems for the control of weapons of mass destruction and multiplies situations in which external intervention could threaten peace. It increases problems for the management of all global issues, including terrorism, AIDS, the environment, and population growth. It creates conditions in which domestic strife in remote territories can drag powerful neighbors into local hostilities, creating ever widening circles of conflict. Events in the aftermath of the breakup of the Soviet Union drove this point home. Like Russian dolls, ever smaller ethnic groups dwelling in larger units emerged to secede and to demand independence. Georgia, for example, has to contend with the claims of South Ossetians and Abkhazians for independence, just as the Russian Federation is confronted with the separatism of Tartaristan. An international system made up of several hundred independent territorial states cannot be the basis for global security and prosperity.