### Off

#### A – Interpretation:

#### Restrictions are outright prohibitions on production, not consequences of regulatory schemes.

Caiaccio ‘94

(Kevin T., “Are Noncompetition Covenants Among Law Partners Against Public Policy?”, Georgia Law Review, Spring, 28 Ga. L. Rev. 807, Lexis)

The Howard court began its analysis by examining the California Business and Professions Code, which expressly permits reasonable restrictive covenants among business partners. [139](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=2f902ef509c60febb5baa821f74f591c&docnum=69&_fmtstr=FULL&_startdoc=51&wchp=dGLzVzz-zSkAb&_md5=13c4fa4ea4799356b6831f265d253078&focBudTerms=the+word+restrict+or+the+term+restrict+or+the+phrase+restrict+&focBudSel=all#n139) The court noted that this provision had long applied to doctors and accountants and concluded that the general language of the statute provided no indication of an exception for lawyers. [140](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=2f902ef509c60febb5baa821f74f591c&docnum=69&_fmtstr=FULL&_startdoc=51&wchp=dGLzVzz-zSkAb&_md5=13c4fa4ea4799356b6831f265d253078&focBudTerms=the+word+restrict+or+the+term+restrict+or+the+phrase+restrict+&focBudSel=all#n140) After reaching this conclusion, however, the court noted that, since it had the authority to promulgate a higher standard for lawyers, the statute alone did not necessarily control, [141](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=2f902ef509c60febb5baa821f74f591c&docnum=69&_fmtstr=FULL&_startdoc=51&wchp=dGLzVzz-zSkAb&_md5=13c4fa4ea4799356b6831f265d253078&focBudTerms=the+word+restrict+or+the+term+restrict+or+the+phrase+restrict+&focBudSel=all#n141) and the court therefore proceeded to examine the California Rules of Professional Conduct. [142](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=2f902ef509c60febb5baa821f74f591c&docnum=69&_fmtstr=FULL&_startdoc=51&wchp=dGLzVzz-zSkAb&_md5=13c4fa4ea4799356b6831f265d253078&focBudTerms=the+word+restrict+or+the+term+restrict+or+the+phrase+restrict+&focBudSel=all#n142) The court avoided the apparent conflict between the business statute and the ethics rule by undertaking a strained reading of the rule. In essence, the court held that the word "restrict" referred only to outright prohibitions, and that a mere "economic consequence" does not equal a prohibition. [143](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=2f902ef509c60febb5baa821f74f591c&docnum=69&_fmtstr=FULL&_startdoc=51&wchp=dGLzVzz-zSkAb&_md5=13c4fa4ea4799356b6831f265d253078&focBudTerms=the+word+restrict+or+the+term+restrict+or+the+phrase+restrict+&focBudSel=all#n143)

#### Regulation elimination is not an incentive.

Schoofs ‘4

(Sam, Calvin College, A Federal Renewable Portfolio Standard:

Policy Analysis and Proposal, http://www.wise-intern.org/journal/2004/WISE2004-SamSchoofsFinalPaper.pdf [8/20/12])

There are two main categories of renewable energy policies. The first category gives some financial incentives to encourage renewable energy that includes tax incentives, grants, loans, rebates, and production incentives [13]. Tax incentives cover personal, sales, property, and corporate taxes and they help to reduce the investment costs and to reward investors for their support of renewable energy sources [12], [13]. As an example, 24 states currently have some form of grant program in place that ranges from as small as $500 up to $1,000,000 [13]. The second category of renewable energy policies is called rules and regulations, which mandate a certain action from an obligated entity. Included within this category are renewable portfolio standards, equipment certification, solar/wind access laws, and green power purchasing/aggregation polices [13]. As an example, equipment certification allows the states to regulate the performance criteria that equipment is required to meet in order to be eligible for financial incentives [12]. Seven states currently have equipment certification programs in place [13].

#### “On” means in contact with and links “restrictions” only to energy production

Graham 16

(Arthur Butler, “Brief for Appellants – Wilson v. Dorflinger & Sons”, Court of Appeals – State of New York, Reg. 108, Fol. 387, 1916, p. 11-12)

The Standard Dictionary defines the word “on” as follows:¶ “In or into such a position with reference to something, as a vehicle, a table, or a stage, as to be in contact with and supported by it; in a position, state, or condition of adherence; as, he go on before the wagon had fully stopped.”¶ In Webster’s International Dictionary, we find as follows:¶ “on—The General signification of “on” is situation, motivation, motion, or condition with respect to contact or support beneath as (1) at or in contact with, the surface or upper part of a thing, and supported by it; placed or lying in contact with the surface; as, the book lies on the table, which stands on the floor of a house on an island.”¶ It is submitted that an elevator is not operated on streets or on highways, as a car, truck or wagon is operated, and that by the use of the word “on” the Legislature intended to include only those appliances therein enumerated, namely, cars, trucks, and wagons. An elevator is not operated on anything, but is operated in or inside a shaft, and is controlled by guides, which deprive the operator of the power to change the course of the lift from right to left. Clearly the Legislature intended to include in Group 41, only those cars, trucks and wagons whose direction and guidance are controlled by the operator, in whatever direction he may deem advisable.

#### B – Violation – the aff eases regulation on oil production or selling – it does not reduce a restriction on production – the aff could have been topical by ending a prohibition on site-production.

Benjamin 10 – Jonathan Benjamin-Alvadaro, Report for the Cuban Research Institute, Florida International University, PhD, Professor of Political Science at University of Nebraska at Omaha, Director of the Intelligence Community Centers of Academic Excellence Program at UNO, Treasurer of the American Political Science Association, 2010, Brookings Institution book, “Cuba’s Energy Future: Strategic Approaches to Cooperation”

Conclusion and Recommendations

Oil exploration is an inherently risky enterprise; there are always trade-offs between negatives and positives relating to energy security, environmental integrity, and geostrategic considerations. The consensus arising from the studies and the analyses in this book is that the creation of mutually beneficial trade and investment opportunities between the United States and Cuba is long overdue. Throughout most of the twentieth century, Cuban infrastructure and economic development were direct beneficiaries of commercial relations with the United States. This relationship was instrumental in providing Cuba with access to advanced technologies and the signs of modernity that were unparalleled in Latin America and far beyond.¶ Once again, the United States is presented with an opportunity that might serve as the basis of a new relationship between the United States and Cuba. It holds out the possibility of enhancing the stability and development of a region that is wrestling with questions of how and when it too might benefit from engagement with a global economic development model. The question is whether the United States chooses to be at the center, or to leave Cuba to seek some alternate path toward its goals.¶ Ironically, Cuban officials have invited American oil companies to participate in developing their offshore oil and natural gas reserves. American oil, oil equipment, and service companies possess the capital, technology, and operational know-how to explore, produce, and refine these resources in a safe and responsible manner. Yet they remain on the sidelines because of our almost five-decades-old unilateral political and economic embargo. The United States can **end this impasse by licensing American oil companies to participate in the development of Cuba’s energy resources**. By seizing the initiative on Cuba policy, the United States will **be strategically positioned to play an important role** in the future of the island, thereby giving Cubans a better chance for a stable, prosperous, and democratic future. The creation of stable and transparent commercial relations in the energy sector will bolster state capacity in Cuba while enhancing U.S. geostrategic interests, and can help Cuba’s future leaders avoid illicit business practices, minimize the influence of narcotrafficking enterprises, and stanch the outflow of illegal immigrants to the United States.¶ If U.S. companies are allowed to contribute to the development of Cuba’s hydrocarbon reserves, as well as the development of alternative and renewable energy (solar, wind, and biofuels), it will give the United States the opportunity to **engage Cuba’s future leaders to carry out long-overdue** economic reforms and development that will perhaps pave the way to a **more open and representative society** while helping to promote Cuba as a stable partner and leader in the region and beyond.¶ Under no circumstances is this meant to suggest that the United States should come to dominate energy development policy in Cuba. The United States certainly has a role to play, but unlike its past relationship with Cuba, its interaction and cooperation will be predicated on its ability to accept, at a minimum, that Cuba will be the dominant partner in potential commercial ventures, **and an equal partner in future diplomatic and interstate relations**. Without a doubt Cuban government actors are wary of the possibility of being dominated by the “colossus of the North,” but as Cuba’s energy policymakers face the daunting reality of their nation’s energy future, it is abundantly clear that they possess the willingness and the capacity to assiduously pursue sound policy objectives and initiatives that begin to address the island’s immediate and long-term challenges. In the end, this course of action will have **direct and tangible benefits for the people of Cuba, it neighbors, and beyond.**

#### C – Vote negative:

#### 1 – Limits –

#### “Regulations” is conceptually larger than “restrictions” – they expand a resolutional question of limited producer choices to one of all state intervention.

Orbach ‘12

(Barak, Professor of Law @ Arizona College of Law, “What is Regulation?”, in *Regulation: Why and How The State Regulates* (Foundation Press 2012), Yale Journal of Regulations Online 30(1): <http://yale-jreg.org/wp-content/uploads/2012/10/Orbach_30.pdf>, DZ)

So what does regulation mean? We return to the starting point—the intuitive understanding of the word “regulation”: government intervention in the private domain or a legal rule that implements such intervention. The implementing rule is a binding legal norm created by a state organ that intends to shape the conduct of individuals and firms.[23] The state organ, the regulator, may be any legislative, executive, administrative, or judicial body that has the legal power to create a binding legal norm. This general definition is broader than “restrictions,” “rules promulgated by administrative agencies,” “laws that serve interest groups,” and related common perceptions of the word “regulation.”¶ The definition refers to “intervention in the private domain,” rather than “intervention in choices” because of the ambiguity of the latter. Many forms of regulations intend to improve the ability of individuals to make choices, without imposing any restrictions on those choices.[24] Do such regulations intervene in choices? Theoretically, we can regard any influence on conduct as interference with choices. However, the philosophical inquiry into the meaning of interference with choices is unlikely to establish any consensus with practical implications. For all practical purposes, regulation certainly means intervention in the private domain.

#### Limits outweigh – determines the feasibility of pre-tournament research, which controls the direction of education. Limitless education is pointless and unfair because it always benefits the aff.

#### 2 – Precision –

#### Only our interp maintains it.

Randall 7 (Judge – Court of Appeals of the State of Minnesota, “Dee Marie Duckwall, Petitioner, Respondent, vs. Adam Andrew Duckwall, Appellant”, 3-13, <http://law.justia.com/cases/minnesota/court-of-appeals/2007/opa0606> 95-0313.html#\_ftnref2)

[2] When referring to parenting time, the term "restriction[,]" is a term of art that is not the equivalent of "reduction" of parenting time. "A modification of visitation that results in a reduction of total visitation time, is not necessarily a restriction' of visitation.' Danielson v. Danielson, 393 N.W.2d 405, 407 (Minn. App. 1986). When determining whether a reduction constitutes a restriction, the court should consider the reasons for the change as well as the amount of the reduction." Anderson v. Archer, 510 N.W.2d 1, 4 (Minn. App. 1993).

#### Precision outweighs – flips every education impact.

Shannon 2 – Bradley Shannon, law at University of Idaho, January 2002 (Washington Law Review, 77 Wash. L. Rev. 65, Lexis

The first answer to this question is, why should we not care? If proper terminology (of whatever type) is readily available and comprehendible, why should one not want to use it? Does one really need a reason for not misusing any word, technical or otherwise? In other words, though many misuses of Rules terminology might not seem to cause serious problems, surely that is not an argument in favor of a disregard of proper Rules terminology, particularly where the cost of using proper terminology is negligible. 79¶ The second answer to the question why we should care about the use of proper Rules terminology goes to the cost of using improper terminology even in seemingly trivial contexts. Understanding legal concepts is difficult enough without the confusion created when an inappropriate term is used to represent those concepts. And this is true regardless of how minor the misuse. In some sense, every misuse of legal language impedes the understanding - and, consequently, the progress - of the law.

#### D – Topicality is a voting issue for fairness and education – err neg on competing interpretations because of the structural aff bias that exists at the end of the year.

### Off

#### The United States Supreme Court should rule that restrictions on production of crude oil by entities that wish to engage in joint crude oil production with Cuban energy-producing entities in the area of the Gulf of Mexico’s Eastern Gap included in the United States’ Outer Continental Shelf Planning Areas are unconstitutional on the ground that it violates the tenth amendment.

#### Courts can effectively rule to invalidate restrictions on all forms of energy production

Simon 7 [Christopher A. Simon - Director, Master of Public Administration, Political Science Department, University of Utah, Professor, Political Science, “Alternative Energy: Political, Economic, and Social Feasibility”]

THE COURTS¶ The institutional power of the federal courts regarding energy policy is not ex- plicit in Article III. The role of energy and the intra- and interstate transporta- tion of fuels and electricity in the United States is, for the most part, a late nine- teenth- and early twentieth-century phenomenon. Early energy policy-related cases were argued within the confines of the judiciary’s narrowly defined enu- merated powers. In the late nineteenth century, the court system remained timid in terms of taking energy and material related cases. Post-Loehner (1905). the judiciary showed itself more willing to enter into disputes between state government and citizens. Although the case had nothing to do with en- ergy policy, the Supreme Court—by taking the case—opened the doors to the expansion of one of its enumerated Article III powers in a way that more directly scrunitized policymaking at the state and local levels and de facto ex- panded the notion that federal court decisions were linked to the national gov- ernment’s supremacy. The 1937 case West Coast Hotel u Parrish confirmed the judiciary’s interest in scrutinizing public policy at all levels of government. Constitutionally, legal theory was now open to an enlarged analysis of the in- terchange between national regulatory powers and policymaking authority and state and local powers. In essence, the Court more fully disclosed acceptance of judicial positivism in method and decision making rather than a strict con- structionist approach.¶ Over the years, the courts have had a significant role in energy policy. The Court has been particularly interested in regulation of safety with regard to energy policy, as safety issues are central to the public good aspect of energy. While not directly related to energy policy. New Jersey Steam Navigation Company v. Merchants' Bank of Boston 47 U.S. 344 (1848) does illustrate the Court's particular and early interest in issues related to energy safety. The case involved the destruction by fire of a steam-operated commercial boat. In the end, the Court sided with the plaintiffs and the decision of a lower court to award damages. The case ultimately turned on the issue of fuel safety as the boat was fitted for wood-burning energy production, but was burning a much hotter “modem” fuel for boats of the time—anthracite coal. Although other deficiencies had been noted in terms of safety equipment that ultimately tied to the issue of the federal court's “admirality jurisdiction,” the case provides early evidence that the Court saw a role for itself in re- viewing aspects of energy safety, particularly in terms of transportation safety—albeit tangentially and quite possibly with little emphasis beyond the nature of the case.¶ The Court, however, tightened its level of scrutiny in term of energy- related safety issues in Champlin Refining Co. v. Corporation Commission of Oklahoma et al. 286 U.S. 210 (1932). In this case, one of the earliest cases involving the regulation of safety issues related to petroleum refinement, the Court dismissed broadly defined environmental restrictions on the extraction and refining of petroleum. In essence, the Court demonstrated that an early state-level effort to protect the environment from the impact of oil drilling and processing could only occur if statutes were written narrowly and were essentially based on scientific principles related to environmental safety. One could argue that by taking the case and deciding it, the Court opened further the door to national regulation of environmental policy as is most di- rectly related to the issue of energy resource development, processing, and distribution.¶ The 1970s, a decade in which the petroleum-based energy paradigm expe- rienced a major shock, saw the Court dealing with two prominent cases re- lated to energy safety issues. In Vermont Yankee Nuclear Power Corp. v. Nat- ural Resources Defense Council, Inc., et alia 435 U.S. 519 (1978), the Court dealt with questions related to “the proper scope of judicial review of the Atomic Energy Commission’s procedures with regards to the licensing of nu- clear power plants.” In lower court decisions, the commission's rule-making procedures related to nuclear energy fuel management and safety issues were overturned through court decision. In essence, this would have opened the door to further court scrutiny of the nuclear energy process in terms of safety. In a unanimous decision, the late William Rehnquist wrote that the Court of Appeals has improperly developed its own conception of safe reactor process and remanded the case to a lower court to scrutinize the commission’s regu- latory clarity. The case is significant because it effectively maintained nuclear energy policy as viable as long as rule making and regulatory processes gov- erning this form of alternative energy were rationally constructed and com- plete. The Court looked to administrative solutions to any lack of clarity or completeness first but was fairly definitive in removing the judicial system from the process or filling in areas of vagueness or rewriting significant por- tions of regulation and process-related nuclear energy policy.¶ In the same year, the Court decided the so-called trans-Alaska pipeline rate cases. The Court sought to clarify rate change policies related to the shipment of crudc oil and natural gas. In essence, the Court solidified the authority of Interstate Commerce Commission (ICC) in its efforts to manage the pipeline. The commission’s ability to adjust rates for rational economic reasons and to require pipeline operators to refund excess rate charges to customers was rec- ognized by the Court. The pipeline cases were critical to the legitimacy of the commission’s authority over the transportation of petroleum from Alaska. In a broader sense, the Court established precedence of the ICC to regulate petroleum transportation. Appellate court decision has further solidified its po- sition on pipeline rates in BP West Coast Products, LLC v. Federal Energy Regulatory Commission 376 F. 3d 1223 (2004). The Court was careful to bal- ance this decision in relation to the states’ power to regulate intrastate energy policy issues.¶ In Exxon Corp. et alia v. Governor of Maryland et alia 437 U.S. 117 (1978), the Court recognized the power of state government to regulate gaso- line markets within its borders. The Court found that neither the interstate commerce clause nor the due process clause of the Fourteenth Amendment were violated by Maryland's regulations on petroleum producers’ ability to establish gas stations and policy efforts to ensure equity within the gasoline market across various corporate concerns operating fueling station in-state. In essence, the Court established a balance between the interests of the national government in regulating energy transportation and use and the interests of the state in advancing goals not inconsistent with national constitutional in- terpretation and national policy priorities.

#### It’s competitive --- doesn’t reduce restrictions, just rules them unenforceable

Treanor & Sperling 93 William - Prof Law at Fordham. Gene - Deputy Assistant to President for Economic Policy. “PROSPECTIVE OVERRULING AND THE REVIVAL OF "UNCONSTITUTIONAL" STATUTES,” Columbia Law Review, Dec 93, lexis

Unlike the Supreme Court, several state courts have explicitly addressed the revival issue. The relevant state court cases have concerned the specific issue of whether a statute that has been held unconstitutional is revived when the invalidating decision is overturned. n42 With one exception, they have concluded that such statutes are immediately enforceable.¶ The most noted instance in which the revival issue was resolved by a court involved the District of Columbia minimum wage statute pronounced unconstitutional in Adkins. After the Court reversed Adkins in West Coast Hotel, President Roosevelt asked Attorney General Homer [\*1913] Cummings for an opinion on the status of the District of Columbia's statute. The Attorney General responded,¶ The decisions are practically in accord in holding that the courts have no power to repeal or abolish a statute, and that notwithstanding a decision holding it unconstitutional a statute continues to remain on the statute books; and that if a statute be declared unconstitutional and the decision so declaring it be subsequently overruled the statute will then be held valid from the date it became effective. n43¶ Enforcement of the statute followed without congressional action. n44¶ When this enforcement was challenged, the Municipal Court of Appeals for the District of Columbia in Jawish v. Morlet n45 held that the decision in West Coast Hotel had had the effect of making the statute enforceable. The court observed that previous opinions addressing the revival issue proceed on the principle that a statute declared unconstitutional is void in the sense that it is inoperative or unenforceable, but not void in the sense that it is repealed or abolished; that so long as the decision stands the statute is dormant but not dead; and that if the decision is reversed the statute is valid from its first effective date. n46¶ The court declared this precedent sound since the cases were "in accord with the principle "that a decision of a court of appellate jurisdiction overruling a former decision is retrospective in its operation, and the effect is not that the former decision is bad law but that it never was the law.' " n47 Adkins was thus, and had always been, a nullity. The court acknowledged that, after Adkins, it had been thought that the District of Columbia's minimum wage statute was unconstitutional. As the court put it, " "Just about everybody was fooled.' " n48 Nonetheless, the court's view was that since the minimum wage law had always been valid, although for a period judicially unenforceable, there was no need to reenact it. n49¶ Almost all other courts that have addressed the issue of whether a statute that has been found unconstitutional can be revived have reached the same result as the Jawish court, using a similar formalistic [\*1914] analysis. n50 The sole decision in which a court adopted the nonrevival position is Jefferson v. Jefferson, n51 a poorly reasoned decision of the Louisiana Supreme Court. The plaintiff in Jefferson sought child support and maintenance from her husband. She prevailed at the trial level; he filed his notice of appeal one day after the end of the filing period established by the Louisiana Uniform Rules of the Court of Appeals. The Court of Appeals rejected his appeal as untimely, even though the Louisiana Supreme Court had previously found that the applicable section of the Uniform Rules violated the state constitution. One of Ms. Jefferson's arguments before the state Supreme Court was that that court's previous ruling had been erroneous and that the rules should therefore be revived. In rejecting this claim and in finding for the husband, the Court stated:¶ Since we have declared the uniform court rule partially unconstitutional, it appears to be somewhat dubious that we have the right to reconsider this ruling in the instant case as counsel for the respondent judges urges us to do. For a rule of court, like a statute, has the force and effect of law and, when a law is stricken as void, it no longer has existence as law; the law cannot be resurrected thereafter by a judicial decree changing the final judgment of unconstitutionality to constitutionality as this would constitute a reenactment of the law by the Court - an assumption of legislative power not delegated to it by the Constitution. n52¶ The Louisiana Court thus took a mechanical approach to the revival question. According to its rationale, when a statute is found unconstitutional, it is judicially determined never to have existed. Revival therefore entails judicial legislation and thereby violates constitutionally mandated separation of powers: because the initial legislative passage [\*1915] of the bill has no legitimacy, the bill's force is considered to be purely a creature of judicial decision-making.¶ Jefferson has little analytic appeal. Its view of the separation of powers doctrine is too simplistic. Contrary to the Jefferson rationale, a "revived" law is not the pure product of judicial decision-making. It is, instead, a law that once gained the support of a legislature and that has never been legislatively repealed. Its legitimacy rests on its initial legislative authorization. Moreover, the view that a statute that has been found unconstitutional should be treated as if it never existed may have had some support in the early case law, but it has been clearly rejected by the Supreme Court. Instead of treating all statutes that it has found unconstitutional as if they had never existed, the Court has recognized a range of circumstances in which people who rely on an overturned decision are protected. Indeed, as will be developed, the doctrine of prospective overruling evolved to shield from harm those who relied on subsequently overruled judicial decisions. n53 In short, the one case in which there was a holding that a statute did not revive does not offer a convincing rationale for nonrevival.

**Off**

#### CP: The United States federal government should engage in comprehensive information sharing on crude oil production in the area of the Gulf of Mexico’s Eastern Gap included in the United States’ Outer Continental Shelf Planning Areas.

#### Information sharing and workshops solve the case.

Lanier 2013 North Carolina Journal of International Law & Commercial Regulation Winter, 2013 North Carolina Journal of International Law & Commercial Regulation 38 N.C.J. Int'l L. & Com. Reg. 571 LENGTH: 12668 words NOTE & COMMENT: In Deepwater: Cuba, Offshore Drilling, and Political Brinkmanship NAME: C. Adam Lanier+ BIO: + B.A., University of North Carolina at Chapel Hill, 2010; J.D. Candidate, University of North Carolina School of Law, 2013.

To take advantage of this engagement with the Cuban government, the United States should develop a framework for information-sharing between the two governments. The Center for Democracy in the Americas suggests that "comprehensive information sharing with the Cuban government [be] standard operating procedure." n156 This information-sharing could include conducting joint workshops and conferences on issues of mutual interest, such as offshore drilling, drug trafficking, and immigration. It has also been suggested that information-sharing include technology sharing. n157 Technology sharing could include sharing oil spill mapping software with Cuba and providing it with subsea oil spill response technology, such as dispersants. Finally, U.S. regulatory agencies should engage their Cuban counterparts on a regular basis rather than attempting to channel all information-sharing through the U.S. Interests Section in Havana. n158

**Off**

**Transportation bill will pass now – enjoys broad bipartisanship support – energy drilling debates will undercut that, as people attempt to link transportation to energy**

Burgess Everett 3/27 “Energy revenue for infrastructure: A ‘natural link’?”, http://dyn.politico.com/printstory.cfm?uuid=1AF6A5D1-C0CF-48AA-83CB-72FBD2AADFC5

As **Congress continues to hunt for ever-elusive money to rebuild roads, bridges and transit systems**, House **Republicans are likely** once again **to turn to black gold**.¶ In the tax-averse and conservative-heavy conference, transportation interest groups’ ideas about raising the gasoline tax or looking at distance-based fees are a tough sell. But **expanding oil and gas drilling and using those revenues for infrastructure improvements represent what** Speaker John **Boehner has called a “natural link**.”¶ On the other hand, **that idea could threaten the bipartisan spring for** Congress’s **transportation** committees, **where House** Transportation and Infrastructure Chairman Bill Shuster (R-Pa.) **and Senate** Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) **are singing each other’s praises**. **The harmony could fade if Congress takes another crack at linking infrastructure and energy production** ahead of the 2014 transportation bill deadline.¶ The House tried the controversial issue when tackling the previous transportation bill in 2012.¶ Is it a conflict worth fighting? Only if the energy revenues can bring in enough money to stabilize the Highway Trust Fund, which faces yearly shortfalls approaching $15 billion, said one influential transportation lobbyist.¶ “If you can’t come up with some sort of guaranteed level of revenue that will actually make the Highway Trust Fund solvent, you could end up with a really divisive battle,” the lobbyist said.¶ **There is** broad disagreement **over how much money expanded drilling** in the Gulf of Mexico, the Atlantic and Pacific oceans and the Arctic National Wildlife Refuge **could bring**. The House tried to link a package of energy bills to the previous transportation bill, but the infrastructure component crumbled as the energy bills passed the chamber, drawing 20 Democrats in support.¶ The House legislation also barely scratched the surface of the amount of money lawmakers are looking for. The Congressional Budget Office estimated the bills would bring about $4.3 billion over 10 years. House leaders are certain that’s too low.¶ “The CBO killed us on that,” Shuster told a gathering of state transportation experts last month. “I’ve talked to a number of experts that said it’s much larger.”¶ **The idea has legs** above Shuster’s head.¶ **“Boehner** still **likes the idea**,” a spokesman for the speaker said, as does Republican Policy Committee Chairman James Lankford (R-Okla.). Former Transportation and Infrastructure Committee member Lankford said **his chamber is** probably **going to try** again **to link energy and transportation**, and he agreed the CBO’s estimates were “very low.”¶ The Institute for Energy Research and Louisiana State University professor Joseph Mason have also criticized CBO for “lowball” estimates, including an August CBO report that ventured beyond the 10-year window CBO used for the House legislation.¶ The August report estimated that from 2023 to 2035, ANWR royalties would range from $2 billion to $4 billion per year, calling that number a “very uncertain” estimate. But that money wouldn’t be available immediately. And even if it were, it would pay for only a fraction of the money the federal transportation program will need annually beginning in 2014.¶ If the House were to reintroduce the energy package it passed in 2012, there is nothing to indicate that the CBO’s score would change since the energy exploration revenues remain gripped by the same uncertainty and risk.¶ “Everyone knows there’s more energy out there than CBO is giving them credit for,” the transportation lobbyist said. “But CBO has to make conservative predictions.”¶ A separate issue is **friction with Democrats** like Boxer, **who can find common ground with Republicans on infrastructure but** is **unlikely to do so on drilling** in ANWR. Rep. Peter DeFazio of Oregon, a key Democratic transportation voice, said **it’s a fissure not worth opening, for** both monetary and **political reasons**.

**Republicans will tie the debates together**

**HAI** (Helicopter Association International) **3/27** “Congress Explores Oil Revenue to Fund Infrastructure”, http://www.readability.com/read?url=http%3A//www.rotor.com/Publications/RotorNews/tabid/843/articleType/ArticleView/articleId/2235/Congress-Explores-Oil-Revenue-to-Fund-Infrastructure.aspx

As the U.S. Congress continues to hunt for ever-elusive money to rebuild roads, bridges, and transit systems, House **Republicans are** once again **looking to expand oil and gas drilling to fund** those **infrastructure improvements**.¶ **The House of Representatives tried the controversial issue when tackling the last transportation bill in 2012, and failed**; however, if energy revenues can bring in enough money to stabilize the Highway Trust Fund, which faces yearly shortfalls nearing $15 billion in the near future, there may be a chance of the proposal moving forward this time.¶ **There is broad disagreement over** what sort of money **expanded drilling** in the Gulf of Mexico, the Atlantic and Pacific Oceans, and the Arctic National Wildlife Refuge (ANWR) could bring.¶ The 2012 House legislation also barely scratched the surface of the kind of money lawmakers are looking for. The Congressional Budget Office (CBO) estimated the bills would bring approx. $4.3 billion over 10 years. House leaders are certain that figure is too low.¶ “The CBO killed us on that,” House Transportation Committee Chairman Bill Shuster (R-Pa.) told a gathering of state transportation experts last month. “I’ve talked to a number of experts that said it’s much larger.”¶ The Institute for Energy Research and Joseph Mason, a Louisiana State University professor, have also criticized the CBO for “lowball” estimates, including an August report that ventured beyond the 10-year window CBO used for the House legislation.¶ The report estimated that from 2023 to 2035, ANWR royalties would range between $2 billion and $4 billion per year, calling that number a “very uncertain” estimate. But that money would not be available immediately. And even if it were, it would pay for only a fraction of the money the federal transportation program will need annually beginning in 2014.¶ If the House were to reintroduce the energy package it passed in 2012, there is nothing to indicate that the CBO’s score would change since the energy exploration revenues remain gripped by the same uncertainty and risk.¶ **The White House has proposed an energy trust fund for infrastructure projects, and that plan does not include any expansion of drilling**. White House energy adviser Heather Zichal has specifically said ANWR is “off the table.”¶ **Philosophical difficulties** also **exist on the idea of steering energy profits to interstates and transit systems,** which until some 10 years ago were paid for on a federal level with gas tax receipts. Getting away from that “user-pay” system irks many transportation experts because the gas tax rewards fuel-efficient drivers and forces frequent drivers to pay more for the roads they use.

#### Key to ag competitiveness

**Khachatryan and Casavant 11**—Research Associate at the Freight Policy Transportation Institute

School of Economic Sciences at Washington State University, Casavant is the director and professor, Ph.D. Agricultural Economics. (Hayk and Ken, “The Relationship Between U.S. Transport Infrastructure ¶ Improvements And International Trade, <http://wstc.wa.gov/Meetings/AgendasMinutes/agendas/2011/July19-20/documents/11_0719_BP5_FPTIInfrastTrdPolicyRept.pdf>, chm)

The efficient and affordable freight transportation system that facilitates the linkage to international markets has always been important drivers for U.S. export-oriented. In turn, the importance of participating in international trade is reflected in increasing exports over the past decades (Figure 2). Despite the sharp decline of the 1980’s and late 1990’s, the value of agricultural exports has exceeded the imports since early 1970’s. The sharpest decline in agricultural commodities exports happened during the economic downturn of 2008 – 2009, followed by a quick recovery in 2010. The positive trade balance since the 1970’s lead to higher farm prices and increased producer revenues. Reasons for exports fluctuations include but are not limited to U.S. dollar’s value against foreign currencies, changes in the economies of importing countries, and foreign countries’ favorable agricultural policies leading to increased competition in the world export markets. The extent to which international markets are important to largely export-oriented agricultural economy can also be reflected in export market shares of major agricultural commodities shown in Table 2. The export share of total agricultural production has gradually increased from 15.9% in 1988 to 21.4% in 1996. Primary crops and meat and livestock categories’ export share increased from 25.8% to 31.1% and 7.4% to 11.1% respectively. The average percentage of export market share is higher in the 1990s’indicating that U.S. farm income becomes more reliant on the foreign trade. In turn, foreign trade relies on cost-effective and timely transportation efficiency. Table 3 shows the export shares for several important agricultural commodities. Excluding grapes, soybeans and sunflower seed categories, the export share of production for other major agricultural commodities was found to be increased from 1988 to 1996. Most notably, the export share for almonds increased from 51.6 to 71.8%, apples shares were 12%, up from 6.2%. Export shares of wheat and soybeans are significant, averaging about 51% and 34% respectively. With increasing world food demand and growing foreign per capita expenditures on U.S. farm products, the positive relationship between agricultural export shares and foreign market dependence has important implications for trade policies. In particular, the pattern in export share of production for agricultural commodities suggests adequate response in investing and increasing transport capacity is needed in order to support uninterrupted trade flow. Recent wheat trade data published by the Foreign Agricultural Service Production, Supply and Distribution (FAS PSD) shows that the U.S. wheat exports have dominated in the top 5 wheat exporting countries (Figure 3). Despite the significant reductions during the last three 18 years, due to the economic downturn, the U.S. is leading exporter with more than 35 million metric tons exported in 2010, the highest. The rest of the major wheat exporting competitor countries listed in the FAS PSD online database are European Union, Canada, Australia, and Argentina. Soybean world exports are largely dominated by U.S. and Brazil, followed by Argentina, Paraguay, and Canada. The U.S. soybean exports increased almost 70% since 2005, reaching more than 43 million metric tons in 2010. Brazil, the second largest producer of soybeans has significantly increased the export levels during the last decade, reaching 32.3 metric million tons in 2010. 1 The trend in key agricultural commodity exports and imports, as well as export share of production for major commodities, speak about certain need for increasing transportation capacity and improving existing infrastructure. 3.2 Freight Services and Modal Share World’s leading economies—U.S., Japan, China, Germany and France cumulatively account for 50% of global gross domestic product (GDP) of $60.9 trillion (TN) and 35% of global goods exports of $16 TN. With its most expensive freight transportation network measured by the length of paved roads, waterways, railroad, pipelines, and number of airports, the U.S. has the highest level of freight activity. Due to relatively larger geographic area and lower population density, goods are shipped comparatively longer destinations from producers to local end-user locations and export ports. Although as a result of emerging economies, the U.S. share of world GDP has declined between 2001 and 2008 (after the “dot-com boom” years), the demand for its freight and port services has significantly increased (Figure 5). After relatively short steady state from 2000 to 2002, the U.S. freight services increased by 69%, reaching $68 B/year in 2008. Compatibly, since 2003, the port services doubled in value, reaching more than $63 B/year in 2008. From 2007 to 2008, the total international merchandise trade and imports passed through U.S. freight system increased about 12% and 7%, respectively. This trend is consistent with the U.S. trade growth of about 7% per year since 1990. The combination of observed and projected increasing trade volumes encourage further development and/or maintenance of transportation facilities that link local producers to foreign markets. The modal share utilization trend is another important consideration for prioritizing transportation infrastructure investments. Almost all of the freight transportation uses some combination of two or more modes of transportation: trucks, trains, barges, and ocean vessels. Depending on distance, a cargo of export goods may be transported from local production area to 10 20 30 40 50 60 70 80 1990 1993 1996 1999 2002 2005 2008 Billion Dollars Freight services Port services22 transshipment locations using trucks, then continue its way by rail or barge to exporting ports. Among other considerations, mode utilization depends on the industry (commodity type) and geographic location (accessibility). For example, rail (generally utilized for long-destination shipments) is the most cost-effective mode for many agricultural products transportation from elevator to transshipment location or exporting port shipments. Truck mode is utilized for shorter-distance, time-dependent shipments. According to freight transportation statistics by the Bureau of Transportation Statistics, 77.7% (by weight) of U.S. merchandise trade uses waterborne transportation, and 21.7% relies on either truck or rail modes (Figure 6). Only less than 1% of the trade volume is attributed to air transportation. 3.3 Ports and Inland Waterways Ocean ports are one of the most vital hubs for U.S. international trade flows. Congestion and low efficiency result in delays and disruptions, which impact the entire supply chain (Blonigen and Wilson, 2006). Clark et al., (2004) show that an increase in port efficiency from 25th to 75th percentile reduces port shipping costs by 12%. In addition to port efficiency, an increase in the inland transport infrastructure efficiency from 25 th to 75 th percentile improves the bilateral trade by 25%. This estimate is comparable to the estimate of 28% reported in Limao 24.1 44.9 25.1 5.9 21.7 77.7 0.4 0.1 0 10 20 30 40 50 60 70 80 90 U.S. total land trade U.S. total water trade U.S. total air trade Other and unknown Percent Valu e Weight24 and Venables, (2001). Port efficiency can be measured by linking its impact on transportation costs. In their investigation of the transportation cost determinants, Sánchez et al. (2003) found statistically significant positive correlation between transport costs and distance and value per weight variables. The frequency of services and the level of containerization were both negatively correlated, but only the frequency of services was found to be statistically significant. Waterborne imports and exports account for about 1.4 billion tons, an equivalent of $3.95 TN in international trade, and U.S. ports secure about 13.3 million jobs that generate about $649 billion in personal income (AAPA, 2010). Improving the capacity and efficiency of U.S. public ports infrastructure is particularly important given the projected increases in freight shipment for the next decade. According to the U.S. Department of Transportation, the volume of containerized cargo will double by 2020 (BTS RITA, 2009). U.S. total exports to the top 15 countries for 2000, 2005, and 2010 are compared in Figure 7. Compared to 2000 and 2005 levels, exports in 2010 were increased significant especially for Canada, Mexico and China. Except for Japan, 2010 exports to all 15 countries are increased. This increasing trend in U.S. merchandise is directly comparable to agricultural export statistics discussed above. Figure 8 shows the Pacific region’s top 15 export product categories. Even with a decreased 2010 level, the computer and electronics category still provides the highest exports, followed by the transportation equipment category. Agricultural products exports category is the third, with substantial increases from 2000 to 2010. Among the Pacific ports, Port of Los Angeles provides the highest number of import and export twenty-foot equivalent units (TEUs) followed by Port of Long Beach, Port of Oakland, Port of Seattle, Port of Tacoma and Port of Portland (Figure 9). With the exception of Port of Oakland, imports exceed exports at all of the Pacific ports. In particular, the three biggest ports import twice of the export volumes. The increased levels of U.S. total merchandise and agricultural commodities exports emphasize the importance of both port and inland waterways infrastructure improvements. One of those improvement projects is the recent lock repair project on Columbia-Snake River System (CSR) by the Army Corps of Engineers that operates about 12,000 miles of waterways in the US. The CSRS links the Pacific Northwest (PNW) economy to the rest of the world through the 16 ports.

#### Extinction – turns every impact

**Lugar, 4** – U.S. Senator – Indiana, (Richard, “Plant Power” Our Planet v. 14 n. 3, http://www.unep.org/OurPlanet/imgversn/143/lugar.html

In a world confronted by global terrorism, turmoil in the Middle East, burgeoning nuclear threats and other crises, it is easy to lose sight of the long-range challenges. But we do so at our peril. One of the most daunting of them is meeting the world’s need for food and energy in this century. At stake is not only preventing starvation and saving the environment, but also world peace and security. History tells us that states may go to war over access to resources, and that poverty and famine have often bred fanaticism and terrorism. Working to feed the world will minimize factors that contribute to global instability and the proliferation of weapons of mass destruction. With the world population expected to grow from 6 billion people today to 9 billion by mid-century, the demand for affordable food will increase well beyond current international production levels. People in rapidly developing nations will have the means greatly to improve their standard of living and caloric intake. Inevitably, that means eating more meat. This will raise demand for feed grain at the same time that the growing world population will need vastly more basic food to eat. Complicating a solution to this problem is a dynamic that must be better understood in the West: developing countries often use limited arable land to expand cities to house their growing populations. As good land disappears, people destroy timber resources and even rainforests as they try to create more arable land to feed themselves. The long-term environmental consequences could be disastrous for the entire globe. Productivity revolution To meet the expected demand for food over the next 50 years, we in the United States will have to grow roughly three times more food on the land we have. That’s a tall order. My farm in Marion County, Indiana, for example, yields on average 8.3 to 8.6 tonnes of corn per hectare – typical for a farm in central Indiana. To triple our production by 2050, we will have to produce an annual average of 25 tonnes per hectare. Can we possibly boost output that much? Well, it’s been done before. Advances in the use of fertilizer and water, improved machinery and better tilling techniques combined to generate a threefold increase in yields since 1935 – on our farm back then, my dad produced 2.8 to 3 tonnes per hectare. Much US agriculture has seen similar increases. But of course there is no guarantee that we can achieve those results again. Given the urgency of expanding food production to meet world demand, we must invest much more in scientific research and target that money toward projects that promise to have significant national and global impact. For the United States, that will mean a major shift in the way we conduct and fund agricultural science. Fundamental research will generate the innovations that will be necessary to feed the world. The United States can take a leading position in a productivity revolution. And our success at increasing food production may play a decisive humanitarian role in the survival of billions of people and the health of our planet.

### Relations

#### Northwestern doubleturned themselves - Ferguson says the reason latin america is key to Taiwan war is because they provide Taiwan cover to declare independence, then the Mazza card says the reason conflict happens is Taiwan is moving to declare independence this year. This is at least a reason China's influence delays conflict or at least a reason they don't solve in time.

#### The plan will infringe on Russian sphere – new agreement to drill the shelf – key to Russian oil growth

Maria Snytkova 3/1/2013 “Russia to supply Cuban oil to USA?”,

http://english.pravda.ru/business/companies/01-03-2013/123941-russia\_cuba\_oil-0/

Many became highly concerned last week, when it was said that Russia was forgiving Cuba nearly $30 billion of debt. What a gesture of good will! Journalists speculated that Russia had thus received access to the Cuban shelf. Afterwards, Russia will be able to explore and extract mineral resources in Cuban waters.¶ As they say, friendship and money do not mix. Why did Russia suddenly become so generous and publicly announced the decision to write off Cuba's debt of $30 billion. According to the Kommersant, it is certainly not the matter of forgiveness. The Russian authorities have laid the eye on the Cuban shelf, where company Zarubezhneft (Russia) began drilling in deep areas in December 2012. This phase of the exploration of the Cuban shelf will end only in June 2013.¶ To date, nothing has been said whether Zarubezhneft has found something or not. However, experts say that there was obviously a good reason, for which the Russian authorities forgave Cuba the Soviet debt only a month after the exploration works began. Apparently, in addition to fine cigars and rum, the Cubans have found something to offer to the Russians, experts say.¶ ¶ "The Cuban shelf is quite promising, with a large resource base, but, for the time being, it has not been developed, so the work on the Cuban shelf bears certain risks for both Russian and other companies, - Investkafe analyst Julia Voitovich told Pravda.Ru. - There are risks that some geological reserves may not be confirmed. Nevertheless, I believe that it is beneficial for Russia to participate in the development of the Cuban shelf not just to increase oil production and sales, but also to receive additional technologies and experience on the shelf. Largely, the work of our Russian companies abroad, including in foreign shelf projects, primarily pursues the goal to obtain technological capabilities. And I think that from this point of view, the work on the Cuban shelf of Russia would be interesting."¶ Meanwhile, the Kommersant newspaper, looking ahead, wrote what place Russia can take on the world market, should the wildest dreams come true and a significant amount of minerals is found on the Liberty Island. If Russia finds oil there, the country may become a supplier of hydrocarbons for the United States.¶ Assumptions of large reserves of black gold on the north coast of Cuba first appeared in 2008. Several companies started to explore the Cuban shelf: Venezuela's PdVSA, Petronas of Malaysia, the Spanish Repsol, and the Russian Zarubezhneft. However, the results were bleak. Oil was not found, but Russia believed that it was early to give up. The work that Zarubezhneft currently conducts on the shelf targets deeper parts of the coastal areas of Cuba.¶ The interest of the Russian company is also based on the agreement with the Cuban state company Cupet, which both parties signed in the autumn of 2009. In this document it was said that should Russian developers find oil, then Zarubezhneft would be entitled to share products with the Cuban state company up till 2034. Russians rigs will not be removed from the region before summer.¶ However, the Cuban shelf is not the most important factor when it comes to the Cuban debt to Russia. Russia and Cuba may open a new stage of relations with each other. During his recent visit to Cuba, Russian Prime Minister Dmitry Medvedev signed ten agreements with President Raul Castro. Incidentally, there was not a single representative of the oil sector among the Russian delegation.

#### Russia expanding influence, specifically to former Soviet spheres, it’s key to the economy

Goodrich 7/5 2011 [Lauren, 2011“Russia's Evolving Leadership”, STRATFOR, http://politicom.moldova.org/news/russias-evolving-leadership-perceptions-of-putin-part-2-222643-eng.html]//Abraha

Putin’s goal was to fix the country, which meant restoring state control (politically, socially and economically), strengthening the FSB and military and **re-establishing Russia’s influence and international reputation** — especially in the former Soviet sphere of influence. To do so, Putin had to carry Russia through a complex evolution that involved shifting the country from accommodating to aggressive at specific moments. This led to a shift in global perceptions of Putin, with many beginning to see the former KGB agent as a hard-nosed autocrat set upon rekindling hostilities and renewing militarization. This perception of Putin is not quite correct. While an autocrat and KGB agent (we use the present tense, as Putin has said that no one is a former KGB or FSB agent), he hails from St. Petersburg, Russia’s most pro-Western city, and during his Soviet-era KGB service he was tasked with stealing Western technology. Putin fully understands the strength of the West and what Western expertise is needed to keep Russia relatively modern and strong. At the same time, his time with the KGB convinced him that Russia can never truly be integrated into the West and that it can be strong only with a consolidated government, economy and security service and a single, autocratic leader. Putin’s understanding of Russia’s two great weaknesses informs this worldview. The first weakness is that Russia was dealt a poor geographic hand. It is inherently vulnerable because it is surrounded by great powers from which it is not insulated by geographic barriers. The second is that its population is composed of numerous ethnic groups, not all of which are happy with centralized Kremlin rule. A strong hand is the only means to consolidate the country internally while repelling outsiders. Another major challenge is that Russia essentially lacks an economic base aside from energy. Its grossly underdeveloped transportation system hampers it from moving basic necessities between the country’s widely dispersed economic centers. This has led Moscow to rely on revenue from one source, energy, while the rest of the country’s economy has lagged decades behind in technology.

#### Russian economic deterioration leads terrorism and nuclear conflict resulting in extinction.

Sheldon Filger 2009 “Russian Economy Faces Disastrous Free Fall Contraction” May 10, 2009, <http://www.huffingtonpost.com/sheldon-filger/russian-economy-faces-dis_b_201147.html>]

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.

#### Attempts to counter Chinese regional influence ensure war – they’ll go down fight

Layne 12 (Chris, professor and Robert M. Gates Chair in National Security at Texas A & M University’s George H. W. Bush School of Government and Public Service, June, The Global Power Shift from West to East, The National Interest, lexis, CMR)

Certainly, the Chinese have not forgotten. Now Beijing aims to dominate its own East and Southeast Asian backyard, just as a rising America sought to dominate the Western Hemisphere a century and a half ago. The United States and China now are competing for supremacy in East and Southeast Asia. Washington has been the incumbent hegemon there since World War II, and many in the American foreign-policy establishment view China’s quest for regional hegemony as a threat that must be resisted. This contest for regional dominance is fueling escalating tensions and possibly could lead to war. In geopolitics, two great powers cannot simultaneously be hegemonic in the same region. Unless one of them abandons its aspirations, there is a high probability of hostilities. Flashpoints that could spark a Sino-American conflict include the unstable Korean Peninsula; the disputed status of Taiwan; competition for control of oil and other natural resources; and the burgeoning naval rivalry between the two powers. These rising tensions were underscored by a recent Brookings study by Peking University’s Wang Jisi and Kenneth Lieberthal, national-security director for Asia during the Clinton administration, based on their conversations with high-level officials in the American and Chinese governments. Wang found that underneath the visage of “mutual cooperation” that both countries project, the Chinese believe they are likely to replace the United States as the world’s leading power but Washington is working to prevent such a rise. Similarly, Lieberthal related that many American officials believe their Chinese counterparts see the U.S.-Chinese relationship in terms of a zero-sum game in the struggle for global hegemony. An instructive historical antecedent is the Anglo-German rivalry of the early twentieth century. The key lesson of that rivalry is that such great-power competition can end in one of three ways: accommodation of the rising challenger by the dominant power; retreat of the challenger; or war. The famous 1907 memo exchange between two key British Foreign Office officials—Sir Eyre Crowe and Lord Thomas Sanderson—outlined these stark choices. Crowe argued that London must uphold the Pax Britannica status quo at all costs. Either Germany would accept its place in a British-dominated world order, he averred, or Britain would have to contain Germany’s rising power, even at the risk of war. Sanderson replied that London’s refusal to accommodate the reality of Germany’s rising power was both unwise and dangerous. He suggested Germany’s leaders must view Britain “in the light of some huge giant sprawling over the globe, with gouty fingers and toes stretching in every direction, which cannot be approached without eliciting a scream.” In Beijing’s eyes today, the United States must appear as the unapproachable, globally sprawling giant.

#### **No China/Taiwan war**

**CD 10** China Daily 1o [5/4/10, “Taiwan pledges not to seek US help in war”, http://www.chinadaily.com.cn/china/2010-05/04/content\_9804241.htm

Beijing - Mainland experts on Monday hailed Taiwan leader Ma Ying-jeou's pledge that the island will never ask the United States to help fight a war with the mainland, saying it demonstrates Ma's determination to push for better cross-Straits ties. In a CNN interview, conducted entirely in English via video conference and broadcast on April 30, Ma, speaking from his office in Taipei, said that "we will continue to reduce the risks so that we will purchase arms from the United States, but we will never ask the Americans to fight for Taiwan. This is something that is very, very clear." Chen Xiancai, a researcher at the Taiwan Studies Center in Xiamen University, said **Ma has been the first Taiwan leader who dared to say "never" to US help since** former leader **Lee** **Teng-hui introduced** direct "presidential" **elections in** late **1990s**. According to its 1979 Taiwan Relations Act, the US has the obligation to help defend the island, but as it seeks better ties with Beijing, the US has hedged on saying how far it would go in the event of a war, Reuters commented on Monday. "The society of Taiwan has a strong dependence on the US, while Ma's comment of never asking for US help to fight for Taiwan indicates his determination to ease cross-Straits relations, which can be interpreted as goodwill toward the mainland," Chen told China Daily. He said the move proves Ma will continuously promote cross-Straits exchanges and cooperation, including the proposed comprehensive trade pact between the two sides. Chen, however, emphasized that Ma was very cautious to appease the US by reiterating the demand for arms sales, which are strongly opposed by the mainland. Li Jiaquan, a senior researcher with the Institute of Taiwan Studies at the Chinese Academy of Social Sciences, also expressed his appreciation for Ma's comments. He said a consistent and determined mainland policy is also helpful in winning more support for Ma. Li said while the pro-independence opposition Democratic Progressive Party (DPP) always attempted to drag America into a war to help its push for "Taiwan independence", Ma is trying to rule out such a possibility. Ma also said during the CNN interview that **the risk to the US of a conflict between the mainland and Taiwan is the lowest in 60 years**. "In the last two years, as a result of our efforts to improve relations with the mainland, we have already defused the tension to a great extent," he said. Direct transportation, mail and trade have been achieved across the Taiwan Straits since Ma took office in May 2008. Hsiao Bi-khim, director of the International Affairs Department of the DPP, accused Ma on Sunday of undermining "national security" by eliminating the vagueness Washington has deliberately maintained on how it would respond to a possible mainland attack against Taiwan, the Taipei-based "central news agency" reported on Sunday. Washington, which had no immediate comment on Ma's remarks, could decide on its own whether to help Taiwan, Taiwan's "cabinet" spokesman Johnny Chiang said on Monday following protests from the opposition DPP. The US decided in January to sell Taiwan more than $6 billion worth of weapons, causing a tough response from Beijing.

#### No US intervention

Sollenberger 10, student at the Johns Hopkins University, graduate Swarthmore and analyst, [Matthew, spring, “Challenging US Command of the Commons:Evolving Chinese defense technologies as a threat to American hegemony?”, <http://bcjournal.org/2010/challenging-us-command-of-the-commons/>]

The advancement of Chinese military capabilities in the areas of information warfare, anti-access measures, and strategic nuclear forces has substantially altered the strategic environment surrounding a US-China conflict, particularly in the Chinese littoral theaters. By hampering US intelligence gathering and communication assets and using anti-access measures, China could delay a US military response to a possible confrontation across the Taiwan Strait. Given the Chinese-Taiwanese balance of forces, which has tilted significantly against Taiwan in the last years, any delay in the US response to such a crisis could allow China to achieve its unification goals militarily and present the US with a fait accompli. Meanwhile, China’s enhanced capability to inflict substantial damage on US military and civilian assets at different levels of escalation has increased the costs of a potential military conflict between the US and China and thus, may reduce the readiness of US decision-makers to intervene in favor of Taiwan – particularly given China’s evolving ability to withstand US nuclear coercion and deny the US potential benefits from escalation. China has thus effectively challenged US command of the commons, contesting US military power in several key areas. By definition, this erodes one of the pillars of hegemony, namely unrivaled military prowess.

#### No Russian aggression – only a risk of our offense

Barnett**,** 8-15 **– chief analyst at Wikistrat and a contributing editor for Esquire magazine**

Thomas P.M, “The New Rules: Debunking the 'Russia Threat' Hype”, 2011, <http://www.worldpoliticsreview.com/articles/9771/the-new-rules-debunking-the-russia-threat-hype>, CMR

When the Berlin Wall fell in 1989, I was completing my doctoral dissertation on Warsaw Pact-Third World relations. I immediately understood that my time in Soviet studies was done. Why? Because I knew that Russia was full of brilliant political scientists who, once free to pursue their craft free of ideological constraints, would do a better job explaining things there than outsiders could. The generation of Russian scholars that emerged in the post-Soviet era proved me right, and none has consistently impressed more than Dmitri Trenin, who heads up the Moscow office of the Carnegie Endowment for International Peace. Trenin, born a mere three years after Josef Stalin's passing in 1953, has just put out a brilliant book entitled, "Post-Imperium: A Eurasian Story." In it, he adeptly explores and, better yet, measures the profound ideological distance between the Soviet Empire we once knew and the post-imperial Russia we struggle to understand today. **In the eyes of some** U.S. national security experts, "**Resurgent Russia" remains** nearly as **dangerous and imperialistic** today as it did two decades ago. That misperception is due in large part to our world's growing multipolarity, which allows Moscow to economize its threat projection. **All the Kremlin needs to do today is slap down tiny Georgia or shut down a gas pipeline to Europe, and without fail, the trope of the menacing Russian bear gets recycled in media coverage** the West over. By contrast, Trenin's calm analysis provides us the historical perspective we so desperately need, with a hint of it coming in the book's opening dedication, which is to Trenin's eldest son, 30 years old, whom he describes as being "of Russia's first free generation." Think about that for a second. Trenin's son was born in 1981, meaning he was just coming of age when the Soviet Union finally gave up its ghost in 1991. The two decades that followed, despite the generally noncoercive authoritarianism under Vladimir Putin since 2000, represent the single freest period of political and economic life in Russia's long tortured history. We may see a Russian bear that hasn't changed all that much. But for Russians themselves, the reality is that the private sphere has vastly overtaken the public sphere since Moscow "simply shook off its empire." As Trenin notes, that is nothing less than amazing. Trenin readily admits that Russia is not yet a true democracy. Instead, **for the first time in modern history, we have a Russia that just wants to be Russia, and not an imperial project**. We in the West have been so busy of late debating whether or not America possesses an "empire" that **we have neglected to appreciate just how peacefully Russia managed to divest itself of its own real-world version**. But Trenin's real intent in this book is to explore what Russia, without an empire, has really become. Our preferred narrative is that U.S. President Ronald Reagan and British Prime Minister Margaret Thatcher defeated the Soviet Union and won the Cold War. But Trenin reminds us that **Russia was never defeated in the manner of Germany and Japan in World War II**. **Nor has it buried itself in regional integration schemes** like post-imperial France or married itself to the U.S. as a junior partner in the manner of post-imperial Britain. Instead, **Moscow itself initiated the collapse of its empire**, beginning with its decision to progressively walk away from its Third World allies starting in the early 1980s and continuing through its stunning decision roughly a decade later to let Eastern Europe simply shift toward the Western camp. Combined, **that essentially amounted to accepting the dissolution of the Soviet Union** itself. **In each instance, Moscow had the force necessary to continue the fight** for quite a while longer; **it simply chose**, pre-emptively, **not to**. What Boris Yeltsin suggested next was simply too visionary for the West to accept -- namely, Russia's intention to join NATO and economically integrate itself with Europe. Instead, NATO and the European Union admitted Eastern Europe into the Western alliance, while offering Moscow merely a relationship with the Western alliance. And lest we forget, Vladimir Putin basically asked to join both organizations again early in the last decade, receiving the same negative reply. After all Russia had unilaterally done to end the Cold War, Europe went out of its way to deny Moscow any sense of belonging. Meanwhile, America moved in militarily from the south as part of its global war on terror, and China progressively encroached -- in an economic sense -- on Russia's "near abroad" in Central Asia. To Moscow's credit, Trenin notes, it has not moved toward any remilitarization of its relationship with the outside world. If anything, the military reform movement begun in 2008 signals Moscow's near-complete abandonment of the field of great-power warfare, save for a nuclear deterrent that it nonetheless continues to reduce in agreement with the United States, the one power it truly fears. In sum, **in looking back on these 20 post-Soviet years, it is stunning how little trouble Moscow has fomented in the world**, all while engineering arguably the greatest military demobilization in human history, going from more than 200 army divisions to less than 100 brigades. Compared to America's vigorous military build-up and long slate of overseas military interventions since 1990, **Russia's record of militarism appears downright negligible by comparison.** Representing just 2 percent of the world's population and 2 percent of the world's GDP, "modern" Russia remains a great power of sorts thanks to its sheer landmass and central location. It is a "swing state," Trenin notes, between East and West, as well as between the South and a North that looks increasingly to the Arctic Circle for future energy needs. And yet, as Trenin so trenchantly puts it, in today's Russia, "the elite rule, but they do not lead, and do not care to." Thus the world faces an only partially modernized Russia, where a premodern tsarist political system matches up poorly with a postmodern ideological sensibility in which the private sphere soundly trumps the public sphere -- for better and worse. Modernity's missing link here is political pluralism, but for now, those instincts lie fundamentally dormant in Russia, even as the bulk of the populace recognizes the eventual need for them. Russia basically admits what China must officially still deny: Democracy must eventually come, but there is no shortage of problems to tackle in the meantime. From the perspective of this former Soviet expert, it's hard to see how we could have asked for more in the limited time frame since the end of the Cold War. **Russia plans no wars** with either Europe or "rising" China, with whom it has generated a true strategic partnership, and Moscow welcomes the rising influence of Turkey and India to its south. Yes, Russia is effectively shut out of Europe for the first time in three centuries, but **it seeks no territorial conquest, only soft domination of the sort America pursues throughout much of the planet**. All that, with the only cost being the admittedly bloody dissolution of the Balkans and some nasty guerrilla warfare in the Caucasus. In other words, **America and the world have had it pretty good since the Cold War's end. Our Russian experts don't make this case well enough**. But Russia's Russian experts do.

### Econ

#### Other oil companies inevitably solve

Washington Post 3/31 (“More Caribbean nations in hunt for offshore oil amid fears that a spill would devastate region”, <http://www.washingtonpost.com/business/more-caribbean-nations-in-hunt-for-offshore-oil-amid-fears-that-a-spill-would-devastate-region/2013/03/31/87edaa5c-9a23-11e2-9219-51eb8387e8f1_story_1.html>, CMR)

Cuba, for example, authorized exploratory drilling for ultra-deep deposits estimated to hold 5 billion to 9 billion barrels of oil, but its dreams were put on hold last year when three initial exploratory wells were unsuccessful and the massive platform that drilled them sailed away, with no scheduled return date.¶ “Lots of work remains to be done in seismic studies to really understand the complexity of the region’s geology and to see if the possibility of commercial hydrocarbon reservoirs exists,” Pinon said.¶ Such doubts, however, have mostly been cast aside in the face of oil prices topping $100 a barrel. And Caribbean governments are trying hard to lure more oil companies to take the expensive gamble of dispatching offshore drilling rigs, which can cost up to $500,000 per day to operate.¶ In Guyana and Suriname, officials are busy licensing deals and offering concessions in a long-ignored basin the U.S. Geological Survey last year estimated to have “significant undiscovered conventional oil potential.”¶ Exploratory drilling in deep waters has already begun off Guyana, where last year an international consortium moved to cap a high-pressure well at a subsea depth of 16,000 feet (4,876) meters over safety concerns. Several oil companies still believe the area is promising, and Spanish energy company Repsol and the U.K.’s Tullow Oil PLC are negotiating new licenses, according to Guyana Natural Resources Minister Robert Persaud. Exploratory wells also were sunk last year in waters off the Caribbean coast of Colombia.¶ “I can tell you now that the basin is getting very, very crowded. But we have some unused blocks to give,” Persaud said.¶ With so many countries hoping to strike it rich, Hunt forecasts interest by major oil companies only will be growing.¶ “The Caribbean is no longer kind of the forgotten basin,” he said. “I think it is going to become a prominent player in deep-water drilling.”

#### Their internal link is GOD AWFUL – Keppel just says Chavez had a stronger relationship with Venezuela and there is a “reason to worry”, they can’t point to a lone that says they would *actually* cut them off - the

#### Their internal link also proves that US-Cuba relations are inevitable

Keppel 3/16 (Stephen, ABC News, “What Chávez's Death Means for Cuba, Venezuela and the U.S.” http://abcnews.go.com/ABC\_Univision/chavezs-death-means-cuba-venezuela-us/story?id=18669003)

\*\*THEIR EV ENDS

Already, oil represents around 96 percent of exports, meaning that Venezuela must import almost everything else. The recent devaluation of the Bolivar Fuerte has provided some cash for the government, but it has raised the prices of imported goods high and has not solved the problem of food shortages. Then there's inflation, which has been around 20 percent for more than a decade.¶ The economy can get by if oil prices stay around current levels, but no one really knows how much the government has remaining in the bank.¶ So in the end, where does this leave the United States? The death of Chávez marks the beginning of the end to harsh anti-U.S. leadership in Latin America. You have the Castros, but they don't have many years left. There is Cristina Fernandez de Kirchner in Argentina, Rafael Correa in Ecuador and Daniel Ortega Nicaragua, but none has the global or regional clout that Chávez had.

Bioterror risk is low—dispersal problems, tech barriers, risk fo back spread—experts agree

John Mueller, Professor, Political Science, Ohio State University, OVERBLOWN: HOW POLITICIANS AND THE TERRORISM INDUSTRY INFLATE NATIONAL SECURITY THREATS, AND WHY WE BELIEVE THEM, 2009, p. 21-22.

For the most destructive results, biological weapons need to be dispersed in very low-altitude aerosol clouds. Because aerosols do not appreciably settle, pathogens like anthrax (which is not easy to spread or catch and is not contagious) would probably have to be sprayed near nose level. Moreover, 90 percent of the microorganisms are likely to die during the process of aerosolization, and their effectiveness could be reduced still further by sunlight, smog, humidity, and temperature changes. Explosive methods of dispersion may destroy the organisms, and, except for anthrax spores, long-term storage of lethal organisms in bombs or warheads is difficult: even if refrigerated, most of the organisms have a limited lifetime. The effects of such weapons can take days or weeks to have full effect, during which time they can be countered with medical and civil defense measures. And their impact is very difficult to predict; in combat situations they may spread back onto the attacker. In the judgment of two careful analysts, delivering microbes and toxins over a wide area in the form most suitable for inflicting mass casualties—as an aerosol that can be inhaled—requires a delivery system whose development "would outstrip the technical capabilities of all but the most sophisticated terrorist" Even then effective dispersal could easily be disrupted by unfavorable environmental and meteorological conditions." After assessing, and stressing, the difficulties a nonstate entity would find in obtaining, handling, growing, storing, processing, and dispersing lethal pathogens effectively, biological weapons expert Milton Leitenberg compares his conclusions with glib pronouncements in the press about how biological attacks can be pulled off by anyone with "a little training and a few glass jars," or how it would be "about as difficult as producing beer." He sardonically concludes, "The less the commentator seems to know about biological warfare the easier he seems to think the task is.""

#### No impact to naval power

Tillman 9 (Barrett Tillman, Historian specializing in naval and aviation topics, 2009. U.S. Naval Institute Proceedings Magazine, “Fear and Loathing in the Post-Naval Era,” http://www.usni.org/magazines/proceedings/story.asp?STORY\_ID=1896)

In attempting to justify a Cold War force structure, many military pundits cling to the military stature of China as proof of a possible large conventional-war scenario against a pseudo-peer rival. Since only China possesses anything remotely approaching the prospect of challenging American hegemony—and only in Asian waters—Beijing ergo becomes the "threat" that justifies maintaining the Cold War force structure. China's development of the DF-21 long-range antiship ballistic missile, presumably intended for American carriers, has drawn much attention. Yet even granting the perfection of such a weapon, the most obvious question goes begging: why would China use it? Why would Beijing start a war with its number-two trading partner—a war that would ruin both economies?10 Furthermore, the U.S. Navy owns nearly as many major combatants as Russia and China combined. In tonnage, we hold a 2.6 to 1 advantage over them. No other coalition—actual or imagined—even comes close. But we need to ask ourselves: does that matter? In today's world the most urgent naval threat consists not of ships, subs, or aircraft, but of mines-and pirates.11

#### --No transition wars

**Hass 10**—president, CFR. DPhil, Oxford (Richard, The Weakest Link, http://www.newsweek.com/2010/02/25/the-weakest-link.html)

That we should care so much about weak states marks a major change. Much of 20th-century history was driven by the actions of strong states—the attempts by Germany, Japan, and, in the century's second half, the Soviet Union to establish global primacy, and the corresponding efforts of the United States and a shifting coalition of partners to resist. Those struggles produced two world wars and a Cold War. In the 21st century the principal threat to the global order will not be a push for dominance by any great power. For one thing, today's great powers are not all that great: Russia has a one-dimensional economy and is hobbled by corruption and a shrinking population; China is constrained by its enormous population and a top-heavy political system. Just as important, China and the other major or rising powers seek less to overthrow the existing global order than to shape it. They are more interested in **integration** than in revolution. Instead, the central challenge will be posed by weak states—Pakistan, Afghanistan, Yemen, Somalia, Haiti, Mexico, Congo, and others. What they have in common (in addition to the fact that many, like Iraq, are located in the greater Middle East) are governments that lack the capacity, the will, or both to rule. They are unable to exercise what is expected of sovereign governments—namely, control over what goes on within their own territory. In the past, this would have been mostly a humanitarian concern. But as we all know, thanks to globalization, people and things travel. Terrorists, diseases, illegal migrants, weapons of mass destruction—for all of them, international boundaries are often little more than formalities. On the other hand, we cannot resolve these problems solely by using the U.S. military. As we learned in Iraq, replacing governments is easier sought than done, and in many cases there is no clear—much less preferable—alternative to the current authority. Even in a supporting role, foreign soldiers can provoke a nationalist backlash against the government they're trying to bolster, making the weak-state problem even worse. Nor is it always clear that doing more militarily will result in lasting improvements that are commensurate with the investment in blood and treasure. This could well be America's fate in Afghanistan.

#### --Hegemony is unsustainable --- rise of the rest, economic problems, and military decline

Adam **Quinn**, Lecturer in International Studies at the University of Birmingham, “The art of declining politely: Obama’s prudent presidency and the waning of American power”, **2011**1, International Affairs 87:4 (2011) 803–824, Wiley Online, CMR

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.

#### --Hegemony fails at resolving conflicts.

**Maher 11—PhD candidate in Political Science @ Brown**

Richard, Ph.D. candidate in the Political Science department at Brown University, The Paradox of American Unipolarity: Why the United States Will Be Better Off in a Post-Unipolar World, 11/12/2010 Orbis, ScienceDirect

And yet, **despite this material preeminence, the United States sees its political and strategic influence diminishing around the world. It is involved in two costly and destructive wars**, in Iraq and Afghanistan, where success has been elusive and the end remains out of sight. **China has adopted a new assertiveness** recently, on everything from U.S. arms sales to Taiwan, currency convertibility, and America's growing debt (which China largely finances). **Pakistan,** one of America's closest strategic allies, **is facing the threat of social and political collapse. Russia is using its vast energy resources to reassert its dominance** in what it views as its historical sphere of influence**. Negotiations with North Korea and Iran have gone nowhere** in dismantling their nuclear programs. **Brazil's growing economic and political influence offer another option for partnership and investment for countries in the Western Hemisphere. And relations with Japan,** following the election that brought the opposition Democratic Party into power, **are at their frostiest in decades**. To many observers**, it seems that America's vast power is not translating into America's preferred outcomes**. As the United States has come to learn, **raw power does not automatically translate into the realization of one's preferences, nor is it necessarily easy to maintain one's predominant position in world politics**. There are many costs that come with predominance – material, political, and reputational**. Vast imbalances of power create apprehension and anxiety in others**, in one's friends just as much as in one's rivals. In this view, it is not necessarily *American* predominance that produces unease but rather American *predominance*. **Predominance also makes one a tempting target, and a scapegoat for other countries’ own problems and unrealized ambitions**. Many a Third World autocrat has blamed his country's economic and social woes on an ostensible U.S. conspiracy to keep the country fractured, underdeveloped, and subservient to America's own interests. **Predominant power likewise breeds envy, resentment, and alienation**. How is it possible for one country to be so rich and powerful when so many others are weak, divided, and poor? Legitimacy—the perception that one's role and purpose is acceptable and one's power is used justly—is indispensable for maintaining power and influence in world politics**.** **As we witness the emergence** (or re-emergence) **of great powers in other parts of the world, we realize that American predominance cannot last forever. It is** inevitable **that the distribution of power and influence will become more balanced in the future, and that the United States will necessarily see its relative power decline**. While the United States naturally should avoid hastening the end of this current period of American predominance, it should not look upon the next period of global politics and international history with dread or foreboding. It certainly should not seek to maintain its predominance at any cost, devoting unlimited ambition, resources, and prestige to the cause. In fact, contrary to what many have argued about the importance of maintaining its predominance, **America's position in the world**—both at home and internationally—**could very well be strengthened once its era of preeminence is over. It is, therefore, necessary for the United States to start thinking about how best to position itself in the “post-unipolar” world.**

#### a. A shift to a grand strategy of restraint is key to avoid foreign entanglement

**Sapolsky et al. ‘9**

[Harvey M. Sapolsky is a professor of public policy and organization at MIT. Benjamin H. Friedman is a research fellow in defense and homeland security studies at Cato Institute. Eugene Gholz is an associate professor of public affairs at the University of Texas at Austin. Daryl G. Press is an associate professor of government at Dartmouth College. “Restraining Order: For Strategic Modesty” Fall, http://www.worldaffairsjournal.org/articles/2009-Fall/full-Sapolsky-etal-Fall-2009.html]

Even in an era of globalization, when information, people, goods, services, and, yes, weapons, armies, and terrorists may travel much more efficiently than in the past, geography still matters. At the start of the Cold War, the United States chose to relinquish the protection given by wide ocean buffers and relatively unthreatening neighbors to protect poor and depleted European and Asian allies whose own geography made them vulnerable to Soviet expansion. Today, however, **the Cold War is long over**, these **allies have grown prosperous, and it’s time for America to reclaim its strategic depth**. The Cold War left a legacy that has been difficult for Americans to transcend. The global network of American bases and military commands is ready for use, and many U.S. **allies**, despite their posturing complaints about U.S. policy, often **encourage our interventionism as a way of ducking responsibility for maintaining their own securit**y. It is also true that post–Cold War conflicts that developed in or near the collapsed Soviet empire, and the violent ethnic rivalries and failed states of Africa and Asia, have tempted U.S. intervention. When President Obama and other policymakers claim that security is indivisible—that instability anywhere threatens American security and prosperity everywhere—they are saying that the United States must undertake the burden because someone has to do it. **The U**nited **S**tates **would be better off pursuing a different grand strategy, one that would regain the advantages of our geography and accustom our friends once again to carrying the responsibility for their own security**. Though we are the globe’s strongest nation—with a very powerful military, the world’s largest economy, and an enticing culture—**we have neither the need nor the resources to manage everyone else’s security. We can meet the challenges of globalization and terrorism without being the self-appointed and self-financed global police force**. **Restraint would offer the opportunity to reinvigorate the foundations of America’s strength. Foreign distractions**, among other causes, **have led the U**nited **S**tates **to neglect its transportation infrastructure**, its **educational system**, its **finances**, **and** its **tech**nology **base**. **If we were to restrain** the **global interventionism** that has become our second nature since the end of World War II, **we could ensure our safety while** preserving our power **to deal** more precisely **with threats that may materialize in an uncertain future.** The first virtue of **a restraint strategy** is that it **husbands American power**. **It acknowledges** both **America’s great strengths—a combination of human and physical resources unmatched in the world—and the limitations of our power,** which is easily dissipated in wasteful attempts to manage global security. **No nation or ideology now menaces American security in the same ways or to the same degree that the Soviet Union** and Communism **did** **during the Cold War**. Instead, **a variety of ethnic, religious, and nationalistic conflicts** oceans away from us **now obsess our policymakers, even though those conflicts have** little to no prospect **of spreading our way**. To be sure, **radical Islamists** have attacked Americans at home and abroad, and while these attackers should be hunted down, they do not pose an existential threat, only a difficult and distracting one. Killing or capturing the criminals who attack Americans makes sense; **trying to fix** the **failed states** they call home **is** hopeless and unnecessary**. The U**nited **S**tates **is safer than ever. The challenge now is staying safe**. The U.S. military is supposed to stand between America and hostile nations, but its **forward deployment** actually **puts our forces between others and their own enemies**. **Alliances** once meant to hold a coalition together against a common foe **now protect foreign nations from adversaries that in most cases have no direct dispute with the U**nited **S**tates. **Although our allies are capable of fending for themselves, the fact that they can take shelter under an American umbrella allows them to defer taking responsibility for their own security**. The United States should now use tough love to get our allies off our security dole. We need to do less so others will do more. Restraint should not be confused with pacifism. Calling for America to come home is different today than it was during the Cold War, when there was a world to lose. Today it is not a call for capitulation or disarmament, though it does provide an opportunity for force reductions. The restraint strategy requires a powerful, full-spectrum, and deployable military that invests heavily in technology and uses realistic training to improve capabilities and deter challenges. Restraint demands a military with a global reach that is sparingly used. Similarly, restraint is not isolationism. **Isolation avoids economic and diplomatic engagement and eschews potential profits from the global economy and the enrichment that sharing ideas and cultures can offer**. The United States would be foolish to decline these opportunities. **Restraint does not mean retreating from history, but merely ending U.S. efforts to try to manage it. Restraint would rebalance global responsibilities among America and its allies, match our foreign objectives to our abilities, and put domestic needs first**.