# Off

**Imperialist framing of non-liberal societies as unstable threats justifies eliminating non-liberal forms of life.**

Adam David MORTON Politics @ Nottingham 5 [“The ‘Failed State’ of International Relations” *New Political Economy* 10.3 p. 372-374]

A pathology of deviancy, aberration and breakdown

Emergent across a host of contemporary institutions is a policy-making consensus linked to the threat posed by ‘failed states’ and the new set of associated security, development and humanitarian challenges. Hilary Benn, Secretary of State for International Development in the UK, has recently stated that ‘weak states present a challenge to our system of global governance. For the international system to work, it depends on strong states . . . that are able to deliver services to their populations, to represent their citizens, to control activities on their territory, and to uphold international norms, treaties, and agreements.’ By contrast, ‘weak and failing states provide a breeding ground for international crime’, harbour terrorists and threaten the achievement of the Millennium Development Goals with the spread of HIV/AIDS, refugee flows and poverty.3 This identified perfusion of warlords, criminals, drug barons and terrorists within ‘failed states’ has become a central policy-making concern within the UK and the US.4 Institutions in the UK such as the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MOD), the Department for International Development (DfID) and the Overseas Development Institute (ODI) support the view of ‘failed states’ as representing deviancy from the norms of Western statehood. The aforementioned CRI programme emerging from Tony Blair’s Strategy Unit develops a focus on ‘fragile states’ in conditions of crisis. Preliminary policy documents have highlighted the breakdown of political, economic and social institutions; the loss of territorial control; civil unrest; mass population displacement; and violent internal conflict in states as diverse as Somalia, the Democratic Republic of Congo (DRC), Sudan, the Central African Republic, Liberia, Sierra Leone and Coˆte d’Ivoire. At the centre of the most recently launched Commission for Africa report, Our Common Interest, is also ‘the long-term vision for international engagement in fragile states . . . to build legitimate, effective and resilient state institutions’.6 As Blair indicated in launching this report, ‘to tackle the instability, conflict, and despair which disfigures too much of Africa and which can fuel extremism and violence, is to help build our own long-term peace and prosperity’.7 Elsewhere, the putative ‘better effects of empire’ (such as inward investment, pacification and impartial administration) have been heralded as central to United Nations strategy on state-building within weak states based on a re-consideration of models of trusteeship.8 The United States National Security Strategy has also announced that ‘America is now threatened less by conquering states than we are by failing ones’, and the United States Agency for International Development (USAID) has similarly produced a ‘Fragile States Strategy’ focusing on the problems of governance and civil conflict arising from poor state capacity and effectiveness.9 This policy-making approach represents a pathological view of conditions in colonial states as characterised by deviancy, aberration and breakdown from the norms of Western statehood.10 It is a view perhaps most starkly supported in the scholarly community by Robert Kaplan’s vision of the ‘coming anarchy’ in West Africa as a predicament that will soon confront the rest of the world. In his words: The coming upheaval, in which foreign embassies are shut down, states collapse, and contact with the outside world takes place through dangerous, disease-ridden coastal trading posts, will loom large in the century we are entering.11 Hence a presumed reversion ‘to the Africa of the Victorian atlas’, which ‘consists now of a series of coastal trading posts . . . and an interior that, owing to violence, and disease, is again becoming . . . “blank” and “unexplored”’.12 Similarly, Samuel Huntington has referred to ‘a global breakdown of law and order, failed states, and increasing anarchy in many parts of the world’, yielding a ‘global Dark Ages’ about to descend on humanity. The threat here is characterised as a resurgence of non-Western power generating conflictual civilisational faultlines. For Huntington’s supposition is that ‘the crescent-shaped Islamic bloc . . . from the bulge of Africa to central Asia . . . has bloody borders’ and ‘bloody innards’.13 In the similar opinion of Francis Fukuyama: Weak or failing states commit human rights abuses, provoke humanitarian disasters, drive massive waves of immigration, and attack their neighbours. Since September 11, it also has been clear that they shelter international terrorists who can do significant damage to the United States and other developed countries.14 Finally, the prevalence of warlords, disorder and anomic behaviour is regarded by Robert Rotberg as the primary causal factor behind the proliferation of ‘failed states’. The leadership faults of figures such as Siakka Stevens (Sierra Leone), Mobutu Sese Seko (Zaıre), Siad Barre (Somalia) or Charles Taylor (Liberia) are therefore condemned. Again, though, the analysis relies on an internalist account of the ‘process of decay’, of ‘shadowy insurgents’, of states that exist merely as ‘black holes’, of ‘dark energy’ and ‘forces of entropy’ that cast gloom over previous semblances of order.15 Overall, within these representations of deviancy, aberration and breakdown, there is a significant signalling function contained within the metaphors: of darkness, emptiness, blankness, decay, black holes and shadows. There is, then, a dominant view of postcolonial states that is imbued with the imperial representations of the past based on a discursive economy that renews a focus on the postcolonial world as a site of danger, anarchy and disorder. In response to such dangers, Robert Jackson has raised complex questions about the extent to which international society should intervene in ‘quasi-’ or ‘failed states’ to restore domestic conditions of security and freedom.16 Indeed, he has entertained the notion of some form of international trusteeship for former colonies that would control the ‘chaos and barbarism from within’ such ‘incorrigibly delinquent countries’ as Afghanistan, Cambodia, Haiti and Sudan with a view to establishing a ‘reformation of decolonisation’.17 Andrew Linklater has similarly stated that ‘the plight of the quasi-state may require a bold experiment with forms of international government which assume temporary responsibility for the welfare of vulnerable populations’.18 In the opinion of some specialists, this is because ‘such weak states are not able to stand on their own feet in the international system’.19 Whilst the extreme scenario of sanctioning state failure has been contemplated, the common response is to rejuvenate forms of international imperium through global governance structures.20 Backers of a ‘new humanitarian empire’ have therefore emerged, proposing the recreation of semi-permanent colonial relationships and the furtherance of Western ‘universal’ values, and, in so doing, echoing the earlier mandatory system of imperial rule.21 In Robert Keohane’s view, ‘future military actions in failed states, or attempts to bolster states that are in danger of failing, may be more likely to be described both as self-defence and as humanitarian or public-spirited’.22

**It’s try or die—this new colonialism dehumanizes populations resulting in unending violence**

Batur 7 [Pinar, PhD @ UT-Austin – Prof. of Sociology @ Vassar, *The Heart of Violence: Global Racism, War, and Genocide*, Handbook of The Sociology of Racial and Ethnic Relations, eds. Vera and Feagin, p. 441-3]

War and genocide are horrid, and taking them for granted is inhuman. In the 21st century, our problem is not only seeing them as natural and inevitable, but even worse: not seeing, not noticing, but ignoring them. Such act and thought, fueled by global racism, reveal that racial inequality has advanced from the establishment of racial hierarchy and institutionalization of segregation, to the confinement and exclusion, and elimination, of those considered inferior through genocide. In this trajectory, global racism manifests genocide. But this is not inevitable. This article, by examining global racism, explores the new terms of exclusion and the path to permanent war and genocide, to examine the integrality of genocide to the frame-work of global antiracist confrontation. GLOBAL RACISM IN THE AGE OF “CULTURE WARS” Racist legitimization of inequality has changed from presupposed biological inferiority to assumed cultural inadequacy. This defines the new terms of impossibility of coexistence, much less equality. The Jim Crow racism of biological inferiority is now being replaced with a new and modern racism (Baker 1981; Ansell 1997) with “culture war” as the key to justify difference, hierarchy, and oppression. The ideology of “culture war” is becoming embedded in institutions, defining the workings of organizations, and is now defended by individuals who argue that they are not racist, but are not blind to the inherent differences between African-Americans/Arabs/Chinese, or whomever, and “us.” “Us” as a concept defines the power of a group to distinguish itself and to assign a superior value to its institutions, revealing certainty that **affinity with “them” will be harmful to its existence** (Hunter 1991; Buchanan 2002). How can we conceptualize this shift to examine what has changed over the past century and what has remained the same in a racist society? Joe Feagin examines this question with a theory of systemic racism to explore societal complexity of interconnected elements for longevity and adaptability of racism. He sees that systemic racism persists due to a “white racial frame,” defining and maintaining an “organized set of racialized ideas, stereotypes, emotions, and inclinations to discriminate” (Feagin 2006: 25). The white racial frame arranges the routine operation of racist institutions, which enables social and economic repro-duction and amendment of racial privilege. It is this frame that defines the political and economic bases of cultural and historical legitimization. While the white racial frame is one of the components of systemic racism, it is attached to other terms of racial oppression to forge systemic coherency. It has altered over time from slavery to segregation to racial oppression and now frames “culture war,” or “clash of civilizations,” to legitimate the racist oppression of domination, exclusion, war, and genocide. The concept of “culture war” emerged to define opposing ideas in America regarding privacy, censorship, citizenship rights, and secularism, but it has been globalized through conflicts over immigration, nuclear power, and the “war on terrorism.” Its discourse and action articulate to flood the racial space of systemic racism. Racism is a process of defining and building communities and societies based on racial-ized hierarchy of power. The expansion of capitalism cast new formulas of divisions and oppositions, fostering inequality even while integrating all previous forms of oppressive hierarchical arrangements as long as they bolstered the need to maintain the structure and form of capitalist arrangements (Batur-VanderLippe 1996). In this context, the white racial frame, defining the terms of racist systems of oppression, enabled the globalization of racial space through the articulation of capitalism (Du Bois 1942; Winant 1994). The key to understanding this expansion is comprehension of the synergistic relationship between racist systems of oppression and the capitalist system of exploitation. Taken separately, these two systems would be unable to create such oppression independently. However, the synergy between them is devastating. In the age of industrial capitalism, this synergy manifested itself imperialism and colonialism. In the age of advanced capitalism, it is war and genocide. The capitalist system, by enabling and maintaining the connection between everyday life and the global, buttresses the processes of racial oppression, and synergy between racial oppression and capitalist exploitation begets violence. Etienne Balibar points out that the connection between everyday life and the global is established through thought, making global racism a way of thinking, enabling connections of “words with objects and words with images in order to create concepts” (Balibar 1994: 200). Yet, global racism is not only an articulation of thought, but also a way of knowing and acting, framed by both everyday and global experiences. Synergy between capitalism and racism as systems of oppression enables this perpetuation and destruction on the global level. As capitalism expanded and adapted to the particularities of spatial and temporal variables, global racism became part of its legitimization and accommodation, first in terms of colonialist arrangements. In colonized and colonizing lands, global racism has been perpetuated through racial ideologies and discriminatory practices under capitalism by the creation and recreation of connections among memory, knowledge, institutions, and construction of the future in thought and action. What makes racism global are the bridges connecting the particularities of everyday racist experiences to the universality of racist concepts and actions, maintained globally by myriad forms of prejudice, discrimination, and violence (Balibar and Wallerstein 1991; Batur 1999, 2006). Under colonialism, colonizing and colonized societies were antagonistic opposites. Since colonizing society portrayed the colonized “other,” as the adversary and challenger of the “the ideal self,” not only identification but also segregation and containment were essential to racist policies. The terms of exclusion were set by the institutions that fostered and maintained segregation, but the intensity of exclusion, and redundancy, became more apparent in the age of advanced capitalism, as an extension of post-colonial discipline. The exclusionary measures when tested led to war, and genocide. Although, more often than not, genocide was perpetuated and fostered by the post-colonial institutions, rather than colonizing forces, the colonial identification of the “inferior other” led to segregation, then exclusion, then war and genocide. Violence glued them together into seamless continuity. Violence is integral to understanding global racism. Fanon (1963), in exploring colonial oppression, discusses how divisions created or reinforced by colonialism guarantee the perpetuation, and escalation, of violence for both the colonizer and colonized. Racial differentiations, cemented through the colonial relationship, are integral to the aggregation of violence during and after colonialism: “Manichaeism [division of the universe into opposites of good and evil] goes to its logical conclusion and dehumanizes” (Fanon 1963:42). Within this dehumanizing framework, Fanon argues that the violence resulting from the destruction of everyday life, sense of self and imagination under colonialism continues to infest the post-colonial existence by integrating colonized land into the violent destruction of a new “geography of hunger” and exploitation (Fanon 1963: 96). The “geography of hunger” marks the context and space in which oppression and exploitation continue. The historical maps drawn by colonialism now demarcate the boundaries of post-colonial arrangements. The white racial frame restructures this space to fit the imagery of symbolic racism, modifying it to fit the television screen, or making the evidence of the necessity of the politics of exclusion, and the violence of war and genocide, palatable enough for the front page of newspapers, spread out next to the morning breakfast cereal. Two examples of this “geography of hunger and exploitation” are Iraq and New Orleans.

**Alternative: Resist their calls for prescriptive legal modeling. Questioning the universality of the liberal-legal model opens up alternative futures for social justice.**

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To paraphrase Wendy Brown, legal analysis need not march only in the service of an immediate political dilemma; to try to make it so may be to fall into a trap. There is an important place for distanced reflection on legal rules and reforms. Although such efforts may be discounted as not immediately helpful, even beside the point, critical reflection is far from disengagement from politics or the dilemmas of the "real world." 23 Given law's intimate connection with social organization and social power, even critique is unlikely to entirely shed its normative charge. Critical scholars have often resisted the normative move, the efforts to extrude the political and ideological from accounts about law, and the idea that particular legal conclusions follow from commitments to rights or efficiency such that "right answers" simply become a matter of professional [\*736] skill or craft. Indeed, resistance to the quick slippage into the prescriptive mode is central to the critical project. The basis of this resistance is not merely an uncontrolled subversive or oppositionist instinct; rather, it emanates primarily from the sense that the overwhelming compulsion to answer the question in the terms in which it is posed allows many assumptions that are crucial to the pertinence or intelligibility of the question itself to remain unquestioned and intact. 24 Almost as often as critical scholars have made such observations, they have faced the following criticism: It is not enough to be critical of the content of legal rules or the structure of legal argumentation; you have to offer an alternative, a prescription by which it can be fixed. Otherwise, the critique is empty, even worthless. 25 Yet, as Schlag observes, "One might think that destruction is inherently bad and construction inherently good, but this view, while pervasive, is woefully inadequate. Indeed, it all depends upon what is being destroyed and what is being constructed." 26 From the standpoint of those not entirely invested in the current order, critique may be regarded as constructive; in the process of critical reflection, roads now foreclosed may be opened. What follows are four possible critical optics or strategies, not all of which are entirely distinct. It is obvious that at least some of them may be compatible with existing reform proposals, as what they foreclose is not any particular rule or reform, but rather the arguments of entailment which, whether on the basis of the rule of law, efficiency, or even human rights, currently give them primacy and legitimacy. All are predicated on the idea that it may be more useful to try to uncover and trace what we are doing when we pursue different types of law reform than to prescribe precisely what to do, and that the role of midwife, whether to efficiency or human rights, does not exhaust the functions of those with legal expertise in the context of global law reform efforts. All propose a much chastened normative role for the legal professional and all challenge the hyper-investment in the reason of law to resolve social, political, or economic issues. At the same time, all of these proposals at least implicitly resituate law as a site of political conflict and a place in which some of the work of its resolution might take place. All, however, discourage investment in the pious or moral dimension of law, especially to [\*737] the extent that it forecloses the exploration of competing arguments and alternatives. A cautionary note seems in order. The relative absence of critical reflexivity to date is not accidental. The policing of alternative legal analyses comes from the fact that what is acknowledged, even emphasized, in such analyses—the distributive dimension of reforms, the ideological character of reform proposals, the cultural particularity of "universal" rules—is normally excluded. Because such elements may be excluded as a matter of the structure and integrity of claims about the role of law in development, and even the status of the discipline itself, to venture into this territory is to risk speaking the voice of unreason, the classic place to which dissenters of all stripes are consigned. Notwithstanding, there remains a useful role for legal academics in uncovering the assumptions behind reforms, reflecting on their biases, and trying to foresee their consequences along multiple axes. In particular, it seems important to try to project how rule and institutional changes might reallocate resources and power in specific contexts. Far from forays into new territory, these tasks primarily involve recuperating some of the most basic insights and techniques of legal analysis. 1. Resisting the Project of Law Generation/Demoting the Lawyers and Economists One possibility is to simply state that, for reasons of legitimacy and basic democratic control, lawyers should have no privileged place in determining many of the questions that are currently cast as matters of lawyerly expertise. Put another way, there should be an active effort to disenchant the world about sole reliance on the professional tools of law and reason to solve the problems of development, and to demote the role of lawyers (as well as other technocrats) in governance ventures. It needs to be emphasized that this is not a rejection of law, or the rule of law, or even the importance of law. "Rejecting the law" is not an option; we live in a world structured at every turn by legal rules. Nor does it necessarily compel disengagement on the part of legal academics from a process that, like it or not, is in full swing, although some are sure to find that an appropriate response. It is a rejection of the claims about law's insulation from politics and, in particular, a contestation of the idea that there is a broad framework of laws that is simply required to be modern or civilized, and is for that reason properly excluded from the forces of politics and democratic deliberation. To say that such questions can and should be answered by economists, lawyers, or other technocrats is to participate in the fiction that they can be successfully [\*738] divorced from questions about the organization of social life, the distribution of social power, and the allocation of social resources. Lawyers should simply come clean about the impossibility of this. Paradoxically, such an admission is unlikely to end the role of the lawyer in the legal reform process; it may even encourage more legal advice and greater participation, though on less problematic terms. Among its salutary effects might be deeper reflection on the desirability of proposed reforms, greater skepticism toward what is offered, interrogation of the interests that are affected, for either better or worse, consideration of the expected consequences, as well as open assessment of alternatives. Despite the tendency to dismiss those who fail to offer a well-formulated alternative, there may be considerable virtues in not having a fully articulated positive program, all of which parallel concerns that have been raised in development theory. 27 First, it can be a deliberate choice to reject the uncritical export of law and avoid the imperial tendencies present in such ventures. Second, progressive lawyers might want to create space for local alternatives. As law expands, more and more issues are moved out of the zone of democratic deliberation and into the zone governed by reason or efficiency, the expansion of law may legitimately be resisted where it represents the compression of politics. Third, lawyers may (and probably often should) feel unequipped to offer formulaic answers from afar, as there can be a deep artificiality about reform proposals which are generated by those who will not experience their effects. The intuition behind the norm of self-determination is that important social decisions, legal reforms among them, should be made not simply with attention to how they will be received and play out in given contexts and histories, but also by those who will have to live with the consequences. Such consequences impose a singular discipline on the decision maker, so much so that eliminating them fundamentally denatures the decision making process. It is simply a mistake to think that the outcomes will remain untouched, or that they will be better in some global sense, when this element is absent from the process. 2. Critical Readings/Multiple Readings As compared to discussions in domestic contexts, debates around [\*739] law reform "for export" to date have been remarkably flat and one-dimensional. Right now, the economic lens predominates. Even from within the economic optic, efficiency concerns control, crowding out distributive considerations, although redistribution is a persistent and inevitable effect of reform. Thus, one useful role lies in simply deepening and complexifying the accounts of the legal reform process; much more attention could be profitably paid to the multiple dimensions of legal rules. These efforts also might aid rather than impair the law and development project, if only because they may provide insight into why and how reforms routinely produce unforeseen outcomes. There is a range of methods that could be employed to this end. Law and development projects need to be looked at in cultural terms. Specific claims should be analyzed empirically. The path of reforms should be traced historically and genealogically. Dominant arguments could be analyzed semiotically, with attention to the narrative they project about the world. Historical work is particularly valuable in tracing the contingency of even the most well-entrenched legal rules and uncovering the rhetorical and ideological shifts in the structure of legal argumentation over time. Multiplying the types of legal analyses would permit us to detail the different functions and properties of laws, even where greater efficiency is the motivation behind their implementation. In sum, it would enable us to better trace the flow of resources, the creation of new powers through law, and the emergence of new social groups and political constituencies. Critical analysis directs our attention to the role of law in constituting social relations and practices, rather than merely regulating them after the fact; it reminds us that legal rules stand to be implicated in the production of the very social phenomena to which law is called to respond. Attention to this role raises a whole series of inquiries in the context of reform. How might reforms affect existing social groups? Workers? Women? Ethnic or national minorities? How might they affect sexual identities, racial affiliations? What new social formations might they produce? Critical readings should aim to bring to the surface, rather than repress, the tradeoffs that are involved in different reform paths. One of the most pernicious dimensions of simplistic rule of law and good governance narratives is the claim that there are no conflicts among desirable values and ends. Resistance is sure to arise from contesting what is dogma, to wit, that the implementation of efficiency enhancing rules is an uncontentious goal, that everyone stands to gain from free trade, that property and contract rights are the paramount legal entitlements, and that rule-based regimes "level the playing field" and ensure fairness [\*740] among otherwise unequal parties. Treating such claims as interrogatories rather than simply facts, however, is likely to engender better attention to the actual effects of reforms. Although transformative projects backed by law are often imagined as inherently progressive, they are not necessarily so. In addition, there is inevitable uncertainty and risk in law reform. If there is a comparative advantage that lawyers bring to the table, it is familiarity with the varied and unpredictable path of legal rules in operation. Indeed, no one else can be expected to possess the intimate knowledge of the fate of legal rules that lawyers and legal academics acquire in the course of their professional lives. In short, to the extent that we get involved in law and development ventures, at a minimum we should export the critique too. It seems at best negligent, at worst disingenuous, to fail to speak candidly about the conflicts within the discipline, and to suppress the wide variety of opinions about whether particular reforms are a good or bad idea. To do so is patronizing and unnecessarily mystifying; it also seems unlikely to be persuasive, at least for long. 3. Alternative Institutional Possibilities Another possibility is to trace alternative futures, by positing regulatory and institutional scenarios that are equally compatible with the rule of law. 28 To put it another way, lawyers could play a role in countering the "false necessity" of reforms, whether advanced in the name of law or growth simpliciter. 29 Some of these alternatives may be defended in the name of furthering the project of progress-through-economic-growth, although they are different from those conventionally put forward. But whether or not they are congruent with the aims of current governance and market reform projects, a central task should be to resist the idea that the rule of law, good governance, and market reform are institutionally interchangeable, or that any one configuration of laws is required to create market regimes based on the rule of law. Lawyers have a useful professional role to play in detailing the myriad ways in which market norms have been institutionalized in different contexts and at different periods of time in the same jurisdiction. Perhaps at the present time, one of the most important tasks is to simply point out the variety of different legal rules that might be available to respond to the challenges and dilemmas posed by globalization. Fetishism about particular rules and institutions may stand in the [\*741] way of some otherwise needed or desired social transformation. For example, changes may be foreclosed because they are said to trespass on property rights, because they differ from the rules and institutions conventionally found in model market societies, or because they overtly further a particular social or distributive interest rather than a "general" or "universal" interest. All such claims, however, rest on assumptions that close analyses of law easily disturb. Legal scholars might point out that property rights, for example, are routinely disaggregated and allocated among different groups, reconstituted by a variety of regulatory structures, and restrained by the operation of other legal rules both "private" and "public."

# OFF

**Restrictions on war powers create areas where the President can NOT act**

Fisher 12 (Louis, Scholar in Residence at The Constitution Project; served for four decades at the Library of Congress, as Senior Specialist, Congressional Research Service, “Basic Principles of the War Power,” 2012 Journal of National Security Law & Policy 5 J. Nat'l Security L. & Pol'y 319)

Article II designates the President as Commander in Chief, but that title does not carry with it an independent authority to initiate war or act free of legislative control. Article II provides that the President "shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." Congress, not the President, does the calling. Article I grants Congress the power to provide "for calling forth the Militia to execute the laws of the Union, suppress Insurrections, and repel invasions." Presidential use of the militia depends on policy enacted by Congress.

The Commander in Chief Clause is sometimes interpreted as an exclusive, plenary power of the President, free of statutory checks. It is not. Instead, it offers several protections for republican, constitutional government. Importantly, it preserves civilian supremacy over the military. The individual leading the armed forces is an elected civilian, not a general or admiral. Attorney General Edward Bates in 1861 concluded that the President is Commander in Chief not because he is "skilled in the art of war and qualified to marshal a host in the field of battle." He possesses that title for a different reason. Whatever military officer leads U.S. forces against an enemy, "he is subject to the orders of the civil magistrate, and he and his army are always "subordinate to the civil power.'" n23 Congress is an essential part of that civil power.

The Framers understood that the President may "repel sudden attacks," especially when Congress is out of session and unable to assemble quickly, but the power to take defensive actions does not permit the President to initiate wars and exercise the constitutional authority of Congress. President Washington took great care in instructing his military commanders that operations against Indians were to be limited to defensive actions. n24 Any offensive action required congressional authority. He wrote in 1793: "The Constitution vests the power of declaring war with Congress; therefore no offensive expedition of importance can be undertaken until after they have deliberated upon the subject, and authorized such a measure." n25

[\*324] In 1801, President Jefferson directed that a squadron be sent to the Mediterranean to safeguard American interests against the Barbary pirates. On December 8, he informed Congress of his actions, asking lawmakers for further guidance. He said he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense ... ." It was up to Congress to authorize "measures of offense also." n26 In 1805, after conflicts developed between the United States and Spain, Jefferson issued a public statement that articulates fundamental constitutional principles: "Congress alone is constitutionally invested with the power of changing our condition from peace to war." n27 In the Smith case of 1806, a federal circuit court acknowledged that if a foreign nation invades the United States, the President has an obligation to resist with force. But there was a "manifest distinction" between going to war with a nation at peace and responding to an actual invasion: "In the former case, it is the exclusive province of congress to change a state of peace into a state of war." n28

The second value that the Founders embraced in the Commander-in-Chief Clause is accountability. Hamilton in Federalist No. 74 wrote that the direction of war "most peculiarly demands those qualities which distinguish the exercise of power by a single hand." The power of directing war and emphasizing the common strength "forms a usual and essential part in the definition of the executive authority." n29 Presidential leadership is essential but it cannot operate outside legislative control. The President is subject to the rule of law, including statutory and judicial restrictions.

**Vote Neg – Smaller predictable case list comes for LIMITS only, and allowing modifications creates a bi-directional topic where they can IMPROVE war-fighting by the president.**

# Off

**Precedent for war powers deliberation with CONGRESS now. It will check US militarism**

**Hunter 8/31**/13 - Chair of the Council for a Community of Democracies [Robert E. Hunter (US ambassador to NATO (93-98) and Served on Carter’s National Security Council as the Director of West European Affairs and then as Director of Middle East Affairs, “Restoring Congress’ Role In Making War,” Lobe Log, August 31, 2013, pg. <http://www.lobelog.com/restoring-congress-role-in-making-war/>

But the most remarkable element of the President’s statement is the likely precedent he is setting in terms of engaging Congress in decisions about the use of force, not just through “consultations,” but in formal authorization. This gets into complex constitutional and legal territory, and will lead many in Congress (and elsewhere) to expect Obama — and his successors — to show such deference to Congress in the future, as, indeed, many members of Congress regularly demand.

But seeking authorization for the use of force from Congress as opposed to conducting consultations has long since become the exception rather than the rule. The last formal congressional declarations of war, called for by Article One of the Constitution, were against Bulgaria, Romania, and Hungary on June 4, 1942. Since then, even when Congress has been engaged, it has either been through non-binding resolutions or under the provisions of the [War Powers Resolution of November 1973](http://www.policyalmanac.org/world/archive/war_powers_resolution.shtml). That congressional effort to regain some lost ground in decisions to send US forces into harm’s way was largely a response to administration actions in the Vietnam War, especially the [Tonkin Gulf Resolution](https://www.mtholyoke.edu/acad/intrel/pentagon3/ps12.htm) of August 1964, which was actually prepared in draft before the triggering incident. The War Powers Resolution does not prevent a president from using force on his own authority, but only imposes post facto requirements for gaining congressional approval or ending US military action. In the current circumstances, military strikes of a few days’ duration, those provisions would almost certainly not come into play.

There were two basic reasons for abandoning the constitutional provision of a formal declaration of war. One was that such a declaration, once turned on, would be hard to turn off, and could lead to a demand for unconditional surrender (as with Germany and Japan in World War II), even when that would not be in the nation’s interests — notably in the Korean War. The more compelling reason for ignoring this requirement was the felt need, during the Cold War, for the president to be able to respond almost instantly to a nuclear attack on the United States or on very short order to a conventional military attack on US and allied forces in Europe.

With the Cold War now on “the ash heap of history,” this second argument should long since have fallen by the wayside, but it has not.  Presidents are generally considered to have the power to commit US military forces, subject to the provisions of the War Powers Resolution [WPR], which have never been properly tested. But why? Even with the 9/11 attacks on the US homeland, the US did not respond immediately, but took time to build the necessary force and plans to overthrow the Taliban regime in Afghanistan (and, anyway, if President George W. Bush had asked on 9/12 for a declaration of war, he no doubt would have received it from Congress, very likely unanimously).

As times goes by, therefore, what President Obama said on August 29, 2013 could well be remembered less for what it will mean regarding the use of chemical weapons in Syria and more for what it implies for the reestablishment of a process of full deliberation and fully-shared responsibilities with the Congress for decisions of war-peace, as was the historic practice until 1950. This proposition will be much debated, as it should be; but if the president’s declaration does become precedent (as, in this author’s judgment, it should be, except in exceptional circumstances where a prompt military response is indeed in the national interest), he will have done an important and lasting service to the nation, including a potentially significant step in reducing the excessive militarization of US foreign policy.

There would be one added benefit: members of Congress, most of whom know little about the outside world and have not for decades had to take seriously their constitutional responsibilities for declaring war, would be required to become better-informed participants in some of the most consequential decisions the nation has to take, which, not incidentally, also involve risks to the lives of America’s fighting men and women.

**Dismantling war powers justiciability undermines deliberation. Our link is unique**

**Broughton 01** – Asst Attorney General of Texas [[Broughton, J. Richard](http://www.heinonline.org.proxy.library.emory.edu/HOL/LuceneSearch?specialcollection=&terms=creator%3A%22Broughton,%20J.%20Richard%22&yearlo=&yearhi=&subject=ANY&journal=ALL&sortby=relevance&collection=journals&searchtype=advanced&submit=Search&base=js&all=true&solr=true) (LL.M., with distinction, Georgetown University Law Center), “What Is It Good For--War Power, Judicial Review, and Constitutional Deliberation,” Oklahoma Law Review, Vol. 54, Issue 4 (Winter 2001), pp. 685-726

Judicial abstention from war powers disputes can mitigate the effects of the judicial overhang by encouraging Congress and the President to think more seriously about constitutional structure."' In the Vietnam era, for example, Congress enacted the War Powers Resolution to assert its own constitutional prerogatives only after the courts had consistently refused to intervene. Perhaps this was no accident. Without resort to the judiciary, Congress was forced to take responsibility for using its Article I powers in its own defense. Whatever the other flaws of the War Powers Resolution, it at least represents Congress's assertiveness in attempting to define the boundaries of constitutional war power, as the Constitution provides. (Wther Congress got it right is a separate matter, beyond the scope of this article.) Similarly, rather than resort to the courts to challenge the constitutionality of the Resolution, presidents since Nixon have simply deployed troops at their discretion, forcing Congress to either authorize the action, reject such authorization, withdraw funding, or, perhaps as a last resort, impeach the President. Thus, the modem trend of cases leaving war powers controversies to the political branches has produced somewhat more responsible political institutions, though much work must still be done to truly effectuate the Constitution's vision of prudent and reasoned constitutional discourse among the Congress and the White House.' In keeping therefore with constitutional history and design, political actors best serve republican government when they give careful attention to constitutional boundaries and constitutional weapons in the course of adopting military and foreign policy. Political actors will be more likely to do so if they have only themselves, and not the courts, to do the work.

IV. Conclusion

There is much we can learn from Madison and Marshall, statesmen who understood the value of prudent constitutional reasoning to the practical governance of a large republic. Importantly, not all such reasoning occurs in the courts, nor should it. Those matters not "of a judiciary nature," in Madison's words, must find resolution in other fora. Controversies between Congress and the President regarding the Constitution's allocation of war powers are among this class of disputes. This is not to say that courts must leave all cases involving foreign affairs to the vicissitudes of political institutions; the Constitution explicitly vests the judiciary with authority over admiralty and maritime cases, as well as cases affecting ambassadors, public ministers, and consuls, all of which may invariably touch upon foreign relations. War powers disputes are constitutionally unique, however, because the Constitution itself commits the resolution of those disputes to legislators and the chief executive. The courts have, for the most part, appropriately left these disputes where they belong, in the hands of the political branches. Through the doctrine of justiciability, courts have helped to preserve the separation of powers by recognizing both the limits on their Article In authority and the broa prerogatives that the Constitution grants to political actors who are charged with making and effecting American military and foreign policy. By continuing this trend, as the District of Columbia Circuit did in Campbell, the judiciary can encourage deliberation about constitutional structure in the political branches, as Madison and Marshall envisioned. Pg. 724-725

**Militarism risks World War III. We must check the expansionist desires**

**Boyle 12** - Professor of International Law @ University of Illinois College of Law [Francis A. Boyle (PhD. degrees in Political Science from [Harvard University](http://en.wikipedia.org/wiki/Harvard_University)), “Unlimited Imperialism and the Threat of World War III. U.S. Militarism at the Start of the 21st Century,” Global Research, December 25, 2012, pg. http://www.globalresearch.ca/unlimited-imperialism-and-the-threat-of-world-war-iii-u-s-militarism-at-the-start-of-the-21st-century/5316852

Historically, this latest eruption of American militarism at the start of the 21st Century is akin to that of America opening the 20th Century by means of the U.S.-instigated Spanish-American War in 1898.  Then the Republican administration of President  William McKinley stole their colonial empire from Spain in Cuba, Puerto Rico, Guam, and the Philippines; inflicted a near genocidal war against the Filipino people; while at the same time illegally annexing the Kingdom of Hawaii and subjecting the Native Hawaiian people (who call themselves the Kanaka Maoli) to near genocidal conditions.  Additionally, McKinley’s military and colonial expansion into the Pacific was also designed to secure America’s economic exploitation of China pursuant to the euphemistic rubric of the “open door” policy.   But over the next four decades America’s aggressive presence, policies, and practices in the “Pacific” would ineluctably pave the way for Japan’s attack at Pearl Harbor on Dec. 7, 194l, and thus America’s precipitation into the ongoing Second World War.

Today a century later the serial imperial aggressions launched and menaced by the Republican Bush Jr. administration and now the Democratic Obama administration are threatening to set off World War III.

By shamelessly exploiting the terrible tragedy of 11 September 2001 [9/11], the Bush Jr. administration set forth to steal a hydrocarbon empire from the Muslim states and peoples living in Central Asia and the Persian Gulf and Africa under the bogus pretexts of (1) fighting a war against international terrorism; and/or (2) eliminating weapons of mass destruction; and/or (3) the promotion of democracy; and/or (4) self-styled “humanitarian intervention”/responsibility to protect.  Only this time the geopolitical stakes are infinitely greater than they were a century ago:  control and domination of two-thirds of the world’s hydrocarbon resources and thus the very fundament and energizer of the global economic system – oil and gas.  The Bush Jr./ Obama  administrations  have  already targeted the remaining hydrocarbon reserves of Africa, Latin America, and Southeast Asia for further conquest or domination, together with the strategic choke-points at sea and on land required for their transportation.  In this regard, the Bush Jr. administration  announced the establishment of the U.S. Pentagon’s Africa Command (AFRICOM) in order to better control, dominate, and exploit both the natural resources and the variegated peoples of the continent of Africa, the very cradle of our human species.  Libya and the Libyans became the first victims to succumb to AFRICOM under the Obama administration. They will not be the last.

This current bout of U.S. imperialism is what Hans Morgenthau denominated “unlimited imperialism” in his seminal work Politics Among Nations (4th ed. 1968, at 52-53):

“The outstanding historic examples of unlimited imperialism are the expansionist policies of Alexander the Great, Rome, the Arabs in the seventh and eighth centuries, Napoleon I, and Hitler. They all have in common an urge toward expansion which knows no rational limits, feeds on its own successes and, if not stopped by a superior force, will go on to the confines of the political world. This urge will not be satisfied so long as there remains anywhere a possible object of domination–a politically organized group of men which by its very independence challenges the conqueror’s lust for power. It is, as we shall see, exactly the lack of moderation, the aspiration to conquer all that lends itself to conquest, characteristic of unlimited imperialism, which in the past has been the undoing of the imperialistic policies of this kind… “

 It is the Unlimited Imperialists along the lines of Alexander, Rome, Napoleon and Hitler who are now in charge of conducting American foreign policy. The factual circumstances surrounding the outbreaks of both the First World War and the Second World War currently hover like twin Swords of Damocles over the heads of all humanity.

# off

**The United States Federal Judiciary should substantially increase restrictions found in the Endangered Species Act, Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation and Liability Act on the President of the United States’ authority to introduce armed forces into hostilities. The United States Federal Government should not deploy Ballistic Missile Defense in the arctic region or Alaska. We will clarify.**

**That list, and the distinction to exclude the NEPA is from their 1ac solvency advocate**

Dorfman 4 (Bridget – J.D. Candidate, 2004, University of Pennsylvania Law School, “PERMISSION TO POLLUTE: THE UNITED STATES MILITARY, ENVIRONMENTAL DAMAGE, AND CITIZENS' CONSTITUTIONAL CLAIMS”, 2004, 6 U. Pa. J. Const. L. 604, lexis)

I. The Military and the Environment

The military establishment is subject to a panoply of environmental statutes, which can be grouped into a handful of categories. n11 One category consists of planning statutes such as the National Environmental Policy Act ("NEPA") n12 and the Endangered Species Act ("ESA"), n13 which require government agencies to consider the environmental consequences of their actions. Another category consists of prospective statutes such as the Clean Water Act ("CWA"), n14 the Clean Air Act ("CAA"), n15 the Resource Conservation and Recovery Act ("RCRA"), n16 and the Toxic Substances Control Act ("TSCA"), n17 which seek to minimize or eliminate pollution before it is created. Finally, there are retrospective statutes such as the Comprehensive [\*607] Environmental Response, Compensation and Liability Act ("CERCLA"), n18 which seek to clean up and restore the environment after the damage has been done. n19

**Solves the aff, avoids the disads, and NEPA isn’t the only statute out there. Their solvency deficit is dumb**

GARTLAND 12 USAF judge advocate. Serves as Envt’l Liaison Officer for the Air Force Materiel Command, Major, BA U-Alaska, JD Gonzaga, LLM George Washington. [Charles J. Gartland, AT WAR AND PEACE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT: WHEN POLITICAL QUESTIONS AND THE ENVIRONMENT COLLIDE, Air Force Law Review, 68 A.F. L. Rev. 27]

2. No Exception to Environmental Protection

One obvious argument against a national defense NEPA exemption is that national defense agencies would no longer have an incentive to engage in the environmental planning that is the heart of NEPA. That objection, however, is not persuasive in light of the influence and organizational vigor wielded by environmental interest groups--a vigor brought to bear in many of the cases discussed in this article. n397 The time and resources currently applied by organizations such as Natural Resources Defense Council and Sierra Club could easily be re-routed from litigation to public relations and political pressure (both of which they already conduct); there is an eager and receptive audience in Washington for those efforts. Forty years ago at NEPA's inception in an era when information traveled comparatively slowly, and was hard to obtain, flagrant defiance of NEPA by Federal agencies could evade public scrutiny. Today it cannot evade scrutiny, and few in the public would want it to.

Congress can easily exercise the oversight now accomplished by the judiciary, and quite possibly to greater effect. A routine cycle of legislative hearings, with its attendant press coverage, would shine a far brighter spotlight on the merits and demerits of national defense projects posing risks to the environment. One commentator--who stops short of arguing for an exemption--specifically suggests periodic reviews of national defense NEPA compliance through a new subcommittee of the House and Senate Armed Services Committees. n398 Under that option, the current incentive to comply provided by the threat of litigation and injunctions would instead take the form of service commanders having to explain themselves before a congressional inquiry. n399

It must also be noted that NEPA, while serving as the "basic national charter for protection of the environment," n400 is not the nation's sole environmental law. n401 Sovereign immunity has been waived on nearly all of the substantive environmental [\*71] statutes, n402 which leaves national defense agencies and activities subject to the vast array of substantive federal (and many state) environmental laws--the laws that actually limit pollution. n403 The military obtains air emissions permits, discharge permits, and hazardous waste permits, and a national defense exemption to NEPA will not change that.

In light of the calamitous consequences that often accompany a NEPA injunction, and the exceptional nature of national defense, the public interest tradeoff for exempting national defense from a procedural statute that does not directly address pollution is relatively minor. If any piece of the environmental framework were to be sacrificed for the benefit of national security, a procedural statute like NEPA is an obvious candidate.

**AND – that avoids our congressional deference and readiness disads**

GARTLAND 12 USAF judge advocate. Serves as Envt’l Liaison Officer for the Air Force Materiel Command, Major, BA U-Alaska, JD Gonzaga, LLM George Washington. [Charles J. Gartland, AT WAR AND PEACE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT: WHEN POLITICAL QUESTIONS AND THE ENVIRONMENT COLLIDE, Air Force Law Review, 68 A.F. L. Rev. 27]

V. ANALYSIS

The preceding cases illustrate, at best, inconsistent application of injunction analyses and the political question doctrine. n375 At worst they illustrate no injunction analysis and total disregard of the political question doctrine. n376 A lasting solution to this problem calls for more than merely advocating that the policy preference [\*67] that happened to be imposed by five Justices in Winter be universally applied. Over forty years of NEPA case law shows that when it collides with national defense, not all judges will agree with how the scales tipped in Winter; indeed, many judges will not agree that the factual scenario in Winter presents a Constitutional issue at all. n377 Consequently, the most manageable solution is one that removes the grounds for a disagreement over all the foregoing issues: amending NEPA to create a national defense exception. The remainder of this article will further expound on the necessity of this solution, the form this solution might take, and finally show that it is consistent with both the Constitutionally prescribed role for national defense and the statutorily prescribed role for NEPA.

A. The Basis for a National Defense Exemption

Entertaining political questions in the courtroom has consequences, both legal and practical. The argument for a national defense exemption to NEPA can be reduced to three bases: (1) the impracticality of hearing national defense political questions in the courtroom; (2) the real-world impact that results; and (3) that the very nature of injunction law causes the first two bases to blend in a manner that is particularly virulent to national defense.

1. Policy and Politics in the Courtroom

Trident, Weinberger v. Wisconsin, and Callaway amply illustrate the issues that trial courts are unequipped to resolve, as tactical, strategic, and foreign policy elements figure into national defense undertakings. n378 One District Court judge hearing a NEPA case with foreign policy implications remarked on the oddity of the testimony given in his courtroom, more akin to a "legislative hearing" than a trial. n379 As noted in McQueary v. Laird, national security does not blend well with evidentiary hearings. n380

2. Real-World Adverse Impact to the National Defense

The consequences of judicial intervention in national defense can be more than academic: Army units n381 and **naval fleets not training adequately** or at all, n382 [\*68] nuclear tests jeopardized, n383 and **diplomatic missions put at risk**. n384 Winter is but the most recent and highest profile example of unwieldy judicial process outcomes: uniformed personnel devoted to being lookouts with binoculars and adjusting sonar decibel levels as whales approach and disperse--in the middle of a warfighting exercise. n385

3. The Nature of Injunction Law Forces Judicial Policy-Making

The law surrounding injunctions guarantees unsatisfactory results because the third and fourth prongs of the injunction test in essence require the courts to make a policy choice that, in the national defense context at least, involves the constitutional separation of powers. Some courts have simply avoided the dilemma by ignoring the portion of the injunction test corresponding to the agency's equity and the public interest in national defense, n386 while others have plainly considered the former to be more important. n387 Either way, the NEPA injunction often decides a question that the Constitution and statute intended to be handled differently.

**Effective fast response and mission planning is key to deterring every conflict globally**

KAGAN & O’HANLON 07 resident scholar at AEI & senior fellow in foreign policy at Brookings [Frederick Kagan & Michael O’Hanlon, “The Case for Larger Ground Forces”, April 2007, <http://www.aei.org/files/2007/04/24/20070424_Kagan20070424.pdf>]

We live at a time when wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is tenuous. To view this as a strategic military challenge for the United States is not to espouse a specific theory of America’s role in the world or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that overseas threats must be countered before they can directly threaten this country’s shores, that the basic stability of the international system is essential to American peace and prosperity, and that no country besides the United States is in a position to lead the way in countering major challenges to the global order. Let us highlight the threats and their consequences with a few concrete examples, emphasizing those that involve key strategic regions of the world such as the Persian Gulf and East Asia, or key potential threats to American security, such as the spread of nuclear weapons and the strengthening of the global Al Qaeda/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North Korea, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, Sino Taiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing.

Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time. Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan. Let us hope there will be no such large-scale missions for a while. But preparing for the possibility, while doing whatever we can at this late hour to relieve the pressure on our soldiers and Marines in ongoing operations, is prudent. At worst, the only potential downside to a major program to strengthen the military is the possibility of spending a bit too much money. Recent history shows no link between having a larger military and its overuse; indeed, Ronald Reagan’s time in office was characterized by higher defense budgets and yet much less use of the military, an outcome for which we can hope in the coming years, but hardly guarantee. While the authors disagree between ourselves about proper increases in the size and cost of the military (with O’Hanlon preferring to hold defense to roughly 4 percent of GDP and seeing ground forces increase by a total of perhaps 100,000, and Kagan willing to devote at least 5 percent of GDP to defense as in the Reagan years and increase the Army by at least 250,000), we agree on the need to start expanding ground force capabilities by at least 25,000 a year immediately. Such a measure is not only prudent, it is also badly overdue.

# 1NC – solvency

**Wartime means Obama will ignore the decision. Noncompliance undermines the Court’s legitimacy**

Pushaw 4—Professor of law @ Pepperdine University [Robert J. Pushaw, Jr., “Defending Deference: A Response to Professors Epstein and Wells,” Missouri Law Review, Vol. 69, 2004]

Civil libertarians have urged the Court to exercise the same sort of judicial review over war powers as it does in purely domestic cases—i.e., independently interpreting and applying the law of the Constitution, despite the contrary view of the political branches and regardless of the political repercussions.54 This proposed solution ignores the institutional differences, embedded in the Constitution, that have always led federal judges to review warmaking under special standards. Most obviously, the President can act with a speed, decisiveness, and access to information (often highly confidential) that cannot be matched by Congress, which must garner a majority of hundreds of legislators representing multiple interests.55 Moreover, the judiciary by design acts far more slowly than either political branch. A court must wait for parties to initiate a suit, oversee the litigation process, and render a deliberative judgment that applies the law to the pertinent facts.56 Hence, by the time federal judges (particularly those on the Supreme Court) decide a case, the action taken by the executive is several years old. Sometimes, this delay is long enough that the crisis has passed and the Court’s detached perspective has been restored.57 At other times, however, the war rages, the President’s action is set in stone, and he will ignore any judicial orders that he conform his conduct to constitutional norms.58 In such critical situations, issuing a judgment simply weakens the Court as an institution, as Chief Justice Taney learned the hard way.59

Professor Wells understands the foregoing institutional differences and thus does not naively demand that the Court exercise regular judicial review to safeguard individual constitutional rights, come hell or high water. Nonetheless, she remains troubled by cases in which the Court’s examination of executive action is so cursory as to amount to an abdication of its responsibilities—and a stamp of constitutional approval for the President’s actions.60 Therefore, she proposes a compromise: requiring the President to establish a reasonable basis for the measures he has taken in response to a genuine risk to national security.61 In this way, federal judges would ensure accountability not by substituting their judgments for those of executive officials (as hap-pens with normal judicial review), but rather by forcing them to adequately justify their decisions.62

This proposal intelligently blends a concern for individual rights with pragmatism. Civil libertarians often overlook the basic point that constitutional rights are not absolute, but rather may be infringed if the government has a compelling reason for doing so and employs the least restrictive means to achieve that interest.63 Obviously, national security is a compelling governmental interest.64 Professor Wells’s crucial insight is that courts should not allow the President simply to assert that “national security” necessitated his actions; rather, he must concretely demonstrate that his policies were a reasonable and narrowly tailored response to a particular risk that had been assessed accurately.65

Although this approach is plausible in theory, I am not sure it would work well in practice. Presumably, the President almost always will be able to set forth plausible justifications for his actions, often based on a wide array of factors—including highly sensitive intelligence that he does not wish to dis-close.66 Moreover, if the President’s response seems unduly harsh, he will likely cite the wisdom of erring on the side of caution. If the Court disagrees, it will have to find that those proffered reasons are pretextual and that the President overreacted emotionally instead of rationally evaluating and responding to the true risks involved. But are judges competent to make such determinations? And even if they are, would they be willing to impugn the President’s integrity and judgment? If so, what effect might such a judicial decision have on America’s foreign relations? These questions are worth pondering before concluding that “hard look” review would be an improvement over the Court’s established approach.

Moreover, such searching scrutiny will be useless in situations where the President has made a wartime decision that he will not change, even if judicially ordered to do so. For instance, assume that the Court in Korematsu had applied “hard look” review and found that President Roosevelt had wildly exaggerated the sabotage and espionage risks posed by Japanese-Americans and had imprisoned them based on unfounded fears and prejudice (as appears to have been the case). If the Court accordingly had struck down FDR’s order to relocate them, he would likely have disobeyed it.

Professor Wells could reply that this result would have been better than what happened, which was that the Court engaged in “pretend” review and stained its reputation by upholding the constitutionality of the President’s odious and unwarranted racial discrimination. I would agree. But I submit that the solution in such unique situations (i.e., where a politically strong President has made a final decision and will defy any contrary court judgment) is not judicial review in any form—ordinary, deferential, or hard look. Rather, the Court should simply declare the matter to be a political question and dismiss the case. Although such Bickelian manipulation of the political question doctrine might be legally unprincipled and morally craven, 67 at least it would avoid giving the President political cover by blessing his unconstitutional conduct and instead would force him to shoulder full responsibility. Pg. 968-970

**Fight with President devastates court legitimacy. Two centuries of judicial decisions prove they can’t solve without his support**

Devins & Fisher 98—Professor of Law and Government @ College of William and Mary & Senior Specialist in Separation of Powers @ Congressional Research Service [Neal Devins & Louis Fisher, “Judicial Exclusivity and Political Instability,” Virginia Law Review Vol. 84, No. 1 (Feb. 1998), pp. 83-106]

Lacking the power to appropriate funds or command the military, 73 the Court understands that it must act in a way that garners public acceptance." In other words, as psychologists Tom Tyler and Gregory Mitchell observed, the Court seems to believe "that public acceptance of the Court's role as interpreter of the Constitution that is, the public belief in the Court's institutional legitimacy enhances public acceptance of controversial Court decisions."75 This emphasis on public acceptance of the judiciary seems to be conclusive proof that Court decisionmaking cannot be divorced from a case's (sometimes explosive) social and political setting.

A more telling manifestation of how public opinion affects Court decisionmaking is evident when the Court reverses itself to conform its decisionmaking to social and political forces beating against it.76 Witness, for example, the collapse of the Lochner era under the weight of changing social conditions. Following Roosevelt's 1936 election victory in all but two states, the Court, embarrassed by populist attacks against the Justices, announced several decisions upholding New Deal programs.' In explaining this transformation, Justice Owen Roberts recognized the extraordinary importance of public opinion in undoing the Lochner era: "Looking back, it is difficult to see how the Court could have resisted the popular urge for uniform standards throughout the country-for what in effect was a unified economy.""8

Social and political forces also played a defining role in the Court's reconsideration of decisions on sterilization and the eugenics movement," state-mandated flag salutes,' the Roe v. Wade trimester standard, 8 the death penalty,' states' rights, 3 and much more.' It did not matter that some of these earlier decisions commanded an impressive majority of eight to one." Without popular support, these decisions settled nothing. Justice Robert Jackson instructed us that "[t]he practical play of the forces of politics is such that judicial power has often delayed but never permanently defeated the persistent will of a substantial majority.""6 As such, for a Court that wants to maximize its power and legitimacy, taking social and political forces into account is an act of necessity, not cowardice. Correspondingly, when the Court gives short shrift to populist values or concerns, its decisionmaking is unworkable and destabilizing.87

The Supreme Court may be the ultimate interpreter in a particular case, but not in the larger social issues of which that case is a reflection. Indeed, it is difficult to locate in the more than two centuries of rulings from the Supreme Court a single decision that ever finally settled a transcendent question of constitutional law. When a decision fails to persuade or otherwise proves unworkable.' elected officials, interest groups, academic commentators, and the press will speak their minds and the Court, ultimately, will listen."

Even in decisions that are generally praised, such as Brown, the Court must calibrate its decisionmaking against the sentiments of the implementing community and the nation. In an effort to temper Southern hostility to its decision, the Court did not issue a remedy in the first Brown decision.' A similar tale is told by the Court's invocation of the so-called "passive virtues," that is, procedural and jurisdictional mechanisms that allow the Court to steer clear of politically explosive issues.91 For example, the Court will not "anticipate a question of constitutional law in advance of the necessity of deciding it," not "formulate a rule of constitutional law broader than is required," nor "pass upon a constitutional question... if there is... some other ground," such as statutory construction, upon which to dispose of the case.' This deliberate withholding of judicial power reflects the fact that courts lack ballot-box legitimacy and need to avoid costly collisions with the general public and other branches of government.'

It is sometimes argued that courts operate on principle while the rest of government is satisfied with compromises." This argument is sheer folly. A multimember Court, like government, gropes incrementally towards consensus and decision through compromise, expediency, and ad hoc actions. "No good society," as Alexander Bickel observed, "can be unprincipled; and no viable society can be principle-ridden."'95

Courts, like elected officials, cannot escape "[t]he great tides and currents which engulf" the rest of us.96 Rather than definitively settling transcendent questions, courts must take account of social movements and public opinion.' When the judiciary strays outside and opposes the policy of elected leaders, it does so at substantial risk. The Court maintains its strength by steering a course that fits within the permissible limits of public opinion. Correspondingly, "the Court's legitimacy-indeed, the Constitution's-must ultimately spring from public acceptance," for ours is a "political system ostensibly based on consent."98 pg. 93-98

**That underpins the rule of law --- lack of legitimacy will reverse it and derail the aff**

Levasseur 02 (Alain A. Levasseur, Professor of Law, Louisiana State University, “Legitimacy of Judges,” The American Journal of Comparative Law, Fall, 50 Am. J. Comp. L. 43, Lexis)

The texts, the writings, and the cases referred to above all concur to emphasize the indispensable role that the judiciary plays in the proper functioning of a democratic form of government. For the judiciary to be accepted and trusted by the People, it must play its just part in the balance of powers established by the Constitution. It must "lend its ears" to but not succumb to the People's momentary and tempestuous swings of mood, disposition and inclination. It must protect that same People against itself and see no majority of today or minority of tomorrow. **It** must stand as a screen between the elected representatives of the People and the People itself, and it **must control** the possible **political excesses of the executive and legislative** [\*50] branches of government **by** resorting to and **relying on** its own **legitimacy** that it finds in the law. It is true that diminished legitimacy may be restored, but only slowly... Like the character of an individual, the legitimacy of the Court must be earned over time<elip> If the Court's legitimacy should be undermined, then, so would the country be in its very ability to see itself through its constitutional ideals. The Court's concern with legitimacy is not for the sake of the Court but for the sake of the Nation to which it is responsible." 110 In the even more recent case of Bush v. Gore, 111 the Supreme Court "willed" its involvement in an extremely volatile and controversial issue which plunged the Court into a debate on the very nature of the democratic form of the U.S. government. In their per curiam opinion, the Justices did not hide the highly sensitive position in which the Supreme Court found itself. It is again in the Constitution and the confidence it has earned from the People that the Supreme Court found its legitimacy and its responsibility: "None are more conscious of the vital limits on judicial authority than are the members of this Court, and none stand more in admiration [\*69] of the Constitution's design to leave the selection of the President to the people, through their legislatures, and to the political sphere. When contending parties invoke the process of the courts, however, it becomes our unsought responsibility to resolve the federal and constitutional issues the judicial system has been forced to confront." 112 Chief Justice Rehnquist, Justices Scalia and Thomas joined the per curiam opinion because of their belief that the legitimacy of the Supreme Court "stepping into the fray" was justified on constitutional grounds: "We deal here not with ordinary election, but with an election for the President of the United States. In Burroughs v. United States, 290 U.S. 534, 545, 54 S.Ct. 287, 78 L.Ed. 484 (1934), we said: While presidential electors are not officers or agents of the federal government ... they exercise federal functions under, and discharge duties in virtue of authority conferred by, the Constitution of the United States. The President is vested with the executive power of the nation. The importance of his election and the vital character of its relationship to and effect upon the welfare and safety of the whole people cannot be too strongly stated. Likewise, in Anderson v. Clebrezze, ... we said: 'In the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters of the Nation... .' Of course, in ordinary cases, the distribution of powers among the branches of a State's government raises no questions of federal constitutional law, subject to the requirement that the government be republican in character... But there are a few exceptional cases in which the Constitution imposes a duty or confers a power on a particular branch of a State's government. This is one of them. Article II, 1, cl. 2, provides that 'each State shall appoint, in such Manner as the Legislature thereof may direct, "electors for President and Vice President. (Emphasis added.) Thus, the text of the election law itself, and not just its interpretation by the courts of the States, takes on independent significance." 113 In contrast, Justices Ginsburg and Breyer joined Justice Stevens in dissenting, in part, in these terms: "The Constitution assigns to the States the primary responsibility for determining the manner of selecting the Presidential electors<elip> On rare occasions, however, either federal statutes or the Federal Constitution may require federal judicial intervention in state elections. This is not such an occasion<elip> [\*70] It is confidence in the men and women who administer the judicial system that is the true backbone of the rule of law. Time will one day heal the wound to that confidence that will be inflicted by today's decision. One thing, however, is certain. Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law." 114 Justice Breyer (joined by other Justices in some parts of his dissenting opinion) also would find in the confidence of the Nation the foundation of the Supreme Court's functional legitimacy: "[<elip>] in this highly politicized matter, the appearance of a split decision runs the risk of undermining the public's confidence in the Court itself. That confidence is a public treasure. It has been built slowly over many years, some of which were marked by a Civil War and the tragedy of segregation. It is a vitally necessary ingredient of any successful effort to protect basic liberty and, indeed, the rule of law itself. [<elip>] we do risk a self-inflicted wound-a wound that may harm not just the Court but the Nation."

**Rule of law collapse leads to global nuclear war**

**Rhyne 58** (Charles S., Professor Emeritus – Reed College, ABA Net, Law Day History, 5-1, http://www.abanet.org/publiced/lawday/rhyne58.html, Gender Edited)

Law and courts exist to protect every citizen of the United States in his person and property and in his individual rights and privileges under the Constitution. The ultimate power to change or expand the law in our system remains with its source, the people. They can elect as lawmakers those who will vote for wise laws and vote out of office those who do not. They can also amend the Constitution as experience dictates the necessity of change. In these days of soul-searching and re-evaluation and inventorying of basic concepts and principles brought on by the expansion of man’s vision to the new frontiers and horizons of outer space, we want the people of the world to know that we in America have an unshakable belief in the most essential ingredient of our way of life—the rule of law. The law we honor is the basis and foundation of our nation’s freedom and the freedom for the individual which exists here. And to Americans our freedom is more important than our very lives. The rule of law has been the bulwark of our democracy. It has afforded protection to the weak, the oppressed, the minorities, the unpopular; it has made it possible to achieve responsiveness of the government to the will of people. It stands as the very antithesis of Communism and dictatorship. When we talk about “justice” under our rule of law, the absence of such justice behind the Iron Curtain is apparent to all. When we talk about “freedom” for the individual, Hungary is recalled to the minds of all men. And when we talk about peace under law—peace without the bloodbath of war—we are appealing to the foremost desire of all peoples everywhere. The tremendous yearning of all peoples for peace can only be answered by the use of law to replace weapons in resolving international disputes. We in our country sincerely believe that **[hu]mankind’s best hope for preventing** the tragic consequences of **nuclear**-satellite-missile **warfare is** to persuade the nations of the entire world to submit all disputes to tribunals of justice for all **adjudication under the rule of law.** We lawyers of America would like to join lawyers from every nation in the world in fashioning an international code of law so appealing that sentiment will compel its general acceptance. Man’s relation to man is the most neglected field of study, exploration and development in the world community. It is also the most critical. The most important basic fact of our generation is that the rapid advance of knowledge in science and technology has forced increased international relationships in a shrunken and indivisible world. [People] must either live together in peace or in modern war we will surely die together. History teachers that the rule of law has enabled [hu]mankind to live together peacefully within nations and it is clear that this same rule of law offers our best hope as a mechanism to achieve and maintain peace between nations. The lawyer is the technician in man’s relationship to man. There exists a worldwide challenge to our profession to develop law to replace weapons before the dreadful holocaust of nuclear war overtake our people.

# 1NC – Environment adv.

**Military acting to protect the environment now**

SOSBEE 12 BA UC San Diego, JD Santa Clara School of Law, MA George Washington [A Military Readiness Exception to NEPA: It’s Not Just For The Birds, <http://www.dtic.mil/dtic/tr/fulltext/u2/a567640.pdf>]

The ocean is not the only location of military training exercises. Military¶ training frequently takes place on land. Of the 650 million acres of public land in the¶ US, only 30 million (or less than 1.2 percent) belongs to the military.43 Compliance¶ with environmental laws has resulted in DOD training activities “to be cancelled,¶ postponed, or modified” through the use of “workarounds” that “accomplish some¶ training objectives while meeting environmental requirements.”44 At Marine Corps¶ Base Camp Pendleton, for example, less that one mile of the base’s 17 miles of¶ beaches can be used for exercises due to threatened and endangered species.45 Luke¶ Air Force Base cancelled eight percent of their training exercises due to endangered¶ species and, similarly, at Aberdeen Proving Ground, training exercises were cancelled¶ due to the presence of bald eagles in the area.46 Naval Base Coronado must limit live¶ fire exercises and Fort Irwin limits training exercises due to the presence of¶ endangered species.47 The increasing encroachment toward military land has resulted¶ in increased impacts with threatened or endangered species and necessitated the¶ creation of an encroachment database in order to track encroachment effects on unit¶ training.48 The military’s requirements to be adequately trained for combat do not¶ disappear if a conflict with an environmental statute arises.

# Hegemony

**Even if the US declines, liberal international norms will survive - solves the impact**

**IKENBERRY 11** – (May/June issue of Foreign Affairs, G. John, PhD, Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, “The Future of the Liberal World Order,” http://www.foreignaffairs.com/

articles/67730/g-john-ikenberry/the-future-of-the-liberal-world-order?page=show)

For all these reasons, many observers have concluded that world politics is experiencing not just a changing of the guard but also a transition in the ideas and principles that underlie the global order. The journalist Gideon Rachman, for example, says that a cluster of liberal internationalist ideas -- such as faith in democratization, confidence in free markets, and the acceptability of U.S. military power -- are all being called into question. According to this worldview, the future of international order will be shaped above all by China, which will use its growing power and wealth to push world politics in an illiberal direction. Pointing out that China and other non-Western states have weathered the recent financial crisis better than their Western counterparts, pessimists argue that an authoritarian capitalist alternative to Western neoliberal ideas has already emerged. According to the scholar Stefan Halper, emerging-market states "are learning to combine market economics with traditional autocratic or semiautocratic politics in a process that signals an intellectual rejection of the Western economic model." Today's international order is not really American or Western--even if it initially appeared that way. But this panicked narrative misses a deeper reality: although the United States' position in the global system is changing, the liberal international order is alive and well. The struggle over international order today is not about fundamental principles. China and other emerging great powers do not want to contest the basic rules and principles of the liberal international order; they wish to gain more authority and leadership within it. Indeed, today's power transition represents not the defeat of the liberal order but its ultimate ascendance. Brazil, China, and India have all become more prosperous and capable by operating inside the existing international order -- benefiting from its rules, practices, and institutions, including the World Trade Organization (WTO) and the newly organized G-20. Their economic success and growing influence are tied to the liberal internationalist organization of world politics, and they have deep interests in preserving that system. In the meantime, alternatives to an open and rule-based order have yet to crystallize. Even though the last decade has brought remarkable upheavals in the global system -- the emergence of new powers, bitter disputes among Western allies over the United States' unipolar ambitions, and a global financial crisis and recession -- the liberal international order has no competitors. On the contrary, the rise of non-Western powers and the growth of economic and security interdependence are creating new constituencies for it. To be sure, as wealth and power become less concentrated in the United States' hands, the country will be less able to shape world politics. But the underlying foundations of the liberal international order will survive and thrive. Indeed, now may be the best time for the United States and its democratic partners to update the liberal order for a new era, ensuring that it continues to provide the benefits of security and prosperity that it has provided since the middle of the twentieth century.

**Predictions underestimate locking mechanisms to heg**

**NORRLOF ’10** - an Associate Professor in the Department of Political Science at the University of Toronto (Carla, “ America’s Global Advantage US Hegemony and International Cooperation” p. 1-2)

We have seen erroneous predictions of American decline before. In the 1970s, the combination of high inflation, high interest rates, high unemployment, the Vietnam War, political and military challenges from China and the Soviet Union, and the economic rise of Japan led to eerily similar forecasts. Pessimists then, as today, underestimated the longevity of American power. The main reason the United States has continued to occupy a unique place in the international system is because a sufficient number of major and lesser powers have a strong interest in maintaining America at the top of the hierarchy. To bring America down would take a deliberate, coordinated strategy on the part of others and this is simply not plausible. As much as the United States benefits from the space it has carved out for itself in the current world order, its ability to reap unequal gains will remain unless and until allies start to incur heavy losses under American dominance. Even that, by itself, will not be sufficient to sink American hegemony. A strong alternative to American rule will have to come into view for things to fundamentally change. At present, no credible alternative is in sight. The United States is not invincible but its dominance is currently steady. Those who are inclined to think that American hegemony will persist – at least for a while – tend to dwell on the claim that the United States is providing a range of public goods to the benefit of all at its own expense. This is a chimera. The United States is self-interested, not altruistic. The illusion of benevolence has meant that very little attention has been given to uncovering the mechanism through which the United States gains disproportionately from supplying a large open market, the world’s reserve currency, and a military machine capable of stoking or foiling deadly disputes. This book exposes the mechanism through which the United States reaps unequal gains and shows that the current world system, and the distribution of power that supports it, has built-in stabilizers that strengthen American power following bouts of decline. Although all dominant powers must eventually decline, I will show that the downward progression need not be linear when mutually reinforcing tendencies across various power dimensions are at play. Specifically, I will demonstrate how the United States’ reserve currency status produces disproportionate commercial gains; how commercial power gives added flexibility in monetary affairs; and, finally, how military preponderance creates advantages in both monetary and trade affairs.

# Environment

**No extinction – adaptation and migration**

**Thompson et al., 9** (Ian,Canadian Forest Service,  Brendan Mackey, The Australian National University, The Fenner School of Environment and Society, College of Medicine, Biology and Environment,  Steven McNulty, USDA Forest Service,  Alex Mosseler, Canadian Forest Service, 20**09**, Secretariat of the Convention on Biological Diversity “Forest Resilience, Biodiversity, and Climate Change” Convention on Biological Diversity

While resilience can be attributed to many levels of organization of biodiversity, the genetic composition of species is the most fundamental. Molecular genet- ic diversity within a species, species diversity within a forested community, and community orecosystem diversity across a landscape and bioregion represent expressions of biological diversity at different scales. The basis of all expressions of biological diversity is the genotypic variation found in populations. The individuals that comprise populations at each level of ecological organization are subject to natural se- lection and contribute to the adaptive capacity or re- silience of tree species and forest ecosystems (Mull- er-Starck et al. 2005). Diversity at each of these levels has fostered natural (and artificial) regeneration of forest ecosystems and facilitated their adaptation to dramatic climate changes that occurred during the quaternary period (review by: DeHayes et al. 2000); this diversity must be maintained in the face of antici- pated changes from anthropogenic climate warming. Genetic diversity (e.g., additive genetic variance) within a species is important because it is the basis for the natural selection of genotypes within popu- lations and species as they respond or adapt to en- vironmental changes (Fisher 1930, Pitelka 1988, Pease et al. 1989, Burger and Lynch 1995, Burdon and Thrall, 2001, Etterson 2004, Reusch et al. 2005, Schaberg et al. 2008). The potential for evolutionary change has been demonstrated in numerous long- term programmes based on artificial selection (Fal- coner 1989), and genetic strategies for reforestation in the presence of rapid climate change must focus on maintaining species diversity and genetic diversi- ty within species (Ledig and Kitzmiller 1992). In the face of rapid environmental change, it is important to understand that the genetic diversity and adap- tive capacity of forested ecosystems depends largely on in situ genetic variation within each population of a species (Bradshaw 1991). Populations exposed to a rate of environmental change exceeding the rate at which populations can adapt, or disperse, may be doomed to extinction (Lynch and Lande 1993, Burger and Lynch 1995). Genetic diversity deter- mines the range of fundamental eco-physiological tolerances of a species. It governs inter-specific competitive interactions, which, together with dispersal mechanisms, constitute the fundamental de- terminants of potential species responses to change (Pease et al. 1989, Halpin 1997). In the past, plants have responded to dramatic changes in climate both through adaptation and migration (Davis and Shaw 2001). The capacity for long-distance migration of plants by seed dispersal is particularly important in the event of rapid environmental change. Most, and probably all, species are capable of long-distance seed disper- sal, despite morphological dispersal syndromes that would indicate morphological adaptations primarily for short-distance dispersal (Cwyner and MacDon- ald 1986, Higgins et al. 2003). Assessments of mean migration rates found no significant differences be- tween wind and animal dispersed plants (Wilkinson 1997, Higgins et al. 2003). Long-distance migration can also be strongly influenced by habitat suitabil- ity (Higgins and Richardson 1999) suggesting that rapid migration may become more frequent and vis- ible with rapid changes in habitat suitability under scenarios of rapid climate change. The discrepancy between estimated and observed migration rates during re-colonization of northern temperate forests following the retreat of glaciers can be accounted for by the underestimation of long-distance disper- sal rates and events (Brunet and von Oheimb 1998, Clark 1998, Cain et al. 1998, 2000). Nevertheless, concerns persist that potential migration and ad- aptation rates of many tree species may not be able to keep pace with projected global warming (Davis 1989, Huntley 1991, Dyer 1995, Collingham et al. 1996, Malcolm et al. 2002). However, these models refer to fundamental niches and generally ignore the ecological interactions that also govern species dis- tributions.

**Predictions are over-alarmist – extinctions are natural**

**Hoffman 11** [Doug, “The Price of Biodiversity,” 3-21, <http://www.theresilientearth.com/?q=content/price-biodiversity>]

Not knowing how many species are out there has not prevented Anthony D. Barnosky *et al.* from declaring the next mass extinction imminent. In “[Has the Earth’s sixth mass extinction already arrived?](http://www.nature.com/nature/journal/v471/n7336/full/nature09678.html),” published in the journal *Nature*, studied the differences between fossil and modern data, coming to the conclusion that the end is nigh for most of the world's creatures. From that paper's abstract: *Palaeontologists characterize mass extinctions as times when the Earth loses more than three-quarters of its species in a geologically short interval, as has happened only five times in the past 540 million years or so. Biologists now suggest that a sixth mass extinction may be under way, given the known species losses over the past few centuries and millennia. Here we review how differences between fossil and modern data and the addition of recently available palaeontological information influence our understanding of the current extinction crisis. Our results confirm that current extinction rates are higher than would be expected from the fossil record, highlighting the need for effective conservation measures.* This new paper has brought scathing reviews from other researchers and even a few ecologists. Greenpeace Co-Founder and ecologist Dr. Patrick Moore, slammed the new study for claiming a dramatic and irreversible mass species extinction was underway. “This [journal Nature] article should never have made it through the peer-review process,” Moore told *Climate Depot* in an [interview](http://climatedepot.com/a/9996/Greenpeace-CoFounder-Slams-Species-Extinction-Scare-Study-as-proof-of-how-peerreview-process-has-become-corrupted-ndash-Study-greatly-underestimate-the-rate-new-species-can-evolve). “The fact that the study did make it through peer-review indicates that the peer review process has become corrupted,” Moore has previously criticized others who have tried to declare a 6th extinction event, most notably Wilson, who has made a career out of prediction ecological doom. A decade ago, Wilson estimated that up to 50,000 species go extinct every year based on computer models of the number of potential but as yet undiscovered species in the world. Moore said in 2000: “There's no scientific basis for saying that 50,000 species are going extinct. The only place you can find them is in Edward O. Wilson's computer at Harvard University. They're actually electrons on a hard drive. I want a list of Latin names of actual species.” And therein lies the central problem with all this decreasing biodiversity bombast: no one really knows how many species we are dealing with. It is simply impossible to say “50% of Earth's species are in danger of extinction by 2050” without knowing how many species exist and being able to identify the ones supposedly in danger. Yet, whether it is polar bears or coral reefs, eco-alarmists would have us believe they will be extinct by next Tuesday if we don't park our cars, close our factories and turn out the lights, right now! The [tipping point](http://theresilientearth.com/?q=content/tiptoeing-through-tipping-points) is just ahead! Of course, the cost of getting a feel for Earth's actual biodiversity pales when compared to the [cost of switching to renewable energy](http://theresilientearth.com/?q=content/cost-running-world-renewable-power). Ecologists and many scientists are quick to [blame people](http://theresilientearth.com/?q=content/humanity-blamed-9000-years-global-warming) for the demise of any species, but the simple truth is that species go extinct all the time—with or without human help. A prime example is the [sudden decline in amphibian species](http://theresilientearth.com/?q=content/scientists-admit-global-warming-didnt-kill-golden-toad) around the world. Scientists now know the proximate cause is the chytrid fungus,Batrachochytrium dendrobatidis (see “[Tackling the Mystery of the Disappearing Frogs](http://www.sciencemag.org/content/331/6020/1007.full)”). The results of new gene sequencing technologies suggest that in susceptible frogs, the immune system doesn't go on the defensive. The fungi somehow manages to evade the frogs immune system defenses and has wiped out amphibians around the globe. Humans have no doubt contributed to extinctions of individual species in the past, as have other species through predation, competition and habitat destruction—survival in the natural world is a blood sport. But when green fanatics like Wilson and Barnosky *et al.* start shouting extinction in a crowded biosphere it serves no useful purpose. I have said it before, if you want to preserve nature you need to make nature more attractive or more useful to people. Running around screaming “extinction” only upsets the weak minded and annoys the rest of us. It should come as no surprise that there are many trying to profit off of biodiversity. In 2010, the [International Year of Biodiversity](http://theresilientearth.com/?q=content/biodiversity-balderdash), business leaders from around the world converged on a conference in London to discuss the Business of Biodiversity. “To debate the issues, consider the risks and view the opportunities that are emerging, which are linked to declining biodiversity and ecosystem services,” proclaimed the online [announcement](http://www.plant-talk.org/uk-biodiversity-business-conference.htm). Bottom line, papers announcing a 6th extinction event caused by *H. sapiens* are more about profit than science. It is the biodiversity lobby trying to do for their [cause](http://theresilientearth.com/?q=content/biodiversity-manufacturing-crisis) what the global warming scam has done for climate science. The formula is simple—scare the public with lurid predictions of an apocalypse, then wait for the research funding to pour in. But greens need to consider this: with the US House of Representatives voting to defund the IPCC, oil prices rising, the world economy reeling from the aftermath of the earthquake and tsunami in Japan, and governments around the world tightening their belts, the chance that the US or any other nation will pony up $263 billion to study biodiversity is precisely zero.

**DNA technology solves biodiversity loss**

**Scott 3-22** [Gini Graham Scott, Sociologist, “The Return of Extinct Animals—and Maybe Humans,” http://www.prweb.com/releases/2013/3/prweb10559880.htm]

The possibility of bringing back formerly extinct animals – and yes, even ancient humans – is now a reality, as long as scientists can obtain intact DNA. Dolly the Sheep was the first in 1996, and scientists in Russia and South Korea are now working on bringing back the woolly mammoth, while a team with a Harvard professor is bringing back the passenger pigeon. Now that the technology is here, as Scott writes in this article, this raises all sorts of questions about which animals should come back, where we should put them, and if it is possible to bring back animals, what about bringing back our ancient ancestors? To do so, we could clone well-preserved specimens from the ice age and bronze age, or even bring back Neanderthals, or go even earlier to the time of Homo Habilis and Homo Erectus?¶ As Scott comments in Bring ‘Em Back Alive – De-extincting the Extinct, the potential for bringing back extinct animals and humans inspires a great debate from proponents and critics. For example, while some proponents argue that it would be great to do so to preserve biodiversity, restore diminished ecosystems, advance the science of preventing extinctions, and undo the past harms human have caused, detractors think we should concentrate on saving the species that are still alive, since millions of species are at risk of extinction. Opponents also worry that bringing back species raises many practical questions, such as where to put them.¶ But in the end, as Scott writes, “think of the scientific possibilities, and just as humans have always adjusted to change, such as the modern day global upheavals resulting in finding new places for millions of uprooted individuals, why can’t we adjust to the few newly introduced animals, and yes, even ancient humans…And it would be a great opportunity to learn from our past. In fact, given the tumultuous times we live in, perhaps it might be instructive to learn from once extinct animals and our very ancient ancestors.”

# 1NC – civil litigation adv.

**Turn --- plan enables massive court clog --- floods the courts**

**Moyer, 11** (Bruce Moyer, November/December 2011, “November/December 2011: EAJA Attorney Fee Awards Under Scrutiny”, http://www.fedbar.org/Advocacy/Washington-Watch/WW-Archives/2011/NovemberDecember-2011.aspx)

Congressional critics of the EAJA contend that, by letting some nonprofit groups recover fees for legal challenges against the government, the government is subsidizing these outside groups' repeated lawsuits against the government. Western lawmakers are especially vexed by legal fee awards to environmental groups bringing legal challenges against energy projects and other uses of federal land. They charge that **increasing numbers of lawsuits** related to environmental issues **are clogging up the courts, burdening federal agencies**, and failing to bring a comprehensive solution to resource management issues. EAJA recipients of fee awards say that the awards are justified, especially when they have convinced courts that agencies have ignored or improperly implemented environmental and resource management statutes.

#### Drilling is good --- Arctic methane hydrate blowout inevitable absent drilling --- solves extinction

Light 12 (Malcolm P.R. Light, Center for Polar Observation and Modeling, University of London, polar climate modeling and methane hydrates in the permafrost and submarine Arctic, “Charting Mankind’s Arctic Methane Emission Exponential Expressway to Total Extinction in the Next 50 Years,” Arctic News, August 10, 2012, http://arctic-news.blogspot.com/2012/08/charting-mankinds-expressway-to-extinction.html)

If left alone the subsea **Arctic methane hydrates will** explosively destabilize **on their own due to** globalwarming **and produce a massive** Arctic wide **methane “blowout” that will lead to** humanity’s total extinction, probably before the middle of this century (Light 2012 a, b and c). AIRS atmospheric methane concentration data between 2008 and 2012 (Yurganov 2012) show that the Arctic has already entered the early stages of a subsea methane “blowout” so we need to step in as soon as we can (e.g. 2015) to prevent it escalating any further (Light 2012c). The Arctic Natural Gas Extraction, Liquefaction & Sales (ANGELS) Proposal aims to reduce the threat of large, abrupt releases of methane in the Arctic, by extracting methane from Arctic methane hydrates prone to destabilization (Light, 2012c). After the Arctic sea ice has gone (probably around 2015) we propose that a large consortium of oil and gas companies/governments set up drilling platforms near the regions of maximum subsea methane emissions and drill a whole series of shallow directional production drill holes into the subsea subpermafrost “free methane” reservoir in order to depressurize it in a controlled manner (Light 2012c). This methane will be produced to the surface, liquefied, stored and transported on LNG tankers as a “green energy” source to all nations, totally replacing oil and coal as the major energy source (Light 2012c). The subsea methane reserves are so large that they can supply the entire earth’s energy needs for several hundreds of years (Light 2012c). By sufficiently depressurizing the Arctic subsea subpermafrost methane it will be possible to draw down Arctic ocean water through the old eruption sites and fracture systems and destabilize the methane hydrates in a controlled way thus shutting down the entire Arctic subsea methane blowout (Light 2012c).

**Direct diversion with handling terrorism**

Taylor 99 (Stuart Jr. Taylor, “Irrational Excesses, Barbaric Penalties and Political Opportunism”, National Journal, February 27, 1999, Lexis)

So did another unhealthy trend, deplored in a Feb. 16 ABA task force report titled ''The Federalization of Criminal Law.'' The 16-member panel was headed by Meese, who is more used to being a punching bag for the liberal-leaning legal establishment than a spokesman for it. He lends bipartisan heft to the ABA report's long-overdue conclusions. There was only perfunctory media attention to the ABA report because this is bland stuff: no charges of racism or ''sexual McCarthyism,'' no summons to yet another war on drugs, no purple prose. Still, the message is worthwhile. Although crime rates have fallen, the ABA report explains, the proliferation of new federal criminal prohibitions deserves none of the credit: ''There is no persuasive evidence that federalization of local crime makes the streets safer for American citizens.'' This is because the properly limited (albeit rapidly expanding) number of federal law enforcement officials can conduct only about 5 percent of all prosecutions. At the same time, federalization does subtle but pervasive damage: It gives federal prosecutors too much inherently arbitrary and unreviewable discretion to focus on a tiny percentage of all possible targets; it **clogs** federal **courts** with garden-variety criminal cases, **diverting them from national problems** such as **international terrorism,** espionage, bribery of federal officials, big antitrust cases, white-collar fraud, and multistate drug conspiracies; it disrupts the federal-state balance; it moves the nation ''rapidly toward two broadly overlapping, parallel, and essentially redundant sets of criminal prohibitions, each filled with differing consequences for the same conduct.''

**That’s key to stopping the next wave of attacks**

Shapiro 03 (Jeremy Shapiro, Associate Director and Research Associate, Brookings Institute, “French Lessons: The Importance of the Judicial System in Fighting Terrorism,” March 2003, http://www.brookings.edu/fp/cusf/analysis/ shapiro2003032 5.htm)

There is no simple formula for reconciling the war on terrorism’s short-term requirement for speed and flexibility with the same war’s long-term need for legitimacy. Nonetheless, understanding the importance of judicial procedures and legitimacy requires a long-term view of the problem of terrorism that the United States lacks. The long French experience with terrorism provides some perspective and demonstrates why **judicial institutions that** can **handle terrorist cases are a critical piece of** a nation’s **counterterrorism** arsenal. The unique nature of terrorism means that maintaining the appearance of justice and democratic legitimacy will be much more important than in past wars. The terrorist threat is in a perpetual state of mutation and adaptation in response to government efforts to oppose it. The war on terrorism more closely resembles the war on drugs than World War II; it is unlikely to have any discernable endpoint, only irregular periods of calm. The French experience shows that ad-hoc **anti-terrorist measures that have** little basis in societal values and **shallow support in public opinion may wither away** during the periods of calm. In the U.S., there is an enormous reservoir of legitimacy, established by over 200 years of history and tradition, in the judiciary. That reservoir represents an important asset that the U.S. government can profit from to maintain long-term vigilance in this type of war. Despite the unusual opportunity for innovation afforded by the crisis of September 11, the U.S. government has not tried to reform American judicial institutions to enable them to meet the threat of terrorism. To **prevent the next wave of attacks,** however far off they might be, and to avoid re-inventing a slightly different wheel each time will require giving life to institutions that can persist and evolve, even in times of low terrorist activity. Given the numerous differences between the two countries, the U.S. cannot and should not simply import the French system, but it can learn from their mistakes. Their experience suggests a few possible reforms: • A specialized U.S. Attorney tasked solely with terrorism cases and entirely responsible for prosecuting such cases in the U.S. • Direct and formal links between that U.S. Attorney’s office and the various intelligence agencies, allowing prosecutors to task the intelligences agencies during judicial investigations • Special procedures for selecting and protecting juries in terrorism cases and special rules of evidence that allow for increased protection of classified information in terrorist cases Creating a normal, civilian judicial process that can prosecute terrorists and yet retain legitimacy is not merely morally satisfying. It may also help to prevent terrorist attacks in the long run. Not incidentally, it would demonstrate to the world a continuing faith in the ability of democratic societies to manage the threat of terrorism without sacrificing the very values they so desperately desire to protect.

**Nuke terrorism is feasible and likely --- leads to nuclear war**

**Speice 06** (Patrick, JD Candidate, 47 Wm and Mary L. Rev. 1427, February, Lexis)

Terrorist groups could acquire a nuclear weapon by a number of methods, including "steal[ing] one intact from the stockpile of a country possessing such weapons, or ... [being] sold or given one by [\*1438] such a country, or [buying or stealing] one from another subnational group that had obtained it in one of these ways." 40 Equally threatening, however, is the risk that terrorists will steal or purchase fissile material and construct a nuclear device on their own. Very little material is necessary to construct a highly destructive nuclear weapon. 41 Although nuclear devices are extraordinarily complex, the technical barriers to constructing a workable weapon are not significant. 42 Moreover, the sheer number of methods that could be used to deliver a nuclear device into the United States makes it incredibly likely that terrorists could successfully employ a nuclear weapon once it was built. 43 Accordingly, supply-side controls that are aimed at preventing terrorists from acquiring nuclear material in the first place are the most effective means of countering the risk of nuclear terrorism. 44 Moreover, the end of the Cold War eliminated the rationale for maintaining a large military-industrial complex in Russia, and the nuclear cities were closed. 45 This resulted in at least 35,000 nuclear scientists becoming unemployed in an economy that was collapsing. 46 Although the economy has stabilized somewhat, there [\*1439] are still at least 20,000 former scientists who are unemployed or underpaid and who are too young to retire, 47 raising the chilling prospect that these scientists will be tempted to sell their nuclear knowledge, or steal nuclear material to sell, to states or terrorist organizations with nuclear ambitions. 48 The potential consequences of the unchecked spread of nuclear knowledge and material to terrorist groups that seek to cause mass destruction in the United States are truly horrifying. A terrorist attack with a nuclear weapon would be devastating in terms of immediate human and economic losses. n49 Moreover, there would be immense political pressure in the United States to discover the perpetrators and retaliate with nuclear weapons, massively increasing the number of casualties and potentially **triggering a full-scale nuclear conflict.** n50 In addition to the threat posed by terrorists, leakage of nuclear knowledge and material from Russia will reduce the barriers that states with nuclear ambitions face and may trigger widespread proliferation of nuclear weapons. n51 This proliferation will increase the risk of nuclear attacks against the United States [\*1440] or its allies by hostile states, n52 as well as increase the likelihood that regional conflicts will draw in the United States and escalate to the use of nuclear weapons.

## Arctic Conflict

**Relations are compartmentalized**

**No arctic war**

**Mahony 3/19** (Honor, editor of the EUobserver in Brussels, “Fears of Arctic conflict are 'overblown',” March 19, 2013, <http://euobserver.com/foreign/119479>) // regulations, territorial jurisdiction, business incentives – assumes resources and cites experts

BRUSSELS - The Arctic has become a new frontier in international relations, but fear of potential conflict in the resource-rich region is overblown, say experts.¶ For long a mystery because of its general impenetrability, melting ice caps are revealing more and more of the Arctic region to scientists, researchers and industry.¶ Climate change experts can take a more precise look at a what global warming is doing to the planet, shipping trade routes once considered unthinkable are now possible, and governments and businesses are in thrall to the potential exploitation of coal, iron, rare earths and oil.¶ The interest is reflected in the growing list of those wanting to have a foot in the Arctic council, a forum of eight countries with territory in the polar region.¶ While the US, Denmark, Iceland, Finland, Norway, Sweden, Russia and Canada form the council, the EU commission, China, India, South Korea and Japan have all expressed an interest in having a permanent observer status.¶ "The Arctic has become a new meeting place for America, Europe and the Asia Pacific," says Damien Degeorges, founder of the Arctic Policy and Economic Forum.¶ During a recent conference on Arctic shipping routes in the European Parliament, Degeorges noted that "China has been the most active by far in the last years."¶ He points to its red-carpet treatment of politicians from Greenland, a territory that recently got full control over its wealth of natural resources. Bejing also cosied up to Iceland after the island's financial meltdown. The two undertook a joint expedition to the North Pole and the Chinese have the largest foreign embassy in Reykjavik.¶ Meanwhile, South Korea's president visited Greenland last year and shipping hubs like Singapore are holding Arctic conferences.¶ The interest is being spurred by melting icebergs.¶ Last year saw a record low of multi-year ice - permanent ice - in the polar sea. This means greater shipping and mineral exploitation potential. There were 37 transits of the North East Passage (NEP), running from the Atlantic to the Pacific along the top of Russia, in 2011. This rose to 47 in 2012.¶ For a ship travelling from the Netherlands to China, the route around 40 percent shorter than using the traditional Suez Canal. A huge saving for China, where 50 percent of its GDP is connected to shipping. Russia is also keen to exploit the route as the rise in temperatures is melting the permafrost in its northern territory, playing havoc with its roads and railways.¶ According to Jan Fritz Hansen, deputy director of the Danish shipowners’ association, the real breakthrough will come when there is a cross polar route. At the moment there are are two options - the North East Passge for which Russia asks high fees for transiting ships - or the much-less developed North West Passage along Canada.¶ His chief concern is that "trade up there is free. We don't want protectionism. Everyone should be allowed to compete up there."¶ And he believes the biggest story of the Arctic is not how it is traversed but what will be taken out of it. According to the US Geological Survey (2009), the Arctic holds 13 percent of undiscovered oil and 30 percent of undiscovered gas supplies.¶ Greenland is already at the centre of political tussle between the EU and China over future exploitation of its rare earths - used in a range of technologies such as hybrid cars or smart phones.¶ "The biggest adventure will be the Arctic destination. There is a lot of valuable goods that should be taken out of nature up there," he said.¶ This resource potential - although tempered by the fact that much of it is not economically viable to exploit - has led to fears that the Arctic region is ripe for conflict.¶ But this is nonsense, says Nil Wang, a former Danish admiral and Arctic expert.¶ Most resources have an owner¶ "There is a general public perception that the Arctic region holds great potential for conflict because it is an ungoverned region where all these resources are waiting to be picked up by the one who gets there first. That is completely false," he said.¶ He notes that it is an "extremely well-regulated region," with international rules saying that coastal states have territorial jurisdiction up to 12 nautical miles off their coast.¶ On top of that is a further 200 nautical miles of exclusive economic zone "where you own every value in the water and under the seabed."¶ "Up to 97 percent of energy resources is actually belonging to someone already," says Wang.¶ He suggest the actors in the region all want to create a business environment, which requires stable politics and security.¶ But he concedes there are "risk factors." These include "ambiguous communication" (so that there is an impression of a security conflict), and possible fishing wars as fish stocks move further north because of rising temperatures into areas with no fishing rules.¶ A fall-out in relations between the China and the US could also impact the Arctic region but the "Arctic itself will not create conflict."¶ As for the EU, it has been seeking to gain a foothold in the region. It spends millions of euros each year on research, environmental and social programmes in the Arctic area.¶ A European Commission strategy paper last year noted that giving the commission permanent observer status - it applied in 2008 - in the Arctic Council would allow the EU "to gain detailed understanding of the concerns of Arctic partners."¶ But Wang reckons it has little chance for now.¶ "Russia is the biggest boy in the school yard. And in this case you don't normally invite anyone from a neighbouring school yard that is bigger than you. And Canada is more or less of the same opinion," he noted.

**No arctic war** – their authors exaggerate

**Economist 12** (“Too much to fight over,” June 16, 2012, The Economist, <http://www.economist.com/node/21556797>) profit motive, high costs, Law of the Sea

Yet the risks of Arctic conflict have been exaggerated. Most of the Arctic is clearly assigned to individual countries. According to a Danish estimate, 95% of Arctic mineral resources are within agreed national boundaries. The biggest of the half-dozen remaining territorial disputes is between the United States and Canada, over whether the north-west passage is in international or Canadian waters, hardly a casus belli.¶ The risks of Arctic conflict have been exaggerated. Far from violent, the development of the Arctic is likely to be uncommonly harmonious¶ Far from violent, the development of the Arctic is likely to be uncommonly harmonious, for three related reasons. One is the profit motive. The five Arctic littoral countries, Russia, the United States, Canada, Denmark and Norway, would sooner develop the resources they have than argue over those they do not have. A sign of this was an agreement between Russia and Norway last year to fix their maritime border in the Barents Sea, ending a decades-long dispute. The border area is probably rich in oil; both countries are now racing to get exploration started.¶ Another spur to Arctic co-operation is the high cost of operating in the region. This is behind the Arctic Council's first binding agreement, signed last year, to co-ordinate search-and-rescue efforts. Rival oil companies are also working together, on scientific research and mapping as well as on formal joint ventures.¶ The third reason for peace is equally important: a strong reluctance among Arctic countries to give outsiders any excuse to intervene in the region's affairs. An illustration is the stated willingness of all concerned to settle their biggest potential dispute, over their maritime frontiers, according to the international Law of the Sea (LOS). Even the United States accepts this, despite its dislike for treaties—though it has still not ratified the United Nations Convention on the Law of the Sea, an anomaly many of its leaders are keen to end.¶ The LOS entitles countries to an area of seabed beyond the usual 200 nautical miles, with certain provisos, if it can be shown to be an extension of their continental shelf. Whichever of Russia, Canada and Denmark can prove that the Lomonosov ridge is an extension of its continental shelf will therefore have it. It will be up to the countries themselves to decide this: the UN does not rule on disputed territories. The losers will not do too badly, though: given the Arctic's wide continental shelves, the LOS guarantees each a vast amount of resource-rich seabed.¶ The 2007 furore over the Russian flag led to an important statement of Arctic solidarity, the Ilulissat Declaration, issued by the foreign ministers of the five countries adjoining the Arctic Ocean (to the chagrin of the Arctic Council's other members, Sweden, Iceland and Finland). This expressed their commitment to developing the Arctic peacefully and without outside interference. Possible defence co-operation between Arctic countries points in the same direction. Their defence chiefs met for the first time in Canada in April in what is to become an annual event.

## Russia-US War—Generic

**No risk of U.S.-Russian war – Russia knows the U.S. is infinitely more powerful and that it couldn’t be a threat.**

**Bandow, 8** (Doug, former senior fellow at the Cato Institute and former columnist with Copley News Service, 3/“Turning China into the Next Big Enemy.” <http://www.antiwar.com/bandow/?articleid=12472>)

In fact, America remains a military colossus. The Bush administration has proposed spending $515 billion next year on the military; more, adjusted for inflation, than at any time since World War II. The U.S. accounts for roughly half of the world's military outlays. Washington is allied with every major industrialized state except China and Russia. America's avowed enemies are a pitiful few: Burma, Cuba, Syria, Venezuela, Iran, North Korea. The U.S. government could destroy every one of these states with a flick of the president's wrist. Russia has become rather contentious of late, but that hardly makes it an enemy. Moreover, the idea that Moscow could rearm, reconquer the nations that once were part of the Soviet Union or communist satellites, overrun Western Europe, and then attack the U.S. – without anyone in America noticing the threat along the way – is, well, a paranoid fantasy more extreme than the usual science fiction plot. The Leninist Humpty-Dumpty has fallen off the wall and even a bunch of former KGB agents aren't going to be able to put him back together.

**Bostrom concludes US/Russia war not cause extinction.**

Nick **Bostrom**, **2007** Oxford Future of Humanity Institute, Faculty of Philosophy & James Martin 21st Century School. “The Future of Humanity,” New Waves in Philosophy of Technology, <http://www.nickbostrom.com/>.

Extinction risks constitute an especially severe subset of what could go badly wrong for humanity. There are many possible global catastrophes that would cause immense worldwide damage, maybe even the collapse of modern civilization, yet fall short of terminating the human species. An all-out nuclear war between Russia and the United States might be an example of a global catastrophe that **would be unlikely to result in extinction**. A terrible pandemic with high virulence and 100% mortality rate among infected individuals might be another example: if some groups of humans could successfully quarantine themselves before being exposed, human extinction could be avoided even if, say, 95% or more of the world’s population succumbed. What distinguishes extinction and other existential catastrophes is that a comeback is impossible. A non-existential disaster causing the breakdown of global civilization is, from the perspective of humanity as a whole, a potentially recoverable setback: a giant massacre for man, a small misstep for mankind.

## Russia-US Relations

**US-Russia coop high – shifting missile defense focus to North Korea created new areas of coop**

**Financial Times 3-24** [A chance emerges for arms control, http://www.ft.com/intl/cms/s/0/ea4c4fca-9486-11e2-b822-00144feabdc0.html#axzz2OUcViCrx]

This month, however, a chink of light emerged. The US announced on March 16 that it was cancelling the final phase of a Europe-based missile defence system fiercely opposed by Moscow. The Obama administration made clear that its decision to abandon the system’s fourth phase – which would have sited missile interceptors in Poland to counter any Iranian attack – was not prompted by Russian concerns. Instead, the White House wants to spend more money on interceptors in Alaska to guard against the increased threat from North Korea.¶ Still, the US decision is potentially significant. Moscow has long regarded the fourth phase as the most worrying part of the US missile defence project, arguing that the interceptors sited in Poland would have severely degraded Moscow’s own nuclear capability. The Russians are clearly relieved it has now been abandoned. As a result, the way may now be open for greater co-operation between the US and Russia on one of the really big challenges they face: the need for fresh reductions in their nuclear weapon stockpiles.

**Relations are structurally impossible – growing Russian isolationism, nationalism, and Putin policies make any overture temporary**

**Economist 2-16** [“The dread of the other,” <http://www.economist.com/news/europe/21571904-leading-role-played-anti-americanism-todays-russia-dread-other>]

IF AMERICA did not exist, Russia would have to invent it. In a sense it already has: first as a dream, then as a nightmare. No other country looms so large in the Russian psyche. To Kremlin ideologists, the very concept of Russia’s sovereignty depends on being free of America’s influence.¶ Anti-Americanism has long been a staple of Vladimir Putin, but it has undergone an important shift. Gone are the days when the Kremlin craved recognition and lashed out at the West for not recognising Russia as one of its own. Now it neither pretends nor aspires to be like the West. Instead, it wants to exorcise all traces of American influence.¶ Four years after the American “reset”, the relationship is being “reformatted” to rid dependence on America, says Alexei Pushkov, the pugnacious chairman of the Russian parliament’s foreign-relations committee. **The Russians have shut off all co-operation that uses American money**, including on health care, civil society, fighting human trafficking and drugs, and dismantling unconventional weapons.¶ All this, according to Mr Pushkov, ends an era when Russia looked to the West as a model. Some Russian deputies have even suggested fining cinemas that show too many foreign films, or banning foreign words. A new law makes it treasonable to provide consultancy or “other assistance” to a foreign state directed against Russia’s national security. “The government’s policies are driving Russia into isolation,” says a Western diplomat. Anti-Americanism used to be a postmodernist game played by an elite that had made itself comfortable in the West. Now the game seems to have become real.¶ For instance, the Kremlin has banned American couples from adopting Russian orphans, depriving many children with severe disabilities of the chance of a decent life. This was Russia’s first response to America’s Magnitsky act, named after Sergei Magnitsky, a lawyer driven to an early death in a Russian prison by the people whom he accused of fraud. The act threatens sanctions against Russian officials directly involved in human-rights abuses. Russia’s second response was a law introduced by Mr Putin prohibiting Russian officials or their immediate family members from holding foreign bank accounts or foreign assets, because such things pose a threat to national security.¶ These moves are less a response to American actions than to Russia’s domestic situation. Dmitry Trenin, head of the Moscow Carnegie Centre, says that, almost for the first time, bilateral relations have been hijacked by Russian politics. The trigger for the new anti-Americanism was the street protests against the Duma election in December 2011, which the Kremlin blamed on America. Falling popular trust in the Kremlin, worries about capital flight and the economy, and an antagonistic urban middle class have led Mr Putin to resort to nationalism, traditionalism and selective repression. Unable to stoke ethnic nationalism for fear of igniting the north Caucasus again, he has instead taken aim at the West and Western values.¶ His traditionalist rhetoric conveniently eliminates the need for new ideas or modernisation—a word that has vanished from the official vocabulary (along with Dmitry Medvedev, now the low-profile prime minister). It appeals to Russian history, particularly the second world war, and to the Orthodox Church.¶ Recently the Kremlin used the 70th anniversary of the victory at Stalingrad to justify Russia’s isolationism. As Mr Pushkov tweeted, “Stalingrad was not only a breaking point in the war, but also in the centuries-long battle between the West and Russia. Hitler was the last conqueror who came from the West.” A few years ago, such comments came only from right-wing nationalists. Now they belong to the mainstream. Russia used to argue that its competition with America was driven by interests. Now it says its confrontation with America is about values.¶ Monkey business¶ Maksim Shevchenko, a TV journalist and a Kremlin-approved crusader against liberalism, wrote recently that “Russia and the West are at war…There is a growing feeling that most Western people belong to a different humanoid group from us; that we are only superficially similar, but fundamentally different.”¶ Kirill Rogov, a political analyst, says the Kremlin has imposed its traditionalist agenda on Russian society by prosecuting Pussy Riot, the punk singers who performed obscenely on the altar of Russia’s main cathedral, by banning the promotion of homosexuality and by blocking the American adoptions. This has allowed the Kremlin to present protesters against Mr Putin not only as foreign agents, but as a bunch of homosexual, blasphemous mercenaries ready to sell their children to the evil empire.¶ Yet it has not boosted Mr Putin’s popularity or restored trust in his presidency. Indeed, the numbers seeing America as a friend, not a foe, have risen in the past year, according to a Levada opinion poll. One explanation for this might be growing mistrust of the Kremlin. That is what made Soviet propaganda ineffective 20 years ago. Russian society also seems to have limited enthusiasm for the growing political role of the church.¶ Russia’s obsession with America is countered with a broad indifference on the American side. **The “reset” policy**, which has helped bring about some American wishes, including a transport corridor to Afghanistan and co-operation on Iran, **has now been exhausted. “There are no big deals to be had with Putin,”** Fiona Hill and Clifford Gaddy of the Brookings Institution in Washington, DC, argued recently in the New York Times. Mr Pushkov retorts that America has not understood how important Russia is for its security.¶ The irony is that the Kremlin’s anti-Americanism reveals not its independence but its reliance on America as an enemy. The real casualty may be Russia itself.

**No impact – relations are unstable and cooperation doesn’t spill over**

**FROLOV 1-29-2007** (Vladimir, director of the National Foreign Policy Laboratory, What the Papers Say Part A)

First of all, Russian-US relations lack the kind of plateau which prevents the paradigm from collapsing and changing completely. In relations with France, for example, the United States may punish France for its stance on Iraq, but their strategic alliance still holds. In contrast, we seem to engage in "tension-relieving measures" every three or four years, while Washington never tires of asking "Who lost Russia?" The impending change of administration in the White House bodes no good for Russia. Among the leading presidential contenders are Hillary Clinton and John McCain - both inconvenient for the Kremlin. The Russian elite is deeply disappointed that its "investment" in George W. Bush in 2001-02 hasn't paid off, and might be lost entirely if the Democrats take power. "You owe us!" That's the leitmotif for Russian negotiators in dialogue with the Americans - but it doesn't meet with understanding from the other side. A fundamental crisis of trust continues, and reciprocal suspicions remain strong. Russia's image is being demonized in the United States, while in Russia the United States is the "chief enemy" once again. As in the 1990s, Russian-US relations are personified - upheld almost entirely by the personal understanding between Bush and Putin. But unlike the 1990s, when the Clinton-Yeltsin personal connection worked in tandem with cooperation mechanisms, we now have practically no institutional or treaty basis left for bilateral relations. Cooperation is ad hoc, on particular problems only, and the agreements we reach are not united by a common purpose to create a long-term foundation. In 2008, as in 2000, the change of administration in the United States threatens to revise the entire bilateral agenda. The era of sweeping initiatives and projects in Russian-American relations is over. Neither Moscow nor Washington have anyone who can achieve a breakthrough to a new quality level. These days it's all about crisis management, preventing relations from deteriorating too far, and taking small steps to build the infrastructure for relations in the future. It should also be noted that the strategy of geopolitical bargaining with the United States, which seemed feasible in 2002-03, is unrealistic. Th**ere is no "magic move" that would radically improve bilateral relations.** On the contrary, we now see a range of areas where our differences and rivalry are irreconcilable and could lead to confrontation. Everything is situational, unpredictable, reversible. It's a restricted partnership, bordering on fierce rivalry.

## China-US Relations

**Relations are improving and resilient**

**Rae, 12-23-2012.**

(James DeShaw Rae is an Associate Professor of Department of Government o f California State University, Sacramento. He is the Fulbright Scholar (2011-2012) to China Foreign Affairs University. “Change Brings Renewed Hope for US-Sino Ties.” <http://www.china.org.cn/opinion/2012-12/23/content_27471865.htm>)

Meanwhile, China has undergone a more thorough transition after the 18th Party Congress, with the arrival of new General Secretary Xi Jinping, Vice Premier Li Keqiang, and a host of new faces in the Party, the State Council, and indeed in the leadership of the PLA. Many outside China are anxious to see how China's foreign policy may be affected by this transition.¶ Sino-U.S. relations have been on a consistent and improving trajectory for forty years and I do not expect that pathway to change in any dramatic way in the coming years of President Obama's or General Secretary Xi's terms of office. In fact, this is now the most important bilateral relationship for both countries, and indeed for the world. Of course, many factors could undermine this hard-earned stability, from economic competition, diplomatic rows, and strategic rivalry, to public misunderstandings and elite distrust.¶ Luckily, the glue that maintains this relationship has been solidifying for a long time, and is built on fundamental cultural and historical ties, ever more frequent and positive diplomatic bonds, and most importantly, deep economic interdependence. Both countries should seek out new ways to enhance cooperation and ensure that the relationship always remains vital, constructive, and peaceful.¶ First, historic and cultural friendship is a hallmark of Sino-U.S. relations, but one that is often overlooked in ideological disputes. The new leadership could emphasize the many positive historic aspects of U.S.-China relations. Certainly, the special place of Sun Yat-sen in China's revolutionary history may not have occurred without some special years spent in Hawaii. Likewise, on a recent visit to the Stillwell Museum in Chongqing, I was struck by the deep record of the special role that the United States played in alliance with the CPC and Kuomintang in that city, elsewhere in Yunnan, and even briefly in Yan'an. Americans could be more deeply educated on this memorable moment that binds the two countries. Since American money funded the museum, it also reflects the type of joint partnerships that help improve mutual understanding. I hope more Chinese visitors take the opportunity to visit the small hillside villa where General Stillwell offered counsel on strategic planning against Japan during World War II.¶ Educational, scientific, and cultural exchanges also allow people to directly experience each other's society. Programs like the American Fulbright scholar exchange and China's new Hanban (Confucius Institutes) will not simply improve linguistic and cultural ties but will create a favorable environment to reduce political tensions and prepare the public to better accept occasional diplomatic conflicts.¶ Second, dialogue and diplomatic contact at the highest levels has become regular, normalized, and increasingly cooperative. Finding agreeable plans to address global threats from the financial crisis, global terrorism, climate change, nuclear proliferation, or piracy have led to shared solutions or commitments to work together. Greater opportunities for military-military exchanges would assuage mutual concerns over defense budgets and ambitions, and might alter the current calculation of an 'assertive' China and the defensive posture of the American 'pivot' to Asia.¶ Moreover, public diplomacy has long been a tool in America's foreign policy kit. Secretary Clinton status as a female world leader along with President Obama's unique personal story was an attractive element for an American reputation largely in tatters after destructive wars in Afghanistan and Iraq. Not since Deng Xiaoping has a Western audience seen a Chinese political leader that has demonstrated a dynamic personality that General Secretary Xi seems to represent. His 2012 visit to Iowa where he had experienced an exchange program in 1985 and attendance at an L.A. Lakers NBA basketball game along with his official meetings was a fantastic choice that hopefully he chooses to repeat on subsequent trips. Likewise, his talented wife is an asset that will hopefully return to the public eye.¶ Finally, and most importantly, the two largest economies in the world also happen to be deeply and inextricably intertwined. Foreign investment, trade, and current accounts balances link the two, stimulus spending, Eurozone debt, and interest rates require joint planning and consideration. Secretary Clinton has suggested China should be a 'stakeholder' in the international system, and play a greater role at the United Nations, and by extension, it would be beneficial for everyone if China accepts a greater status and becomes a larger donor at other international organizations like the World Bank and International Monetary Fund.¶ The future of U.S.-China relations is uncertain, but there is cause for optimism.

**US-Sino relations high – North Korea**

**Schell 3-7** [Orville, Arthur Ross Director of the Center on U.S.-China Relations at the Asia Society in New York. He is a former professor and Dean at the University of California, Berkeley’s Graduate School of Journalism, Can the North Korea Challenge Bring China and the U.S. Together? http://www.theatlantic.com/china/archive/2013/03/can-the-north-korea-challenge-bring-china-and-the-us-together/273777/]

What may end up being most significant about the new draft resolution in the UN Security Council to impose stricter sanctions on North Korea, which China seems willing to sign, may not be what it amounts to in terms of denuclearizing the DPRK, but what it portends for U.S.-China relations. Although it is still too early to be certain, this may represent a bold new step forward by Party General Secretary Xi Jinping and China's new leadership in signaling the U.S. that China is now interested in finding new areas of convergence. To date, China has been rather reluctant to support multilateral action toward so-called rogue regimes: China opposed NATO's military campaign in Libya and, last July, China and Russia vetoed a UN Security Council resolution, that would have threatened sanctions against Syria's leadership.¶ But now not only have China's leaders agreed to strict new sanctions on a foreign power, but on a country that is both a neighbor and a traditional ally.¶ This is a particularly tantalizing moment because it comes just as the new leaders in Beijing are beginning to define their new foreign policy perspective while at the same time Barrack Obama is reorganizing his team for his second term. It may well represent the most significant gesture China has made toward Washington in recent years of wanting to reset the bilateral relationship.¶ When he visited Washington last year, Xi called for a "new type of great power relationship." And at the 18th Party Congress last November, Xi's predecessor Hu Jintao's report to the Party spoke of a "new type of relations among major powers" characterized by "mutual respect, mutual benefits and a win-win partnership."

**Relations resilient, anything else is a speed bump**

**Lamb 3-21** [Gregory M., Christian Science Monitor, Good Reads: US-China relations, 'Lean In,' ballet's whodunit, Ireland's Downton, http://www.csmonitor.com/World/Global-News/2013/0321/Good-Reads-US-China-relations-Lean-In-ballet-s-whodunit-Ireland-s-Downton]

Competition between the US and China is inevitable, but conflict is not, Mr. Lee argues in an excerpt from his new book in The Atlantic.¶ “This is not the Cold War. The Soviet Union was contesting with the United States for global supremacy. China is acting purely in its own national interests. It is not interested in changing the world.”¶ The complex Chinese-US relationship is underpinned by an essential truth: Each side needs the other.¶ “Chinese leaders know that U.S. military superiority is overwhelming and will remain so for the next few decades,” he writes. “[T]he Chinese do not want to clash with anyone – at least not for the next 15 to 20 years.”

**Coop inevitable – new Premier and areas of mutual interest**

**Reuters 3-17** [China's new premier seeks "new type" of ties with U.S., http://www.reuters.com/article/2013/03/17/us-china-parliament-hacking-idUSBRE92G02320130317]

(Reuters) - New Chinese Premier Li Keqiang pledged on Sunday to work with U.S. President Barack Obama to forge "a new type of relationship" for the sake of peace in the Asia-Pacific region, and said the war of words about cyber-hacking must end.¶ Li did not specifically mention the U.S. military "pivot" towards Asia which has concerned China nor Beijing's territorial spats with its neighbors, stressing instead the common interests between the world's top two economic powers.¶ "Our government will work with the Obama administration to work together to build a new type of relationship between great countries," Li told reporters at a carefully scripted news conference at the end of the annual session of parliament.¶ "China and the United States should have sound interactions in the Asia-Pacific region and starting from this we can move to build a new type of relationship between powers," he said.¶ "That will also be good for peace and development in the Asia-Pacific region and the world at large."¶ Li did not talk about frictions between the two including North Korea's nuclear ambitions and China's claims over the South and East China Seas. Nor did he mention U.S. plans announced on Friday to bolster missile defenses in response to "irresponsible and reckless provocations" by North Korea.¶ But he did directly address accusations by Washington of hacking from China of U.S. military, government, corporate and media computer systems.¶ A U.S. computer security company said last month that a secretive Chinese military unit was likely behind a series of hacking attacks mostly targeting the United States.¶ China has countered on numerous occasions that it too is a victim of hacking attacks.¶ "I think we should not make groundless accusations against each other, and spend more time doing practical things that will contribute to cyber-security," Li said.¶ Noting that he "sensed the presumption of guilt" in a reporter's question, Li said called cyber-security a worldwide problem and said: "China does not support, indeed, we are opposed to, such activities."¶ Obama raised U.S. concerns about computer hacking in a phone call with Chinese President Xi Jinping on Thursday, the same day Xi took office.¶ U.S. Treasury Secretary Jack Lew will press China to investigate and stop cyber-attacks on U.S. companies and other entities when he visits China this week, a senior U.S. official said on Friday.¶ Lew will also press Beijing to allow the Chinese currency to rise further against the dollar, and push on other concerns such as increased market access for U.S. goods and better protection of U.S. intellectual property rights, the official said.¶ New U.S. Secretary of State John Kerry plans to make his first visit to China in coming weeks.¶ Despite the tensions, both sides have many mutual interests, including ensuring stability on the Korean peninsula and the health of the world economy.

**Relations high -- both countries are committed to cooperation.**

**VOA, 1-6-11**

[“China's Yang: US-China Relations on 'Right Track'” <http://www.voanews.com/english/news/asia/Obama-Reaffims-Desire-for-Positive-US-China-Relationship-112931059.html>]

Chinese Foreign Minister Yang Jiechi says relations between his country and the United States are on the "right track" ahead of Chinese President Hu Jintao's planned visit to Washington later this month. Yang is in Washington to prepare for that state visit. Before a meeting Wednesday with U.S. Secretary of State Hillary Clinton, he said the two sides are "confronted with common challenges" and are "enjoying common opportunities." **Yang also said it is in the "best interests" of China, the United States and the world for both nations to keep working together to "bring more benefits" to their peoples**. Clinton said she and Yang feel a great responsibility to ensure that President Hu's U.S. visit continues a positive, cooperative and comprehensive relationship between their countries. Mr. Hu is due to begin the visit January 19. U.S. President Barack Obama reaffirmed his commitment to a positive relationship with China Tuesday, when he joined a White House meeting between Yang and U.S. National Security Adviser Tom Donilon. The White House said Donilon used the talks to stress the importance of reducing imbalances in the global economy and in U.S.-China trade. The United States has been urging China to let its currency appreciate in value more rapidly. The White House said the talks also dealt with efforts to prevent Iran from acquiring nuclear weapons, persuade North Korea to accept nuclear disarmament and ensure the success of an upcoming referendum in southern Sudan.

**No relations collapse.**

**Lieberthal, ‘7**

[Kenneth, Arthur F. Thurnau Professor of Political Science and William Davidson Professor of Business Administration at the University of Michigan, “China’s March on the 21st Century,” http://www.aspeninstitute.org/publications/chinas-march-21st-century]

Second, the current U.S.-China relationship is not fragile. Indeed, it has become extraordinarily wide ranging, complex, and deeply embedded in the political and economic systems of both societies. Structurally, the financial, economic, and trade relationship is the most well-developed leg of our current bilateral engagement. It has produced a situation of such deep interdependence that only a very traumatic crisis could significantly change this in the short run. However, such disruption would palpably affect the standards of living in both countries. Despite well-known frictions, therefore, neither side is prepared to damage itself by taking steps to fundamentally disentangle this economic interdependence. China has shown, moreover, that economic cooperation with the United States is sufficiently important to warrant serious concessions when necessary to keep this part of our relationship in reasonably good working order. The existing U.S.-China engagement extends far beyond classic foreign policy and economic spheres. Indeed, almost every major agency in the U.S. government has serious programs and fre-quent contacts with its Chinese counterpart. This includes such bodies as the Department of Education, Housing and Urban Development, the Department of Energy, the Center for Disease Control, the Environmental Protection Agency, and so forth. In short, the overall U.S.-China relationship is mature: **even very significant problems in any one issue area will not disrupt the entire relationship**, and a very solid base already exists for future cooperative efforts. Considerable interests in each country have gelled around the specific forms of engagement that the two countries have developed.

**No spillover -- spats are inevitable but will never tank relations**

**Weekly Standard, ‘5** (“Time for some Democratic Noise in East Asia”, 3-28, L/N)

Liberal foreign policy gurus are terrified that President Bush may "make Beijing angry" or "displease China" if he talks of democracy and freedom. In one sense there is no way Washington can fully please Beijing. The Communist regime's anger at hegemonists (that's us) is a theology. America is needed as an adversary to shore up the legitimacy of a Communist party-state that came to power by the gun and has lost faith in Marxism. At a different level Washington need have little fear of Beijing. Bush's firm positions on Taiwan and missile defense have not reduced the worthwhile areas of U.S.-China cooperation. Partly this is thanks to 9/11, of course, but the reason lies deeper. Although the Communist party needs to assail us verbally, no economic, cultural, or security interest of China is served by hostility to the United States. For all its fiery words (in recent weeks about U.S.-Japan cooperation over Taiwan's security), China, a lesser power, respects the strength of the superpower.

## China-US War

**China can’t catch up and no risk of war**

**Zenko and Cohen 12**(Micah Zenko, Fellow in the Center for Preventive Action at the Council on Foreign Relations, and MIchael Cohen, Senior Fellow at the American Security Project, serves on the board of the National Security Network and has taught at Columbia University’s School of International and Public Affairs, served in the U.S. Department of State, former Senior Vice President at the strategic communications firm of Robinson, Lerer and Montgomery, bachelor’s degree in international relations from American University and a master’s degree from Columbia University, 3/14/2012, "Clear and Present Safety", [yaleglobal.yale.edu/content/clear-and-present-safety](http://yaleglobal.yale.edu/content/clear-and-present-safety)) //US spends more money, cooperation, US alliances check, economic interdependence

As the threat from transnational terrorist groups dwindles, the United States also faces few risks from other states. China is the most obvious potential rival to the United States, and there is little doubt that China’s rise will pose a challenge to U.S. economic interests. Moreover, there is an unresolved debate among Chinese political and military leaders about China’s proper global role, and the lack of transparency from China’s senior leadership about its long-term foreign policy objectives is a cause for concern. However, the present security threat to the U.S. mainland is practically nonexistent and will remain so. Even as China tries to modernize its military, its defense spending is still approximately one-ninth that of the United States. In 2012, the Pentagon will spend roughly as much on military research and development alone as China will spend on its entire military. While China clumsily flexes its muscles in the Far East by threatening to deny access to disputed maritime resources, a recent Pentagon report noted that China’s military ambitions remain dominated by “regional contingencies” and that the People’s Liberation Army has made little progress in developing capabilities that “extend global reach or power projection.” In the coming years, China will enlarge its regional role, but this growth will only threaten U.S. interests if Washington attempts to dominate East Asia and fails to consider China’s legitimate regional interests. It is true that China’s neighbors sometimes fear that China will not resolve its disputes peacefully, but this has compelled Asian countries to cooperate with the United States, maintaining bilateral alliances that together form a strong security architecture and limit China’s room to maneuver. The strongest arguments made by those warning of Chinese influence revolve around economic policy. The list of complaints includes a host of Chinese policies, from intellectual property theft and currency manipulation to economic espionage and domestic subsidies. Yet none of those is likely to lead to direct conflict with the United States beyond the competition inherent in international trade, which does not produce zero-sum outcomes and is constrained by dispute-resolution mechanisms, such as those of the World Trade Organization. If anything, China’s export-driven economic strategy, along with its large reserves of U.S. Treasury bonds, suggests that Beijing will continue to prefer a strong United States to a weak one.

**US-China won't go nuclear.**

**Aga ‘9** (Clifford, “Top 10 Military Powers of the World”, 10-28, http://totopereira.blogspot.com/2009/10/top-10-military-powers-of-world.html)

The above table gives us an overview of the strengths and fire power of the top 10 military powers of the world. The chart is just to view numbers, and rankings take into consideration many aspects such as intelligence, actual combat experience, training, skill, back-up, movement of troops and weapons, etc. Also as mentioned earlier, numbers will not be absolutely accurate, as they keep changing regularly according to specific needs and situations. An interesting fact is that, out of all the countries in the world, Israel has a reserve army that can be mobilized into actual combat more quickly than anyone else. Just numbers are not enough, and this is something that can be citied in a good example in the table regarding the USA and China. Though China has an army nearly twice the size of the USA, the strike power of the USA is double that of China. This is due to many other factors as we have mentioned, like training, skill, modernized equipment, strategy, intelligence, etc. Though, it can be safely said that these are the 10 top militaries in the world as we speak. There are also many other things that need to be taken into consideration regarding the top ten. For example, the United States indulges in combat mainly in other countries, and for the purpose of quashing terrorism, rouge armies, and peacekeeping ventures. Some countries are engaged in continuous small skirmishes with their neighbors, and are active in protecting their own borders. Nuclear weapons are also a key factor, something that has never been used since the bombing of the cities of Hiroshima and Nagasaki. God forbid, even if a war breaks out in which multiple countries are involved, it is very unlikely that they will be used, and the war(s) will be fought in the conventional ways itself. Another aspect is type of weaponry, the advanced military weapons that a state possesses.

**Deterrence solves**

**Glaser ’11**, Professor of Political Science and International Affairs and Director of the Institute for Security and Conflict Studies at the Elliott School of International Affairs at George Washington University (Charles, Will China's Rise Lead to War? Foreign Affairs, Vol. 90 Issue 2, ebsco)

What does all this imply about the rise of China? At the broadest level, the news is good. Current international conditions should enable both the United States and China to protect their vital interests without posing large threats to each other. Nuclear weapons make it relatively easy for major powers to maintain highly effective deterrent forces. Even if Chinese power were to greatly exceed U.S. power somewhere down the road, the United States would still be able to maintain nuclear forces that could survive any Chinese attack and threaten massive damage in retaliation. Large-scale conventional attacks by China against the U.S. homeland, meanwhile, are virtually impossible because the United States and China are separated by the vast expanse of the Pacific Ocean, across which it would be difficult to attack. No foreseeable increase in China's power would be large enough to overcome these twin advantages of defense for the United States. The same defensive advantages, moreover, apply to China as well. Although China is currently much weaker than the United States militarily, it will soon be able to build a nuclear force that meets its requirements for deterrence. And China should not find the United States' massive conventional capabilities especially threatening, because the bulk of U.S. forces, logistics, and support lie across the Pacific.

**No pre-emptive strikes**

**Weitz 11** (Richard, director of the Center for Political-Military Analysis and a Senior Fellow at the Hudson Institute. “Mapping Asia’s Nuclear Future.” The Diplomat, February 13, 2011. <http://thediplomat.com/2011/02/13/mapping-asia%E2%80%99s-nuclear-future/?all=true>.)   
Last April, Washington hosted the first ever nuclear security summit, which was attended by numerous Asian leaders. Next year’s meeting will be hosted by Seoul, which will give South Korea and other Asian governments a chance to address issues generally overlooked at last year’s summit, such as the danger of nuclear proliferation to additional countries and the need to prevent terrorists from gaining access to less dangerous radiological materials that they can use to construct nuclear terrorist devices such as ‘dirty bombs.’  
In the meantime, though, there have been some other positive steps. China, Japan, India, and other Asian countries with advanced civil nuclear energy programmes have been establishing nuclear security centres where foreign nationals can join their own citizens in researching proliferation-resistant nuclear technologies, as well as training nuclear personnel in safety and security techniques. These nuclear security centres are typically funded by their host government, but receive technical assistance from the IAEA and foreign governments, especially the United States.  
Indeed, US support for China’s new nuclear centre, formalized in a recent bilateral agreement, highlights how, even in the absence of an official China-US nuclear arms control agreement—and despite years of strained military relations—nuclear security has emerged as a core area of Sino-American cooperation in recent years. Chinese and US representatives at both the governmental and nongovernmental level have entered into regular bilateral dialogues on strategic stability to discuss these and other nuclear concerns. The fear exists, for example, that the two nuclear establishments might misperceive nuclear signalling. What would this mean? In an extreme case, it could mean that although one side may be raising its alert level for its nuclear forces as a deterrent, the other might misunderstand such a move as foreshadowing an imminent attack—and launch a pre-emptive strike in response.

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# Arctic Drilling

#### Drilling’s good --- key to massive economic growth

Mills 12 Mark, member of the advisory council of the McCormick School of Engineering and Applied Science at Northwestern University and serves on the board of directors of the Marshall Institute, 7/9, “Could the United States Become the World’s Energy-Export Powerhouse?”, <http://www.manhattan-institute.org/pdf/press_release_pgi_01.pdf>

Unleashing 20 billion barrels of cumulative oil from Alaska’s ANWR and some currently off-limits regions of the outer continental shelf would bring over $1 trillion of net benefits to the U.S. economy. 36 In general, both history and recent analyses show that for every billion barrels of oil produced (or oil-equivalent in natural gas, and similar range for coal), there are about $75 billion in broad economic benefits. 37 A number of recent studies have explored the implications of the new hydrocarbon trajectory, should it continue unimpeded: o Citi’s analysis concludes that the oil and gas extraction sector could add as many as 3.6 million net new jobs by 2020 (for North America, both direct and indirect) and shrink the deficit by 60 percent. 38 o Wood Mackenzie 39 finds in its scenario report for the American Petroleum Institute a cumulative $800 billion in increased revenues to governments (federal, state, local) and another 1.5 million U.S. jobs, direct and indirect, over the coming two decades. o IHS Global Insight, 40 in its analysis for America’s Natural Gas Alliance, estimates that the shale gas industry alone will add more than 1 million jobs across the U.S. economy over the coming two decades and provide over $900 billion in cumulative additional federal, state, and local government tax revenues ($465 federal, $460 state and local). While there are differences in assumptions and boundaries among these and similar analyses, the order-of magnitude benefits are similar and similarly impressive: millions of jobs and hundreds of billions in revenues to government coffers. None of the above accounts for the economic contributions thus far from coal, nor does it countenance expanding coal production, North America’s third great hydrocarbon resource. Some 600,000 jobs are associated with the coal industry, a fuel that already contributes some $60 billion annually to the U.S. economy, not the least of which is the increasingly vital role of low-cost electricity in an information centric economy. 41 The U.S. uses about three BBOE of coal per year, while the world consumes about 20 BBOE of coal annually. Expanding coal exports by an amount comparable with the increase in the oil and gas sectors would add several hundred thousand more jobs and several hundred billion more dollars in cumulative tax receipts. 42 While expanding hydrocarbon production will require significant investment, it will be supplied by the private sector, generating benefits to the public sector, to private citizens, and to businesses. These kinds of benefits, which accrue without cost to taxpayers, come at a particularly important time, considering the current state of persistent unemployment and underemployment, the losses in net worth for many citizens, and the budget deficits in most states and the federal government. Economic benefits from expanding hydrocarbon production will be felt widely given the structural and geographic diversity of hydrocarbon resources and the associated industries. In contrast to other parts of the world, benefits here won’t flow to a handful of oligarchs but will involve thousands of businesses and ripple broadly throughout the economy. Expanding hydrocarbon production may be the single most important opportunity for near-term economic growth in North America and a beneficial resetting of energy geopolitics.

#### US decline causes nuclear war

Harris and Burrows 9(Mathew, PhD European History @ Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer is a member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>

Increased Potential for Global Conflict)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, **history may be more instructive than ever**. While we continue to believe that **the Great Depression** is not likely to be repeated, the **lessons** to be drawn from that period **include the harmful effects on fledgling democracies and multiethnic societies** (think Central Europe in 1920s and 1930s) **and** on the **sustainability of multilateral institutions** (think League of Nations in the same period). **There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century.** For that reason, the ways in which **the potential for greater conflict could grow** would seem to be even more apt **in a constantly volatile economic environment** as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced.** For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. **Terrorist groups** in 2025 **will** likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that **become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would** almost certainly **be the Middle East**. Although Iran’s acquisition of nuclear weapons is not inevitable, **worries** about a nuclear-armed Iran **could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions.** It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity **conflict** and terrorism taking place under a nuclear umbrella **could lead to an unintended escalation and broader conflict** if clear red lines between those states involved are not well established. **The close proximity of potential nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also **will produce inherent difficulties** in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, **short warning and missile flight times, and uncertainty** of Iranian intentions **may place more focus on preemption** rather than defense, potentially **leading to escalating crises.** 36 Types of **conflict** that the world continues to experience, such as **over resources, could reemerge**, particularly if **protectionism grows and there is a resort to neo-mercantilist practices. Perceptions** of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this **could result in interstate conflicts if government leaders deem assured access to energy resources,** for example, to be **essential for** maintaining domestic stability and the **survival of their regime**. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. **If** the **fiscal stimulus focus for** these **countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional** naval **capabilities could lead to increased tensions, rivalries, and counterbalancing moves**, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. **With water** also **becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.**