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#### Restrictions are prohibitions on action—the aff is not

Schiedler-Brown ‘12 Jean, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Voting issue

#### Bidirectional – they allow the aff to endorse the status quo – Congressional oversight and approval become topical

#### Limits – hundreds of insignificant conditions Congress could impose

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#### Obama holding off new Iranian sanctions now – credibility key. No thumpers

WSJ 12 – 19 – 13 [Obama Issues Rare Veto Threat on Iran Bill; Bipartisan Senate Bill Would Slap Tehran With New Sanctions. Lee, Carol EView Profile. Wall Street Journal (Online) [New York, N.Y] 19 Dec 2013: n/a.]

The White House issued a rare veto threat in response to a bipartisan Senate bill that would slap Iran with new sanctions if it violates an interim deal reached last month to curb its nuclear program.

The threat sets up a standoff in the new year between President Barack Obama and more than two dozen Senate Democrats and Republicans who introduced the legislation on Thursday. The challenge to Mr. Obama is particularly stark because half of the lawmakers sponsoring the new bill are from his own party.

The bill could also imperil Mr. Obama's efforts to reach a diplomatic end to the decadelong standoff over Iran's nuclear program, which administration officials hope will be a signature achievement of his second term.

Iranian officials have repeatedly threatened in recent days to back out of negotiations with the U.S. and other global powers over Tehran's nuclear program if Washington enacts new sanctions.

White House Press Secretary Jay Carney criticized the Senate move, saying such sanctions would undermine Mr. Obama's diplomatic efforts "no matter how they're structured."

"We don't think it will be enacted. We certainly don't think it should be enacted," Mr. Carney said. "If it were to pass, the president would veto it."

Iranian officials didn't comment Thursday on the introduction of the legislation. But in recent days they have described Iranian President Hasan Rouhani as in a power struggle with hard-liners in Iran's military and clergy over the November agreement with the five permanent members of the United Nations Security Council and Germany, a bloc called the P5+1.

Any moves by the U.S. to impose new sanctions on Tehran, said these officials, could weaken Mr. Rouhani's hand.

"Naturally, there is opposition to this agreement, both inside Iran and elsewhere," said Iran's Ambassador to France Ali Ahani, at a conference last weekend. "There are people who say you can't trust the Americans."

In Washington, Mr. Obama has little political capital with a divided Congress that has given him few recent victories. He is already bracing for tough legislative battles next year.

Republicans are weighing a fight over the need to raise the debt limit early next year, and Mr. Obama is set to give a speech in January outlining potentially sweeping changes to the government's contested spying programs. The programs, like Iran diplomacy, have prompted some members of the president's own Democratic Party to criticize his administration.

A presidential veto, while unusual for Mr. Obama--particularly on Democratic-backed legislation--could appease all sides. Mr. Obama may strengthen his hand in negotiations by keeping Congress at bay, while lawmakers who are under pressure over Iran get to vote for additional sanctions.

And a veto threat by Mr. Obama could provide American diplomats with a way to assure Iran that they are earnest about the diplomacy. Iran last week objected to U.S. moves to enforce existing U.S. sanctions against alleged violations by more than a dozen Iranian individuals and businesses.

But the White House also risks seeing Mr. Obama's veto overridden, if Republicans in the Senate remain unified and Democrats continue to feel emboldened to challenge the party line.

Mr. Obama, Secretary of State John Kerry and other top administration officials have worked vigorously to keep Congress from enacting new sanctions against Iran while the U.S. and other world powers negotiate a long-term diplomatic agreement with Tehran to curb its nuclear program. Iran says its program is for peaceful purposes only.

#### Plan kills Obama’s agenda

KRINER 10 Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, page 276-77]

One of the mechanisms by which congressional opposition influences presidential cost-benefit calculations is by sending signals of American disunity to the target state. Measuring the effects of such congressional signals on the calculations of the target state is always difficult. In the case of Iraq it is exceedingly so, given the lack of data on the non-state insurgent actors who were the true “target” of the American occupation after the fall of the Hussein regime. Similarly, in the absence of archival documents, such as those from the Reagan Presidential Library presented in chapter 5, it is all but impossible to measure the effects of congressional signals on the administration’s perceptions of the military costs it would have to pay to achieve its objectives militarily.

By contrast. measuring the domestic political costs of congressional opposition, while still difficult, is at least a tractable endeavor. Chapter 2 posited two primary pathways through which congressional opposition could raise the political costs of staying the course militarily for the president. First. high-profile congressional challenges to a use of force can affect real or anticipated public opinion and bring popular pressures to bear on the president to change course. Second, congressional opposition to the president’s conduct of military affairs can compel him to spend considerable political capital in the military arena to the detriment of other major items on his programmatic agenda. On both of these dimensions, congressional opposition to the war in Iraq appears to have had the predicted effect.

#### Lack of Prez cred causes defectations – iran war

Davnie 1/5 (William Davnie, retired after 26 years in the Foreign Service, served as chief of staff in the office of provincial affairs in Iraq, AND Kate Gould, the legislative associate for Middle East policy at the Friends Committee on National, “Iran sanctions bill threatens progress; pressure is on Franken, Klobuchar”, Star Tribune, January 5, 2014, <http://www.startribune.com/opinion/commentaries/238660021.html>)

**The historic Geneva deal to limit Iran’s nuclear program is scheduled to go into effect later this month. Once it does, the world will be farther away from a devastating war and a nuclear-armed Iran.** As U.S. Rep. Betty McCollum, D-Minn., rightly pointed out, “this initial deal is a triumph for engagement and tough diplomacy.” **However, the U.S. Senate could reverse that progress through a vote on new sanctions as early as this week,** **putting the U**nited **S**tates **and Iran** on a collision course toward war.

For the first time in a decade, **the Geneva deal presses pause on Iran’s nuclear program, and presses the rewind button on some of the most urgent proliferation concerns**. **In exchange, the U**nited **S**tates **has committed to pause the expansion of its sanctions regime,** and in fact rewind it slightly with limited sanctions relief. **Imposing new sanctions now would be just as clear a violation of the Geneva agreement as it would be for Iran to expand its nuclear program.**

That’s why the **Obama** administration **has committed to vetoing any such measures** and has warned that torpedoing the talks underway could put our country on a march toward war. A recent, unclassified intelligence assessment concurred with the White House’s caution, asserting that new sanctions “would undermine the prospects for a successful comprehensive nuclear agreement with Iran.”

**However, in an open rebuke of the White House**, the intelligence community and the 10 Senate committee chairs who cautioned against new sanctions, Sens. Robert **Menendez**, D-N.J.; Chuck Schumer, D-N.Y., **and** Mark **Kirk**, R-Ill., **have introduced a bill** (S. 1881) **to impose new** oil and financial **sanctions on Iran.**

Supporters of this measure stress that new sanctions would take effect only if Iran violates the Geneva agreement or fails to move toward a final deal at the end of the six-month negotiation period. And **some dismiss this congressional threat as toothless, given** President **Obama’s vow to veto any sanctions legislation. But simply passing these sanctions would dangerously escalate tensions with Iran**. U.S. Rep. Keith Ellison, D-Minn., put it best: **“New sanctions stand to kill any hope for diplomacy.”**

**Already, anti-Geneva-deal counterparts in Iran’s parliament have responded with their own provocation, introducing legislation to require Iran to enrich near weapons grade if the U**nited **S**tates **imposes new sanctions.**

Like the Senate sanctions bill, the Iranian parliament’s legislation would have a delayed trigger. Like the Senate bill, the mere introduction of this reckless legislation isn’t a violation of the letter of the Geneva agreement per se. But **both bills risk** restarting the vicious cycle of confrontation **that has defined the U.S.-Iran relationship for decades.**

Without a significant public outcry, **support for this sanctions bill could potentially reach a veto-proof majority** of 67 senators and 290 representatives in the House.

Minnesota could play an important role in this showdown between supporters of using hard-nosed diplomacy to avoid military action and reduce nuclear risk, and those who would upend sensitive negotiations and make war likely. About half of the senators have staked out their positions, but neither Sen. Amy Klobuchar nor Sen. Al Franken have yet taken a public stance.

Minnesota is one of just 10 states where neither senator has taken a public position on whether or not to sign onto **sanctions** that **would sink the deal — and** risk another war in the Middle East.

**While some new-sanctions proponents are banking on partisan politics to earn support from Republicans, it would still take seven of the remaining 23 undecided Democrats,** along with all Republicans, **to reach a veto-proof majority.** All eyes will be on those 23 undecided Democrats— including Klobuchar and Franken.

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#### The United States federal judiciary should rule it illegal for biodefense contractors to use the national security exemption in the National Environmental Policy Act. The United States federal government should issue a declaratory policy to not retaliate to a bio-weapon attack. The United States federal government should establish a nitrogen fertilizer tax of 16 cents per pound of nitrogen, and use the revenue from that tax to provide loan guarantees for farmers to procure biocharcoal technology.

#### Solves through sequestration without reducing coal emissions.

Technology Review, 4/26/2007. “The Case for Burying Charcoal,” published by MIT, http://www.technologyreview.com/news/407754/the-case-for-burying-charcoal/.

Several states in this country and a number of Scandinavian countries are trying to supplant some coal-burning by burning biomass such as wood pellets and agricultural residue. Unlike coal, biomass is carbon-neutral, releasing only the carbon dioxide that the plants had absorbed in the first place. But a new research [paper](http://dx.doi.org/10.1016/j.biombioe.2007.01.012) published online in the journal Biomass and Bioenergy argues that the battle against global warming may be better served by instead heating the biomass in an oxygen-starved process called pyrolysis, extracting methane, hydrogen, and other byproducts for combustion, and burying the resulting carbon-rich char. Even if this approach would mean burning more coal--which emits more carbon dioxide than other fossil-fuel sources--it would yield a net reduction in carbon emissions, according to the analysis by [Malcolm Fowles](http://technology.open.ac.uk/tm/mf.htm), a professor of technology management at the Open University, in the United Kingdom. Burning one ton of wood pellets emits 357 kilograms less carbon than burning coal with the same energy content. But turning those wood pellets into char would save 372 kilograms of carbon emissions. That is because 300 kilograms of carbon could be buried as char, and the burning of byproducts would produce 72 kilograms less carbon emissions than burning an equivalent amount of coal. ¶ Such an approach could carry an extra benefit. Burying char--known as black-carbon sequestration--enhances soils, helping future crops and trees grow even faster, thus absorbing more carbon dioxide in the future. Researchers believe that the char, an inert and highly porous material, plays a key role in helping soil retain water and nutrients, and in sustaining microorganisms that maintain soil fertility. ¶ Johannes Lehmann, an associate professor of crops and soil sciences at Cornell University and an expert on char sequestration, agrees in principle with Fowles's analysis but believes that much more research in this relatively new area of study is needed. "It heads in the right direction," he says.¶ Interest in the approach is gathering momentum. On April 29, more than 100 corporate and academic researchers will gather in New South Wales, Australia, to attend the first international conference on black-carbon sequestration and the role pyrolysis can play to offset greenhouse-gas emissions. Lehmann estimates that as much as 9.5 billion tons of carbon--more than currently emitted globally through the burning of fossil fuels--could be sequestered annually by the end of this century through the sequestration of char. "Bioenergy through pyrolysis in combination with biochar sequestration is a technology to obtain energy and improve the environment in multiple ways at the same time," writes Lehmann in a research paper to be published soon in [Frontiers in Ecology and the Environment](http://www.frontiersinecology.org/). Fowles says that there would be an incentive for farmers, logging communities, and small towns to convert their own dedicated crops, agricultural and forest residues, and municipal biowaste into char if a high enough price emerged for the sale of carbon offsets. "Every community at any scale could pyrolyse its biowaste ... motivated by doing their bit against global warming," he says. Fowles believes that storing black carbon in soil carries less risk, would be quicker to implement, and could be done at much lower cost than burying carbon dioxide in old oil fields or aquifers. And he says the secondary benefits to agriculture could be substantial: "Biochar reduces the soil's requirement for irrigation and fertilizer, both of which emit carbon." Fowles adds that it has also been shown to reduce emissions of greenhouse gases from decay processes in soil. This would include nitrous oxide, a potent greenhouse gas. "Biochar has been observed to reduce nitrous-oxide emissions from cultivated soil by 40 percent."

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#### Counterplan: The United States Federal Judiciary should substantially increase National Environmental Policy Act restrictions on all currently deployed United States armed forces. The United States federal government should fund, train, and keep on reserve a division of additional military and civilian personnel for remedying environmental damage after necessary introductions of armed forces.

#### the plan applies environmental restrictions to the *introduction* of armed forces, not the armed forces themselves --- not only does this mean that the plan doesn’t change basing requirements which means they don’t solve, but it also means that only the CP solves the aff --- restrictions on *introduction* makes it impossible to respond to rapid crises and global emergencies because we’ll have to plan out a host of pollution standards of our intervention before we *introduce* our forces as the contingency escalates out of control

JCS 10 (Joint Chiefs of Staff, “Joint Mobilization Planning,” Joint Publication 4-05, March 22, 2010, <http://www.dtic.mil/doctrine/new_pubs/jp4_05.pdf>)

(2) Types of Environmental Statutes **Affect**ing **Mobilization.** Figure IV-1 highlights four categories of environmental statutes which mobilization planners consider.

(a) Compliance. Compliance statutes require DOD facilities to **meet pollution emission standards;** to obtain and maintain Federal, state, and local permits to release pollutants; and to meet record keeping, training, and reporting requirements. EPA, USCG, state, and local inspectors conduct periodic inspections for compliance. Examples of compliance statutes include: Clean Air Act (Title 42, USC, Section 7401), Federal Water Pollution Control Act (Title 33, USC, Section 1251), and the Resource Conservation and Recovery Act (Title 42, USC, Section 6901).

(b) Clean-up. Certain statutes obligate DOD to protect human health and the environment from past activities that have contaminated the land (e.g., firing ranges and waste disposal sites). Included are sites DOD now owns, or has owned in the past, and non-DOD property where DOD operations have been conducted or DOD waste disposal has been arranged with the property owner. Enforcement of clean-up statutes normally relies on clean-up orders or agreements. DOD is required to survey all of its property in the United States and territories for potential hazardous waste disposal sites and identify those that require clean-up. The worst cases are identified on the EPA National Priorities List, and the clean-up is regulated by EPA. Examples of clean-up statutes include the Comprehensive Environmental Response, Compensation, and Liability Act (Title 42, USC, Section 9601) and the Defense Environmental Restoration Program Act (Title 10, USC, Section 2701).

(c) Conservation. Conservation statutes include a wide variety of requirements for DOD, including the acquisition and use of non-DOD federal lands with specific restrictions on designated wilderness areas, wild and scenic rivers, national monuments, and coastal zones. Also included are requirements for the management and protection of wildlife and protection of historical property. This legislation **affects DOD training areas**. These statutes are predominantly federally enforced but **may also be enforced through citizen suits.** Examples of conservation statutes are the Endangered Species Act as amended (Title 16, USC, Section 1531) and the Coastal Zone Management Act as amended (Title 16, USC, Section 1451).

(d) Impact Analysis. The National Environmental Policy Act of 1969, Title 42, USC, Sections 4321-4361, requires that major federal actions significantly affecting the quality of the human environment be **preceded** by a detailed statement by the responsible federal official. This statement identifies environmental effects of the proposed actions that cannot be avoided and alternatives to the proposed actions. **Mobilization activities,** particularly as they relate to facilities, may **trigger the need for** an environmental assessment or an **environmental impact statement.** Mobilization planners should consult with staff legal counsel to determine whether planned activities constitute a major federal action or otherwise require specific actions under this law.

(3) Options for Obtaining Relief from Environmental Requirements

(a) The potential impact that mobilization might have upon the environment should be identified in supporting mobilization plans and should provide for compliance with applicable environmental laws. If it appears compliance may not be possible, legal counsel should be consulted to determine what, if any options may be available. Possible options include negotiations with federal, state, and local agencies to develop acceptable alternative means of environmental protection; seeking a national security exemption under certain laws; and, a request for legislation may be submitted to exempt critical industries and DOD organizations from regulatory requirements. Triggers should be established during **mobilization planning** so that the required environmental waivers can be prepared before training of mobilized forces is jeopardized during a crisis.

(b) Planning for actions to **remedy damage** caused as the result of waivers or noncompliance with environmental standards during mobilization should be taken as soon as possible. For example, additional military and civilian personnel with needed skills such as explosive ordnance disposal may be required to clean up the operational area.

(c) **Response to no-notice emergencies and contingencies should not be delayed due to** National **Environmental** Protection Act **requirements.** Documentation should take place as soon as possible.

#### Unique link --- Osprey Helipads in Japan plan forces a kickout

Ito 2k (Yosiaki Ito, Professor of Molecular and Cell Biology – Cancer Science Institute of Singapore, et al., “Imminent Extinction Crisis Among the Endemic Species of the Forests of Yanbaru, Okinawa, Japan”, Onyx, 34(4), p. 312)

Other problems associated with clear-cutting and undergrowth removal are the destruction of 'living reservoirs' (forests) and soil erosion. Chronic water shortage is a major social problem in Okinawa and the government has established many reservoirs in an attempt to address it. Without good natural forests, however, reservoirs cannot receive a constant supply of water. Heavy rainfalls generated by typhoons, which are quite common in Okinawa, may soak through several layers of leaves and accumulate in the soil, which is bound by a high density of roots. Undergrowth removal, however, deprives the watershed of this sponge-like effect. Erosion of soil into the coastal ecosystem kills corals and **inhibits** their recovery, and no large living coral reef remains around Yanbaru today (Ohmija, 1997). The estuaries of about 80 per cent of rivers in the Yanbaru area have been blocked by the soil and sand (Ito, 1995,1997a). Although water can pass into the sea through infiltration, diadromous fish and crustaceans, including several endemic species, are thus unable to swim up to rivers or to return to the sea. During the 20th century, the NTA provided large natural areas for the conservation of biodiversity and endemic species. However, a new problem arose in 1999. According to The Special Action Committee on Okinawa (by the governments of Japan and the USA), the northern portion of the NTA will be returned to Japan. Following a request from the US Government, the DFAA is planning to construct seven helipads in southern part of the NTA area. The sites proposed are shown in Fig. 1; both lie in Yanburu's best natural forest areas. The individual helipads are not very large (75 m in diameter), but numerous access roads for construction and maintenance **will break up** existing **habitats,** and noise from helicopters and lorries will **interrupt breeding** activities and the movement of mammals, birds and amphibians. We do not know why the US Marine Corps or the DFAA selected these two sites given the existence of large areas of secondary forest (none of the endemic species shown in the Appendix are present in these areas) occupied by the US Government in the middle of Okinawa Honto. The Ecological Society of Japan, The Entomological Society of Japan and The Ornithological Society of Japan drew up a series of recommendations to the DFAA, urging it to reconsider the location of the proposed sites. Furthermore, during the 43rd annual congress of the Japanese Society of Applied Entomology and Zoology in April 1999, members of the Society started a petition to request the DFAA to reconsider its plans. The petition was signed by 677 members and was handed to Mr. K. Omori, Secretary Officer of DFAA, on 9 July 1999. Mr. Omori replied that 'we will carefully consider the biota of proposed sites before making the final decision', but there is still a risk that nothing will be done to revise the plans. Under the 1960 Sikes Act (USA), activities and manipulations that would cause serious destruction of endemic biota in military bases can be halted. We hope that our colleagues in the USA and other countries will support our attempts to mitigate the extinction of a large number of endangered animals and plants in Okinawa.

#### This introduction of delays in Osprey operations destroys deterrence over the Senkaku islands --- risks Chinese aggression

Watanabe 12 (Watanabe Tsuneo, Director, Policy Research, Senior Fellow, The Tokyo Foundation, Adjunct Fellow, Center for Strategic and International Studies, Senior Fellow, Okinawa Peace Assistance Center, former senior fellow at the Mitsui Global Strategic Studies Institute in Tokyo, “Between Okinawa and the Senkakus: Charting a Third Way on Japanese Security,” The Tokyo Foundation, November 22, 2012, http://www.tokyofoundation.org/en/articles/2012/between-okinawa-and-senkaku)

From the standpoint of international security, further delays in the deployment of the Osprey was not a realistic option for either government, especially in view of mounting tensions between Japan and China over the Senkaku Islands. With a maximum speed of 509 kilometers per hour, the Osprey can fly almost twice as fast as the CH-46E. Its 3,334 km flying range is almost eight times that of its predecessor, and it has four to five times the mission radius. This means that the Ospreys at Futenma would enable rapid deployment of Marine combat forces to the Senkaku Islands. This **capability constitutes a major psychological deterrent for the Chinese,** now that American officials have made it clear that the disputed islands are under Japanese jurisdiction and are covered by the Japan-US Security Treaty.

#### Draws in the US and goes nuclear

Blaxland 13 (John Blaxland, Senior Fellow at the Strategic and Defence Studies Centre, the Australian National University, and Rikki Kersten, Professor of modern Japanese political history in the School of International, Political and Strategic Studies at the College of Asia and the Pacific, the Australian National University, 2/13/13, “Escalating territorial tension in East Asia echoes Europe’s descent into world war,” http://www.eastasiaforum.org/2013/02/13/escalating-territorial-tension-in-east-asia-echoes-europes-descent-into-world-war/)

But Japan’s recent allegation that China used active radars is a significant escalation. Assuming it happened, this latest move could trigger a stronger reaction from Japan. China looks increasingly as if it is not prepared to abide by UN-related conventions. International law has been established mostly by powers China sees as having exploited it during its ‘century of humiliation’. Yet arguably, it is in the defence of these international institutions that the peaceful rise of China is most likely to be assured. China’s refusal to submit to such mechanisms as the ICJ increases the prospect of conflict. For the moment, Japan’s conservative prime minister will need to exercise great skill and restraint in managing domestic fear and resentment over China’s assertiveness and the military’s hair-trigger defence powers. A near-term escalation cannot be ruled out. After all, Japan recognises that China is not yet ready to inflict a major military defeat on Japan without resorting to nuclear weapons and without triggering a damaging response from the United States. And Japan does not want to enter into such a conflict without strong US support, at least akin to the discreet support given to Britain in the Falklands War in 1982. Consequently, Japan may see an escalation sooner rather than later as being in its interests, particularly if China appears the aggressor.

## warm

### 1NC Solvency

#### Decision on authority triggers Congressional override. The Court knows it is coming and ties rules to avoid the backlash

Puro 2k—Professor Political Science and Public Policy @ Saint Louis University [Puro, Steven, "Congress-Supreme Court Relations: Strategies of Power,” Saint Louis University Public Law Review, Vol. 19, Issue 1 (2000), pp. 117-128]

Cross argues that "Court decisions do not automatically actualize the Court's policies and the impact of Court opinions may depend upon the compliance of Congress or other external actors." 67 The Supreme Court can encourage other institutions to comply with its decisions, and Justices often assume that noncompliance is more likely for decisions with broader scope. Additional legislation, regulation, or appropriations by Congress play an important role in achieving compliance by society with the Court's decisions. Congress may achieve additional authority through reinterpreting Court decisions. The judiciary is often faced with deciding between the authority of Congress and the President. In the last decade, on many important domestic and international matters the judiciary's constitutional and statutory interpretations appear to shift power from Congress to the President. By expanding presidential authority and limiting Congress's authority are federal courts involved in forming a more compact constitutional structure?

IV. CONCLUSION

The American system of government shares the power and responsibility of constitutional interpretation among the executive, legislative and judicial branches. The constitutional and statutory relationships among these three branches are guided by both short- and long-term considerations. In a given year or over the course of several years, Congress's authority is concerned in a wide range of constitutional and statutory issues before Congress and the Supreme Court. Congress-Supreme Court relationships involve multiple strategies which encourage consensus and coalition building among them rather than conflict. Conflicts occur due to different ideological positions, varying interpretations of specific constitutional and statutory provisions, and central questions about the scope of constitutional authority.

Congress's institutional competence in dealing with the courts and the executive will affect its attempts to maximize institutional capacity in relations with the Supreme Court. Congress may convey its institutional authority through statutory language, setting institutional boundaries for Supreme Court interpretation of statutes and regulations, and threatening increased jurisdictional or budgetary controls over federal courts. No determinative set of criteria for Congressional limitation on Court decisions was found. Such criteria should not be expected since Congress has given the Supreme Court power to set its own agenda and decide major constitutional and statutory matters. It would be difficult for Congress to use long-term institutional strategies in specific cases to fully exercise its institutional powers and abilities. Congress has increasingly received its expected payoffs from short- term reactions to Supreme Court decisions in the 1980s and 1990s, with divided governments as the national norm. Pg. 126-127

#### Override destroys their precedent based advantages

Eskridge 91—Professor of Law @ Georgetown University [Eskridge, William N. Jr., "Overriding Supreme Court Statutory Interpretation Decisions" Yale Law Review, 101 Yale Law Journal 331 (1991)]

1. This Article will use the term "override" to mean any time Congress reacts consciously to, and modifies a statutory interpretation decision. A congressional "override" includes a statute that: (I) completely overrules the holding of a statutory interpretation decision, just as a subsequent Court would overrule an unsatisfactory precedent; (2) modifies the result of a decision in some material way, such that the same case would have been decided differently; or (3) modifies the consequences of the decision, such that the same case would have been decided in the same way but subsequent cases would be decided differently. With only a few exceptions, this Article will not use the term "override" to include statutes for which the legislative history-mainly committee reports and hearings-does not reveal a legislative focus on judicial decisions. Pg. 332

### 1NC Warming

#### No impact to warming

Idso and Idso 11 (Craig D., Founder and Chairman of the Board – Center for the Study of Carbon Dioxide and Global Change, and Sherwood B., President – Center for the Study of Carbon Dioxide and Global Change, “Carbon Dioxide and Earth’s Future Pursuing the Prudent Path,” February, http://www.co2science.org/education/reports/ prudentpath/prudentpath.pdf)

As presently constituted, earth’s atmosphere contains just slightly less than 400 ppm of the colorless and odorless gas we call carbon dioxide or CO2. That’s only four-hundredths of one percent. Consequently, even if the air's CO2 concentration was tripled, carbon dioxide would still comprise only a little over one tenth of one percent of the air we breathe, which is far less than what wafted through earth’s atmosphere eons ago, when the planet was a virtual garden place. Nevertheless, a small increase in this minuscule amount of CO2 is frequently predicted to produce a suite of dire environmental consequences, including dangerous global warming, catastrophic sea level rise, reduced agricultural output, and the destruction of many natural ecosystems, as well as dramatic increases in extreme weather phenomena, such as droughts, floods and hurricanes. As strange as it may seem, these frightening future scenarios are derived from a single source of information: the ever-evolving computer-driven climate models that presume to reduce the important physical, chemical and biological processes that combine to determine the state of earth’s climate into a set of mathematical equations out of which their forecasts are produced. But do we really know what all of those complex and interacting processes are? And even if we did -- which we don't -- could we correctly reduce them into manageable computer code so as to produce reliable forecasts 50 or 100 years into the future? Some people answer these questions in the affirmative. However, as may be seen in the body of this report, real-world observations fail to confirm essentially all of the alarming predictions of significant increases in the frequency and severity of droughts, floods and hurricanes that climate models suggest should occur in response to a global warming of the magnitude that was experienced by the earth over the past two centuries as it gradually recovered from the much-lower-than-present temperatures characteristic of the depths of the Little Ice Age. And other observations have shown that the rising atmospheric CO2 concentrations associated with the development of the Industrial Revolution have actually been good for the planet, as they have significantly enhanced the plant productivity and vegetative water use efficiency of earth's natural and agro-ecosystems, leading to a significant "greening of the earth." In the pages that follow, we present this oft-neglected evidence via a review of the pertinent scientific literature. In the case of the biospheric benefits of atmospheric CO2 enrichment, we find that with more CO2 in the air, plants grow bigger and better in almost every conceivable way, and that they do it more efficiently, with respect to their utilization of valuable natural resources, and more effectively, in the face of environmental constraints. And when plants benefit, so do all of the animals and people that depend upon them for their sustenance. Likewise, in the case of climate model inadequacies, we reveal their many shortcomings via a comparison of their "doom and gloom" predictions with real-world observations. And this exercise reveals that even though the world has warmed substantially over the past century or more -- at a rate that is claimed by many to have been unprecedented over the past one to two millennia -- this report demonstrates that none of the environmental catastrophes that are predicted by climate alarmists to be produced by such a warming has ever come to pass. And this fact -- that there have been no significant increases in either the frequency or severity of droughts, floods or hurricanes over the past two centuries or more of global warming -- poses an important question. What should be easier to predict: the effects of global warming on extreme weather events or the effects of elevated atmospheric CO2 concentrations on global temperature? The first part of this question should, in principle, be answerable; for it is well defined in terms of the small number of known factors likely to play a role in linking the independent variable (global warming) with the specified weather phenomena (droughts, floods and hurricanes). The latter part of the question, on the other hand, is ill-defined and possibly even unanswerable; for there are many factors -- physical, chemical and biological -- that could well be involved in linking CO2 (or causing it not to be linked) to global temperature. If, then, today's climate models cannot correctly predict what should be relatively easy for them to correctly predict (the effect of global warming on extreme weather events), why should we believe what they say about something infinitely more complex (the effect of a rise in the air’s CO2 content on mean global air temperature)? Clearly, we should pay the models no heed in the matter of future climate -- especially in terms of predictions based on the behavior of a non-meteorological parameter (CO2) -- until they can reproduce the climate of the past, based on the behavior of one of the most basic of all true meteorological parameters (temperature). And even if the models eventually solve this part of the problem, we should still reserve judgment on their forecasts of global warming; for there will yet be a vast gulf between where they will be at that time and where they will have to go to be able to meet the much greater challenge to which they aspire

#### Previous temperature spikes disprove the impact

Singer 11 (S. Fred, Robert M. and Craig, PhD physics – Princeton University and professor of environmental science – UVA, consultant – NASA, GAO, DOE, NASA, Carter, PhD paleontology – University of Cambridge, adjunct research professor – Marine Geophysical Laboratory @ James Cook University, and Idso, PhD Geography – ASU, “Climate Change Reconsidered,” 2011 Interim Report of the Nongovernmental Panel on Climate Change)

Research from locations around the world reveal a significant period of elevated air temperatures that immediately preceded the Little Ice Age, during a time that has come to be known as the Little Medieval Warm Period. A discussion of this topic was not included in the 2009 NIPCC report, but we include it here to demonstrate the existence of another set of real-world data that do not support the IPCC‘s claim that temperatures of the past couple of decades have been the warmest of the past one to two millennia. In one of the more intriguing aspects of his study of global climate change over the past three millennia, Loehle (2004) presented a graph of the Sargasso Sea and South African temperature records of Keigwin (1996) and Holmgren et al. (1999, 2001) that reveals the existence of a major spike in surface air temperature that began sometime in the early 1400s. This abrupt and anomalous warming pushed the air temperatures of these two records considerably above their representations of the peak warmth of the twentieth century, after which they fell back to pre-spike levels in the mid-1500s, in harmony with the work of McIntyre and McKitrick (2003), who found a similar period of higher-than-current temperatures in their reanalysis of the data employed by Mann et al. (1998, 1999).

#### Can’t solve developing countries

Socolow and Glaser 09 – Professor of Mechanical and Aerospace Engineering at Princeton University and Assistant Professor at the Woodrow Wilson School of Public and International Affairs and in the Department of Mechanical and Aerospace Engineering at Princeton University (Robert H. and Alexander, Fall. “Balancing risks: nuclear energy & climate change.” Dædalus Volume 138, Issue 4, pp. 31-44. MIT Press Journals.)

In this paper we consider a nuclear future where 1,500 GW of base load nuclear power is deployed in 2050. A nuclear fleet of this size would contribute about one wedge, if the power plant that would have been built instead of the nuclear plant has the average CO2 emissions per kilowatt hour of all operating plants, which might be half of the value for a coal plant. Base load power of 1,500 GW would contribute one fourth of total electric power in a business-as-usual world that produced 50,000 terawatt-hours (TWh) of electricity per year, two-and-a-half times the global power consumption. However, **in a world focused on climate change mitigation, one would expect massive global investments in energy efficiency–more efficient motors, compressors, lighting, and circuit boards–that by 2050 could cut total electricity demand in half, relative to business as usual**. In such a world, 1,500 GW of nuclear power would provide half of the power. We can get a feel for the geopolitical dimension of climate change mitigation from the widely cited scenarios by the International Energy Agency (iea) presented annually in its World Energy Outlook (weo), even though these now go only to 2030. The weo 2008 estimates energy, electricity, and CO2 emissions by region. Its 2030 world emits 40.5 billion tons of CO2, 45 percent from electric power plants. The countries of theOrganisation for Economic Co-operation and Development (oecd) emit less than one third of total global fossil fuel emissions and less than one third of global emissions from electric power production. By extrapolation, at midcentury the oecd could contribute only one quarter of the world’s greenhouse gas emissions. It is hard for Western analysts to grasp the importance of these numbers. **The focus of climate change mitigation today is on leadership from the OECD countries**, **which are wealthier and more risk averse. But within a decade, the targets under discussion today can be within reach only if mitigation is in full gear in those parts of the developing world that share production and consumption patterns with the industrialized world**. The map (see Figure 1) shows a hypothetical global distribution of nuclear power in the year 2050 based on a highnuclear scenario proposed in a widely cited mit report published in 2003. Three-fifths of the nuclear capacity in 2050 as stated in the mit report is located in the oecd, and more nuclear power is deployed in the United States in 2050 than in the whole world today. The worldview underlying these results is pessimistic about electricity growth rates for key developing countries, relative to many other sources. Notably, per capita electricity consumption in almost every developing country remains below 4,000 kWh per year in 2050, which is one-fifth of the assumed U.S. value for the same year. Such a ratio would startle many analysts today–certainly many in China. It is well within limits of credulity that nuclear power in 2050 could be nearly absent from the United States and the European Union and at the same time widely deployed in several of the countries rapidly industrializing today. Such a bifurcation could emerge, for example, if public opposition to nu clear power in the United States and Europe remains powerful enough to prevent nuclear expansion, while elsewhere, perhaps where modernization and geopolitical considerations trump other concerns, nuclear power proceeds vigorously. It may be that the United States and other countries of the oecd will have substantial leverage over the development of nuclear power for only a decade or so. Change will not happen overnight**. Since 2006, almost 50 countries that today have no nuclear power plants have approached the International Atomic Energy Agency (iaea) for assistance, and many of them have announced plans to build one or more reactors by 2020. Most of these countries, however, are not currently in a good position to do so. Many face important** technical and economic constraints**, such as grid capacity, electricity demand, or gdp. Many have too few trained nuclear scientists and engineers, or lack an adequate regulatory framework and related legislation, or have not yet had a public debate about the rationale for the project**. Overall, **the iaea has estimated that “for a State with little developed technical base the implementation of the first [nuclear power plant] would, on average, take about 15 years**.” 11 **This lead time constrains rapid expansion of nuclear energy today**. **A wedge of nuclear power is, necessarily, nuclear power deployed widely– including in regions that are politically unstable today. If nuclear power is suf-ficiently unattractive in such a deployment scenario,** nuclear power is not on the list of solutions **to climate change**.

#### Warming is irreversible

ANI 10 (“IPCC has underestimated climate-change impacts, say scientists”, 3-20, One India, http://news.oneindia.in/2010/03/20/ipcchas-underestimated-climate-change-impacts-sayscientis.html)

According to Charles H. Greene, Cornell professor of Earth and atmospheric science, "Even if all man-made greenhouse gas emissions were stopped tomorrow and carbon-dioxide levels stabilized at today's concentration, by the end of this century, the global average temperature would increase by about 4.3 degrees Fahrenheit, or about 2.4 degrees centigrade above pre-industrial levels, which is significantly above the level which scientists and policy makers agree is a threshold for dangerous climate change." "Of course, greenhouse gas emissions will not stop tomorrow, so the actual temperature increase will likely be significantly larger, resulting in potentially catastrophic impacts to society unless other steps are taken to reduce the Earth's temperature," he added. "Furthermore, while the oceans have slowed the amount of warming we would otherwise have seen for the level of greenhouse gases in the atmosphere, the ocean's thermal inertia will also slow the cooling we experience once we finally reduce our greenhouse gas emissions," he said. This means that the temperature rise we see this century will be largely irreversible for the next thousand years. "Reducing greenhouse gas emissions alone is unlikely to mitigate the risks of dangerous climate change," said Green.

### 1NC Legitimacy

#### No one will follow—they can’t solve the legitimacy or capacity deficit

Buzan 10—Professor of International Relations @ London School of Economics [Barry Buzan (Senior Fellow @ IDEAS, Honorary professor @ Universities of Copenhagen and Fellow of the British Academy), “The End of Leadership?—Constraints on the World Role of Obama’s America,” IDEAS reports—special reports, 2010

INTRODUCTION

It is appealing to think of the Obama administration as a return to normalcy after the deviance, unilateralist arrogance and damaging mistakes of the Bush years. In this view, we should expect a¶ return to business as usual, with the US picking up the signature themes of multilateralism and the¶ market that have underpinned its world role since the end of the Second World War. Although by no means universally loved, the US was an effective leader through the Cold War and beyond not only¶ because it promoted liberal economic and political values that were attractive to many others, but also¶ because it was prepared to bind its own power in multilateral rules and institutions sufficiently that¶ its followers could contain their fear of its overwhelming power. Does Obama’s liberal stance mean that we should expect a return to the leadership role that the US has exercised for more than half a¶ century? I argue that this is unlikely to happen because there are now three powerful constraints that¶ will largely block a return to US leadership. The first is that the US has lost much of its followership. The second is that the capacity of the US to lead is now much weakened even if it still retains the will¶ to do so. The third is that there is a general turn within international society against hegemony and¶ therefore against the global leadership role itself.

LOST FOLLOWERSHIP

If the US remains willing to lead, will anyone follow? There are two issues here: the growing range of policy disagreements on specific issues between the US and others; and the decline of shared values and visions between the US and its former followers. A good symbol of the weakening relationship¶ between the US and its followers is the replacement of talk about ‘friends and allies’ or ‘the free¶ world’ with a much harsher and still basically unchanged, line about ‘coalitions of the willing’. There¶ is some hope that under Obama differences over policy might improve in specific areas, particularly¶ the environment, but even on that issue Obama will be lucky just to get the US seen as not part of¶ the problem. Domestic constraints on carbon pricing and accepting binding international standards¶ will make it difficult for the US to lead. Many other areas of disagreement remain, some deep. The US has failed to make the war on terrorism into¶ anything like the binding cause that underpinned¶ its leadership during the Cold War, and its policies¶ continue to erode its liberal credentials. By its use¶ of torture, and even moreso the public advocacy¶ of such interrogation techniques by senior Bush administration figures, and by its rejection of the¶ Geneva Conventions on prisoners or war, it exposed¶ itself to ridicule and contempt as an advocate for¶ human rights. That China is still plausibly able to criticise the US on human rights and environment¶ issues is a marker of how far Washington’s reputation has fallen. US policy in the Middle East, particularly¶ on Israel, has few followers, and the repercussions of¶ the disastrous interventions in Iraq and Afghanistan¶ continue to rattle on. Unless China turns quite nasty, the inclination of many in the US to see China¶ as a challenger to its unipolar position is unlikely¶ to attract much sympathy. The financial chaos of 2008-9 has undermined Washington’s credibility as¶ an economic leader.

Anti-Americanism, though obviously not newbecame exceptionally strong under Bush, and is now more culturally based, and more corrosive of shared identities. It questions whether the ‘American way of life’ is an appropriate model for the rest of the world, and whether the US economic model is either sustainable or desirable. It looks at health; at a seeming US inclination to use force as the first choice policy instrument, with its domestic parallel of gun culture; at the influence of religion and special interest lobbies in US domestic politics; at a US government which was openly comfortable with the use of torture and was re-elected; and at a federal environmental policy until recently in denial about global warming; and asks not just whether the US is a questionable model, but whether it has become a serious part of the problem. While some of this was specific to the Bush administration, and is being turned around by Obama, some of the deeper issues are more structural. The US is much more culturally conservative, religious, individualistic, and anti-state than most other parts of the West. America’s religion and cultural conservatism and anti-statism set it apart from most of Europe, where disappointment with Obama is already palpable. America’s individualism and anti-statism set it apart from Asia, where China is anyway disinclined to be a follower. This kind of anti-Americanism rests on very real differences, and raises the possibility that the idea of ‘the West’ was just a passing epiphenomenon of the Cold War. The Bush administration asset-stripped half-a-century of respect for, goodwill towards and trust in US leadership, and it reflected, and helped to consolidate, a shift in the centre of gravity of US politics. The Obama administration cannot just go back to the late 1990s and pick up from where Clinton left off.

LOST CAPACITY

In addition to having less common ground with its¶ followers the US also has less capacity, both material and ideological, to play the role of leader. The rise¶ of China, and also India, Brazil and others, means¶ that the US now operates in a world in which the¶ distribution of power is becoming more diffuse, and in which several centres of power are not closely linked to it, and some are opposed. In this context, the Bush legacy of a crashed economy and an enormous debt severely constrain the leadership¶ options of the Obama administration. The economic¶ crisis of 2008-9 not only hamstrung the US in terms of material capability, but also stripped away the Washington consensus as the ideological legitimizer for US leadership. The collapse of neoliberal ideology¶ might yet be seen as an ideational event on the same¶ scale as the collapse of communism in 1989.

Since the late 1990s, and very sharply since 2003,¶ the US has in many ways become the enemy of its own 20th century project and thus of its own¶ capacity to lead. Not surprisingly this has deepened¶ a longstanding disjuncture between how the US¶ perceives itself and how the rest of the world sees it. The deeply established tendency of the US to see itself as an intrinsic force for good because it stands for a right set of universal values, makes it unable easily, or possibly at all, to address the disjuncture between its self-perception and how others see it. Self-righteous unilateralism does not acquire legitimacy¶ abroad. To the extent that celebrations of US power as a good in itself (because the US is good) dominate¶ American domestic politics, this does not inspire the US to seek grounds for legitimating its position abroad. A contributing factor here is the US tendency to demand nearly absolute security for itself. The problem for the US of transcending its own self-image is hardly new, but it has become both more difficult and more important in managing its position in the more complex world in which the US is neither so clearly on the right side of a great struggle, nor so dominant in material terms. It is unclear at this point whether Obama will be able to transcend this aspect of American politics, though it is clear that the nature of American¶ politics makes it difficult for any president to do so.

THE TURN AGAINST HEGEMONY

The third constraint stems not from any particular characteristic of the US, but from the fact of unipolarity itself. Since decolonisation global international society has developed a growing disjuncture between a¶ defining principle of legitimacy based on sovereign equality, and a practice that is substantially rooted in¶ the hegemony of great powers. The problem is the absence of a consensual principle of hegemony with¶ which international society might bridge this gap between its principles and its practices. A concentration¶ of power in one actor disrupts the ideas of balance and equilibrium which are the traditional sources and¶ conditions for legitimacy in international society. This problem would arise for any unipolar power, but it¶ connects back to the more US-specific aspects of the legitimacy deficit. Under the Bush administration, the US lost sight of what Adam Watson calls raison de systeme (‘the belief that it pays to make the system¶ work’), and this exacerbated the illegitimacy of hegemony in itself. Since the US looks unlikely to abandon its attachment to its own hegemony, this problem is not going to go away.

If hegemony itself is illegitimate, and the US now lacks both the capabilities and attractiveness to overcome this, what lies on the near horizon is a world with no global leader. Such a world would still have several great powers influential within and beyond their regions: the EU, Russia, China, Japan, the US, possibly¶ India and Brazil. It would also have many substantial regional powers such as South Africa, Turkey and Iran. Whether one sees a move towards a more polycentric, pluralist, and probably regionalised, world political order as desirable or worrying is a matter of choice. In such a world, global hegemony by any one power or culture will be unacceptable. Obama may hasten or delay the US exit from leadership. But the waning of the Western tide, and the re-emergence of a more multi-centred (in terms of power and wealth) and more multicultural (albeit with substantial elements of Westernization) world, mean that hegemonic global leadership whether by a single power or the West collectively is no longer going to be acceptable. The question is whether such a new world order can find the foundations for collective great power management,¶ and whether the US can learn to live in a more pluralist international society where it is no longer the sole¶ superpower but merely the first among equals. Pg. 4-6

#### They can’t solve for fragmented US politics—attempts to lead will not be credible.

Victor 8—Director of Laboratory on International Law and Regulation @ UC—San Diego [David G. Victor, “Blowhard in Chief,” The Daily Beast, Apr 30, 2008 8:00 PM EDT, pg. http://www.thedailybeast.com/newsweek/2008/04/30/blowhard-in-chief.html]

Leadership matters when it comes to greenery because solving most environmental issues requires a change in direction. Leaders can send signals and forge new paths. But in the area where the world thinks a single leader towers above all—namely the choice of the next American president—leadership actually matters a lot less. America's president is powerful, to be sure, but American politics has been fragmenting over the last few decades. Alone, the president often has a weak impact on real American policies that affect the environment.

The U.S. record on international environmental issues is highly uneven for reasons that have little to do with George W. Bush's leadership. His administration has been tarred across the planet for reckless leadership on international environmental issues. (Its actual record, while dreadful, is not a uniform failure. It has done useful things in a few areas, such as a thoughtful initiative to help conserve forests in the Congo Basin.) But the signature of Bush's reckless foreign policy in this area, his decision to withdraw from the Kyoto treaty barely three months after taking office, actually has its roots in the Clinton administration. Clinton was highly committed to environmental issues and his vice president, Al Gore, was an even more passionate leader. Their zealous diplomats negotiated a treaty that was larded with commitments that the United States never could have honored. The promise to cut U.S. emissions 7 percent below 1990 levels is a good example. Because actual emissions were rising steadily, it would have been impractical to turn them around in time to meet the 2012 Kyoto deadline. The U.S. Congress never could have passed the requisite legislation, and no leader in the White House could have changed that voting arithmetic. The U.S. withdrawal from the Kyoto Protocol was inevitable.

What does this mean for America's credibility in the world? When the American president promises, should anyone listen?

Increasingly, other countries are learning that the answer is no—because American leaders have a habit of promising a lot more than they can deliver. Environmental issues are particularly prone to overpromising, and not just by the United States. Europe, too, is fresh with unrealistic claims by political leaders. The European Union, for example, has launched negotiations for the post-Kyoto agreement by claiming that Europeans will cut greenhouse-gas emissions 20 percent to 30 percent by 2020—an outrageous goal considering that most of Europe (with the exception mainly of Britain and Germany) will fail to meet their existing targets, and emissions are actually rising. Europe as a whole would blow through its Kyoto targets if not for its generous use of a scheme that lets them take credit for overseas investment in low-carbon technologies—despite mounting evidence that many of those overseas credits don't actually deliver real reductions in emissions. Smart politicians know that the benefits lie mainly in the promising today and not in the delivery long in the future.

Ironically, the more enthusiastic the leader, the less credibility he or she has. While the Clinton administration was busy negotiating the Kyoto treaty, the U.S. Senate was passing a resolution, 95 to 0, to signal that it would reject any treaty that didn't contain specific commitments by developing countries to control their effluent of greenhouse gases. Since the developing countries had already rejected that outcome the Clinton administration had little room to maneuver. The great reversal in U.S. "leadership" on global warming over the last year—signaled by President Bush's speech three weeks ago embracing the need for limits on greenhouse gases—came from the people rather than top leaders. Public concern about global warming is rising (though it will be checked by the even more acute worries on the economy and war). The Bush speech was more a recognition that serious efforts to develop climate legislation are already well underway without his stamp. Many states are already planning to regulate greenhouse gases. The Senate has a serious bill on this subject scheduled for floor debate starting June 2. Its sponsors are Joe Lieberman (the former running mate of Al Gore but now alienated from the Democratic Party for his overly independent views) and John Warner (a Republican who has no former track record on global warming). These are ideal leaders for this issue because often it takes the fresh faces focused on building bipartisan majorities to get things done in America.

Perhaps the most interesting signal that American presidents are losing the ability to lead is an effort to rewrite the rules that would govern environmental treaties under American law. Committed environmentalists have rightly noted that America's Constitution requires a two-thirds vote for treaties in the Senate. That standard is nearly impossible to meet because one third of the Senate is usually opposed to anything interesting. Serious efforts are now underway to reinterpret environmental "treaties" as agreements between Congress and the president, which would require only a majority vote. Most trade agreements, for example, travel under this more lax standard and also have special voting rules that require Congress to approve the agreement as a whole package rather than pick it apart piece by piece. Rebranding and changing voting rules makes it easier to approve agreements, boosting the credibility of the president to negotiate agreements that serve the country's interest.

Even then, changing U.S. law requires a majority vote in both houses of Congress. Any legislation that is controversial—which is pretty much anything in today's fractious political environment—actually requires the nod of 60 Senators (that is, 60 percent of the vote). As American politics becomes more hotly contested, it has become easier for any senator who opposes a rule to get 39 others to block it. When the rest of the world looks to U.S. leadership, they should eye the 60th senator perhaps as much as the U.S. president.

When a sharp change in course is needed, former White House occupants might be more important than presidents. On global warming, Al Gore has done much more for the cause than he probably would have achieved as president. Not needing to focus on the messy task of actually running a government—with the minutia of isolating 33 or 40 blocking senators and their equally intransigent counterparts in the House—has liberated him to focus American minds on what is really at stake with unchecked global warming. He has been much more influential on that beat than in the areas where a real president would be held to task. His Nobel Prize reflects passion on the dangers of global warming rather than any coherent game plan for actually solving the global-warming problem. Jimmy Carter is perhaps the best ex-president in American history, focusing attention on important humanitarian causes. Former president Bill Clinton has rallied to these issues and used membership in his Clinton Global Inititiative to spur business leaders to do more than they would otherwise.

The silence of the president's father, George H.W. Bush, has probably improved familial relations but has hurt the country on important issues, including global warming. When sober, conservation-oriented Republicans rally around environmental issues, it is much easier for the country to make credible policies. Most of the bedrock of U.S. environmental law arose when Republicans (notably Nixon) were nominally the country's leaders but Democrats and Republicans worked together to forge consensus. The high-water mark for U.S. international leadership on environmental issues arose when Ronald Reagan's administration brokered the United Nations treaty on the ozone layer. That's because it is the ability to work in bipartisan ways that matters much more in America than the proper names of its particular leaders. Leadership comes from credibility, and that requires centrism and consensus, not just presidents.

#### Structural leadership can’t solve.

Karlsson et al. 11—Professor of Political Science @ Uppsala University [Dr. Christer Karlsson, Charles Parker (Professor of Political Science @ Uppsala University), Mattias Hjerpe (Professor in the Centre for Climate Science and Policy Research @ Linköping University & Björn-Ola Linnér (Professor in Water and Environmental Studies and director of the Centre for Climate Science and Policy Research at Linköping University), “Looking for Leaders: Perceptions of Climate Change Leadership among Climate Change Negotiation Participants,” Global Environmental Politics 11:1, Feb 2011

It is also noteworthy that the structural position and the aggregate power held by different actors do not seem to be particularly important explanatory¶ factors with regard to the leadership perceptions of prospective followers. For example, the US has the greatest combined power resources, and its position as one of the two largest GHG emitters makes it a key player in the field of climate change. At present, of the various leadership contenders, the US has the greatest potential to exercise structural leadership. Nevertheless, the US is only recognized as a leader by roughly a quarter of all respondents. This indicates that diplomatic engagement and perceptions concerning an actor’s commitment to addressing the climate issue matters. An actor’s structural position and its potential for exercising resource-based leadership are simply not sufficient for it to be widely recognized as a leader. The lack of active participation by the Bush administration in the UN global climate change process seems to have profoundly impacted the extent to which COP-14 participants regarded the US as a leader¶ on climate change. Pg. 97

#### Obama’s messaging will be incoherent and weak—they can’t change perceptions about US environmental policy.

Romm 11—Senior Fellow @ American Progress [Dr. Joe Romm (PhD in physics from MIT), “Relax, climate hawks, it’s not about the science. The White House is just lousy at messaging in general,” Think Progress, Mar 2, 2011 at 4:41 pm, pg. http://thinkprogress.org/climate/2011/03/02/207617/obama-white-house-messaging/]

Yes, my sources say the White House communications shop muzzled the Office of Science and Technology Policy from offering a robust defense of climate science after Climategate.  And yes, Obama has utterly failed to offer a strong, coherent message on climate science and related energy policy (see “Obama calls for massive boost in low-carbon energy, but doesn’t mention carbon, climate or warming“).

I’ve been as critical of Obama about this as anybody, and like you, have come to the conclusion that he doesn’t appear to get the dire nature of the situation we’re in.  But, in ‘fairness’ to the President, it must be pointed out that the White House sucks at messaging in general.

Look at their signature health care initiative.  Please tell me what their message is?  (see “[Can Obama deliver health and energy security with a half (assed) message?](http://climateprogress.org/2009/09/06/obama-health-energy-security-message/)“)  Yet, health care is an issue that everybody in the White House cares about, unlike, say, climate, which beyond Obama and Holdren and, formerly, Browner, is of little political interest to almost all other senior WH staff.

Based on my discussions with leading journalists, as well as current and former Administration staff, this White House is the worst at communications in the past three decades.  Indeed, the Obama WH is the worst of both possible worlds.  They are dreadful at messaging BUT they think they are terrific at messaging, so much so that they shut down anybody else in the administration that might actually be good at messaging.

And that brings me to Washington Post columnist Ruth Marcus and her op-ed today, “[President Waldo](http://www.washingtonpost.com/wp-dyn/content/article/2011/03/01/AR2011030105489.html):  Barack Obama is often strangely absent from the most important debates.”  Here are some highlights (lowlights?):

On health care, for instance, he took on a big fight without being able to articulate a clear message or being willing to set out any but the broadest policy prescriptions. Lawmakers, not to mention the public, were left guessing about what, exactly, the administration wanted to see in the measure and where it would draw red lines. That was not an isolated case. Where, for example, is the president on the verge of a potential government shutdown — if not this week, then a few weeks from now?

Aside from a short statement from the Office of Management and Budget threatening a presidential veto of the House version of the funding measure, the White House—much to the frustration of some congressional Democrats—has been unclear in public and private about what cuts would and would not be acceptable.

By contrast, a few weeks before the shutdown in 1995, Clinton administration aides had dispatched Cabinet members and other high-ranking officials to spread the message that cuts in education, health care and housing would harm families and children. Obama seems more the passive bystander to negotiations between the House and Senate than the chief executive leading his party….

The president has faltered, though, when called on to translate that rhetoric to more granular levels of specificity: What change, exactly, does he want people to believe in? How, even more exactly, does he propose to get there? “[Winning the future](http://projects.washingtonpost.com/obama-speeches/speech/548/)” doesn’t quite do it….

Where’s Obama? No matter how hard you look, sometimes he’s impossible to find.

And Marcus is a progressive.

See, climate hawks, even on really important stuff that is central to his reelection, stuff that the entire White House cares about, stuff that they have probably done a dozen polls on, the President and his team have no simple, persuasive message — when they have a message at all, that is.

The ‘good news’, then, is that we shouldn’t rush to judgment on what the President actually believes on climate change based on his general silence and/or mis-messaging on the subject.  It’s just the way he is.

The bad news is that folks I know who have worked with him say, he’s unlikely to change.  Obama is a good speechmaker — and thankfully presidential elections are graded on a curve, so Obama only has to outshine the GOP contender, which is unlikely to be hard in 2012.  But he is no message maker.  He is no Ronald Reagan, much as he aspires to be.

#### US holds the high cards—credibility is not important.

Walt 11—Professor of international relations @ Harvard University [Stephen M. Walt, “[Does the U.S. still need to reassure its allies?](http://walt.foreignpolicy.com/posts/2011/12/05/us_credibility_is_not_our_problem),” Foreign Policy, Monday, December 5, 2011—3:24 PM, pg. http://walt.foreignpolicy.com/posts/2011/12/05/us\_credibility\_is\_not\_our\_problem

A perennial preoccupation of U.S. diplomacy has been the perceived need to reassure allies of our reliability. Throughout the Cold War, U.S. leaders worried that any loss of credibility might cause dominoes to fall, lead key allies to "bandwagon" with the Soviet Union, or result in some form of "Finlandization." Such concerns justified fighting so-called "credibility wars" (including Vietnam), where the main concern was not the direct stakes of the contest but rather the need to retain a reputation for resolve and capability. Similar fears also led the United States to deploy thousands of nuclear weapons in EurUS ope, as a supposed counter to Soviet missiles targeted against our NATO allies.

The possibility that key allies would abandon us was almost always exaggerated, but U.S. leaders remain overly sensitive to the possibility. So Vice President Joe Biden has been [out on the road](http://www.nytimes.com/2011/12/05/world/europe/biden-tries-to-reassure-allies-of-us-support.html?ref=world) this past week, telling various U.S. allies that "the United States isn't going anywhere."  (He wasn't suggesting we're stuck in a rut, of course, but saying that the imminent withdrawal from Iraq doesn't mean a retreat to isolationism or anything like that.)

There's nothing really wrong with offering up this sort of comforting rhetoric, but I've never really understood why U.S. leaders were so worried about the credibility of our commitments to others. For starters, given our remarkably secure geopolitical position, whether U.S. pledges are credible is first and foremost a problem for those who are dependent on U.S. help. We should therefore take our allies' occasional hints about realignment or neutrality with some skepticism; they have every incentive to try to make us worry about it, but in most cases little incentive to actually do it.

Don't get me wrong: having allies around the world is useful and some attention needs to be paid to preserving intra-alliance solidarity, especially when the ally in question does have important things that we want or need. But an excessive concern for credibility encourages and enables allies to free-ride (something most of them have done for decades), and it can lead Washington to keep pouring resources into shaky endeavors lest allies elsewhere doubt our resolve.

This logic is wrong-headed, because squandering billions on fruitless endeavors (see under: Afghanistan) ultimately leaves one weaker overall and eventually diminishes public support for active engagement abroad. By contrast, liquidating a costly burden enables you to rebuild and regroup and puts you in a better position to respond in places that matter. The real message that Biden and other U.S. representatives should be telling their listeners is that getting out of Iraq (and eventually Afghanistan) is going to improve America's ability to protect its real interests, and that important U.S. allies need not be that concerned.

More importantly, worrying a bit less about our credibility and "playing hard to get" on occasion would have real benefits. If other states were a bit less confident that the United States would come to their aid if asked, they would be willing to do more to ensure that we would. If key U.S. allies are not entirely convinced of U.S. support no matter what they did, they would be less likely to engage in dangerous or provocative acts of their own. Moreover, playing "hard to get" reduces the likelihood that the United States will be perceived as a trigger-happy global policeman. As the cases of the Balkans in the 1990s and the recent Libyan intervention illustrate, when Washington is more reluctant to take on collective burdens, it ends up being appreciated (and less feared) when it finally does get involved. Thus, worrying a bit less about U.S. credibility is a way to get others to do more, and to resent what we do less.

To be clear: I'm not saying the United States should cultivate a reputation for unreliability or capriciousness. It should make commitments that are consistent with its interests and, so long as those interests do not change, it should do its best to fulfill the pledges it has made. But it ought to be hardheaded about this process, and proceed from the clear understanding that most of our allies need us more than we need them (at least most of the time). There will still be hard bargaining on occasion, a need for constructive and empathetic diplomacy, and there is little to be gained from treating our allies with visible disdain. But the United States still holds a lot of high cards, and we should expect allies to spend as much time reassuring us that they are worth the effort as we do reassuring them.

### 1NC Climate Heg

#### China and US are both eager to be the green leader—they risk a competition between the two.

Karlsson et al. 11—Professor of Political Science @ Uppsala University [Dr. Christer Karlsson, Charles Parker (Professor of Political Science @ Uppsala University), Mattias Hjerpe (Professor in the Centre for Climate Science and Policy Research @ Linköping University & Björn-Ola Linnér (Professor in Water and Environmental Studies and director of the Centre for Climate Science and Policy Research at Linköping University), “Looking for Leaders: Perceptions of Climate Change Leadership among Climate Change Negotiation Participants,” *Global Environmental Politics* 11:1, Feb 2011]

The list of possible leadership contenders may even be extended as to include countries such as China and Brazil. China’s recent behavior suggests that¶ it is less willing to observe former paramount leader Deng Xiaoping’s wellknown proscription to “never take the lead” and instead is increasingly focusing on his exhortation, contained in the second half of that same famous quote, “to do something big.” 25 China may be coming to the realization that doing something big will require leadership and that its growing structural power now¶ makes this a viable option.

We do not at this point have the full story on why COP-15 failed to produce an ambitious successor agreement to the Kyoto Protocol. It is clear, however, that China’s negotiating preferences were pivotal in shaping the final outcome in Copenhagen. Time will tell if China is indeed aiming for a climate¶ change leadership role, but, by virtue of its economic size and its growing international clout, China already plays a key role in determining the fate of international climate cooperation and may very well emerge as a future leader, particularly among developing countries.

There is apparently no shortage of leadership contenders in the field of climate change. Ever since its decision to save the Kyoto Protocol the EU has strived to portray itself as a leader on climate change. More recently, since President Obama took office, the US is once again eager to be seen as a leader on climate change. Alongside these self-proclaimed leaders, which historically also have been the main movers in the shaping of the climate change regime, we find less obvious but still possible candidates as future leaders. Now, the key question is if the current leadership candidates have managed to become recognized as leaders by the prospective followers? The next step in our effort to identify leaders in the climate change regime will be to examine the demand side of the¶ leadership equation. Pg. 95

#### That impedes US-China green cooperation

Larson 9—Journalist focusing on international environmental issues, based in Beijing and Washington, D.C [[Christina Larson](http://e360.yale.edu/author/Christina_Larson/12/), [[Christina Larson](http://blog.foreignpolicy.com/blog/4714) “[Let's call off the green energy space race with China](http://blog.foreignpolicy.com/posts/2009/04/26/paging_houston_call_off_the_green_space_wars),” Foreign Policy, Monday, April 27, 2009—11:00 AM, pg. http://blog.foreignpolicy.com/posts/2009/04/26/paging\_houston\_call\_off\_the\_green\_space\_wars]

Lastly, and most importantly, I think that highlighting the competition angle could ultimately be counter-productive, as fun as it is to envision a U.S. vs China jolly green smackdown. Stressing a rivalry could ultimately lead -- not necessarily in Osnos’s hands, but in looser, more politically-minded interpretations -- to the impression that the race for green energy is somehow a zero-sum game. That any progress made by China (again, let’s be careful to avoid exaggeration here) is somehow threatening to the U.S. Like if the Soviets got to the moon first; oh no. It’s us or them; only one racer breaks the ribbon; get off our green lunar pathway!

Some might argue that Americans do best when their competitive instincts are aroused. But I tend to agree with Charles McElwee, an environmental lawyer in Shanghai whom Osnos cites and whose insights I've long found valuable: Fanning the flames of us-vs-them-ism -- in the context of global issue that isn't so much a race to win as to survive -- could backfire. It could undercut political support on Capitol Hill for cooperative efforts, technology sharing, and perhaps even climate-treaty negotiations.

#### Extinction

Wittner 11—Professor of History @ State University of New York-Albany [Lawrence S. Wittner, “Is a Nuclear War with China Possible?” Huntington News, Monday, November 28, 2011, http://www.huntingtonnews.net/14446]

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon.

The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war?

Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.”

Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists.

Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan.

At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might?

Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China.

But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, [and] creating worldwide famine, and generating chaos and destruction.

Moreover, in another decade the extent of this catastrophe would be far worse. The Chinese government is currently expanding its nuclear arsenal, and by the year 2020 it is expected to more than double its number of nuclear weapons that can hit the United States. The U.S. government, in turn, has plans to spend hundreds of billions of dollars “modernizing” its nuclear weapons and nuclear production facilities over the next decade.

To avert the enormous disaster of a U.S.-China nuclear war, there are two obvious actions that can be taken. The first is to get rid of nuclear weapons, as the nuclear powers have agreed to do but thus far have resisted doing. The second, conducted while the nuclear disarmament process is occurring, is to improve U.S.-China relations. If the American and Chinese people are interested in ensuring their survival and that of the world, they should be working to encourage these policies.

### 1NC Hegemony

#### Decline doesn’t cause conflict

Barry R. Posen, Ford International Professor of Political Science at MIT, Director of the MIT Security Studies Program, 13 [“Pull Back,” Foreign Affairs, Vol 92, no. 1, Jan/Feb]

Under a restrained grand strategy, U.S. military forces could shrink significantly, both to save money and to send allies the message that it's time they did more for themselves. Because the Pentagon would, under this new strategy, swear off counterinsurgency, it could cut the number of ground forces in half. The navy and the air force, meanwhile, should be cut by only a quarter to a third, since their assets take a long time to produce and would still be needed for any effort to maintain the global balance of power. Naval and air forces are also well suited to solving the security problems of Asia and the Persian Gulf. Because these forces are highly mobile, only some need be present in key regions. The rest can be kept at home, as a powerful strategic reserve. The overall size and quality of U.S. military forces should be determined by the critical contingency that they must address: the defense of key resources and allies against direct attack. Too often in the past, Washington has overused its expensive military to send messages that ought to be left to diplomats. That must change. Although the Pentagon should continue leading joint exercises with the militaries of other countries in key regions, it should stop overloading the calendar with pointless exercises the world over. Making that change would save wear and tear on troops and equipment and avoid creating the impression that the United States will solve all the world's security problems. LETTING GO Shifting to a more restrained global stance would yield meaningful benefits for the United States, saving lives and resources and preventing pushback, provided Washington makes deliberate and prudent moves now to prepare its allies to take on the responsibility for their own defense. Scaling down the U.S. military's presence over a decade would give partners plenty of time to fortify their own militaries and develop the political and diplomatic machinery to look after their own affairs. Gradual disengagement would also reduce the chances of creating security vacuums, which opportunistic regional powers might try to fill. U.S. allies, of course, will do everything they can to persuade Washington to keep its current policies in place. Some will promise improvements to their military forces that they will then abandon when it is convenient. Some will claim there is nothing more they can contribute, that their domestic political and economic constraints matter more than America's. Others will try to divert the discussion to shared values and principles. Still others will hint that they will bandwagon with strong neighbors rather than balance against them. A few may even threaten to turn belligerent. U.S. policymakers will need to remain cool in the face of such tactics and keep in mind that these wealthy allies are unlikely to surrender their sovereignty to regional powers. Indeed, history has shown that states more often balance against the powerful than bandwagon with them. As for potential adversaries, the United States can continue to deter actions that threaten its vital interests by defining those interests narrowly, stating them clearly, and maintaining enough military power to protect them. Of course, the United States could do none of these things and instead continue on its present track, wasting resources and earning the enmity of some states and peoples while infantilizing others. Perhaps current economic and geopolitical trends will reverse themselves, and the existing strategy will leave Washington comfortably in the driver's seat, with others eager to live according to its rules. But if the U.S. debt keeps growing and power continues to shift to other countries, some future economic or political crisis could force Washington to switch course abruptly, compelling friendly and not-so-friendly countries to adapt suddenly. That seems like the more dangerous path.

### 1NC Intl Institutions

**global problems don’t require global solutions**

**Sally ‘5** (Razeen, Co-Dir of European Centre for International Political Economy, PhD from London School of Economics, Senior Research Associate @ South aFrican Institute of International Affairs, Visiting Prof. @ Institut D’Etudes Politiquas in Paris, Economic Affairs, “AID, DEVELOPMENT, GLOBAL GOVERNANCE: NEW INITIATIVES AND REHASHED IDEAS”, 25:3, September, Ebsco)

Underlying these new aid initiatives is a worldview that David Henderson calls ‘Global Salvationism’ or ‘Deliverance from Above’. It afflicts those who call for stronger ‘global governance’. Global solutions are to be provided by concerted co-operation involving governments, international organisations, Big Business, trades unions and NGOs. The UN system is, of course, front and centre in this scheme. The Sachs Report is suffused with these ideas, as is Kofi Annan’s new blueprint for UN reform. The notion that a global market economy can be planned from above in this way is profoundly misguided. It is top-down bureaucratic thinking, a sort of soft international central planning for the post- Soviet age. To adapt a Bushism, it misoverestimates the importance and effectiveness of international institutions, and misunderestimates their failings, such as self-serving bureaucracy and misguided meddling. Rather, successful development emerges from below – from national policies and institutions that support markets, and from individuals and enterprises that take advantage of economic freedoms and market incentives. This is the story of successful development in Asia, first in Japan and the East Asian Tigers, and now in China and India. Thus national governance is the key. Slimmeddown international institutions with pared-down goals and commensurate means can at best help at the margin. This, rather than an impossibly ambitious global-governance agenda on aid, development and other issues, is what national governments and the World Bank, the IMF and the WTO should promote. Seen in this light, Paul Wolfowitz’s astonishing appointment to lead the World Bank could turn out to be the right and inspired choice, following on the heels of John Bolton’s nomination as US ambassador to the UN. They might be just the right outsiders to fashion a limited but realistic and viable multilateralism, while confronting global-governance fantasists head-on. The overarching objective should be to promote markets and economic freedom. That, not a massive increase in aid, is the path to development.

**Institutions don’t prevent conflict – the UN proves**

**Andrei 11** [Dumitrache, online International Relations publication, "Are international institutions necessary for global peace and security?," 6-1, http://www.e-ir.info/?p=8968]

The current international system is one of ‘self-help’ (Waltz in Mearsheimer, 1994:11) and also one of a permanent ‘prisoners dilemma’ (Kappen in Krause and Williams, 1997:257), a system in which states find themselves constantly challenged by the perpetual ‘security competition’ (Waltz in Mearsheimer, 1994:11) existent at both political and economic levels. It is therefore only a matter of deduction the idea that the focus remains on the self-interested state as the main unit in understanding international relations. Further, it is appropriate to mention that the realist perspective correctly suggests that it is mainly powerful states that choose to create, control, and lead international institutions with the purpose of using them to their best advantage, and to a certain extent to reduce the uncertainty prevalent in the international arena (Mearsheimer, 1994). Having said this, it is now time to analyze some of the main international institutions and prove both their inefficiency in achieving world peace and security, as well as their lack of authority over their member states. One of the largest institutions involved in global governance is the United Nations. It is a veritable global bureaucracy composed of numerous ‘nested arrangements’ (Archibugi in Held, 2002:60) which in theory regulate and represent the social, economic, and security interests of all the human race. Its main body, the Security Council with its five permanent members, the USA, Russia, China, the United Kingdom, and France, is the living proof of ‘Realpolitik’ hidden purposely behind the institutional structure of the UN, a type of politics functioning according to the pragmatic terminology of ‘nuclear, chemical, biological weapons and ballistic missiles’ (Schmidt in d’Orville, 1993:18). Having set as its main goal the achievement of world peace, the United Nations so far has repeatedly proved itself unable to handle the securitization and pacification of many geographical areas. A good example is the 1994 Rwandan genocide when Hutu government officials launched a nationwide extermination campaign of all Tootsie tribe inhabitants, an outrageous event which the United Nations has not managed to prevent or stop, although a considerable amount of its armed forces were deployed in the region at the time (crimesofwar.org). Another example is the crisis in Sudan which so far has remained unsolved, although suffering has affected millions of people (crimesofwar.org). A more recent case of the United Nation’s inability to manage a security crisis is the 1990 massacre of Srebenica of 8000 Muslims by the Serbian army, then under the command of Serb leader Radovan Karadzic (crimesofwar.org). The above examples prove that so far the United Nations has failed to deliver on its promise for world peace and security, mainly because of the encroachments the P5 members have so far practiced in delivering appropriate policy outputs on matters of extreme delicacy. The inflammatory situation in the Middle East between Israel and Hamas has exposed the policy driving power the US, as a world hegemon, possesses when protecting Israel from the sometimes unfriendly resolutions passing through the Security Council (Klausner, 2007). Another interesting case is the war in Iraq launched by the US and its allies against the will of the UN, a case which proves all institutionalists wrong (Gordon and Shapiro, 2004). Therefore, it is now clear that when talking about international institutions one is correct to define them as ‘arenas for acting out power relationships’ (Mearsheimer, 1994:13), arenas which are dominated by the main economic and implicitly military powers.

**Doesn’t solve global problems – no authority and too much confusion**

**Schweller 10** professor of political science at Ohio State University

(randall, ennui becomes us, Foreign Affairs, jan-feb 2010)

What some call global governance is little more than a spaghetti bowl of clashing agreements brokered within and among thirty thousand or so international organizations of varying significance, from the Inter-American Tropical Tuna Commission to the United Nations. One wonders how states make decisions and forge long-run strategies these days when it is virtually impossible for them to figure out where international authority over any issue resides, and which agreements, interpretations and implementations of rules and laws have salience and should come to dominate. The downside is that nobody wins and nothing gets done. The upside is that no one loses either. Once a state or group of states has been outmaneuvered in one venue, the "loser" merely shifts the negotiations to other parallel regimes with contradictory rules and alternative priorities. Thus, when developing countries lost at the WTO and World Intellectual Property Organization on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, they "regime-shifted" to the friendlier WHO, Food and Agricultural Organization (FAO), and Convention on Biological Diversity (CBD), where they won. They then went back to the WTO invoking these victories and renegotiated the TRIPs agreement to have the revisions drafted in parallel regimes written into the global rules. The messiness of this state of affairs contradicts a rare consensus in the field of international relations that concentrated power in the hands of one dominant state is essential to the establishment and maintenance of international order. According to the theory, the demand for international regimes is high but their supply is low because only the leadership of a hegemonic state can overcome the collective-action problems-mainly the huge start-up costs-associated with the creation of order-producing global institutions. The current world has turned this logic on its head. The problem is the virtual absence of barriers to entry. Most new treaty-making and global-governance institutions are being spearheaded not by an elite club of great powers but rather by civil-society actors and nongovernmental organizations working with midlevel states. Far from creating more order and predictability, this explosion of so-called global-governance institutions has increased the chaos, randomness, fragmentation, ambiguity and impenetrable complexity of international politics. Indeed, the labyrinthine structure of global governance is more complex than most of the problems it is supposed to be solving. And countries' views are more rigidly held than ever before.

## BIo

### 1NC – Bio

#### No bioterror impact

Keller 3/7 -- Analyst at Stratfor, Post-Doctoral Fellow at University of Colorado at Boulder (Rebecca, 2013, "Bioterrorism and the Pandemic Potential," http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential)

It is important to remember that the risk of biological attack is very low and that, partly because viruses can mutate easily, the potential for natural outbreaks is unpredictable. The key is having the right tools in case of an outbreak, epidemic or pandemic, and these include a plan for containment, open channels of communication, scientific research and knowledge sharing. In most cases involving a potential pathogen, the news can appear far worse than the actual threat. Infectious Disease Propagation Since the beginning of February there have been occurrences of H5N1 (bird flu) in Cambodia, H1N1 (swine flu) in India and a new, or novel, coronavirus (a member of the same virus family as SARS) in the United Kingdom. In the past week, a man from Nepal traveled through several countries and eventually ended up in the United States, where it was discovered he had a drug-resistant form of tuberculosis, and the Centers for Disease Control and Prevention released a report stating that antibiotic-resistant infections in hospitals are on the rise. In addition, the United States is experiencing a worse-than-normal flu season, bringing more attention to the influenza virus and other infectious diseases. The potential for a disease to spread is measured by its effective reproduction number, or R-value, a numerical score that indicates whether a disease will propagate or die out. When the disease first occurs and no preventive measures are in place, the reproductive potential of the disease is referred to as R0, the basic reproduction rate. The numerical value is the number of cases a single case can cause on average during its infectious period. An R0 above 1 means the disease will likely spread (many influenza viruses have an R0 between 2 and 3, while measles had an R0 value of between 12 and 18), while an R-value of less than 1 indicates a disease will likely die out. Factors contributing to the spread of the disease include the length of time people are contagious, how mobile they are when they are contagious, how the disease spreads (through the air or bodily fluids) and how susceptible the population is. The initial R0, which assumes no inherent immunity, can be decreased through control measures that bring the value either near or below 1, stopping the further spread of the disease. Both the coronavirus family and the influenza virus are RNA viruses, meaning they replicate using only RNA (which can be thought of as a single-stranded version of DNA, the more commonly known double helix containing genetic makeup). The rapid RNA replication used by many viruses is very susceptible to mutations, which are simply errors in the replication process. Some mutations can alter the behavior of a virus, including the severity of infection and how the virus is transmitted. The combination of two different strains of a virus, through a process known as antigenic shift, can result in what is essentially a new virus. Influenza, because it infects multiple species, is the hallmark example of this kind of evolution. Mutations can make the virus unfamiliar to the body's immune system. The lack of established immunity within a population enables a disease to spread more rapidly because the population is less equipped to battle the disease. The trajectory of a mutated virus (or any other infectious disease) can reach three basic levels of magnitude. An outbreak is a small, localized occurrence of a pathogen. An epidemic indicates a more widespread infection that is still regional, while a pandemic indicates that the disease has spread to a global level. Virologists are able to track mutations by deciphering the genetic sequence of new infections. It is this technology that helped scientists to determine last year that a smattering of respiratory infections discovered in the Middle East was actually a novel coronavirus. And it is possible that through a series of mutations a virus like H5N1 could change in such a way to become easily transmitted between humans. Lessons Learned There have been several influenza pandemics throughout history. The 1918 Spanish Flu pandemic is often cited as a worst-case scenario, since it infected between 20 and 40 percent of the world's population, killing roughly 2 percent of those infected. In more recent history, smaller incidents, including an epidemic of the SARS virus in 2003 and what was technically defined as a pandemic of the swine flu (H1N1) in 2009, caused fear of another pandemic like the 1918 occurrence. The spread of these two diseases was contained before reaching catastrophic levels, although the economic impact from fear of the diseases reached beyond the infected areas. Previous pandemics have underscored the importance of preparation, which is essential to effective disease management. The World Health Organization lays out a set of guidelines for pandemic prevention and containment. The general principles of preparedness include stockpiling vaccines, which is done by both the United States and the European Union (although the possibility exists that the vaccines may not be effective against a new virus). In the event of an outbreak, the guidelines call for developed nations to share vaccines with developing nations. Containment strategies beyond vaccines include quarantine of exposed individuals, limited travel and additional screenings at places where the virus could easily spread, such as airports. Further measures include the closing of businesses, schools and borders. Individual measures can also be taken to guard against infection. These involve general hygienic measures -- avoiding mass gatherings, thoroughly washing hands and even wearing masks in specific, high-risk situations. However, airborne viruses such as influenza are still the most difficult to contain because of the method of transmission. Diseases like noroviruses, HIV or cholera are more serious but have to be transmitted by blood, other bodily fluids or fecal matter. The threat of a rapid pandemic is thereby slowed because it is easier to identify potential contaminates and either avoid or sterilize them. Research is another important aspect of overall preparedness. Knowledge gained from studying the viruses and the ready availability of information can be instrumental in tracking diseases. For example, the genomic sequence of the novel coronavirus was made available, helping scientists and doctors in different countries to readily identify the infection in limited cases and implement quarantine procedures as necessary. There have been only 13 documented cases of the novel coronavirus, so much is unknown regarding the disease. Recent cases in the United Kingdom indicate possible human-to-human transmission. Further sharing of information relating to the novel coronavirus can aid in both treatment and containment. Ongoing research into viruses can also help make future vaccines more efficient against possible mutations, though this type of research is not without controversy. A case in point is research on the H5N1 virus. H5N1 first appeared in humans in 1997. Of the more than 600 cases that have appeared since then, more than half have resulted in death. However, the virus is not easily transmitted because it must cross from bird to human. Human-to-human transmission of H5N1 is very rare, with only a few suspected incidents in the known history of the disease. While there is an H5N1 vaccine, it is possible that a new variation of the vaccine would be needed were the virus to mutate into a form that was transmittable between humans. Vaccines can take months or even years to develop, but preliminary research on the virus, before an outbreak, can help speed up development. In December 2011, two separate research labs, one in the United States and one in the Netherlands, sought to publish their research on the H5N1 virus. Over the course of their research, these labs had created mutations in the virus that allowed for airborne transmission between ferrets. These mutations also caused other changes, including a decrease in the virus's lethality and robustness (the ability to survive outside the carrier). Publication of the research was delayed due to concerns that the results could increase the risk of accidental release of the virus by encouraging further research, or that the information could be used by terrorist organizations to conduct a biological attack. Eventually, publication of papers by both labs was allowed. However, the scientific community imposed a voluntary moratorium in order to allow the community and regulatory bodies to determine the best practices moving forward. This voluntary ban was lifted for much of the world on Jan. 24, 2013. On Feb. 21, the National Institutes of Health in the United States issued proposed guidelines for federally funded labs working with H5N1. Once standards are set, decisions will likely be made on a case-by-case basis to allow research to continue. Fear of a pandemic resulting from research on H5N1 continues even after the moratorium was lifted. Opponents of the research cite the possibility that the virus will be accidentally released or intentionally used as a bioweapon, since information in scientific publications would be considered readily available. The Risk-Reward Equation The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters the risk is minimal. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 -- or any influenza virus, for that matter -- is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are severe constraints that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is beyond the capability of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact. As far as continued research is concerned, there is a risk-reward equation to consider. The threat of a terrorist attack using biological weapons is very low. And while it is impossible to predict viral outbreaks, it is important to be able to recognize a new strain of virus that could result in an epidemic or even a pandemic, enabling countries to respond more effectively. All of this hinges on the level of preparedness of developed nations and their ability to rapidly exchange information, conduct research and promote individual awareness of the threat.

#### Hella Alt causes

#### No bio-d impact – the environment is super resilient

Kareiva et al 12 – Chief Scientist and Vice President, The Nature Conservancy (Peter, Michelle Marvier **--**professor and department chair of Environment Studies and Sciences at Santa Clara University, Robert Lalasz **--** director of science communications for The Nature Conservancy, Winter, “Conservation in the Anthropocene,” http://thebreakthrough.org/index.php/journal/past-issues/issue-2/conservation-in-the-anthropocene/)

2. As conservation became a global enterprise in the 1970s and 1980s, the movement's justification for saving nature shifted from spiritual and aesthetic values to focus on biodiversity. Nature was described as primeval, fragile, and at risk of collapse from too much human use and abuse. And indeed, there are consequences when humans convert landscapes for mining, logging, intensive agriculture, and urban development and when key species or ecosystems are lost.¶ But ecologists and conservationists have grossly overstated the fragility of nature, frequently arguing that once an ecosystem is altered, it is gone forever. Some ecologists suggest that if a single species is lost, a whole ecosystem will be in danger of collapse, and that if too much biodiversity is lost, spaceship Earth will start to come apart. Everything, from the expansion of agriculture to rainforest destruction to changing waterways, has been painted as a threat to the delicate inner-workings of our planetary ecosystem.¶ The fragility trope dates back, at least, to Rachel Carson, who wrote plaintively in Silent Spring of the delicate web of life and warned that perturbing the intricate balance of nature could have disastrous consequences.22 Al Gore made a similar argument in his 1992 book, Earth in the Balance.23 And the 2005 Millennium Ecosystem Assessment warned darkly that, while the expansion of agriculture and other forms of development have been overwhelmingly positive for the world's poor, ecosystem degradation was simultaneously putting systems in jeopardy of collapse.24¶ The trouble for conservation is that the data simply do not support the idea of a fragile nature at risk of collapse. Ecologists now know that the disappearance of one species does not necessarily lead to the extinction of any others, much less all others in the same ecosystem. In many circumstances, the demise of formerly abundant species can be inconsequential to ecosystem function. The American chestnut, once a dominant tree in eastern North America, has been extinguished by a foreign disease, yet the forest ecosystem is surprisingly unaffected. The passenger pigeon, once so abundant that its flocks darkened the sky, went extinct, along with countless other species from the Steller's sea cow to the dodo, with no catastrophic or even measurable effects.¶ These stories of resilience are not isolated examples -- a thorough review of the scientific literature identified 240 studies of ecosystems following major disturbances such as deforestation, mining, oil spills, and other types of pollution. The abundance of plant and animal species as well as other measures of ecosystem function recovered, at least partially, in 173 (72 percent) of these studies.25¶ While global forest cover is continuing to decline, it is rising in the Northern Hemisphere, where "nature" is returning to former agricultural lands.26 Something similar is likely to occur in the Southern Hemisphere, after poor countries achieve a similar level of economic development. A 2010 report concluded that rainforests that have grown back over abandoned agricultural land had 40 to 70 percent of the species of the original forests.27 Even Indonesian orangutans, which were widely thought to be able to survive only in pristine forests, have been found in surprising numbers in oil palm plantations and degraded lands.28¶ Nature is so resilient that it can recover rapidly from even the most powerful human disturbances. Around the Chernobyl nuclear facility, which melted down in 1986, wildlife is thriving, despite the high levels of radiation.29 In the Bikini Atoll, the site of multiple nuclear bomb tests, including the 1954 hydrogen bomb test that boiled the water in the area, the number of coral species has actually increased relative to before the explosions.30 More recently, the massive 2010 oil spill in the Gulf of Mexico was degraded and consumed by bacteria at a remarkably fast rate.31¶ Today, coyotes roam downtown Chicago, and peregrine falcons astonish San Franciscans as they sweep down skyscraper canyons to pick off pigeons for their next meal. As we destroy habitats, we create new ones: in the southwestern United States a rare and federally listed salamander species seems specialized to live in cattle tanks -- to date, it has been found in no other habitat.32 Books have been written about the collapse of cod in the Georges Bank, yet recent trawl data show the biomass of cod has recovered to precollapse levels.33 It's doubtful that books will be written about this cod recovery since it does not play well to an audience somehow addicted to stories of collapse and environmental apocalypse.¶ Even that classic symbol of fragility -- the polar bear, seemingly stranded on a melting ice block -- may have a good chance of surviving global warming if the changing environment continues to increase the populations and northern ranges of harbor seals and harp seals. Polar bears evolved from brown bears 200,000 years ago during a cooling period in Earth's history, developing a highly specialized carnivorous diet focused on seals. Thus, the fate of polar bears depends on two opposing trends -- the decline of sea ice and the potential increase of energy-rich prey. The history of life on Earth is of species evolving to take advantage of new environments only to be at risk when the environment changes again.¶ The wilderness ideal presupposes that there are parts of the world untouched by humankind, but today it is impossible to find a place on Earth that is unmarked by human activity. The truth is humans have been impacting their natural environment for centuries. The wilderness so beloved by conservationists -- places "untrammeled by man"34 -- never existed, at least not in the last thousand years, and arguably even longer.

#### -- No extinction

Easterbrook 3 (Gregg, Senior Fellow – New Republic, “We’re All Gonna Die!”, Wired Magazine, July, http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic\_set=)

If we're talking about doomsday - the end of human civilization - many scenarios simply don't measure up. A single nuclear bomb ignited by terrorists, for example, would be awful beyond words, but life would go on. People and machines might converge in ways that you and I would find ghastly, but from the standpoint of the future, they would probably represent an adaptation. Environmental collapse might make parts of the globe unpleasant, but considering that the biosphere has survived ice ages, it **wouldn't be the final curtain**. Depression, which has become 10 times more prevalent in Western nations in the postwar era, might grow so widespread that vast numbers of people would refuse to get out of bed, a possibility that Petranek suggested in a doomsday talk at the Technology Entertainment Design conference in 2002. But Marcel Proust, as miserable as he was, wrote Remembrance of Things Past while lying in bed.

#### And, the fact that we are alive now is sufficient to prove that their evidence is just alarmism --- ZERO risk of cascading environmental collapse --- wealth and tech solve

**Bailey, 00** award-winning science correspondent for Reason magazine, testified before Congress, author of numerous books, member of the Society of Environmental Journalists and the American Society for Bioethics and Humanities, 2k [ Ronald, “[Earth Day, Then and Now](http://reason.com/archives/2000/05/01/earth-day-then-and-now) The planet's future has never looked better. Here's why.”, <http://reason.com/archives/2000/05/01/earth-day-then-and-now/4>]

"I'm scared," confessed Paul Ehrlich in the 1970 Earth Day issue of *Look*. "I have a 14 year old daughter whom I love very much. I know a lot of young people, and their world is being destroyed. My world is being destroyed. I'm 37 and I'd kind of like to live to be 67 in a reasonably pleasant world, and not die in some kind of holocaust in the next decade." Ehrlich didn't die in a holocaust, and the world is far more pleasant than he thought it would be. It is probably too much to hope that abashed humility will strike him and he'll desist in bedeviling the world with his dire and consistently wrong predictions. He's like a reverse Cassandra --Cassandra made true prophecies but no one would listen to her. Ehrlich makes false prophecies and everyone listens to him. There's much to celebrate on the 30th anniversary of Earth Day. Indeed, one of the chief things to get happy about is that **the doomsters were so wrong. Civilization didn't collapse**, hundreds of millions didn't die in famines, pesticides didn't cause epidemics of cancer, and the air and water didn't get dirtier in the industrialized countries. On the occasions when they admit things have gotten better, doomsters will claim whatever environmental progress has been made over the past 30 years is only a result of the warnings that they sounded. One of the more annoying characteristics of activists such as Ehrlich and Lester Brown is the way in which these prophets of doom get out ahead of a parade that has already started. When things get better, they claim that it's only because people heeded their warnings, not because of longstanding trends and increased efficiencies. As a result, there is always the danger that governments may actually enact their policies, thereby stifling technological progress and economic growth--and making the world worse off. Then the doomsters would be able to say "I told you so." So good or bad, they get to claim that they were right all along. What will Earth look like when Earth Day 60 rolls around in 2030? Here are my predictions: As the International Food Policy Research Institute projects, we will be able to feed the world's additional numbers and to provide them with a better diet. Because they are ultimately political in nature, poverty and malnutrition will not be eliminated, but economic growth will make many people in the developing world much better off. Technological improvements in agriculture will mean less soil erosion, better management of freshwater supplies, and higher productivity crops. Life expectancy in the developing world will likely increase from 65 years to 73 years, and probably more; in the First World, it will rise to more than 80 years. Metals and mineral prices will be even lower than they are today. The rate of deforestation in the developing world will continue to slow down and forest growth in the developed economies will increase. Meanwhile, as many developing countries become wealthier, they will start to pass through the environmental-transition thresholds for various pollutants, and their air and water quality will begin to improve. Certainly air and water quality in the United States, Europe, Japan, and other developed countries will be even better than it is today. Enormous progress will be made on the medical front, and diseases like AIDS and malaria may well be finally conquered. As for climate change, concern may be abating because the world's energy production mix is shifting toward natural gas and nuclear power. There is always the possibility that a technological breakthrough--say, cheap, efficient, non-polluting fuel cells--could radically reshape the energy sector. In any case a richer world will be much better able to cope with any environmental problems that might crop up. One final prediction, of which I'm most absolutely certain: **There will be a disproportionately influential group of doomsters** predicting that the future--and the present--never looked so bleak.

# 1NR

## CP

### 1NC

#### Counterplan: The United States Federal Judiciary should substantially increase National Environmental Policy Act restrictions on all currently deployed United States armed forces. The United States federal government should fund, train, and keep on reserve a division of additional military and civilian personnel for remedying environmental damage after necessary introductions of armed forces.

#### the plan applies environmental restrictions to the *introduction* of armed forces, not the armed forces themselves --- not only does this mean that the plan doesn’t change basing requirements which means they don’t solve, but it also means that only the CP solves the aff --- restrictions on *introduction* makes it impossible to respond to rapid crises and global emergencies because we’ll have to plan out a host of pollution standards of our intervention before we *introduce* our forces as the contingency escalates out of control

JCS 10 (Joint Chiefs of Staff, “Joint Mobilization Planning,” Joint Publication 4-05, March 22, 2010, <http://www.dtic.mil/doctrine/new_pubs/jp4_05.pdf>)

(2) Types of Environmental Statutes **Affect**ing **Mobilization.** Figure IV-1 highlights four categories of environmental statutes which mobilization planners consider.

(a) Compliance. Compliance statutes require DOD facilities to **meet pollution emission standards;** to obtain and maintain Federal, state, and local permits to release pollutants; and to meet record keeping, training, and reporting requirements. EPA, USCG, state, and local inspectors conduct periodic inspections for compliance. Examples of compliance statutes include: Clean Air Act (Title 42, USC, Section 7401), Federal Water Pollution Control Act (Title 33, USC, Section 1251), and the Resource Conservation and Recovery Act (Title 42, USC, Section 6901).

(b) Clean-up. Certain statutes obligate DOD to protect human health and the environment from past activities that have contaminated the land (e.g., firing ranges and waste disposal sites). Included are sites DOD now owns, or has owned in the past, and non-DOD property where DOD operations have been conducted or DOD waste disposal has been arranged with the property owner. Enforcement of clean-up statutes normally relies on clean-up orders or agreements. DOD is required to survey all of its property in the United States and territories for potential hazardous waste disposal sites and identify those that require clean-up. The worst cases are identified on the EPA National Priorities List, and the clean-up is regulated by EPA. Examples of clean-up statutes include the Comprehensive Environmental Response, Compensation, and Liability Act (Title 42, USC, Section 9601) and the Defense Environmental Restoration Program Act (Title 10, USC, Section 2701).

(c) Conservation. Conservation statutes include a wide variety of requirements for DOD, including the acquisition and use of non-DOD federal lands with specific restrictions on designated wilderness areas, wild and scenic rivers, national monuments, and coastal zones. Also included are requirements for the management and protection of wildlife and protection of historical property. This legislation **affects DOD training areas**. These statutes are predominantly federally enforced but **may also be enforced through citizen suits.** Examples of conservation statutes are the Endangered Species Act as amended (Title 16, USC, Section 1531) and the Coastal Zone Management Act as amended (Title 16, USC, Section 1451).

(d) Impact Analysis. The National Environmental Policy Act of 1969, Title 42, USC, Sections 4321-4361, requires that major federal actions significantly affecting the quality of the human environment be **preceded** by a detailed statement by the responsible federal official. This statement identifies environmental effects of the proposed actions that cannot be avoided and alternatives to the proposed actions. **Mobilization activities,** particularly as they relate to facilities, may **trigger the need for** an environmental assessment or an **environmental impact statement.** Mobilization planners should consult with staff legal counsel to determine whether planned activities constitute a major federal action or otherwise require specific actions under this law.

(3) Options for Obtaining Relief from Environmental Requirements

(a) The potential impact that mobilization might have upon the environment should be identified in supporting mobilization plans and should provide for compliance with applicable environmental laws. If it appears compliance may not be possible, legal counsel should be consulted to determine what, if any options may be available. Possible options include negotiations with federal, state, and local agencies to develop acceptable alternative means of environmental protection; seeking a national security exemption under certain laws; and, a request for legislation may be submitted to exempt critical industries and DOD organizations from regulatory requirements. Triggers should be established during **mobilization planning** so that the required environmental waivers can be prepared before training of mobilized forces is jeopardized during a crisis.

(b) Planning for actions to **remedy damage** caused as the result of waivers or noncompliance with environmental standards during mobilization should be taken as soon as possible. For example, additional military and civilian personnel with needed skills such as explosive ordnance disposal may be required to clean up the operational area.

(c) **Response to no-notice emergencies and contingencies should not be delayed due to** National **Environmental** Protection Act **requirements.** Documentation should take place as soon as possible.

#### Unique link --- Osprey Helipads in Japan plan forces a kickout

Ito 2k (Yosiaki Ito, Professor of Molecular and Cell Biology – Cancer Science Institute of Singapore, et al., “Imminent Extinction Crisis Among the Endemic Species of the Forests of Yanbaru, Okinawa, Japan”, Onyx, 34(4), p. 312)

Other problems associated with clear-cutting and undergrowth removal are the destruction of 'living reservoirs' (forests) and soil erosion. Chronic water shortage is a major social problem in Okinawa and the government has established many reservoirs in an attempt to address it. Without good natural forests, however, reservoirs cannot receive a constant supply of water. Heavy rainfalls generated by typhoons, which are quite common in Okinawa, may soak through several layers of leaves and accumulate in the soil, which is bound by a high density of roots. Undergrowth removal, however, deprives the watershed of this sponge-like effect. Erosion of soil into the coastal ecosystem kills corals and **inhibits** their recovery, and no large living coral reef remains around Yanbaru today (Ohmija, 1997). The estuaries of about 80 per cent of rivers in the Yanbaru area have been blocked by the soil and sand (Ito, 1995,1997a). Although water can pass into the sea through infiltration, diadromous fish and crustaceans, including several endemic species, are thus unable to swim up to rivers or to return to the sea. During the 20th century, the NTA provided large natural areas for the conservation of biodiversity and endemic species. However, a new problem arose in 1999. According to The Special Action Committee on Okinawa (by the governments of Japan and the USA), the northern portion of the NTA will be returned to Japan. Following a request from the US Government, the DFAA is planning to construct seven helipads in southern part of the NTA area. The sites proposed are shown in Fig. 1; both lie in Yanburu's best natural forest areas. The individual helipads are not very large (75 m in diameter), but numerous access roads for construction and maintenance **will break up** existing **habitats,** and noise from helicopters and lorries will **interrupt breeding** activities and the movement of mammals, birds and amphibians. We do not know why the US Marine Corps or the DFAA selected these two sites given the existence of large areas of secondary forest (none of the endemic species shown in the Appendix are present in these areas) occupied by the US Government in the middle of Okinawa Honto. The Ecological Society of Japan, The Entomological Society of Japan and The Ornithological Society of Japan drew up a series of recommendations to the DFAA, urging it to reconsider the location of the proposed sites. Furthermore, during the 43rd annual congress of the Japanese Society of Applied Entomology and Zoology in April 1999, members of the Society started a petition to request the DFAA to reconsider its plans. The petition was signed by 677 members and was handed to Mr. K. Omori, Secretary Officer of DFAA, on 9 July 1999. Mr. Omori replied that 'we will carefully consider the biota of proposed sites before making the final decision', but there is still a risk that nothing will be done to revise the plans. Under the 1960 Sikes Act (USA), activities and manipulations that would cause serious destruction of endemic biota in military bases can be halted. We hope that our colleagues in the USA and other countries will support our attempts to mitigate the extinction of a large number of endangered animals and plants in Okinawa.

#### This introduction of delays in Osprey operations destroys deterrence over the Senkaku islands --- risks Chinese aggression

Watanabe 12 (Watanabe Tsuneo, Director, Policy Research, Senior Fellow, The Tokyo Foundation, Adjunct Fellow, Center for Strategic and International Studies, Senior Fellow, Okinawa Peace Assistance Center, former senior fellow at the Mitsui Global Strategic Studies Institute in Tokyo, “Between Okinawa and the Senkakus: Charting a Third Way on Japanese Security,” The Tokyo Foundation, November 22, 2012, http://www.tokyofoundation.org/en/articles/2012/between-okinawa-and-senkaku)

From the standpoint of international security, further delays in the deployment of the Osprey was not a realistic option for either government, especially in view of mounting tensions between Japan and China over the Senkaku Islands. With a maximum speed of 509 kilometers per hour, the Osprey can fly almost twice as fast as the CH-46E. Its 3,334 km flying range is almost eight times that of its predecessor, and it has four to five times the mission radius. This means that the Ospreys at Futenma would enable rapid deployment of Marine combat forces to the Senkaku Islands. This **capability constitutes a major psychological deterrent for the Chinese,** now that American officials have made it clear that the disputed islands are under Japanese jurisdiction and are covered by the Japan-US Security Treaty.

#### Draws in the US and goes nuclear

Blaxland 13 (John Blaxland, Senior Fellow at the Strategic and Defence Studies Centre, the Australian National University, and Rikki Kersten, Professor of modern Japanese political history in the School of International, Political and Strategic Studies at the College of Asia and the Pacific, the Australian National University, 2/13/13, “Escalating territorial tension in East Asia echoes Europe’s descent into world war,” http://www.eastasiaforum.org/2013/02/13/escalating-territorial-tension-in-east-asia-echoes-europes-descent-into-world-war/)

But Japan’s recent allegation that China used active radars is a significant escalation. Assuming it happened, this latest move could trigger a stronger reaction from Japan. China looks increasingly as if it is not prepared to abide by UN-related conventions. International law has been established mostly by powers China sees as having exploited it during its ‘century of humiliation’. Yet arguably, it is in the defence of these international institutions that the peaceful rise of China is most likely to be assured. China’s refusal to submit to such mechanisms as the ICJ increases the prospect of conflict. For the moment, Japan’s conservative prime minister will need to exercise great skill and restraint in managing domestic fear and resentment over China’s assertiveness and the military’s hair-trigger defence powers. A near-term escalation cannot be ruled out. After all, Japan recognises that China is not yet ready to inflict a major military defeat on Japan without resorting to nuclear weapons and without triggering a damaging response from the United States. And Japan does not want to enter into such a conflict without strong US support, at least akin to the discreet support given to Britain in the Falklands War in 1982. Consequently, Japan may see an escalation sooner rather than later as being in its interests, particularly if China appears the aggressor.

### 1NR Link

#### Environmental assessments will gut Ospreys in Japan --- they’re so bad for the environment it would be impossible to let them stay

**Hanawa 07** (Shin-ichi Hanawa, World Wildlife Fund – Japan, “WWF Japan's Staement Protesting Against Helipad Construction,” July 1, 2007, http://hoa.seesaa.net/article/46357389.html)

WWF Japan has identified the forests of Yanbaru in Okinawa, where many endemic and rare species live, as an area whose protection should be prioritized. As one of the **most important** natural **environments** **in the world,** WWF Japan has already begun conservation activities in the area. The construction of new helipads in the US Marine Corps Northern Training Area will destroy Yanbaru’s natural environment and will threaten the peaceful livelihoods of the local residents, and so we strongly demand an end to their construction. In the Northern Training Area (Jungle Warfare Training Center), there still remains healthy Okinawan sub-tropical evergreen broad-leaved forest. This forest is an important habitat for many endemic species and subspecies at risk of extinction, such as Okinawa woodpecker (Sapheopipo noguchii) and Okinawa rail (Gallirallus okinawae). According to an Environmental Impact Assessment Report (2006) produced by the Naha office of the Defense Facilities Administration Agency, over 4,000 species have been recorded at the site planned for the construction of the helipads and in the surrounding area. 12 plant species and 11 animal species are endemic and/or subspecies, and between 177 species (Environment Ministry est.) and 188 species (Okinawa Prefecture est.) are **threatened with extinction.** This fully meets one of the criteria for selection by the World Heritage Committee (to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.). Much forest has been lost due to the development of Okinawa following its return to Japan in 1972. However, the approximately 7500 hectares of forest occupied by the Northern Training Area has been preserved in its natural state, and has become a refuge for wildlife. **The** building of access roads and six military **helipads,** which **would destroy the rich biological diversity** of the natural environment, must not proceed !

### Senkaku Impacts

#### This time is different and will break out --- resources, nationalism, and rampant militarization

Klare 13 (Michael Klare, professor of peace and world security studies at Hampshire College, “The Next War”, 1/23/13, http://www.realclearworld.com/articles/2013/01/23/the\_next\_war\_100500.html)

Lurking just behind the Iranian imbroglio, however, is a potential crisis of *far greater magnitude*, and potentially far more imminent than most of us imagine. China's determination to assert control over disputed islands in the potentially *energy-rich waters* of the East and South China Seas, in the face of stiffening resistance from Japan and the Philippines along with greater regional assertiveness by the United States, spells trouble not just regionally, but potentially globally. Islands, Islands, Everywhere The possibility of an Iranian crisis remains in the spotlight because of the obvious risk of disorder in the Greater Middle East and its threat to global oil production and shipping. A crisis in the East or South China Seas (essentially, western extensions of the Pacific Ocean) would, however, pose a greater peril because of the possibility of a *U.S.-China military confrontation* and the threat to Asian economic stability. The United States is bound by treaty to come to the assistance of Japan or the Philippines if either country is attacked by a third party, so any armed clash between Chinese and Japanese or Filipino forces could *trigger American military intervention*. With so much of the world's trade focused on Asia, and the American, Chinese, and Japanese economies tied so closely together in ways too essential to ignore, a clash of almost any sort in these vital waterways might paralyze international commerce and trigger a global recession (or worse). All of this should be painfully obvious and so rule out such a possibility -- and yet the likelihood of such a clash occurring has been *on the rise* in recent months, as China and its neighbors continue to ratchet up the bellicosity of their statements and *bolster their military forces* in the contested areas. Washington's continuing statements about its ongoing plans for a "pivot" to, or "rebalancing" of, its forces in the Pacific have only fueled Chinese intransigence and *intensified a rising sense of crisis* in the region. Leaders on all sides continue to affirm their country's inviolable rights to the contested islands and vow to use any means necessary to resist encroachment by rival claimants. In the meantime, China has increased the frequency and scale of its naval maneuvers in waters claimed by Japan, Vietnam, and the Philippines, further *enflaming tensions in the region.* Ostensibly, these disputes revolve around the question of who owns a constellation of largely uninhabited atolls and islets claimed by a variety of nations. In the East China Sea, the islands in contention are called the Diaoyus by China and the Senkakus by Japan. At present, they are administered by Japan, but both countries claim sovereignty over them. In the South China Sea, several island groups are in contention, including the Spratly chain and the Paracel Islands (known in China as the Nansha and Xisha Islands, respectively). China claims all of these islets, while Vietnam claims some of the Spratlys and Paracels. Brunei, Malaysia, and the Philippines also claim some of the Spratlys. Far more is, of course, at stake than just the ownership of a few uninhabited islets. The seabeds surrounding them are believed to sit atop *vast reserves of* oil and natural gas. Ownership of the islands would naturally confer ownership of the reserves -- something all of these countries *desperately desire*. *Powerful* forces of nationalism are also at work: with *rising popular fervor*, the Chinese believe that the islands are part of their national territory and any other claims represent a direct assault on China's sovereign rights; the fact that Japan -- China's brutal invader and occupier during World War II -- is a rival claimant to some of them only adds a powerful tinge of victimhood to Chinese nationalism and intransigence on the issue. By the same token, the Japanese, Vietnamese, and Filipinos, already feeling threatened by China's growing wealth and power, believe no less firmly that not bending on the island disputes is an essential expression of their nationhood. Long ongoing, these disputes have escalated recently. In May 2011, for instance, the Vietnamese reported that Chinese warships were harassing oil-exploration vessels operated by the state-owned energy company PetroVietnam in the South China Sea. In two instances, Vietnamese authorities claimed, cables attached to underwater survey equipment were purposely slashed. In April 2012, armed Chinese marine surveillance ships blocked efforts by Filipino vessels to inspect Chinese boats suspected of illegally fishing off Scarborough Shoal, an islet in the South China Sea claimed by both countries. The East China Sea has similarly witnessed tense encounters of late. Last September, for example, Japanese authorities arrested 14 Chinese citizens who had attempted to land on one of the Diaoyu/Senkaku Islands to press their country's claims, provoking widespread anti-Japanese protests across China and a series of naval show-of-force operations by both sides in the disputed waters. *Regional diplomacy*, that classic way of settling disputes in a peaceful manner, has been *under growing strain* recently thanks to these maritime disputes and the accompanying military encounters. In July 2012, at the annual meeting of the Association of Southeast Asian Nations (ASEAN), Asian leaders were unable to agree on a final communiqué, no matter how anodyne -- the first time that had happened in the organization's 46-year history. Reportedly, consensus on a final document was thwarted when Cambodia, a close ally of China's, refused to endorse compromise language on a proposed "code of conduct" for resolving disputes in the South China Sea. Two months later, when Secretary of State Hillary Rodham Clinton visited Beijing in an attempt to promote negotiations on the disputes, she was reviled in the Chinese press, while officials there refused to cede any ground at all. As 2012 ended and the New Year began, the situation only deteriorated. On December 1st, officials in Hainan Province, which administers the Chinese-claimed islands in the South China Sea, announced a new policy for 2013: Chinese warships would now be empowered to stop, search, or simply repel foreign ships that entered the claimed waters and were suspected of conducting illegal activities ranging, assumedly, from fishing to oil drilling. This move coincided with an increase in the size and frequency of Chinese naval deployments in the disputed areas. On December 13th, the Japanese military scrambled F-15 fighter jets when a Chinese marine surveillance plane flew into airspace near the Diaoyu/Senkaku Islands. Another worrisome incident occurred on January 8th, when four Chinese surveillance ships entered Japanese-controlled waters around those islands for 13 hours. Two days later, Japanese fighter jets were again scrambled when a Chinese surveillance plane returned to the islands. Chinese fighters then came in pursuit, the first time supersonic jets from both sides flew over the disputed area. The Chinese clearly have little intention of backing down, having indicated that they will increase their air and naval deployments in the area, just as the Japanese are doing. Powder Keg in the Pacific While war clouds gather in the Pacific sky, the question remains: Why, pray tell, is this happening now? Several factors seem to be conspiring to *heighten the risk of confrontation*, including *leadership changes* in China and Japan, and a geopolitical reassessment by the United States. \* In China, a new leadership team is placing renewed *emphasis on military strength* and on what might be called *national assertiveness*. At the 18th Party Congress of the Chinese Communist Party, held last November in Beijing, Xi Jinping was named both party head and chairman of the Central Military Commission, making him, in effect, the nation's foremost civilian and military official. Since then, Xi has made several heavily publicized visits to assorted Chinese military units, all clearly intended to demonstrate the Communist Party's determination, under his leadership, to boost the capabilities and prestige of the country's army, navy, and air force. He has already linked this drive to his belief that his country should play a more vigorous and assertive role in the region and the world.

#### No defense ---- Senkaku forces the CCP to play their hand and ignites nationalism --- diplomacy will fail which necessitates deterrence

**Lee 3/2/13** (Soon Ho Lee, PhD candidate at the Department of Politics and International Studies, The University of Hull, “Japans’ Dilemma: Maritime Disputes in East Asia,” East Asia Forum, March 2, 2013, http://www.eastasiaforum.org/2013/03/02/japans-dilemma-maritime-disputes-in-east-asia/#more-33971)

Moreover, Japan’s maritime disputes with East Asian countries, especially with China over the Senkaku/Diaoyu islands, could severely affect the Japanese economy because of aggravated anti-Japanese sentiment and the potential for bilateral trade reprisals. The Senkaku/Diaoyu territorial dispute may also **ignite Chinese nationalism,** which may then become a heavy burden on China’s Communist Party. In such circumstances, **this** dispute **could escalate into armed conflict.** What, then, is the best policy option for Japan? Japan needs to carefully consider creating multilateral diplomatic channels. During the Cold War, Japan favoured bilateral talks, with the United States usually acting as an arbitrator. At that stage, bilateral talks were the logical choice, since the capitalist bloc countries could not neglect Japan’s clout — Japan possessed impressive negotiation skills and had valuable international connections, especially in maritime matters. Now, Japan is not as dominant as it used to be, and the United States is not willing to actively engage in Japan’s disputes, as this could increase anti-American sentiment in East Asia. In this context, if Japan tries to solve the problem with bilateral confrontations, their actions would receive international attention and would be more susceptible to domestic pressure, which would inevitably aggravate existing tensions.

# 2NC

### 1NR – Overview

#### Iran war and prolif escalates all conflicts – great power involvement. Prefer vertical escalation over horizontal – all of their impacts take a long time to reach the level of escalation – short term nuclear strike from Israel and the US would escalate as historic tensions boil over.

#### Proliferation increases the risk of nuclear conflict geometrically – turns case and makes all current conflicts more likely to erupt

Talent and Hall, March 2010 (Jim - distinguished fellow in government relations at the Heritage Foundation, and Heath, Sowing the Wind, p. <http://www.freedomsolutions.org/2010/03/sowing-the-wind-the-decay-of-american-power-and-its-consequences/>)

There is a reason that regimes like Iran and North Korea go to the time and expense, and assume the risks of developing nuclear weapons programs; nuclear capability empowers them to achieve their ends, and thereby poses challenges to the United States, for several reasons. First, there is a danger that rogue regimes with nuclear material may assist terrorists in developing weapons of mass destruction.[36] Even the possibility that such regimes may do so gives them leverage internationally. Second, these regimes have ambitions in their regions and around the world.[37] Some of their leaders are fanatical enough to actually consider a first strike using nuclear weapons; for example, high-ranking officials of the Iranian government have openly discussed using a nuclear weapon against Israel.[38] Whether a first strike occurs or not, the possession of nuclear capability frees aggressive regimes to pursue their other goals violently with less fear of retaliation. For example, North Korea’s nuclear capability means that it could attack South Korea conventionally with a measure of impunity; even if the attack failed, the United States and its allies would be less likely to remove the North Korean regime in retaliation. In other words, nuclear capability lessens the penalties which could be exacted on North Korea if it engages in aggression, which makes the aggression more likely. The same logic applies to Iran, which is why the other nations in the Middle East are so concerned about Iran’s nuclear program. A nuclear attack by Iran is possible, but the real danger of Iranian nuclear capability is that it would make conventional aggression in the region more likely.[39] Finally, the more nations that get nuclear weapons, the greater the pressure on other nations to acquire them as a deterrent, and this is particularly true when a government acquiring the capability is seen as unstable or aggressive. North Korea’s possession of nuclear weapons has tended, for obvious reasons, to make the South Koreans and Japanese uncomfortable about having no deterrent themselves. The possibility of uncontrolled proliferation—what experts call a “nuclear cascade”[40]—is tremendously dangerous; it increases the possibility that terrorists can get nuclear material from a national program, and it raises the prospect of a multilateral nuclear confrontation between nations.[41] Many of the smaller nuclear nations do not have well-established first strike doctrine or launch protocols; the chance of a nuclear exchange, accidental or intentional, increases geometrically when a confrontation is multilateral.

#### Sanctions on Iran in the middle of a negotiations would backfire – first it would crash US prestige and leadership by looking us look like a dishonest broker on all issue – that’s LEVERETT

#### AND Extinction

Giribets 12 [Miguel Giribets, “If US Attacks Iran, Human Survival May Be at Risk (Part III),” Argen Press, 10 January 2012, pg. http://watchingamerica.com/News/141596/if-us-attacks-iran-human-survival-may-be-at-risk-part-iii/]

The dangers of global war are clear. On one side, hundreds of Russian technicians would die working on Iranian nuclear facilities, to which Russia could not stand idly by. According to Chossudovsky: "Were Iran to be the object of a "pre-emptive" aerial attack by allied forces, the entire region, from the Eastern Mediterranean to China's Western frontier with Afghanistan and Pakistan, would flare up, leading us potentially into a World War III scenario. The war would also extend into Lebanon and Syria. It is highly unlikely that the bombings, if they were to be implemented, would be circumscribed to Iran's nuclear facilities as claimed by US-NATO official statements. What is more probable is an all out air attack on both military and civilian infrastructure, transport systems, factories, public buildings.

"The issue of radioactive fallout and contamination, while casually dismissed by US-NATO military analysts, would be devastating, potentially affecting a large area of the broader Middle East (including Israel) and Central Asian region." As an example, a few years ago Burma moved its capital Rangoon to Pyinmana, because it believed that the effects of nuclear radiation caused by an attack on Iran would be less there. Radiation and nuclear winter could have uncontrollable consequences for humans. Put plainly, the survival of the human race would be put at stake if the U.S. attacks Iran.

#### Nuclear Iran kills U.S. hegemony – emboldens enemies and weakens alliances

Takeyh and Lindsay, 10

[James M. Lindsay, Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair, Ray Takeyh, Senior Fellow for Middle Eastern Studies “After Iran Gets the Bomb Containment and Its Complications,” March/April 2010, <http://www.cfr.org/publication/22182/after_iran_gets_the_bomb.html>]

 The dangers of Iran's entry into the nuclear club are well known: emboldened by this development, Tehran might multiply its attempts at subverting its neighbors and encouraging terrorism against the United States and Israel; the risk of both conventional and nuclear war in the Middle East would escalate; more states in the region might also want to become nuclear powers; the geopolitical balance in the Middle East would be reordered; and broader efforts to stop the spread of nuclear weapons would be undermined. The advent of a nuclear Iran—even one that is satisfied with having only the materials and infrastructure necessary to assemble a bomb on short notice rather than a nuclear arsenal—would be seen as a major diplomatic defeat for the United States. Friends and foes would openly question the U.S. government's power and resolve to shape events in the Middle East. Friends would respond by distancing themselves from Washington; foes would challenge U.S. policies more aggressively.

Such a scenario can be avoided, however. Even if Washington fails to prevent Iran from going nuclear, it can contain and mitigate the consequences of Iran's nuclear defiance. It should make clear to Tehran that acquiring the bomb will not produce the benefits it anticipates but isolate and weaken the regime. Washington will need to lay down clear "redlines" defining what it considers to be unacceptable behavior—and be willing to use military force if Tehran crosses them. It will also need to reassure its friends and allies in the Middle East that it remains firmly committed to preserving the balance of power in the region.

Containing a nuclear Iran would not be easy. It would require considerable diplomatic skill and political will on the part of the United States. And it could fail. A nuclear Iran may choose to flex its muscles and test U.S. resolve. Even under the best circumstances, the opaque nature of decision-making in Tehran could complicate Washington's efforts to deter it. Thus, it would be far preferable if Iran stopped—or were stopped—before it became a nuclear power. Current efforts to limit Iran's nuclear program must be pursued with vigor. Economic pressure on Tehran must be maintained. Military options to prevent Iran from going nuclear must not be taken off the table.

### 1NR – Uniqueness

#### No sanctions now – they are short the votes to overcome Obama – which means his credibility is vital – the party doesn’t want to defy him. Only plan gives the a reason to do so – triggers the link

#### Bipart support for sanctions now – ameks all of their turns useless – Obama holding them off is crucial

FOX NEWS 12 – 27 – 13 Top Dem presses Obama on Iran sanctions after centrifuge surprise, http://www.foxnews.com/politics/2013/12/27/top-dem-presses-obama-on-iran-sanctions-after-centrifuge-announcement/

President Obama faced mounting bipartisan pressure on Friday to drop his resistance to an Iran sanctions bill after Tehran announced a new generation of equipment to enrich uranium -- a move the Israelis claimed was further proof the regime seeks nuclear weapons.

One of the president's top Democratic allies is leading the charge for Congress to pass sanctions legislation, despite the president's pleas to stand down. Senate Foreign Relations Committee Chairman Bob Menendez, D-N.J., told Fox News that the "Iranians are showing their true intentions" with their latest announcement.

"If you're talking about producing more advanced centrifuges that are only used to enrich uranium at a quicker rate ... the only purposes of that and the only reason you won't give us access to [a military research facility] is because you're really not thinking about nuclear power for domestic energy -- you're thinking about nuclear power for nuclear weapons," he said.

Menendez was reacting after Iran's nuclear chief Ali Akbar Salehi said late Thursday that the country is building a new generation of centrifuges for uranium enrichment. He said the system still needs further tests before the centrifuges can be mass produced. His comments appeared aimed at countering hard-liner criticism by showing the nuclear program is moving ahead and has not been halted by the accord. At the same time, the government was walking a fine line under the terms of the deal.

Iran, as part of a six-month nuclear deal with the U.S. and other world powers, agreed not to bring new centrifuges into operation during that period. But the deal does not stop it from developing centrifuges that are still in the testing phase.

On Friday, the Embassy of Israel in Washington released a statement reiterating their call for Iran to halt enrichment and remove the infrastructure behind it.

"Installing additional advanced centrifuges would be further indication that Iran intends to develop a nuclear bomb -- and to speed up the process of achieving it," the statement said.

Menendez said he, like the president, wants to test the opportunity for diplomacy.

"The difference is that we want to be ready should that diplomacy not succeed," the senator said. "It's getting Congress showing a strong hand with Iranians at the same time that the administration is seeking negotiation with them. I think that that's the best of all worlds."

Obama would not appear to agree.

At his year-end news conference, the president tried to push back on those advocating new legislation by insisting the tentative deal with Iran has teeth.

"Precisely because there are verification provisions in place, we will have more insight into Iran's nuclear program over the next six months than we have previously," Obama said. "We'll know if they are violating the terms of the agreement. They're not allowed to accelerate their stockpile of enriched uranium."

Obama argues that Congress could step in at any time to approve new sanctions if Iran violates the terms of the agreement. Further, he argues that legislation at this stage could imperil the hard-fought Geneva deal.

But sponsors of the legislation in the Senate, which would only trigger sanctions if Iran violates the interim deal or lets it expire without a long-term accord, say the legislation would do just the opposite -- put added pressure on Iran to rein in its nuclear program.

When Congress returns to work next month, there could be new urgency for legislation. A total of 47 co-sponsors are now behind the legislation introduced by Menendez and Sen. Mark Kirk, R-Ill. Supporters are hoping to reach a 67-member, veto-proof majority.

Kirk told Fox News that the latest development in Iran shows why Americans are distrustful of Iran's intentions.

#### Obama has the foreign policy cred to hold the line – this isn’t a capital disad – it’s a creditiblity of the executive disad.

#### AND - Obama has capital left – analysts agree

CSM 12 – 2 – 13 Is Obama already a lame-duck president? (+video), <http://www.csmonitor.com/USA/DC-Decoder/2013/1202/Is-Obama-already-a-lame-duck-president-video>

Still, the early rumblings of 2016 are a sideshow compared with the present challenge of being president. And for Obama, analysts say, despite the rough rollout of the ACA, there’s plenty of juice left in his presidency – especially with more than three years to go.

“It has to do with the inherent powers of the presidency,” says Ross Baker, a political scientist at Rutgers University in New Jersey. “Between now and the 20th of January 2017, there will be many opportunities for him to do things, even if Congress doesn’t cooperate.”

Obama has shown clear willingness to use executive power to effect policy without Congress. Examples include changes to the ACA, actions on firearms, limits on greenhouse gases, changes to IRS rules that affect political action committees, and deferring deportation of young illegal immigrants.

The president has held back on taking other executive actions, despite pressure from activists, especially on gay rights and broader immigration reform. That hesitancy likely signals a desire to keep working with Congress on those matters, bringing more public buy-in and the ability to institute more sweeping reform.

The White House is putting out the word that Obama is keeping his powder dry on issues like comprehensive immigration reform and expanded background checks on guns, two initiatives that ran aground in Congress this year.

“The president takes a long view of things,” White House communications director Jennifer Palmieri told MSNBC on Monday. “We made a lot of progress in this past year on those issues, and we’ll continue to push it as long as it takes through the rest of the presidency.”

### A2 - Thumpers

#### Their card sucks – doesn’t say it will hurt the agenda – just says it’ll be contentious – this begs the question of the link – we’ll take the challenge. OUR Kriner card is phenomenal. It’ll torpedo Obama’s agenda.

#### Issue specific uniqueness takes out thumpers – authors saying it’ll pass assume the climate. It’s not like they didn’t consider the climate – the introduction of the plan throws the climate off.

#### None of the fights will hurt the credibility of the executive on foreign policy. We aren’t reading a capital disad.

Iran is before other fights—top of the docket

**Egelko 12/26** (Bob, San Francisco Chronicle, “Feinstein, Boxer side with Obama in Iran sanctions dispute”, December 26, 2013, http://blog.sfgate.com/nov05election/2013/12/26/feinstein-boxer-side-with-obama-in-iran-sanctions-dispute/)

A showdown is looming in the Senate next month over increased U.S. sanctions on Iran that could unravel a tentative international agreement over Iranian nuclear development, with President Obama on one side and Israel on the other. And California’s senators, Democrats Dianne Feinstein and Barbara Boxer, usually staunch allies of Israel, are both siding with Obama.

The Nov. 24 agreement requires Iran to freeze its nuclear program, halt work on a heavy-water reactor and stop enriching uranium beyond 5 percent of purity, far below the weapons-grade level. It also provides for daily inspections by international weapons monitors. In exchange, the international community agreed to suspend some of the sanctions, to the tune of $7 billion a year, that have frozen transactions with Iranian oil, banking and other industries. The six-month deal, intended as a prelude to a long-term agreement, was approved by Iran’s new president, Hassan Rouhani, and the U.S., Great Britain, Russia, China, France and Germany.

The agreement was immediately denounced by Israeli President

Benjamin Netanyahu as a sham that would allow Iran to develop nuclear weapons. Israel, which has the only nuclear arsenal in the Middle East, has threatened a pre-emptive military strike on Iran’s nuclear facilities. Meanwhile, Israel’s U.S.-based lobbyists, led by the American Israel Public Affairs Committee, are backing a sanctions bill in the Senate that has divided the Democratic Party.

The bill would impose additional economic sanctions if Iran either fails to comply with the terms of the six-month agreement or, more significantly, refuses to dismantle its entire uranium enrichment program within a year. Another provision would require the United States to provide economic and military support if Israel was “compelled to take military action in legitimate self-defense” against what the bill describes as Iran’s nuclear weapons program.

The bipartisan measure has 26 cosponsors, led by Senate Foreign Relations Committee Chairman Robert Menedez, D-N.J., and Sen. Mark Kirk, R-Ill. Another cosponsor is the Senate’s third-ranking Democrat, Chuck Schumer of New York.

“A credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table,” Menendez said in a statement.

But Rouhani said the legislation, if passed, would be a deal-breaker, and Obama has promised to veto it if it reaches his desk. Last week, 10 Senate Democratic committee chairs sent a letter to Majority Leader Harry Reid, D-Nev., urging him to keep the bill from coming to a vote.

The signers included Feinstein, chairwoman of the Intelligence Committee, Boxer, head of Environment and Public Works, and Sen. Tim Johnson of South Dakota, whose Banking Committee would normally hear the bill. The letter cited a recent U.S. intelligence assessment that concluded new sanctions “would undermine the prospects for a successful comprehensive nuclear agreement with Iran.”

Reid kept the bill off the pre-holiday calendar, but Menendez and Kirk plan to bring it up once Congress reconvenes Jan. 6. With Republicans solidly in support and congressional elections looming, the measure — in addition to its international consequences — could pose political problems for the Democrats.

Domestic-issue fights are isolated from Iran

Judy Woodruff, PBS, 1/2/13, Examining Obama's options to push his agenda in 2014, www.pbs.org/newshour/bb/white\_house/jan-june14/yearahead\_01-02.html

But the Republicans are divided. You know, there is a civil war going on in the Republican Party between those Tea Party conservatives who have really had the upper hand since 2010 and more establishment Republicans, more mainstream Republicans, including some of the business interests, some of the big donors, who want to steer a different path.

And that may make - that may create opportunities for President Obama to make deals with that part of the party. But it also may create problems in trying to deal with a divided enemy.

JUDY WOODRUFF: And with that backdrop, Jerry, we have been talking about domestic issues. Are there also international issues? They may not be working their way through the Congress, but the president is going to be dealing on the side with what's - with Iran, a potential nuclear deal with Iran, with the Middle East, perhaps, John Kerry, the secretary of state.

How much do international issues come into play at a time like this?

GERALD SEIB: You know, in every second term, international issues increasingly take over the agenda for the president. As his power at home is restricted, his ability or his desire to move abroad increases.

And that will probably be the story of the next three years. I think in the next year, the big question on that agenda is the nuclear deal with Iran. Will it come to - you know, there is a temporary deal in place. That will expire in a few months. Will there be a permanent deal in place to restrict the Iranian nuclear program? Will it go down well in Congress, where there is a lot of skepticism about it? Will it go down well with the allies? Will it go down well with the Israelis?

I think that is the big international question, and it is a tough one for the president in the first few months.

#### Vote soon – momentum building. If Obama loses clout, the vote will speed up

J POST 12 – 22 – 13 Senate prepares major vote on Iran sanctions next month, http://www.jpost.com/Iranian-Threat/News/Senate-prepares-major-vote-on-Iran-sanctions-next-month-335835

White House braces for decision that will be increasingly difficult to avoid, as bill authors seek broad support.

A bill challenging diplomatic efforts with Iran may get a vote on the Senate floor in January.

The Nuclear Weapon Free Iran Act of 2013 would trigger new sanctions against Iran should negotiations fail to produce a comprehensive agreement on its nuclear program in six-to-12 months – or should its government fall short of complying with the technical tenets of a temporary deal brokered last month in Geneva.

The interim deal, agreed upon by Iran and the P5+1 powers – the US, United Kingdom, France, Russia, China and Germany – effectively halts Iran’s nuclear program in exchange for modest sanctions relief.

Senate Foreign Relations Committee chairman Robert Menendez said his bill honors the efforts of US President Barack Obama to forge a diplomatic agreement with Iran, and yet holds the international community accountable to deliver one within the time frame outlined in the Geneva accord.

The proposed bill grants the president a year to negotiate with Iran before sanctions are triggered. Those sanctions include harsh new penalties for countries still importing Iranian oil, including allies, requiring they cut at least 30 percent of their purchases within months of enactment.

That will adversely impact countries previously granted sanctions waivers, such as Japan, South Korea and China – a member of the P5+1 talks currently supportive of US efforts.

One specific provision of the Geneva deal would be undermined, warned the White House and Iran alike: that “the US administration, acting consistent with the respective roles of the president and the Congress, will refrain from imposing new nuclear-related sanctions.”

Regardless of when the sanctions are triggered, passage of the bill amounts to an action that could be interpreted as a violation of the agreement. The White House has threatened a presidential veto should the bill come to pass. It would be this president’s third veto since taking office.

Since the bill does not become law without the president’s signature, the White House could argue to Iran that no meaningful action had been taken. It would then be up to Iran whether or not it wants to interpret the bill’s passage as a violation of the Geneva provision, should matters reach that point.

“There is no need for new sanctions legislation, not yet,” Obama told the White House press corps on Friday, adding that he would support swift action should talks fail.

Multiple Senate aides familiar with the legislation told The Jerusalem Post to expect a vote on the bill early next year, though the timeline is contingent on the breadth of support its authors, Menendez (D-New Jersey) and Sen. Mark Kirk (R-Illinois), are able to whip over the next several weeks.

Their staffs are expected to work to compel cosigners over the holiday recess.

#### Issues don’t cost capital until they’re at the finish line

Drum 10 [Kevin, Political Blogger, Mother Jones, http://motherjones.com/kevin-drum/2010/03/immigration-coming-back-burner]

Not to pick on Ezra or anything, but this attitude betrays a surprisingly common misconception about political issues in general. The fact is that political dogs never bark until an issue becomes an active one. Opposition to Social Security privatization was pretty mild until 2005, when George Bush turned it into an active issue. Opposition to healthcare reform was mild until 2009, when Barack Obama turned it into an active issue. Etc. I only bring this up because we often take a look at polls and think they tell us what the public thinks about something. But for the most part, they don't.1 That is, they don't until the issue in question is squarely on the table and both sides have spent a couple of months filling the airwaves with their best agitprop. Polling data about gays in the military, for example, hasn't changed a lot over the past year or two, but once Congress takes up the issue in earnest and the Focus on the Family newsletters go out, the push polling starts, Rush Limbaugh picks it up, and Fox News creates an incendiary graphic to go with its saturation coverage — well, that's when the polling will tell you something. And it will probably tell you something different from what it tells you now. Immigration was bubbling along as sort of a background issue during the Bush administration too until 2007, when he tried to move an actual bill. Then all hell broke loose. The same thing will happen this time, and without even a John McCain to act as a conservative point man for a moderate solution. The political environment is worse now than it was in 2007, and I'll be very surprised if it's possible to make any serious progress on immigration reform. "Love 'em or hate 'em," says Ezra, illegal immigrants "aren't at the forefront of people's minds." Maybe not. But they will be soon.

### 2nc/1nr Link Wall

#### Congressional challenges to the war power Authority of the executive hurt the president’s success on other unrelated agenda items. The card is explicit – that’s Kriner. - Obama support is irrelevant

#### AND – prefer Kriner – only comprehensive study.

FOWLER 10 Professor of Government, Chair in Policy Studies at Dartmouth [Linda L. Fowler, After the Rubicon, CONGRESS, PRESIDENTS, AND THE POLITICS OF WAGING WAR, <http://press.uchicago.edu/ucp/books/book/chicago/A/bo10156999.html>]

Studies of war and research on Congress typically stand in isolation from each other. Kriner’s new book demonstrates big payoffs from examining the two in concert. He shows how the balance of party power in the legislature trumps conventional strategic variables in explaining the duration of U.S. military conflicts. Kriner also reveals how informal legislative actions, such as hearings, investigations, and resolutions, limit the president’s use of force. The book draws on a wide range of statistical and qualitative evidence and should cause even diehard realists to look more seriously at domestic constraints on U.S. actions abroad. In sum, Kriner’s work suggests that reports of Congress’s death as a participant in international relations are greatly exaggerated.

#### Here’s another Kriner card – statistical and empirical support – the plan trades off with the agenda.

KRINER 10 Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, page 282-283]

The Costs of Congressional Wartime Opposition to the Bush Agenda

There is also considerable circumstantial evidence suggesting that the intense congressional opposition to Bush's Iraq War policies imposed an additional, significant political cost on the president: it brought action on virtually every other issue on his domestic and international agendas to a grinding halt. With an approval rating mired in the low thirties throughout his final year in office and with more than twice that figure disapproving of his job performance, Bush devoted every bit of his political capital to insuring continued funding for the war in Iraq.

Measuring the costs that congressional wartime opposition exacts on other presidential agenda items is perhaps even more difficult than conclusively showing its influence on public opinion. However, on several metrics the data strongly suggests that Bush failed to achieve almost all of his non-Iraq legislative priorities in his final two years in office. One commonly used measure of legislative productivity is Mayhew's class of "sweep one" significant enactments. In raw numerical terms, the emergence of sustained, significant congressional challenges to the war in Iraq did not dampen legislative productivity. The 110th Congress enacted thirteen pieces of landmark legislation, versus fourteen in the 109th Congress, although this total was boosted significantly by three bills responding to the financial crisis. However, a simple comparison of numbers obscures precisely whose agenda items comprised these lists of significant enactments. Landmark initiatives passed in the 109th Congress included a major reform of bankruptcy laws that favored lenders over consumers; the Class Action Fairness Act, which made it more difficult for individuals to bring such suits against businesses; billions of dollars of tax breaks to increase energy production; the Central American Free Trade Agreement; and the opening of more than eight million acres of the Gulf of Mexico to offshore drilling. These and most other items on the list clearly reflected Bush's legislative priorities. By contrast, many of the landmark initiatives enacted by the 110th Congress clearly reflected the priorities of the Democratic majority: an increase in the minimum wage; ethics and lobbying reform; an overhaul of the student loan program that cut subsidies to private lenders and increased federal aid to low-income families; an energy bill raising automobile gas mileage standards and encouraging conservation; and a bill requiring insurance companies to provide equal coverage for mental and physical illnesses.l9

All second-term presidents at some point grapple with the reality of becoming a lame duck, and all presidents in periods of divided government must grapple with legislatures possessing their own programmatic agendas. By almost any standard, however, Bush succeeded in achieving even fewer of his legislative priorities in the final two ears of his presidency than his immediate predecessors. The reasons for this are undoubtedly multifaceted. However, an important piece of the puzzle may well be that Bush, who in 2001 had been the most popular president in the history of the Gallup poll, was forced to expend every remaining bit of political energy in waging a rearguard action against Congress to preserve his policies in Iraq. The animus that his intransigence in Iraq had generated among the American people and many in Congress, even among some in his own party, left him stripped of the political capital needed to advance the remainder of his policy agenda.

#### It trades off

KRINER 10 Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, page 67-69]

Raising or Lowering Political Costs by Affecting Presidential Political Capital

Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction — particularly congressional opposition — to presidential foreign policies. At least since Richard Neustadt’s seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt’s three ‘cases of command’—Truman’s seizure of the steel mills and tiring of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand – yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea. 58

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives . Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60

In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61

When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### Obama will get blamed for Kagan & Sotomayor liberalizing the court

MIRENGOFF 10 JD Stanford, Attorney in DC [Paul E. Mirengoff, Solicitor General Kagan’s Confirmation Hearing, http://www.fed-soc.org/debates/

There's a chance that the Democrats' latest partisan innovation will come back to haunt them. Justice Sotomayor and soon-to-be Justice Kagan are on record having articulated a traditional, fairly minimalist view of the role of judges. If a liberal majority were to emerge -- or even if the liberals prevail in a few high profile cases -- the charge of "deceptive testimony" could be turned against them. And if Barack Obama is still president at that time, he likely will receive some of the blame.

#### Obama’s appointments give him a judicial legacy

Reuters 8/5/10 ("Senate approves Obama nominee Kagan to top court," <http://webcache.googleusercontent.com/search?q=cache:8oM3T-dMCDYJ:www.reuters.com/article/idUSTRE6744YW20100805+obama+kagan+supreme+court+2+appointees&cd=3&hl=en&ct=clnk&gl=us>)

(Reuters) - President Barack Obama's nomination of Elena Kagan to the Supreme Court won Senate approval on Thursday, **his second appointment to the court that decides abortion, death penalty and other contentious cases.** The Democratic-led Senate voted largely along party lines, 63-37, to confirm the former Harvard Law School dean as the fourth female justice in U.S. history and the 112th high court member. Kagan was Obama's solicitor general, arguing government cases before the Supreme Court, when he named her in May as his choice to replace the retiring liberal Justice John Paul Stevens. The 50-year-old Kagan, who will be the third woman on the current court, is not expected to change the ideological balance of power on the closely divided panel, which for years has been dominated by a 5-4 conservative majority. All Democratic senators but one voted for her, two independent senators voted for her and five Republicans voted for her. All other Republican senators opposed her nomination. OBAMA'S JUDICIAL LEGACY Kagan becomes Obama's second lifetime appointee on the nine-member Supreme Court, a**llowing him to reshape the court and leave a judicial legacy** that could last long after he leaves office. U.S. appeals court Judge Sonia Sotomayor was confirmed last year by a 68-31 vote as the first Hispanic Supreme Court justice. The two appointments underscore an effort by Obama to move the court to the left after Republican President George W. Bush nominated a pair of conservative judges to the bench.

#### And – it’s politicized – Bush v Gore changed the game

HARRISON 05 Professor of Law – University of Miami, FL [Lindsay, “Does the Court Act as "Political Cover" for the Other Branches?,” http://legaldebate.blogspot.com/]

While the Supreme Court may have historically been able to act as political cover for the President and/or Congress, that is not true in a world post-Bush v. Gore. The Court is seen today as a politicized body, and especially now that we are in the era of the Roberts Court, with a Chief Justice hand picked by the President and approved by the Congress, it is highly unlikely that Court action will not, at least to some extent, be blamed on and/or credited to the President and Congress. The Court can still get away with a lot more than the elected branches since people don't understand the technicalities of legal doctrine like they understand the actions of the elected branches; this is, in part, because the media does such a poor job of covering legal news. Nevertheless, it is preposterous to argue that the Court is entirely insulated from politics, and equally preposterous to argue that Bush and the Congress would not receive at least a large portion of the blame for a Court ruling that, for whatever reason, received the attention of the public.

#### Congress will react for the same reasons – try to score political points by hating the plan

CANON & JOHNSON 99 Professors of political science – UK & Texas A&M [Bradley Canon & Charles Johnson, Judicial policies: implementation and impact]

More than any other public agency, Congress tends to be the focal point for public reaction to judicial policies. As a political body, Congress cannot ignore any sizeable or prominent group of constituents. Some groups become especially agitated when they are unhappy with some judicial decision or doctrine, and they are unhappy with some judicial decision or doctrine, and they make their dissatisfaction known to members of Congress. If the pressure is great enough and is not counterbalanced by pressure from groups that support the judicial policy, Congress will, if feasible take action. At the very least, numerous members of Congress will score political points by showing righteous indignation on behalf of the disaffected groups. Clashes between Congress and the courts are virtually as old as the two branches. Marbury v. Madison (1803) was a political finesse of a hostile Congress by the Supreme Court Constitutional crises have been provoked by such decisions in the 1930s. Strained relationships just short of crises have developed from numerous other decisions. Of course, not all differences between the courts and Congress are emotionally charged. Many of the differences arise over mundane issues such as pension or admiralty law. Either way, almost every year Congress reacts to judicial decisions.

#### Supreme Court rulings get blamed on Obama

Harrison 5—Professor of Law—University of Miami, FL [Lindsay, “Does the Court Act as "Political Cover" for the Other Branches?,” http://legaldebate.blogspot.com/]

While the Supreme Court may have historically been able to act as political cover for the President and/or Congress, that is not true in a world post-Bush v. Gore. The Court is seen today as a politicized body, and especially now that we are in the era of the Roberts Court, with a Chief Justice hand picked by the President and approved by the Congress, it is highly unlikely that Court action will not, at least to some extent, be blamed on and/or credited to the President and Congress. The Court can still get away with a lot more than the elected branches since people don't understand the technicalities of legal doctrine like they understand the actions of the elected branches; this is, in part, because the media does such a poor job of covering legal news. Nevertheless, it is preposterous to argue that the Court is entirely insulated from politics, and equally preposterous to argue that Bush and the Congress would not receive at least a large portion of the blame for a Court ruling that, for whatever reason, received the attention of the public.

#### Controversial decisions spark political repercussions

Friedman 5—Professor of Law, NYU [Jacob D., “The Politics of Judicial Review,” Texas Law Review, december]

[\*269] Only recently - sparked, as is typically the case, by a spate of contentious Supreme Court decisions - have many begun to see that constitutional judging cannot be insulated from "ordinary" politics in quite the way theory demands. 60 Recognition of the relationship between law and politics is on the rise. 61 Still, it is apparent that normative scholars remain uncomfortable with the implications of positive scholarship, even as they take notice. Legal theorists indicate their discomfort by moving quickly from positive assertions about the relationship between law and politics to conclusions that positive scholars would suggest simply are implausible. 62 To take a frequent example, some normative scholars look to the political branches to correct errant judges 63 without considering whether there is any reason to think the political branches are likely to do so at present. 64

### A2 – Sanciton

**Passage green lights Israeli strikes**

**Pillar 1/2** (Paul, Georgetown security studies prof, “Let's Be Honest on Iran”, National Interest, http://nationalinterest.org/blog/paul-pillar/lets-be-honest-iran-9658)

Here's a New Year's resolution that participants in policy debate in Washington, and especially those in Congress, should make: be honest about your position on Iran. Say what you really want, and make your best arguments on behalf of what you really want, and don't pretend to be working in favor of what you really are working against. The main vehicle for debate about Iran once Congress reconvenes is a bill introduced by Senators Mark Kirk (R-IL) and Robert Menendez (D-NJ) that would threaten still more sanctions on Iran and purchasers of its oil, would impose unrealistic conditions to be met to avoid actually imposing the sanctions, and would explicitly give a green light to Israel to launch a war against Iran and to drag the United States into that war**.** As Colin Kahl has explained in detail, passage of this legislation would be very damaging to the process of negotiating a final agreement with Iran to **keep its nuclear program peaceful.**

#### Strikes cause extinction

Masko, 2/9/12

[Dave Masko is an Air Force News veteran who's filed stories from Washington, D.C., the Middle East, the Balkans and Europe. These days, he's a freelance writer based in Florence, Oregon. Masko's articles have appeared in European Stars and Stripes, The Washington Post, Rolling Stone and other publications. From 1977-1999 he was a reporter for the Defense Department, <http://www.huliq.com/10282/iran-nuclear-ambitions-alarming-israel-brink-war-say-experts>]

There’s always been the danger of something “going nuclear” in our fragile world where countries such as Iran and Israel seem to like rattling sabers at each other was once viewed as “same old, same old,” by political science experts when referring to these countries threats of war remaining the same. However, it’s not same old, same old, when President Obama told NBC News in a TV interview Feb. 5 that while he does not think Israel has decided whether to attack Iran, the United States is “going to be sure that we work in lockstep as we proceed to try to solve this… hopefully diplomatically.” Thus, if Israel does attack Iran’s nuclear facilities and war breaks out, “even a small-scale, regional nuclear war could produce as many direct fatalities as all of World War II and disrupt the global climate for a decade or more, with environmental effects that could be devastating for everyone on Earth, university researchers have found,” stated a report on the University of California Los Angeles website aasc.ucla.edu; while pointing to “a team of scientists” at Rutgers, the State University of New Jersey; the University of Colorado at Boulder and UCLA who’ve researched the implications of such an attack. What's at stake for the world? Overall, the stakes could not be any greater for a world that fears war after more than 20 years of sabre rattling by Israel over Iran’s nuclear ambitions. In turn, President Obama and other world leaders seem very concerned that it’s not if but when “an Israeli military attack on the Islamic Republic of Iran” will leave in its wake a new war in the Middle East, with more terrorism worldwide laced with even broader economic woes at a time when many countries are already at a breaking point. Moreover, the top U.S. intelligence official told Congress Jan. 31 – in an annual report about threats facing the nation – that “Iran’s leaders seem prepared to attack U.S. interests overseas, particularly if they feel threatened by possible U.S. action.” Jim Clapper, director of National Intelligence, also told the Senate Intelligence Committee Jan. 31 in an MSNBC TV report that America “now faces many interconnected enemies, including terrorists, criminals and foreign powers, who may try to strike via nuclear weapons or cyberspace, with the movement's Yemeni offshoot and ‘lone wolf’ terror attacks posing key threats.” Middle East nuclear confrontation feared “While a regional nuclear confrontation – such as the one feared between Iran and Israel – among emerging third-world nuclear powers might be geographically constrained,” report this noted team of U.S. scientists, “the environmental impacts could be worldwide.” Thus, even the great Atlantic Ocean – that sits between the U.S. and the Middle East – would not buffer the “fallout” that will be in the “global atmosphere” impacting an already fragile world climate situation. While these conclusions of dark days ahead for the world if the so-called “nuclear genie gets out of the bottle” -- by U.S. scientists during a meeting of the American Geophysical Union – was back in 2006, the UCLA website that presented these nuclear war fears, has updated such conclusions about a clear and present danger of possible nuclear confrontation if Israel attacks Iran, and as of Feb. 9, 2012, the news from Israel is not good at all, state experts.

**Deal failure itself causes global war**

**PressTV, 11/13/13** (“Global nuclear conflict between US, Russia, China likely if Iran talks fail,” <http://www.presstv.ir/detail/2013/11/13/334544/global-nuclear-war-likely-if-iran-talks-fail/>)

A global conflict between the US, Russia, and China is likely in the coming months should the world powers fail to reach a nuclear deal with Iran, an American analyst says.

“If the talks fail, if the agreements being pursued are not successfully carried forward and implemented, then there would be enormous international pressure to drive towards a conflict with Iran before [US President Barack] Obama leaves office and that’s a very great danger that no one can underestimate the importance of,” senior editor at the Executive Intelligence Review Jeff Steinberg told Press TV on Wednesday.

“The United States could find itself on one side and Russia and China on the other and those are the kinds of conditions that can lead to miscalculation and general roar,” Steinberg said.

“So the danger in this situation is that if these talks don’t go forward, we could be facing a global conflict in the coming months and years and that’s got to be avoided at all costs when you’ve got countries like the United States, Russia, and China with” their arsenals of “nuclear weapons,” he warned.

## Bioterrorism

### No Impact

**Death tolls are massively exaggerated.**

**Leitenberg ‘6** (Milton, Senior research scholar at the University of Maryland, Trained as a Scientist and Moved into the Field of Arms Control in 1966, First American Recruited to Work at the Stockholm International Peace Research Institute, Affiliated with the Swedish Institute of International Affairs and the Center for International Studies Peace Program at Cornell University, Senior Fellow at CISSM, http://www.commondreams.org/views06/0217-27.htm)

The United States has spent at least $33 billion since 2002 to combat the threat of biological terrorism. The trouble is, the risk that terrorists will use biological agents is being systematically and deliberately exaggerated. And the U.S. government has been using most of its money to prepare for the wrong contingency. A pandemic flu outbreak of the kind the world witnessed in 1918-19 could kill hundreds of millions of people. The only lethal biological attack in the United States — the anthrax mailings — killed five. But the annual budget for combating bioterror is more than $7 billion, while Congress just passed a $3.8-billion emergency package to prepare for a flu outbreak. The exaggeration of the bioterror threat began more than a decade ago after the Japanese Aum Shinrikyo group released sarin gas in the Tokyo subways in 1995. The scaremongering has grown more acute since 9/11 and the mailing of anthrax-laced letters to Congress and media outlets in the fall of 2001. Now an edifice of institutes, programs and publicists with a vested interest in hyping the bioterror threat has grown, funded by the government and by foundations. Last year, for example, Senate Majority Leader Bill Frist described bioterrorism as "the greatest existential threat we have in the world today." But how could he justify such a claim? Is bioterrorism a greater existential threat than global climate change, global poverty levels, wars and conflicts, nuclear proliferation, ocean-quality deterioration, deforestation, desertification, depletion of freshwater aquifers or the balancing of population growth and food production? Is it likely to kill more people than the more mundane scourges of AIDS, tuberculosis, malaria, measles and cholera, which kill more than 11 million people each year?

**The empirical death toll is minimal.**

**Leitenberg ‘5** (Milton, Senior research scholar at the University of Maryland, Trained as a Scientist and Moved into the Field of Arms Control in 1966, First American Recruited to Work at the Stockholm International Peace Research Institute, Affiliated with the Swedish Institute of International Affairs and the Center for International Studies Peace Program at Cornell University, Senior Fellow at CISSM, ASSESSING THE BIOLOGICAL WEAPONS AND BIOTERRORISM THREAT, <http://www.cissm.umd.edu/papers/files/assessing_bw_threat.pdf>)

The conclusions from these independent studies were uniform and mutually reinforcing. There is an extremely low incidence of real biological (or chemical) events, in contrast to the number of hoaxes, the latter spawned by administration and media hype since 1996 concerning the prospective likelihood and dangers of such events. A massive second wave of hoaxes followed the anthrax incidents in the United States in October-November 2001, running into global totals of tens of thousands. It is also extremely important that analysts producing tables of “biological” events not count hoaxes. A hoax is not a “biological” event, nor is the word “anthrax” written on a slip of paper the same thing as anthrax, or a pathogen, or a “demonstration of threat”—all of which various analysts and even government advisory groups have counted hoaxes as being on one occasion or another.79 Those events that were real, and were actual examples of use, were overwhelmingly chemical, and even in that category, involved the use of easily available, off-the-shelf, nonsynthesized industrial products. Many of these were instances of personal murder, and not attempts at mass casualty use. The Sands/Monterey compilation indicated that exactly one person was killed in the United States in the 100 years between 1900 and 2000 as a result of an act of biological or chemical terrorism. Excluding the preparation of ricin, a plant toxin that is relatively easier to prepare, there are only a few recorded instances in the years 1900 to 2000 of the preparation or attempted preparation of pathogens in a private laboratory by a nonstate actor. The significant events to date are: • 1984, the Rajneesh, The Dalles, Oregon, use of salmonella on food; • 1990-94, the Japanese Aum Shinrikyo group’s unsuccessful attempts to procure, produce and disperse anthrax and botulinum toxin;80 • 1999, November 2001, al-Qaida,81 the unsuccessful early efforts to obtain anthrax and to prepare a facility in which to do microbiological work; October-November 2001, the successful “Amerithrax” distribution of a high-quality dry-powder preparation of anthrax spores, which had been prepared within the preceding 24 months.

**No disease can cause human extinction – they either kill their hosts too quickly or aren’t lethal**

**Posner 05** (Richard A, judge on the U.S. Court of Appeals, Seventh Circuit, and senior lecturer at the University of Chicago Law School, Winter. “Catastrophe: the dozen most significant catastrophic risks and what we can do about them.” http://findarticles.com/p/articles/mi\_kmske/is\_3\_11/ai\_n29167514/pg\_2?tag=content;col1)

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race. There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extiinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease. The reason is improvements in medical science. But the comfort is a small one. Pandemics can still impose enormous losses and resist prevention and cure: the lesson of the AIDS pandemic. And there is always a lust time.

## Biodiversity

### Biodiversity – Alt Causes

#### Don’t solve – your author

**Mmom 8** (Dr. Prince Chinedu, University of Port Harcourt (Nigeria), “Rapid Decline in Biodiversity: A Threat to Survival of Humankind”, Earthwork Times, 12-8, http://www.environmental-expert.com/resultEachArticle.aspx?ci d=0&codi=51543)

Biodiversity is being eroded as fast today as at any time since the dinosaurs died out some 65 million years ago. It has also been established in this paper that the crucible of extinction is believed to be the tropical rainforest which houses between 50-90% of the total biodiversity. Scientists estimate that at the decline rate of 17 million hectares annually, roughly 5-10% of the tropical forest species may face extinction in the next 30 years. Thus, one may ask, what are the main causes of biodiversity loss?

Six fundamental causes of biodiversity loss are identified as follows:

• Unsustainable high growth rate of human population, poverty and natural resource consumption.

• The steady narrowing spectrum of traded products from agriculture, forestry and fisheries.

(A) (B)

(C) (D)

A-Biodiversity loss due to pollution (Oil/Gas activities)

B-Land reclamation for development depletes the mangrove forest

C-Road construction / infrastructure development depletes biodiversity

D-Overexploitation of the resources threatens the mangroves.

• Economic systems policies that fail to value the environment and its resources.

• Inequity in the ownership and flow of benefits from both the use and conservation of biological resources.

• Deficiencies in knowledge and application.

• Legal and institutional framework that hinders sustainable exploitation.

The aforementioned six (6) fundamental causes of biodiversity loss operate through the following mechanisms:

• Habitat loss and fragmentation

• Introduction of alien species

• Overexploitation of plant and animal species

• Pollution (land, air & water)

• Global climate change and

• Change in agricultural systems (commercial agriculture & forestry)

Habitat loss and fragmentation are a major factor of biodiversity loss and result from the increasing growth of human population and the need to cultivate more land to feed the teeming population; quest for economic development and rapid urbanization, especially in the developing countries.

Introduction of alien or exotic species is responsible for many recorded specie loss, especially on islands. Most alien species are evasive in nature and become predators, competitor to the indigenous species leading to their extinction.

Overexploitation of plants and animal species is a major consequence of poverty in the developing countries. Numerous forest, fisheries and wildlife resources are overexploited to the point of extinction because of their economic value. A good example of this is the cedar of Lebanon that once blanketed 500,000 hectares now found in only a few scattered remnants of forest. It is pertinent to note that poverty and greed is a major cause of overexploitation ob biological resources.

### No Impact

**Bio-D not key to survival. It’s changed vastly just in the last 200,000 claims, mostly because of existing massive human changes.**

**Maier ‘9** (Don, Independent Environmental Scholar, “What’s So Good about Biodiversity? A Survey of Bad Answers”, Paper presented to the 6th Annual Joint International Society for Environmental Philosophy/ISEE Conference, May, <http://www.environmentalphilosophy.org/ISEEIAEPpapers/2009/Maier.pdf>)

One could rework Noss' statement once again to restrict the biodiversity it mentions to that which has accompanied the presence of H. sapiens on the planet. Its value then derives from all the biological factors that have sustained life that humanity has known. Human presence is extremely recent – something less than 200,000 years, so this is a considerable restriction. Yet even during man's brief tenure, not just the composition of biodiversity (which species exist), but also species diversity in its proper sense, without regard to composition, have dramatically changed – and largely because of changes induced by humans. As conservation biologist Martin Jenkins remarks, There is growing consensus that from around 40,000 to 50,000 years ago onward, humans have been directly or indirectly responsible for the extinction in many parts of the world of all or most of the larger terrestrial animal species.146 The component set of species has undergone remarkable transformation due to human influences. The component set of ecosystems has also been transformed as a result. This is the point of the concept of anthropogenic biomes (mentioned in Section 4.3 on "The moral force of biodiversity"), none of which existed 60,000 years ago. The biomes from that time are now extinct, like many of the species that occupied them, and largely on account of their extinction. So apparently, whatever biological conditions have sustained life over the last 200,000 years have also sustained so many changes in life that the planet now is hard to recognize as a later biotic and environmental version of its former self. One might insist that the concern for biodiversity should be restricted even further – to the sustaining of life (just) as we know it right now in the early 21st century. But with this additional restriction, we have finally reached a confluence with the just-so model of biodiversity value and its attendant problems – discussed in Section 4.1.4 on "The just-so model".

## Warming

### Can’t Solve

**Can’t solve – 2 degree rise inevitable**

**Anderson and Bows, 11**—\*Tyndall Centre for Climate Change Research, School of Mechanical, Aerospace and Civil Engineering; \*\*Sustainable Consumption Institute, School of Earth, Atmospheric and Environmental Sciences, University of Manchester (Kevin and Alice, “Beyond ‘dangerous’ climate change: emission scenarios for a new world,” Philosophical Transactions of the Royal Society”)

This already demanding conclusion becomes even more challenging when assumptions about the rates of viable emission reductions are considered alongside an upgrading of the severity of impacts for 2◦C. Within global emission scenarios, such as those developed by Stern [6], the CCC [8] and ADAM [47], annual rates of emission reduction beyond the peak years are constrained to levels thought to be compatible with economic growth—normally 3 per cent to 4 per cent per year. However, on closer examination these analyses suggest such reduction rates are no longer sufficient to avoid dangerous climate change. For example, in discussing arguments for and against carbon markets the CCC state ‘rich developed economies need to start demonstrating that a low-carbon economy is possible and compatible with economic prosperity’ [8, p. 160]. However, given the CCC acknowledge ‘it is not now possible to ensure with high likelihood that a temperature rise of more than 2◦C is avoided’ and given the view that reductions in emissions in excess of 3–4% per year are not compatible with economic growth, the CCC are, in effect, conceding that avoiding dangerous (and even extremely dangerous) climate change is no longer compatible with economic prosperity.

In prioritizing such economic prosperity over avoiding extremely dangerous climate change, the CCC, Stern, ADAM and similar analyses suggest they are guided by what is feasible.34 However, while in terms of emission reduction rates their analyses favour the ‘challenging though still feasible’ end of orthodox assessments, the approach they adopt in relation to peaking dates is very different. All premise their principal analyses and economic assessments on the ‘infeasible’ assumption of global emissions peaking between 2010 and 2016; a profound departure from the more ‘feasible’ assumptions framing the majority of such reports. The scale of this departure is further emphasized when disaggregating global emissions into Annex 1 and non-Annex 1 nations, as the scenario pathways developed within this paper demonstrate.

Only if Annex 1 nations reduce emissions immediately35 at rates far beyond those typically countenanced and only then if non-Annex 1 emissions peak between 2020 and 2025 before reducing at unprecedented rates, do global emissions peak by 2020. Consequently, the 2010 global peak central to many integrated assessment model scenarios as well as the 2015–2016 date enshrined in the CCC, Stern and ADAM analyses, do not reflect any orthodox ‘feasibility’. By contrast, the logic of such studies suggests (extremely) dangerous climate change can only be avoided if economic growth is exchanged, at least temporarily, for a period of planned austerity within Annex 1 nations36 and a rapid transition away from fossil-fuelled development within non-Annex 1 nations.

The analysis within this paper offers a stark and unremitting assessment of the climate change challenge facing the global community. There is now little to no chance of maintaining the rise in global mean surface temperature at below 2◦C, despite repeated high-level statements to the contrary. Moreover, the impacts associated with 2◦C have been revised upwards (e.g. [20,21]), sufficiently so that 2◦C now more appropriately represents the threshold between dangerous and extremely dangerous climate change. Consequently, and with tentative signs of global emissions returning to their earlier levels of growth, 2010 represents a political tipping point. The science of climate change allied with emission pathways for Annex 1 and non-Annex 1 nations suggests a profound departure in the scale and scope of the mitigation and adaption challenge from that detailed in many other analyses, particularly those directly informing policy.

However, this paper is not intended as a message of futility, but rather a bare and perhaps brutal assessment of where our ‘rose-tinted’ and well intentioned (though ultimately ineffective) approach to climate change has brought us. Real hope and opportunity, if it is to arise at all, will do so from a raw and dispassionate assessment of the scale of the challenge faced by the global community. This paper is intended as a small contribution to such a vision and future of hope.

### Not Anthro

**Not anthropogenic – other factors are more important and there is a diminishing curve. Evidence to the contrary is media hysteria**

**Paterson 11** [Norman R., Professional Engineer and Consulting Geophysicist, PhD in Geophysics from University of Toronto, Fellow of the Royal Society of Canada, “Global Warming: A Critique of the Anthropogenic Model and its Consequences,” Geoscience Canada, Vol 38, No 1, March, Ebsco]

The term ‘global warming’ is commonly used by the media to mean ‘anthropogenic’ global warming; that is, warming caused by human activity. In this article, the writer has chosen to prefix ‘global warming’, where appropriate, by the terms ‘anthropogenic or ‘humancaused’ in order to avoid confusion. We are led today by our media, governments, schools and some scientific authorities to believe that, through his CO2 emissions, man is entirely, or almost entirely, responsible for the modest, modulated rise in global temperature of about 0.7° C that has taken place over the past 100 years. We are told, and many sincere people believe, that if we continue on this path, the planet will experience escalating temperature and dangerous sealevel rise before the end of this century. Over the past 20 years or so, this has become so much a part of our belief system, that to challenge it is to be labelled a ‘denier’ and put in the same category as a member of the Flat Earth Society. Yet, even a cursory review of the peer-reviewed scientific literature will show that the popular anthropogenic global warming dogma is being questioned by hundreds of respected scientists. Furthermore, emerging evidence points directly to other natural phenomena as probably having greater effects on global temperatures than can be attributed to human-caused CO2 emissions. The disproportionate scientific weighting attributed to the anthropogenic warming interpretation, and the general public perception of its validity, could be a serious problem for society, as the human-caused global warming belief is diverting our attention from other, more serious anthropogenic effects such as pollution and depletion of our water resources, contamination of our food and living space from chemicals, and diminishing conventional energy resources.

PROBLEMS WITH THE ANTHROPOGENIC MODEL The fact that the world has undergone cycles of warming and cooling has been known for a very long time, but the question as to man’s influence on climate did not become a hot debate until after the mid-twentieth century, when Revelle and Seuss (1957) first drew attention to the possible effect of greenhouses gases (particularly CO2 ) on the earth’s temperature. Subsequent studies pointed to the increase in atmospheric CO2 from roughly 0.025% to 0.037%, or 50%, over the past 100 years. Much was made of the apparent but crude covariance of atmospheric CO2 and global temperature, and the conclusion was drawn that [hu]man’s escalating carbon emissions are responsible for the late 20 th century temperature rise. Anxiety was rapidly raised among environmentalists, and also attracted many scientists who found ready funding for studies aimed at better understanding the problem. However, scientists soon encountered three important difficulties:

i) To this date, no satisfactory explanation is forthcoming as to how CO2 at less than 0. 04% of atmospheric concentration can make a major contribution to the greenhouse effect, especially as the relationship between increasing CO2 and increasing temperature is a diminishing logarithmic one (Gerlich and Tscheuschner 2009);

ii) Geological records show unequivocally that past temperature increases have always preceded, not followed, increases in CO2 ; i.e. the warming could potentially cause the CO2 increase, but not the reverse. Studies (e.g. Petit et al. 1999) have shown that over the past 400 000 years of cyclical variations, temperature rose from glacial values about 800 years before CO2 concentration increased. A probable explanation is that solar warming, over a long period of time, causes the oceans to outgas CO2 , whereas cooling results in more CO2 entering solution, as discussed by Stott et al. (2007). Averaged over a still longer period of geological time, it has been shown (Shaviv and Veizer 2003) that there is no correlation between CO2 and temperature; for example, levels of CO2 were more than twice present day values at 180 Ma, at a time when temperature was several degrees cooler;

iii) Other serious mistakes in analysis were made by some scientists over the years. Perhaps the worst of these (see Montford 2010 for a thorough discussion) was the publication of the ‘Hockey Stick Curve’ (Fig. 1), a 1000-year record of past temperature which purported to show that “The 20 th century is likely the warmest century in the Northern Hemisphere, and the 1990s was the warmest decade, with 1998 as the warmest year in the last 1000 years” (Mann et al. 1999). This conclusion was adopted by the Intergovernmental Panel on Climate Change (IPCC) in its 2001 report and also by Al Gore in the movie An Inconvenient Truth. Subsequently, Mann et al.’s work has been challenged by several scientists (though to be fair, it is also supported by some). For example, McIntyre and McKitrick (2003) amended Mann’s graph, using all available data and better quality control (Fig. 1), and showed that the 20 th century is not exceptionally warm when compared with that of the 15 th century. However, the IPCC has continued to report a steady increase in global temperature in the face of clear evidence that average temperature has remained roughly level globally, positive in the northern hemisphere and negative in the southern hemisphere, since about 2002 (Archibald 2006; Fig. 2).

WHAT CAUSES WARMING? It is likely that the cyclical warming and cooling of the earth results from a number of different causes, none of which, taken alone, is dominant enough to be entirely responsible. The more important ones are solar changes (including both irradiance and magnetic field effects), atmosphere–ocean interaction (including both multidecadal climatic oscillations and unforced internal variability), and greenhouse gases. All of these factors have been discussed by IPCC, but the first two have been dismissed as negligible in comparison with the greenhouse-gas effect and man’s contribution to it through anthropogenic CO2 . It is claimed (e.g. Revelle and Suess 1957) that the particular infrared absorption bands of CO2 provide it with a special ability to absorb and reradiate the sun’s longer wavelength radiation, causing warming of the troposphere and an increase in high-altitude (cirrus) cloud, further amplifying the heating process. Detailed arguments against this conclusion can be found in Spencer et al. (2007) and Gerlich and Tscheuschner (2009). These scientists point out (among other arguments, which include the logarithmic decrease in absorptive power of CO2 at increasing concentrations), that clouds have poor ability to emit radiation and that the transfer of heat from the atmosphere to a warmer body (the earth) defies the Second Law of Ther-modynamics. They argue that the Plank and Stefan-Boltzman equations used in calculations of radiative heat transfer cannot be applied to gases in the atmosphere because of the highly complex multi-body nature of the problem. Veizer (2005) explains that, to play a significant role, CO2 requires an amplifier, in this case water vapour. He concludes that water vapour plays the dominant role in global warming and that solar effects are the driver, rather than CO2 . A comprehensive critique of the greenhouse gas theory is provided by Hutton (2009).

It is firmly established that the sun is the primary heat source for the global climate system, and that the atmosphere and oceans modify and redirect the sun’s heat. According to Veizer (2005), cosmic rays from outer space cause clouds to form in the troposphere; these clouds shield the earth and provide a cooling effect. Solar radiation, on the other hand, produces a thermal energy flux which, combined with the solar magnetic field, acts as a shield against cosmic rays and thereby leads to global warming. Figures 3 and 4 illustrate both the cooling by cosmic rays (cosmic ray flux, or CRF) and warming by solar irradiation (total solar irradiance, or TSI) in the long term (500 Ma) and short term (50 years), respectively. CRF shows an excellent negative correlation with temperature, apart from a short period around 250 Ma (Fig. 3). In contrast, the reconstructed, oxygen isotope-based temperature curve illustrates a lack of correlation with CO2 except for a period around 350 Ma.

Other studies have highlighted the overriding effect of solar radiation on global heating. Soon (2005) studied solar irradiance as a possible agent for medium-term variations in Arctic temperatures over the past 135 years, and found a close correlation in both decadal (5–10 years) and multi-decadal (40–80 years) changes (Fig. 5). As to the control on this variation, the indirect effect of solar irradiance on cloud cover undoubtedly results in modulations of the sun’s direct warming of the earth. Veizer (2005) estimated that the heat reflected by cloud cover is about 78 watts/m2 , compared to an insolation effect of 342 watts/m2 , a modulation of more than 25%. This contrasts with an IPCC estimate of 1.46 watts/m2 , or about 0.5% of TSI, for the radiative effect of anthropogenic CO2 accumulated in the modern industrial era (IPCC 2001). Veizer concludes: “A change of cloud cover of a few percent can therefore have a large impact on the planetary energy balance.” In addition to solar insolation effects, the intensity of the Earth’s magnetic field (which deflects the charged particles that constitute cosmic rays) and associated sun-spot maxima are correlated with historic periods of global warming such as the Medieval Climate Optimum (Fig. 6), and typically occur mid-way between ice ages (Veizer 2005). Solar magnetic minima have accompanied global cooling, such as occurred during the Little Ice Age between 1350 and 1850 A.D. A proxy for sunspot activity prior to the start of telescope observations in 1610 can be reconstructed from the abundance of cosmogenic 10 Be in ice cores from Antarctica and Greenland (Miletsky et al. 2004).

Global temperature oscillations have been evident in both geologic and recent times, with periods varying from a few years (mostly solar and lunar driven) up to 120 million years (galactic and orbital influences) (Plimer 2009). In addition, ocean– atmosphere interactions are implicated in the control of some shorter-period climatic oscillations. For example, McLean et al. (2009) have studied the El Niño Southern Oscillation (ENSO), a tropical Pacific ocean–atmosphere phenomenon, and compared the index of intensity (the Southern Oscillation Index, or SOI) with global tropospheric temperature anomalies (GTTA) for the 1960–2009 period (Fig. 7). McLean et al. (2009) concluded that “Change in SOI accounts for 72% of the variance in GTTA for the 29-year long record, and 68% for the 50-year record”. They found the same or stronger correlation between SOI and mean global temperature, in which SOI accounted for as much as 81% of the variance in the tropics (Fig. 8). A delay of 5 to 7 months was deduced between the SOI maximum and the associated temperature anomaly. Volcanic influences on temperature are also evident (Figs. 7, 8), probably caused by the injection of sulphur dioxide into the stratosphere, where it is converted into sulphate aerosols that reflect incoming solar radiation (McLean et al. 2009). The GTTA nearly always falls in the year or two following major eruptions.

Both solar irradiation and ocean–atmosphere oscillations have therefore been demonstrated to have effects on global temperature of at least the same order of magnitude as the CO2 greenhouse gas hypothesis, and these alternative mechanisms are supported by well-documented empirical data. Nevertheless, the CO2 hypothesis, the theoretical basis for which is being increasingly challenged, remains the popular explanation for global warming in the public domain.

THE CONTROVERSY The main factors that have led to heated scientific controversy regarding the cause of the mild late 20 th century global warming can be summarized as follows: i) A surge of media coverage and consequent public interest and anxiety, magnified by productions such as Al Gore’s An Inconvenient Truth.

ii) Fear and concern on the part of environmentalists, who were already aware of many other harmful aspects of industrial, commercial and other human activities. Environmentalists, including NGOs such as Greenpeace and the World Wildlife Fund, exploited the open disagreements that existed among scientists as to the scale of the warming and its impacts, disagreements that inevitably arose because climate science is complex and empirical data were in short supply until recently.

### Inevitable

**Not even an 80% cut is enough**

AP 9 [Associated Press, Six Degree Temperature Rise by 2100 is Inevitable: UNEP, September 24, <http://www.speedy-fit.co.uk/index2.php?option=com_content&do_pdf=1&id=168>]

Earth's temperature is likely to jump six degrees between now and the end of the century even if every country cuts greenhouse gas emissions as proposed, according to a United Nations update. Scientists looked at emission plans from 192 nations and calculated what would happen to global warming. The projections take into account 80 percent emission cuts from the U.S. and Europe by 2050, which are not sure things. The U.S. figure is based on a bill that passed the House of Representatives but is running into resistance in the Senate, where debate has been delayed by health care reform efforts. Carbon dioxide, mostly from the burning of fossil fuels such as coal and oil, is the main cause of global warming, trapping the sun's energy in the atmosphere. The world's average temperature has already risen 1.4 degrees since the 19th century. Much of projected rise in temperature is because of developing nations, which aren't talking much about cutting their emissions, scientists said at a United Nations press conference Thursday. China alone adds nearly 2 degrees to the projections. "We are headed toward very serious changes in our planet," said Achim Steiner, head of the U.N.'s environment program, which issued the update on Thursday. The review looked at some 400 peer-reviewed papers on climate over the last three years. Even if the developed world cuts its emissions by 80 percent and the developing world cuts theirs in half by 2050, as some experts propose, the world is still facing a 3-degree increase by the end of the century, said Robert Corell, a prominent U.S. climate scientist who helped oversee the update. Corell said the most likely agreement out of the international climate negotiations in Copenhagen in December still translates into a nearly 5-degree increase in world temperature by the end of the century. European leaders and the Obama White House have set a goal to limit warming to just a couple degrees. The U.N.'s environment program unveiled the update on peer-reviewed climate change science to tell diplomats how hot the planet is getting. The last big report from the Nobel Prize-winning Intergovernmental Panel on Climate Change came out more than two years ago and is based on science that is at least three to four years old, Steiner said. Global warming is speeding up, especially in the Arctic, and that means that some top-level science projections from 2007 are already out of date and overly optimistic. Corell, who headed an assessment of warming in the Arctic, said global warming "is accelerating in ways that we are not anticipating." Because Greenland and West Antarctic ice sheets are melting far faster than thought, it looks like the seas will rise twice as fast as projected just three years ago, Corell said. He said seas should rise about a foot every 20 to 25 years.

**Warming inevitable and not anthropogenic. Claims otherwise are based on incomplete models**

**Bell 3-19** [Larry, climate, energy, and environmental writer for Forbes, University of Houston full/tenured Professor of Architecture; Endowed Professor of Space Architecture; Director of the Sasakawa International Center for Space Architecture; Head of the Graduate Program in Space Architecture; former full Professor/ Head of the University of Illinois Industrial Design Graduate Program; Associate Fellow, American Institute for Aeronautics and Astronautics, “The Feverish Hunt For Evidence Of A Man-Made Global Warming Crisis” http://www.forbes.com/sites/larrybell/2013/03/19/the-feverish-hunt-for-evidence-of-a-man-made-global-warming-crisis/2/]

Indeed, climate really does change without any help from us, and we can be very grateful that it does. Over the past 800,000 years, much of the Northern Hemisphere has been covered by ice up to miles thick at regular intervals lasting about 100,000 years each. Much shorter interglacial cycles like our current one lasting 10,000 to 15,000 years have offered reprieves from bitter cold.¶ And yes, from this perspective, current temperatures are abnormally warm. By about 12,000 to 15,000 years ago Earth had warmed enough to halt the advance of glaciers and cause sea levels to rise, and the average temperature has held fairly constant ever since, with brief intermissions.¶ Although temperatures have been generally mild over the past 500 years, we should remember that significant fluctuations are still normal. The past century has witnessed two distinct periods of warming. The first occurred between 1900 and 1945, and the second, following a slight cool-down, began quite abruptly in 1975. That second period rose at quite a constant rate until 1998, and then stopped and began falling again after reaching a high of 1.16ºF above the average global mean.¶ But What About Those “Observed” Human Greenhouse Influences?¶ The IPCC stated in its last 2007 Summary for Policymaker’s Report that “Most of the observed increase in globally averaged temperature since the mid-20th century [which is very small] is very likely due to the observed increase in anthropogenic [human-caused] greenhouse gas concentrations.” And there can be no doubt here that they are referring to CO2, not water vapor, which constitutes the most important greenhouse gas of all. That’s because the climate models don’t know how to “observe” it, plus there aren’t any good historic records to enable trends to be revealed.¶ Besides, unlike carbon, there is little incentive to attach much attention to anthropogenic water vapor. After all, no one has yet figured out a way to regulate or tax it.¶ A key problem in determining changes and influences of water vapor concentrations in the Earth’s atmosphere is that they are extremely variable. Differences range by orders of magnitude in various places. Instead, alarmists sweep the problem to one side by simply calling it a CO2 “feedback” amplification effect, always assuming that the dominant feedback is “positive” (warming) rather than “negative” (cooling). In reality, due to clouds and other factors, those feedbacks could go both ways, and no one knows for sure which direction dominates climate over the long run.¶ Treating water vapor as a known feedback revolves around an assumption that relative humidity is a constant, which it isn’t. Since it is known to vary nearly as widely as actual water vapor concentrations, no observational evidence exists to support a CO2 warming amplification conclusion.¶ But let’s imagine that CO2 is the big greenhouse culprit rather than a bit-player, and that its influences are predominately warming. Even if CO2 levels were to double, it would make little difference. While the first CO2 molecules matter a lot, successive ones have less and less effect. That’s because the carbon that exists in the atmosphere now has already “soaked up” its favorite wavelengths of light, and is close to a saturation point. Those carbon molecules that follow manage to grab a bit more light from wavelengths close to favorite bands, but can’t do much more…there simply aren’t many left-over photons at the right wavelengths. For those of you who are mathematically inclined, that diminishing absorption rate follows a logarithmic curve.¶ Who Hid the Carbon Prosecuting Evidence?¶ Since water vapor and clouds are so complex and difficult to model, their influences are neglected in IPCC reports. What about other evidence to support an IPCC claim that “most” mid-century warming can “very likely” be attributed to human greenhouse emissions? Well, if it’s there, it must me very well hidden, since direct measurements seem not to know where it is.¶ For example, virtually all climate models have predicted that if greenhouse gases caused warming, there is supposed to be a telltale “hot spot” in the atmosphere about 10 km above the tropics. Weather balloons (radiosondes) and satellites have scanned these regions for years, and there is no such pattern. It wasn’t even there during the recent warming spell between 1979 (when satellites were first available) and 1999.¶ How have the committed greenhouse zealots explained this? They claim that it’s there, but simply hidden by “fog in the data”…lost in the statistical “noise”. Yet although radiosondes and satellites each have special limitations, their measurements show very good agreement that the “human signature” doesn’t exist. Suggestions to the contrary are based upon climate model data outputs which yield a wide range of divergence and uncertainty…an example of garbage in, gospel out.

## Climate Leadership

### 2NC —Ext Buzan—No follow

#### Their “soft policies” are insufficient

Skodvin & Andresen 9—Senior research fellow at CICERO Center for Climate and Environmental Research—Oslo & Political scientist from the University of Oslo. [Tora Skodvin & Steinar Andresen, “Domestic constraints on leadership performance in international climate negotiations,” Paper presented at the 2009 Amsterdam Conference on the Human Dimensions of Global Change, 1–4 December 2009, pg. http://tinyurl.com/cf9pt4r

The question is, moreover, whether this can be interpreted as leadership behaviour. On the¶ one hand, the strategy the U.S. currently pursues, looks very much like a ‘soft-law’ approach,¶ not very different from the approach the U.S. pursued under President Bush (Skodvin and¶ Andresen 2009). Even with an undemanding definition of leadership, few would acknowledge this approach as leadership behaviour. On the other hand, a main challenge in international¶ negotiations on climate change mitigation is the resolution of contingent positions, particularly between the U.S. and China. An international treaty that does not include¶ emissions reduction commitments for China is politically infeasible in the U.S. China, however, is not willing to make emissions reduction commitments unless and until the main¶ developed countries, notably the U.S., have demonstrated both willingness and capacity to¶ reduce their GHG emissions first. To the extent that the bilateral agreements made with China¶ and India, and similar efforts, can help the U.S. Congress to adopt federal climate legislation,¶ these agreements, in the long term, could amount to the actions needed to escape the deadlock¶ in the international process. For the time being, however, it is too early to tell whether these¶ initiatives indeed have “leadership potential”.

Adoption of federal climate legislation by the Congress, therefore, remains the key factor in a realisation of Obama’s promise to make the U.S. a leader on climate change. With the¶ postponement of the finalisation of a legally binding climate agreement, Obama, U.S.¶ decision-makers, and international negotiators have bought themselves some more time. In¶ the meantime, a U.S. leadership is blocked by domestic politics. Pg. 8

#### Capacity is the issue

Skodvin & Andresen 9—Senior research fellow at CICERO Center for Climate and Environmental Research—Oslo & Political scientist from the University of Oslo. [Tora Skodvin & Steinar Andresen, “Domestic constraints on leadership performance in international climate negotiations,” Paper presented at the 2009 Amsterdam Conference on the Human Dimensions of Global Change, 1–4 December 2009, pg. http://tinyurl.com/cf9pt4r]

While there seems to be no lack of leadership ambition among world leaders, leadership capacity seems to come in short supply. So far, leadership ambitions have had no practical implications for the development of a new international climate agreement originally intended¶ to be opened for signature at the 15th Conference of the Parties (COP-15) in Copenhagen in¶ December 2009. On the contrary, at a meeting of the Asia Pacific Economic Cooperation¶ (APEC) in November 2009, state leaders acknowledged that the aim of reaching a legally binding climate agreement at COP-15 was unrealistic and declared their support for a “two- step” process where the aim for the Copenhagen meeting should be a “binding political agreement”, followed up by the actual signing of a new legally binding agreement 6 to 12 months later.

The lack of effective leadership in the climate negotiations—in the sense that no leadership has been provided with potential to break the negotiation deadlock that has characterized these negotiations for so long—amply demonstrates that even when there is a willingness, the actual provision of effective leadership is constrained by a number of factors. In this paper, we focus on constraints linked to domestic politics. Pg. 1-2

## Heg

### 2NC – Doesn’t Solve Conflict

**No risk of transition wars—state interests**

**Carpenter, 13**—a senior fellow at the Cato Institute and a contributing editor to The National Interest, is the author of nine books on international affairs, including Smart Power: Toward a Prudent Foreign Policy for America (Ted, “Delusions of Indispensability,”March 1, 2013, http://server1.nationalinterest.org/article/delusions-indispensability-8145)

There are constructive alternatives to the stifling orthodoxy of the United States as the indispensable nation. That is especially true in the twenty-first century. Not only are there multiple major powers, but a majority of those powers share the democratic-capitalist values of the United States and are capable of defending and promoting those values. Moreover, even those great powers that represent a more authoritarian capitalist model, such as Russia and China, benefit heavily from the current system characterized by open trade and an absence of armed conflict among major powers. They are not likely to become aggressively revisionist states seeking to overturn the international order, nor are they likely to stand by idly while lesser powers in their respective regions create dangerous disruptions.

**Institutions don’t prevent conflict – the UN proves**

**Andrei 11** [Dumitrache, online International Relations publication, "Are international institutions necessary for global peace and security?," 6-1, http://www.e-ir.info/?p=8968]

The current international system is one of ‘self-help’ (Waltz in Mearsheimer, 1994:11) and also one of a permanent ‘prisoners dilemma’ (Kappen in Krause and Williams, 1997:257), a system in which states find themselves constantly challenged by the perpetual ‘security competition’ (Waltz in Mearsheimer, 1994:11) existent at both political and economic levels. It is therefore only a matter of deduction the idea that the focus remains on the self-interested state as the main unit in understanding international relations. Further, it is appropriate to mention that the realist perspective correctly suggests that it is mainly powerful states that choose to create, control, and lead international institutions with the purpose of using them to their best advantage, and to a certain extent to reduce the uncertainty prevalent in the international arena (Mearsheimer, 1994). Having said this, it is now time to analyze some of the main international institutions and prove both their inefficiency in achieving world peace and security, as well as their lack of authority over their member states. One of the largest institutions involved in global governance is the United Nations. It is a veritable global bureaucracy composed of numerous ‘nested arrangements’ (Archibugi in Held, 2002:60) which in theory regulate and represent the social, economic, and security interests of all the human race. Its main body, the Security Council with its five permanent members, the USA, Russia, China, the United Kingdom, and France, is the living proof of ‘Realpolitik’ hidden purposely behind the institutional structure of the UN, a type of politics functioning according to the pragmatic terminology of ‘nuclear, chemical, biological weapons and ballistic missiles’ (Schmidt in d’Orville, 1993:18). Having set as its main goal the achievement of world peace, the United Nations so far has repeatedly proved itself unable to handle the securitization and pacification of many geographical areas. A good example is the 1994 Rwandan genocide when Hutu government officials launched a nationwide extermination campaign of all Tootsie tribe inhabitants, an outrageous event which the United Nations has not managed to prevent or stop, although a considerable amount of its armed forces were deployed in the region at the time (crimesofwar.org). Another example is the crisis in Sudan which so far has remained unsolved, although suffering has affected millions of people (crimesofwar.org). A more recent case of the United Nation’s inability to manage a security crisis is the 1990 massacre of Srebenica of 8000 Muslims by the Serbian army, then under the command of Serb leader Radovan Karadzic (crimesofwar.org). The above examples prove that so far the United Nations has failed to deliver on its promise for world peace and security, mainly because of the encroachments the P5 members have so far practiced in delivering appropriate policy outputs on matters of extreme delicacy. The inflammatory situation in the Middle East between Israel and Hamas has exposed the policy driving power the US, as a world hegemon, possesses when protecting Israel from the sometimes unfriendly resolutions passing through the Security Council (Klausner, 2007). Another interesting case is the war in Iraq launched by the US and its allies against the will of the UN, a case which proves all institutionalists wrong (Gordon and Shapiro, 2004). Therefore, it is now clear that when talking about international institutions one is correct to define them as ‘arenas for acting out power relationships’ (Mearsheimer, 1994:13), arenas which are dominated by the main economic and implicitly military powers.

# 2nr

#### Senkaku is a smoldering powder keg

Tisdall 14 [Simon Tisdall , “China's military presence is growing. Does a superpower collision loom?,” The Guardian, Wednesday 1 January 2014 14.00 EST, pg. http://www.theguardian.com/world/2014/jan/01/china-military-presence-superpower-collision-japan

Extraordinarily rapid economic growth in China in recent decades, which has seen it overtake Japan as the world's second-largest economy, and the concomitant expansion of Beijing's political, diplomatic and military might have set alarm bells clanging across the region as never before. Today the talk at embassy cocktail parties is not so much about how to "contain" China – the great, lost conceit of hawkish American geostrategists – as how to appease it.

Tellingly, the Japanese official's warning came days before China unexpectedly declared a new air-defence zone in the East China sea, covering the Senkaku islands (Diaoyu to China) that are viewed in Tokyo as sovereign Japanese territory. The ensuing row saw Japan, the US and South Korea send fighter aircraft into the zone in open, dangerous defiance of Beijing's strictures. A subsequent mediation mission by US vice-president Joe Biden failed to resolve the stand-off, in effect leaving [a powder keg smouldering and untended](http://www.taipeitimes.com/News/editorials/archives/2013/12/05/2003578328/1).

Nobody is talking openly about a third world war, not yet at least. But there is a growing awareness that the seeds of a possible future superpower collision are being sown around the islands, rocks and shoals, and in the overpopulated sea lanes and airspace beyond China's historic borders, to which Beijing lays claim with growing political robustness and ever-improving military capacity. The lack of a regional security organisation, the absence of a hotline between Beijing and Tokyo, and the ever-present menace represented by the nuclear-armed, Chinese-backed regime in North Korea all add to the inherent dangers of the current situation.