# 1AC

Same as round 6 – did not read Royal

# 2AC

## Terror

### A2: Terrorist cant get nukes

#### Terrorists will obtain nuclear weapons—multiple potential sources

Neely 13 (Meggaen, research intern for the Project on Nuclear Issues, 3-21-13, "Doubting Deterrence of Nuclear Terrorism" Center for Strategic and International Studies) csis.org/blog/doubting-deterrence-nuclear-terrorism

The risk that terrorists will set off a nuclear weapon on U.S. soil is disconcertingly high. While a terrorist organization may experience difficulty constructing nuclear weapons facilities, there is significant concern that terrorists can obtain a nuclear weapoon or nuclear materials. The fear that an actor could steal a nuclear weapon or fissile material and transport it to the United States has long-existed. It takes a great amount of time and resources (including territory) to construct centrifuges and reactors to build a nuclear weapon from scratch. Relatively easily-transportable nuclear weapons, however, present one opportunity to terrorists. For example, exercises similar to the recent Russian movement of nuclear weapons from munitions depots to storage sites may prove attractive targets. Loose nuclear materials pose a second opportunity. Terrorists could use them to create a crude nuclear weapon similar to the gun-type design of Little Boy. Its simplicity – two subcritical masses of highly-enriched uranium – may make it attractive to terrorists. While such a weapon might not produce the immediate destruction seen at Hiroshima, the radioactive fall-out and psychological effects would still be damaging. These two opportunities for terrorists differ from concerns about a “dirty bomb,” which mixes radioactive material with conventional explosives.

### Ext Terror ! [Toon]

#### Extinction---equivalent to full-scale nuclear war

Toon 7 (Owen, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: <http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf>)

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

## Venezuela

### 2ac Overview Generic

#### Heg is Good-

#### First- Threats are inevitable, Thayer evidence indicates that only heg causes bandwagoning, deterrence, international institutions and economic stability that can confront the challenges that face the world

#### Second- We will always be engaged- isolationist tendencies come and go, its just a question of doing more effective interventions to prevent drawn out violence- Iraq proves- That’s kagan

#### Third- Barnett evidence indicates stewardship of the global order requires killing to prevent larger scale violence- anarchy is inevitable, its just a question of controlling escalation which only hegemony allows for

And the transition goes nuclear

 Posen and Ross 97

[Barry Posen, Professor of Political Science in the Defense and Arms Control Studies Program at MIT, Andrew Ross, Professor of National Security Studies at the Naval War College, International Security, Winter 1997]

The United States can, more easily than most, go it alone. Yet we do not find the arguments of the neo-isolationists compelling. Their strategy serves U.S. interests only if they are narrowly construed. First, though the neo-isolationists have a strong case in their argument that the United States is currently quite secure, disengagement is unlikely to make the United States more secure, and would probably make it less secure. The disappearance of the United States from the world stage would likely precipitate a good deal of competition abroad for security. Without a U.S. presence, aspiring regional hegemons would see more opportunities. States formerly defended by the United States would have to look to their own military power; local arms competitions are to be expected. Proliferation of nuclear weapons would intensify if the U.S. nuclear guarantee were withdrawn. Some states would seek weapons of mass destruction because they were simply unable to compete conventionally with their neighbors. This new flurry of competitive behavior would probably energize many hypothesized immediate causes of war, including preemptive motives, preventive motives, economic motives, and the propensity for miscalculation**. There would** like **be more war. W**eapons of **m**ass **d**estruction **might be used in** some of **the wars**, with unpleasant effects even for those not directly involved.

### 2AC A2: Posner & Vermeule

#### Posner and Vermeule are wrong---external checks are effective

Aziz Z. Huq 12, Assistant Professor of Law, University of Chicago Law School, "Binding the Executive (by Law or by Politics)", May 25, www.law.uchicago.edu/files/file/400-ah-binding.pdf

Paulson ’ s genuflection and Obama ’ s reticence, I will contend here, are symptomatic of our political system ’ s operation rather than being aberration al . It is generally the case that even in the heart of crisis, and even on matters where executive competence is supposedly at an acme , legislators employ formal institutional powers not only to delay executive initiatives but also affirmatively to end presidential policies. 20 Numerous examples from recent events illustrate the point. Congressional adversaries of Obama, for instance, cut off his policy of emptying Guantánamo Bay via appropriations riders. 21 Deficit hawks spent 2011 resisting the President’s solutions to federal debt, while the President declined to short - circuit negotiations with unilateral action. 22 Even in military matters, a growing body of empirical research suggests Congress often successfully influences the course of overseas engagements to a greater degree than legal scholars have discerned or acknowledged. 23¶ That work suggests that the failure of absolute congressional control over military matters cannot be taken as evidence of “the inability of law to constrain the executive ” in more subtle ways (p 5). The conventional narrative of executive dominance , in other words, is at best incomplete and demands supplementing .¶ This Review uses The Executive Unbound as a platform to explore how the boundaries of discretionary executive action are established. As the controversial national security policies of the Bush administration recede in time, the issue of executive power becomes ripe for reconsideration. Arguments for or against binding the executive are starting to lose their partisan coloration. There is more room to investigate the dynamics of executive power in a purely positive fashion without the impinging taint of ideological coloration.¶ Notwithstanding this emerging space for analys i s, t here is still surprising inattention to evidence of whether the executive is constrained and to the positive question of how constraint works. The Executive Unbound is a significant advance because it takes seriously this second “ mechanism question. ” Future studies of the executive branch will ignore its i mportant and trenchant analysis at their peril. 24 Following PV ’ s lead, I focus on the descriptive , positive question of how the executive is constrained . I do speak briefly and in concluding to normative matters . B ut f irst and foremost, my arguments should be understood as positive and not normative in nature unless otherwise noted.¶ Articulating and answering the question “ W hat binds the executive ?” , The Executive Unbound draws a sharp line between legal and political constraints on discretion — a distinction between laws and institutions on the one hand, and the incentives created by political competition on the other hand . While legal constraints usually fail, it argues, political constraints can prevail. PV thus postulate what I call a “strong law/ politics dichotomy. ” My central claim in this Review is that this strong law/politics dichotomy cannot withstand scrutiny. While doctrinal scholars exaggerate law ’s autonomy, I contend, the realists PV underestimate the extent to which legal rules and institutions play a pivotal role in the production of executive constraint. Further, the political mechanisms they identify as substitutes for legal checks cannot alone do the work of regulating executive discretion. Diverging from both legalist and realist positions, I suggest that law and politics do not operate as substitutes in the regulation of executive authority. 25 They instead work as interlocking complements. An account of the borders of executive discretion must focus on the interaction of partisan and electoral forces on the one hand and legal rules. It must specify the conditions under which the interaction of political actors’ exertions and legal rules will prove effective in limiting such discretion.

## Off

### Amendment CP – 2AC

### Condo

#### Conditionality is a voter-

#### A – it results in argument irresponsibility because it encourages contradictory positions

#### B – creates time and strat skews by making the neg a moving target

#### no cost options in the 1nc make the 2ac impossible- one condo advocacy/ dispo solves your offense

#### Perm --- do the counterplan --- functionally mandates the plan

#### Perm --- do both --- solves the link

Denning 2 (Brannon P, Assistant Professor of Law – Southern Illinois University School of Law; John R. Vile, Chair of Political Science – Middle Tennessee State University; November, 77 Tul. L. Rev. 247, Lexis)

The Article V process is, as the Framers intended, rigorous. The supermajority provisions for both proposal and ratification almost always guarantee that additions will not be made to the Constitution without both deep and broad support. Though some have criticized the necessity of such supermajorities, 127 holding additions to the Constitution in abeyance until it is clear that support is broad generally prevents populous regions from dominating less populous ones. This, in turn, allows the amendment to become part of the Constitution with a near-conclusive presumption of legitimacy. This legitimacy, then, helps free the other branches (courts, for example) to enforce it vigorously; indeed, such enforcement would likely be expected after an amendment makes it through Article V's arduous process. And if, after popular expectations were raised through the debates over proposal and ratification, the amendment is not enforced, institutions responsible for the foot-dragging may again face costs for evasion. This legitimization element is so crucial that the examples Strauss cites of amendments that, he argues, did not do anything immediately (the Reconstruction Amendments) or are not likely to have a significant effect despite their eventual ratification (the Twenty-Seventh Amendment), 128 could be cited as proof of what [\*279] happens when attempts are made to short-circuit (or play games with) Article V's procedural requirements. 129

#### Multi-actor fiat is a voter – it makes it impossible for us to find literature and destroys predictability because you can combine any variety of actors – they don’t even take a stance on which actors which is uniquely abusive

#### Perm --- do the CP, then plan --- means its just enforcement

#### No solvency --- delay

Duggin 5 (Sarah, Professor of Law – Catholic University of America, and Mary Collins, Law Clerk, Boston University Law Review, February, 85 B.U.L. Rev. 53, Lexis)

The process of amending the Constitution is often a lengthy one – the Twenty-seventh Amendment was adopted more than two hundred years after it was first proposed. 513 Recent Congresses have generally provided self-executing, seven-year sunset provisions in the resolutions proposing constitutional amendments, 514 but even an amendment on the fast track is likely to take several years to become part of the Constitution. Preparations for Presidential elections begin long before the actual events, and the threat of a national crisis is all too immediate. Congress should take interim measures to decrease the impact of the uncertainty created by the natural born citizenship proviso over the eligibility of Congressional leaders and cabinet members to assume the office of Acting President.

#### Amendment counterplans are a reason to reject the team –

#### they detract from topic-specific education because they force us to focus on the process instead of whether or not the plan is a good idea – winning the CP doesn’t disprove the aff and creates a focus on stale issues and steals Aff ground by doing all of the plan which makes it difficult to generate offense

#### Amendments obviously can’t solve judicial independence – it’d be seen as the court being deferential on detention issues – that’s Reinhardt and Martin

#### And it uniquely collapses judicial independence

ABA 97 (Report of the ABA Commission on Separation of Powers and Judicial Independence,

http://www.abanet.org/govaffairs/judiciary/r6a.html)

Congress has shown the judiciary less deference than in the past, in the course of overseeing and reforming the courts' jurisdiction, practice, procedure, administration, and budget. Judges, on the other hand, have not always responded constructively to such initiatives, sometimes accusing Congress of "micromanaging" the courts or of threatening judicial independence. That, in turn, has served only to deepen Congress' resolve to look at the courts even more closely, which may ultimately inure to the detriment of the courts' institutional independence. The third problem is related to the first two: if Congress and the courts do not cooperate in a constructive and restrained manner, public confidence in the judiciary will be adversely affected. When judges are publicly accused of committing impeachable offenses or engaging in illegitimate criminal coddling or "activist" decision-making, it diminishes public faith in the judicial system as a whole. Although targeted, rational criticism can result in improvements, the increasingly contentious relationship between courts and Congress and the atmosphere of skepticism that has begun to work its way into congressional oversight of the judiciary, manifests shrinking confidence in the judiciary's capacity or willingness to regulate itself, and further fuels public disenchantment with the courts. Public support for the judicial system is currently at its lowest point in recent memory. If confidence in the courts is not restored, real threats to judicial independence are sure to follow. In a representative democracy, the judiciary will remain independent only as long as the people trust it to be so. When the public loses faith in its judges, threats to judicial independence, in the form of amendments to Article III of the Constitution, are a logical next step.

#### Counterplan fails – timeframe

Strauss 01

[David, Harry N. Wyatt Professor of Law, The University of Chicago, The Irrelevance Of Constitutional Amendments, 2001 The Harvard Law Review Association, L/N]

These arguments presuppose that amending the Constitution - and, by implication, failing to amend the Constitution - is a significant event. If this supposition is true, a formal, textual amendment might legitimately be read back into other provisions of the Constitution to produce a result that would not be warranted without the formal amendment. n24 But if the amendments carry no special significance - if they are not the principal means (or even an important means) by which the People change our constitutional order - then these interpretive approaches lose their foundation. It may be correct to interpret the Fourteenth Amendment to forbid gender discrimination, and the movement toward greater equality for women, including women's suffrage, may be a legitimate reason to interpret the Fourteenth Amendment this way. But the fact that women's suffrage was formally recognized by the Nineteenth Amendment - instead of coming about through, for example, state legislation or judicial interpretation - should not carry great weight. One final implication is the most practical of all. If amendments are in fact a sidelight, then it will usually be a mistake for people concerned about an issue to try to address it by amending the Constitution. Their resources are generally better spent on legislation, litigation, or private-sector activities. It is true that the effort to obtain a constitutional amendment may serve very effectively as a rallying point for political activity. A constitutional amendment may be an especially powerful symbol, and it may be worthwhile for a group to seek an amendment for just that reason. But in this respect constitutional amendments are comparable to congressional resolutions, presidential proclamations, or **declarations of national holidays**. If they bring about change, they do so because of their **symbolic value**, not because of their operative legal effect. The claim that constitutional amendments under Article V are not a principal means of constitutional change is a claim about the relationship between supermajoritarian amendments and fundamental, constitutional change. It should not be confused with the very different claim that judicial decisions cannot make significant changes without help from Congress or the President; n25 and it certainly should not [\*1468] be confused with a global skepticism about the efficacy of political activity generally. The point is that changes of constitutional magnitude - changes in the small-"c" constitution - are not brought about by discrete, supermajoritarian political acts like Article V amendments. It may also be true that such fundamental change is always the product of an evolutionary process and cannot be brought about by any discrete political act - by a single statute, judicial decision, or executive action, or (at the state level) by a constitutional amendment, whether adopted by majoritarian referendum or by some other means. What is true of Article V amendments may be equally true of these other acts: either they will ratify (while possibly contributing to) changes that have already taken place, or they will be ineffective until society catches up with the aspirations of the statute or decision. Alternatively, it may be that majoritarian acts (or judicial decisions), precisely because they **do not require that the ground be prepared so thoroughly**, can force the pace of change in a way that supermajoritarian acts cannot. A coalition sufficient to enact legislation might be assembled - or a judicial decision rendered - at a point when a society for the most part has not changed, but the legislation, once enacted (or the decision, once made), might be an important factor in bringing about more comprehensive change. The difference between majoritarian legislation and a supermajoritarian constitutional amendment is that the latter is far more likely to occur only after the change has, for all practical purposes, already taken place. Whatever one thinks of these broader speculations, however, they certainly do not entail a general skepticism about whether political activity matters at all. On the contrary, legislation and judicial decisions - as well as activity in the private realm that may not even be explicitly political - can accumulate to bring about fundamental and lasting changes that are then, sometimes, ratified in a textual amendment. Sustained political and nonpolitical activity of that kind is precisely what does bring about changes of constitutional magnitude. My claim is that such changes seldom come about, in a mature democracy, as the result of a formal amendment adopted by a supermajority.

#### Court has unique symbolic effect --- key to foreign perception of the plan

Fontana 8 (David, Associate Professor of Law – George Washington University Law School, “The Supreme Court: Missing in Action”, Dissent Magazine, Spring, http://www.dissentmagazine.org/article/?article=1165)

*The Results of Inaction*
What is the problem with this approach? The answer, simply put, is that it legitimates and even catalyzes political activity by Congress and the president, but it does so without including in this political activity the critically influential background voice of the Supreme Court on issues related to individual rights. The Court has two main powers: one has to do with law and compulsion, the other has to do with political debate. The Court can legally compel other branches of government to do something. When it told states and the federal government in Roe v. Wade that they could not criminalize all abortions, for example, the Court’s decision was a binding legal order. But the Supreme Court also plays a role in political debate, even when it does not order anyone to do anything. If the Justices discuss the potential problems for individual rights of a governmental action, even if they don’t contravene the action, their decision still has enormous import. This is because other actors (members of Congress, lawyers, newspaper editorial writers, college teachers, and many others) can now recite the Court’s language in support of their cause. Supreme Court phrases such as “one person, one vote” have enormous symbolic effect and practical influence. If there had been a case about torture, for example, and some of the justices had written in detail about its evils, then Senator Patrick Leahy (senior Democrat on the Judiciary Committee) could have used the Justices’ arguments to criticize attorney general nominee Michael Mukasey during his confirmation hearings. Attorneys for those being detained at Guantánamo could have made appearances on CNN and (even) Fox News reciting the evils of torture as described by the Court. Concerns about rights could have been presented far more effectively than if, as actually happened, the Court refused to speak to these issues. The Supreme Court’s discussion of constitutional questions is particularly important for two reasons. First, the justices view these questions from a distinct standpoint. While members of Congress and the president have to focus more on short-term and tangible goods, members of the Court (regardless of which president appointed them) focus more on the long term and on abstract values. The Court offers a perspective that the other branches simply cannot offer. Second, when the Supreme Court presents this perspective, people listen. It is and has been for some time the most popular branch of American government. Although there is some debate about terminology and measurement, most scholars agree that the Court enjoys “diffuse” rather than “specific” support. Thus, even when Americans don’t like a specific decision, they still support the Court. By contrast, when the president or Congress does something Americans don’t like, their support drops substantially. AMERICANS BECOME more aware of the Court the more it involves itself in controversies. This is because of what political scientists call “positivity bias.” The legitimating symbols of the Court (the robes, the appearance of detachment, the sophisticated legal opinions) help to separate it from other political institutions—and in a good way for the Court. If the Justices had drawn attention to violations of individual rights, most of America would have listened and possibly agreed. As it is, our politics has been devoid of a voice—and an authoritative voice—on individual rights. For most of the time since September 11, few major political figures have been willing to stand up and speak in support of these rights. Recall that the Patriot Act was passed in 2001 by a vote of ninety-eight to one in the Senate, with very little debate. Congress overwhelmingly passed the Detainee Treatment Act (DTA) of 2005, which barred many of those complaining of torture from access to a U.S. court. Congress also overwhelmingly passed the Military Commissions Act (MCA) of 2006, which prevented aliens detained by the government from challenging their detention—and barred them from looking to the Geneva Conventions as a source of a legal claim.

#### Amendments on War powers not enforced – explicit judiciary action key

Griffin 11

[Stephen, Rutledge C. Clement, Jr. Professor in Constitutional Law, Tulane Law School, The National Security Constitution and the Bush Administration, The Yale Law Journal Online March 25, 2011, L/N]

In previous work, I have advanced the concept of the "legalized Constitution," which is essentially identical to Eskridge and Ferejohn's definition of the "Large 'C'" Constitution. n16 In the legalized Constitution, constitutional change occurs through formal amendments and judicial decisions. It is well known, however, that some parts of the Constitution, especially those having to do with foreign affairs and war powers, are enforced either irregularly by the judiciary or not at all. n17 This creates a space for a [\*371] "nonlegalized" but "Large 'C'" Constitution. Although it is not clear, Eskridge and Ferejohn imply that the judiciary enforces (or underenforces) all parts of the Constitution. n18 By contrast, I regard constitutional norms with respect to the initiation of war (the Declare War Clause of Article I, Section 8) as determinate but not enforced by the judiciary. Thus, I am not proceeding under the assumption that clauses with respect to war and foreign affairs are "underenforced." Rather, in crucial respects they are not enforced at all, thus leaving a clear field for de facto constitutional change through executive action. The theoretical task is to describe and explain how this occurs. The parts of the nonlegalized Constitution relevant to presidential power, such as the Commander-in-Chief Clause of Article II, are nonetheless supreme law even if they are not enforced by the judiciary. Presidents can wield, and have wielded, such clauses with enormous impact in contests for power both inside and outside the Executive Branch. The crucial point of distinction between Eskridge and Ferejohn's theory and my own is that these existing nonlegalized "Large 'C'" constitutional powers can and have been used by presidents to leverage significant constitutional change. The distinction between the parts of the "Large 'C'" Constitution that have been legalized by the judiciary and those that have not cuts across the theories offered by Eskridge and Ferejohn and those offered by Ackerman. These theories are similar in that they posit a process, alternative to that specified in Article V, to account for important changes that have kept the constitutional order up to date. But suppose a President uses "Large 'C'" but nonlegalized powers to transform the constitutional order? Eskridge and Ferejohn's model, in which non-Article V, nonjudicial changes are made through statutory and administrative channels, does not appear to allow for this possibility. By contrast, in the postwar era presidential power in foreign affairs expanded primarily through "Large 'C'" constitutional means. President Truman's decision to use his Article II Commander-in-Chief power unilaterally to involve U.S. armed forces in the Korean War is a classic example. n19

#### Fiat abuse --- amending requires multi-actor fiat --- not reciprocal, destroys predictability --- voting issue

Sullivan 95 (Kathleen M., Professor of Constitutional Law, Stanford Law School, and author of the influential Sullivan & Gunther Constitutional Law Casebook, Fall. (“Constitutional Amendments” – American Prospect) http://www.albionmonitor.com/1-12-96/amendmentitis.html)

Our Constitution is extraordinarily difficult to amend. Article V of the Constitution provides two routes, but both both require large supermajorities. First, Congress may propose amendments by a two-thirds vote of both houses. Second, the legislatures of two-thirds of the states may request that Congress call a constitutional convention. Amendments proposed by either route become valid only when ratified by three-fourths of the states. Once an amendment clears these hurdles into the Constitution, it is equally difficult to remove. The amendment that imposed Prohibition is the only one in our history ever to be repealed. The Constitution thus remains a remarkably pristine document. More than 11,000 amendments have been proposed, but only 33 have received the necessary congressional supermajorities and only 27 have been ratified by the states. Half of these amendments were enacted under extraordinary circumstances.

#### Turn --- amendments crush public confidence --- tanks Constitutional credibility

Sullivan 95 (Kathleen M., Professor of Constitutional Law, Stanford Law School, and author of the influential Sullivan & Gunther Constitutional Law Casebook, Fall. (“Constitutional Amendments” – American Prospect) http://www.albionmonitor.com/1-12-96/amendmentitis.html)

For there are strong structural reasons for amending the Constitution only reluctantly and as a last resort. This strong presumption against constitutional amendment has been bedrock in our constitutional history, and there is no good reason for overturning it now. Proponents of the current wave of amendments suggest that it simply represents the appropriate product of a mobilized citizenry exercising popular sovereignty. We the People created the Constitution and, they imply, We the People are free to rewrite it as We please. Amendment advocates could, if they wished, cite Thomas Jefferson in their cause. Jefferson wrote in an 1816 letter, "Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment." But, he urged, one should not "believe that one generation is not as capable as another of taking care of itself, and of ordering its own affairs." As Jefferson had put it years earlier in a letter to James Madison, "I hold that a little rebellion now and then is a good thing." Constitutional idolatry, of course, is not an attractive organizing principle. But Jefferson's position lost out in our constitutional history for good reasons that do not depend on fetishizing the Constitution or treating it as mystically sacred. Stability is a key virtue of a Constitution 1. Stability. James Madison, one of the principal architects of Article V, disagreed with Jefferson. In Madison's view, "a little rebellion now and then" is to be avoided. To be sure, Madison acknowledged in Federalist No. 43 that "useful alterations will be suggested by experience," and that amending the Constitution must not be made so difficult as to "perpetuate its discovered faults." But Madison cautioned too "against that extreme facility" of constitutional amendment "which would render the Constitution too mutable." Implicit in this caution is the view that stability is a key virtue of a Constitution, and that excessive "mutability" would thus undercut the whole point of having a Constitution in the first place. As Chief Justice John Marshall put the point similarly in McCulloch v. Maryland, the Constitution is "intended to endure for ages to come." Keeping amendment relatively infrequent thus preserves public confidence in the stability of the basic constitutional structure.  While the Framers had to take the argument from stability on faith, the argument looks stronger two centuries later. The relative success of the American constitutional regime, one bloody civil war excepted, supports arguments along the lines of "if it ain't broke don't fix it." Our spare Constitution has withstood the test of time. Anyone with a Burkean trust in the collective wisdom embodied in custom and tradition ought to be wary of a sudden shift to rapid constitutional revision.  Prohibition, the only modern amendment to enact a social policy, is also the only modern amendment to have been repealed.

#### Nuclear war

Hemesath 00 (Paul A., Georgetown Law Journal, August, 88 Geo. L.J. 2473, Lexis)

In the case of an offensive nuclear attack, the importance of a coherent and legitimate decision cannot be overestimated. Even with the force of a congressional declaration of war, Harry Truman still faced critics that questioned the sagacity of his atomic decision in World War II. 183 Although the wisdom of any nuclear use may always remain open to criticism, the legality of such a decision should be beyond reproach. As previously noted, the potentially "unlimited costs" of a nuclear war are extremely difficult to fathom, both physically and politically. 184 A legitimate decision to utilize a nuclear weapon thus requires a high level of legality and consensus--two qualities that cannot be attained with a Congress plausibly asserting the nonexistence of the Executive's very constitutional authority to carry out the act.   Finding a resolution to nuclear war powers uncertainty is not an obvious endeavor. However, the harms associated with an unprepared and contentious "on-the-fly" decisionmaking process are serious enough to demand a principled solution based on the Constitution and not on improvised convenience. To reach such a solution, Congress must cohere in an attempt to draft an unambiguous War Powers Act and proceed to pursue remedies in the courts well in advance of a nuclear crisis. In return, the courts must either deign to decide the issue on its merits, or provide a definitive jurisdictional holding upon which the courts and the President may come to rely.

#### Amendments destroy SOP

Schaffner 5 (Joan, Associate Professor of Law – George Washington University Law School, “The Federal Marriage Amendment: To Protect the Sanctity of Marriage or Destroy Constitutional Democracy?”, American University Law Review , August, 54 Am. U.L. Rev. 1487, August, Lexis)

 [\*1525] Through amendment, the legislative branch has the power to enact laws that establish societal standards only so long as the laws enacted do not violate the constitutional rights of individuals. 222 The legislature is not empowered to draft laws to enshrine illegitimate prejudices of the majority. Allowing the legislature, with the endorsement of the executive, to amend the Constitution to expressly overrule a decision of the judiciary, which acted consistently with democratic principles by protecting the rights of a minority of the people, destroys the delicate balance of power among the branches.

#### There’s no solvency advocate for amending about indefinite detention --- voting issues --- it means we have no literature to answer, makes counterplan mechanisms unpredictable, and divorces debate from real-world issues – also just means there’s no CP solvency

#### CP spurs future amendments --- undermines rule of law

Sullivan 95 (Kathleen M., Professor of Constitutional Law, Stanford Law School, and author of the influential Sullivan & Gunther Constitutional Law Casebook, Fall, “Constitutional Amendments”, American Prospect, http://www.albionmonitor.com/1-12-96/amendmentitis.html)

2. The Rule of Law. The very idea of a constitution turns on the separation of the legal and the political realms. The Constitution sets up the framework of government. It also sets forth a few fundamental political ideals (equality, representation, individual liberties) that place limits on how far any short-term majority may go. This is our higher law. All the rest is left to politics. Those who lose in the short run of ordinary politics obey the winners out of respect for the long-run rules and boundaries set forth in the Constitution. Without such respect for the constitutional framework, the peaceful operation of ordinary politics would degenerate into fractious war. Frequent constitutional amendment can be expected to undermine this respect by breaking down the boundary between law and politics. The more you amend the Constitution, the more it seems like ordinary legislation. And the more the Constitution is cluttered up with specific regulatory directives, the less it looks like a fundamental charter of government. Picture the Ten Commandments with a few parking regulations thrown in. This is why opponents of new amendments often argue that they would tend to trivialize or politicize the Constitution. They trivialize it in the sense that they clutter it up and diminish its fundamentality. Consider the experience of the state constitutions. Most state constitutions are amendable by simple majority, including by popular initiative and referendum. While the federal Constitution has been amended only 27 times in over 200 years, the fifty state constitutions have had a total of nearly 6,000 amendments added to them. They have thus taken on what Marshall called in McCulloch "the prolixity of a legal code" -- a vice he praised the federal Constitution for avoiding. Many of these state constitutional amendments are products of pure interest-group politics. State constitutions thus are difficult to distinguish from general state legislation, and they water down the notion of fundamental rights in the process: The California constitution, for example, protects not only the right to speak but also the right to fish. Amendments politicize a constitution to the extent that they embed in it a controversial substantive choice. Here the experience of Prohibition is instructive: The only modern amendment to enact a social policy into the Constitution, it is also the only modern amendment to have been repealed. Amendments that embody a specific and controversial social or economic policy allow one generation to tie the hands of another, entrenching approaches that ought to be revisable in the crucible of ordinary politics.

#### Extinction

Sadat 4 (Henry H. Oberschelp Professor of Law, “An American Vision for Global Justice” Sept 7, <http://www.google.com/search?q=importance+of+supreme+court+legitimacy+poverty&num=20&hl=en&hs=277&lr=&client=firefox-a&rls=org.mozilla:en-US:official&start=20&sa=N>)

Bringing the rule of law back into American thinking about foreign policy will take time. But it is inevitable. Without rules, human civilization cannot survive; without rules, there is no true freedom. Law is, of course, only one element of foreign policy, but it is a powerful one. By appealing to principle, we can better persuade. By acquiring legitimacy, our actions take on a new authority. By delivering justice, we win hearts and minds. From Thomas Jefferson to Warren Christopher, the tradition of the lawyer statesman persists. The challenge ahead is formidable – it is hard to live in a global age. But we can take comfort in the words of Jean Monnet, one of the most passionate advocates of a United States of Europe after the war, and one of the chief architects of the European Community – although I should, in all fairness, disclose that he was a cognac merchant, not a lawyer! Monnet was never discouraged in his efforts to create the European Economic Community, and he later wrote in his memoirs, “Resistance is proportional to the scale of the change one seeks to bring about. It is even the surest sign that change is on the way. . . To abandon a project because it meets too many obstacles is often a grave mistake: the obstacles themselves provide the friction to make movement possible.”

#### ConCon creates a nightmarish political thunderstorm and independently wrecks the global economy

Eidsmoe ‘92

(John Eidsmoe, Professor of Law, Faulkner University; Constitutional Attorney; Lieutenant Colonel, United States Air Force Reserve, “A New Constitutional Convention?” 3 USAFA J. Leg. Stud. 35, l/n)

However, one could imagine the politics, the jockeying for position, the trade-offs, etc., that would take place as each state prepared to select its delegation. Sensing that the very fabric and future of the nation is at stake, Americans of all political stripes and interests would work for the selection of delegates favorable to their positions. One could easily imagine "I'll support your amendment if you'll support mine" deals  [\*51]  being made between right-to-life forces, school prayer forces, and balanced budget forces, and perhaps similar deals between equal rights amendment advocates and gun control advocates. / Once the convention is assembled, what rules are to be followed? Does Congress make the rules, or do the delegates simply follow Robert's Rules of Order, Newly Revised? Or do they make their own rules as they go along? Does Congress designate who shall preside over the convention and who shall serve as convention officers? What if most delegates are dissatisfied with Congress's choice and want someone else? Will the proceedings be open to the public and the press, or will they be closed like the Convention of 1787? If people believe the convention is acting unwisely or illegally or in excess of its authority, may they petition to Congress or to the courts to bring the convention back in line? Which of these bodies -- Congress or the courts -- would have final authority over the convention? And what if the convention ignores orders from the Congress or the courts? / It is no wonder, then, that Lawrence Tribe, Professor of Constitutional Law at Harvard, warns that a new constitutional convention could lead to domestic political confrontations of **"nightmarish dimension"** between Congress and the Convention, between Congress and the Supreme Court, and between Congress and the states -- not to mention between the Supreme Court and the Convention. Tribe continues, Particularly in a period of recovery from a decade ruptured by war, political assassination, near impeachment and economic upheaval, and particularly in a time when such recovery has already been interrupted by new domestic and international crises, it is **vital** that the means we choose for amending the Constitution be generally understood and, above all, widely understood as legitimate. **An Article V convention, however, would today provoke controversy and debate unparalleled in recent constitutional history**. For the device is shrouded in legal mysteries of the most fundamental sort, mysteries yielding to no ready mechanism of solution. n34 / Given the significance of the United States Constitution both for our nation and for others, it would not be surprising if a convention of this magnitude were to result in **serious economic instability at home and abroad**, as well as substantial disruption of America's relations abroad.

#### Extinction

Lewis ‘98

(Chris H., Ph.D. Sewall Academic Program, The Coming Age of Scarcity, p.56)

Most critics would argue, probably correctly, that instead of allowing underdeveloped countries to withdraw from the global economy and undermine the economies of the developed world, the United States, Europe, and Japan and others will fight neocolonial wars to force these countries to remain within this collapsing global economy. These neocolonial wars will result in mass death, suffering, and even regional nuclear wars. If First World countries choose military confrontation and political repression to maintain the global economy, then we may see mass death and genocide on a global scale that will make the deaths of World War II pale in comparison. However, these neocolonial wars, fought to maintain the developed nations’ economic and political hegemony, will cause the final collapse of our global industrial civilization. These wars will so damage the complex, economic and trading networks and squander material, biological, and energy resources that they will undermine the global economy and its ability to support the earth’s 6 to 8 billion people. This would be the worst-case scenario for the collapse of global civilization.

#### Fiating states is a voter --- robs our best offense, no solvency advocate exists, and they don’t specify which so we can’t read DAs

#### Nepal models the CP --- they’ve built their independent judiciary around limiting amendments

CJA 3 (Center for Justice and Accountability, Supreme Court Brief, October, http://supreme.lp.findlaw.com/supreme\_court/briefs/03-334/03-334.mer.ami.cja.pdf)

Their tyrannical pasts and to ensure the protection of individual rights, emerging democracies have consistently looked to the United States and its Constitution in fashioning frameworks that safeguard the independence of their judiciaries. *See* Ran Hirschl, *The Political Origins of Judicial Empowerment through Constitutionalization: Lessons from Four Constitutional Revolutions*, 25 LAW & SOC. INQUIRY 91, 92 (2000) (stating that of the “[m]any countries . . . [that] have engaged in fundamental constitutional reform over the past three decades,” nearly all adopted “a bill of rights and establishe[d] some form of active judicial review”). Establishing judicial review by a strong and independent judiciary is a critical step in stabilizing and protecting these new democracies. *See* Christopher M. Larkins, *Judicial Independence and Democratization: A Theoretical and Conceptual Analysis*, 44 AM. J. COMP. L. 605, 605-06 (1996) (describing the judicial branch as having “a uniquely important role” in transitional countries, not only to “mediate conflicts between political actors but also [to] prevent the arbitrary exercise of government power; *see also* Daniel C. Prefontaine and Joanne Lee, *The Rule of Law and the Independence of the Judiciary*, International Centre for Criminal Law Reform and Criminal Justice Policy (1998) (“There is increasing acknowledgment that an independent judiciary is the key to upholding the rule of law in a free society . . . . Most countries in transition from dictatorships and/or statist economies recognize the need to create a more stable system of governance, based on the rule of law.”), *available at* http://www.icclr.law.ubc.ca/ Publications/Reports/RuleofLaw.pdf (viewed Jan. 8, 2004). Although the precise form of government differs among countries, “they ultimately constitute variations within, not from, the American model of constitutionalism . . . [a] specific set of fundamental rights and liberties has the status of supreme law, is entrenched against amendment or repeal . . . and is enforced by an independent court . . . .” Stephen Gardbaum, *The New Commonwealth Model of Constitutionalism*, 49 AM. J. COMP. L. 707, 718

#### Leads to instability

Poudel 1 (Keshab, Ritualistic Respect, The National NewsMagazine, 21(19))

At a time when the country is facing manifold challenges in the field of social and economic transformation, Nepalese politicians and intellectuals are involved in an unending debate on the Constitution of Kingdom of Nepal1990 which has nothing to do with the overall development drive of the country. The Maoist insurgency broke out in 1996 following a decision by the Supreme Court to reinstate the House of Representatives. In the first five years under the new constitution, the country saw only two prime ministers. But after the Supreme Court's decision, Nepal has seen six prime ministers.  "If efforts to amend the constitution are made, the country will be plunged into further chaos," says a political analyst. "As there is a mechanism to internally improve the constitution, touching the constitution is not going to fulfill the interest of any party," he says. After a few years of relative stability and peace, controversies have been arising regularly following the Supreme Court's misinterpretation of constitution in 1995. The decision also paved the way for seemingly   unending political uncertainty as well as chaos and violence. Although the  decision has been accepted by all, it has stripped the prime minister of his  ability to discipline members by dissolving the House of Representatives, which  is a leading cause of today's political instability. The Nepali Congress, which secured an absolute majority in the last election, has seen three prime ministers in its two and half years in  power. When a small misinterpretation by the court can bring such unbearable instability and chaos, amending the constitution would open a Pandora's box. "The constitution must be allowed to evolve and develop," said Taranath Ranabhat, speaker of the House of Representatives, addressing a program organized by the Society for Constitutional and Parliamentary Exercises (SCOPE) on the 11th anniversary of the promulgation of the constitution. "There is no need to go for amendment."

#### The impact is nuclear war --- draws in China, India, and Pakistan

Poudel 2 (Keshab, Looming Uncertainty, The National NewsMagazine, 21(34), 3-8,

http://www.nepalnews.com.np/contents/englishweekly/spotlight/2002/mar/mar08/national2.htm)

Following the September 11 terrorist attacks, however, the United States and western European countries have been expressing solidarity with Nepal. The visit of US Secretary of State Colin Powell and expressions of concern from other western powers over the last three months underscore how the dimensions of violence in Nepal has extended beyond its frontiers. After the government imposed the state of emergency and the Maoist launched deadly assaults in Achham and Salyan districts, western powers have increased their interest in the kingdom. The growing concern expressed by Washington and European powers is understandable, as escalating violence and instability in Nepal could heighten the possibility of external intervention. Such intervention from either of Nepal's two neighbors — India and China — may trigger a direct conflict between the two. Even an indirect conflict between the two Asian powers could prove to be more dangerous than the confrontation between India and Pakistan. Foreign-relations experts say the recent visit of British Foreign Office Minister Ben Bradshaw to Nepal and US Ambassador Michael E. Malinowski trip to Achham and Salyan are clear indicators of Nepal's geo-strategical importance. Another senior US diplomat, A. Peter Burleigh, spoke more candidly about US concerns over the possibility of a prolonged confrontation. "[W]hen situations arise that challenge that positive world order, and which can be addressed by a collective response, it is the responsibility and obligation of all of our countries to come together to restore and preserve the peace," said Ambassador Malinowski in an address to a seminar on South Asian Peace Operations. "Here in Nepal, as we all know, there is no peace. But I do believe that there are lessons for both those of us who live in Nepal and for the international community," he said. Nepal's Position in South Asia Nepal has been ensnared in political instability following the restoration of democracy in 1990. After the Maoist insurgency began in 1996, the kingdom's economic, security and political processes have been thrown into a tangle. According to the Central Bureau of Statistics, Nepal has a length of 885-km (east-west) and a non-uniform mean width of 193-km (north-south). The kingdom shares a frontier of more than 1400 km with China in north and more than 1600 km with India in the east, west and south. The Nepal-India border is open and easy to cross. Although the frontier with China is more or less open, it straddles rugged mountain terrain. It is impossible to build border posts along the border with either country. Therefore, the geographical position of Nepal has been psychologically threatening to both neighbors. "China appears very sensitive towards activities against her in neighboring countries, including Nepal. China's security concern is indicated from [the visits of its] defense minister, senior army officials and home ministry officials from time to time," says Hiranya Lal Shrestha, a foreign relations expert in his article "Nepal-India Relations: Security Issue" published in Policy Study Series by the Institute of Foreign Affairs (November 2000). "At the same time, we cannot overlook the weaknesses of a landlocked state. Indian security perception regards the Himalayas as its sphere of influence. Since 14.9 percent of Nepal's territory lies to the north of the Himalayas, we may have to be divided into two spheres of influence if the northern neighbour also puts forward similar logic concerning its security perception. Nepal, in brief, does not want to remain under anyone's sphere of influence," says Shrestha. Be it the British Raj or independent India, Chinese influence in Nepal has always been a matter of concern to leaders of the south neighbor. In the book, "Life of Brian Houghton Hodgson, the British Resident at the Court of Nepal", William Wilson Hunter mentions how the British government was worried about Nepal's relations with China in 18th century. "But my situation by no means so agreeable as it might be if these barbarians did but know their own good. Instead of which they are insolent and hostile and play off on us, as far as they can dare, the Chinese etiquette and foreign polity. The Celestial Emperor is their idol, and, by the way, whilst I write, the  [Nepalese] sovereign himself is passing by the Residency in all royal pomp to go three miles in order to receive a letter which has just reached Nepal from Pekin. There they go! Fifty chiefs on horseback, royalty and royalty's advisors and on eight elephants and three thousand troops before and behind the cavalcade! They have reached the spot. The Emperor's letter, enclosed in a cylinder covered with brocade, hangs round the neck of a chief; who mounted on a spare elephant, is placed at the head of the cavalcade, and the cortege," writes Hodgson in a letter. This reflected how assertive and powerful the Chinese were in the internal dimensions of Nepalese politics in the 18th century. After independence, Indian leaders have been equally concerned about security issues, considering Nepal and Tibet to be the soft underbelly of their own country's security. "This is altogether more inexplicable when one examines the rapidity with which Nehru reacted to events in Nepal in the mid-fifties, forcefully intervening there to restore the Nepalese monarchy. Nepal and Tibet were both Himalayan kingdoms, both were of vital strategic importance to India, and they were both afflicted, almost simultaneously, whether externally or internally, and yet India and its political leadership reacted differently," writes Indian Foreign Minister Jaswant Singh in his book "Defending India". Referring to India's security, Indian Prime Minister Jawahar Lal Nehru once observed: "Now our interest in the internal conditions of Nepal became still more acute and personal, if I may say so, because of the developments in China and Tibet, to be frank. And regardless, of our feelings about Nepal, we were interested in our country's border. We have had from immemorial time a magnificent frontier, that is to say, the Himalayas are concerned, and they lie on the other side of Nepal. Therefore, the principal barrier to India lies on the other side of Nepal. Therefore, the principal barrier to India lies on the other side of Nepal and we are not going to tolerate any person coming over that barrier. Therefore, much as we appreciate the independence of Nepal, we cannot risk our own security by anything going wrong in Nepal." For his part, Li Peng, the chairman of China's National People's Congress, openly expressed China's security concerns in Nepal during the visit of Sher Bahadur Deuba in 1998 as a former prime minister. South Asia has three nuclear powers, India, China and Pakistan. Two powers, China and India, are competing for the status of regional power. Any form of direct confrontation between China and India in the south of the Himalayas will have far-reaching consequences.

### SOP 2AC

#### 3. Plan allows for better executive decision making

Wells 04(Christina, Prof of law @ U of Missouri – Columbia, Missouri Law Review, Fall)

The psychology of accountability further suggests that opponents of deference are correct to push for more rigorous judicial review. Psychologists describe the phenomenon of accountability as the expectation that one may have to justify one's actions as sufficiently compelling or face negative consequences. Research shows that people who know they will be accountable reach better-reasoned decisions and avoid many of the problems that lead to skewed risk assessment. **Judicial review**, with its requirement that officials explain and justify their infringement of civil liberties, **can serve as a mechanism of accountability**, **thus improving executive branch decision making in times of crisis**. Furthermore, the contextual nature of civil liberties cases suggests that judicial review may be a necessary aspect of executive accountability.

#### 5. Fisa thumps

**WSJ 13**  – Wall Street Journal, “The Absent Commander in Chief”, 6/16/13 <http://online.wsj.com/article/SB10001424127887324188604578545233232040760.html>

Even an effort by Mr. Obama to lead from behind would be better than this abdication. The President's mistake seems to be a combination of moral afflatus—how could anyone possibly imagine that he would abuse government power?—and treating the current furor as a law school seminar. The political danger is a lot greater than that. A real and growing risk is that Congress will move in a way that limits the war powers of the Commander in Chief and endangers national security. To take one example, support seems to be growing for Senate legislation from Democrats Ron Wyden and Jeff Merkley of Oregon and Republican Mike Lee of Utah that would require the declassification of certain legal opinions from the oversight court under the Foreign Intelligence Surveillance Act, or FISA. This infringes on executive power because the President has traditionally defined what is secret, especially in times of war.

#### 6. Limits on prez powers solve global nuclear war

Sloane 08

[Robert, Associate Professor of Law, Boston University School of Law, THE SCOPE OF EXECUTIVE POWER IN THE TWENTYFIRST CENTURY: AN INTRODUCTION, 2008, <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SLOANE.pdf>]

There is a great deal more constitutional history that arguably bears on the scope of the executive power in the twenty-first century. But it is vital to appreciate that the scope of the executive power, particularly in the twenty-first century, is not only a constitutional or historical issue. As an international lawyer rather than a constitutionalist, I want to stress briefly that these debates and their concrete manifestations in U.S. law and policy potentially exert a profound effect on the shape of international law. Justice Sutherland’s sweeping dicta in United States v. Curtiss-Wright Export Corp., that the President enjoys a “very delicate, plenary and exclusive power . . . as the sole organ of the federal government in the field of international relations – a power which does not require as a basis for its exercise an act of Congress,”52 has been (correctly, in my view) criticized on a host of grounds.53 But in practice, in part for institutional and structural reasons,54 it accurately reflects the general preeminence of the President in the realm of U.S. foreign affairs. Because of the nature of the international legal and political system, what U.S. Presidents do and say often establish precedents that strongly influence what other states do and say – with potentially dramatic consequences for the shape of customary international law. The paradigmatic example is the establishment of customary international law on the continental shelf following the Truman Proclamation of September 28, 1945,55 which produced an echo of similar claims and counterclaims, culminating in a whole new corpus of the international law of the sea for what had previously been understood only as a geological term of art.56 Many states took note, for example, when in the 2002 National Security Strategy of the United States (“NSS”), President Bush asserted that the United States had the right under international law to engage in preventive wars of self-defense.57 While, contrary to popular belief, the United States never in fact formally relied on that doctrine in practice, many would argue that President Bush de facto exercised this purported right when he initiated an armed conflict with Iraq based on claims, which have since proved unfounded, about its incipient programs to develop catastrophic weapons. The 2006 NSS notably retreats from the 2002 NSS’s robust claims of a right to engage in preventive wars of self-defense.58 Yet even within this brief, four-year period, an astonishing number of other states have asserted a comparable right to engage in preventive self-defense. These include not only states that the United States has described as “rogue states,” such as North Korea and Iran, but Australia, Japan, the United Kingdom, China, India, Iran, Israel, Russia, and (though technically not a state) Taiwan.59 I doubt we will welcome the consequences of this pattern for the evolving jus ad bellum of the twenty-first century. Equally, after President Bush's decision to declare a global war on terror or terrorism - rather than, for example, the Taliban, al-Qaeda, and their immediate allies - virtually every insurgency or disaffected minority around the world, including peoples suffering under repressive regimes and seeking to assert legitimate rights to liberty and self-determination, has been recharacterized by opportunistic state elites as part of the enemy in this global war. n60 The techniques employed and justified by the United States, including the resurrection of rationalized torture as an "enhanced interrogation technique," n61 likewise have emerged - and will continue to emerge - in the [\*351] practice of other states. Because of customary international law's acute sensitivity to authoritative assertions of power, the widespread repetition of claims and practices initiated by the U.S. executive may well shape international law in ways the United States ultimately finds disagreeable in the future. So as we debate the scope of the executive power in the twenty-first century, the stakes, as several panelists point out, could not be higher. They include more than national issues such as the potential for executive branch officials to be prosecuted or impeached for exceeding the legal scope of their authority or violating valid statutes. n62 They also include international issues like the potential use of catastrophic weapons by a **rogue regime asserting a right to engage in preventive war;** **the deterioration of international human rights norms against practices like torture**, norms which took years to establish; and the atrophy of genuine U.S. power in the international arena, which, as diplomats, statesmen, and international relations theorists of all political persuasions appreciate, demands far more than the largest and most technologically advanced military arsenal. In short, what Presidents do, internationally as well as domestically - the precedents they establish - may affect not only the technical scope of the executive power, as a matter of constitutional law, but **the practical ability of future Presidents to exercise that power** both at home and abroad. We should candidly debate whether terrorism or other perceived crises require an expanded scope of executive power in the twenty-first century. But it is dangerous to cloak the true stakes of that debate with the expedient of a new - and, in the view of most, indefensible - "monarchical executive" theory, which claims to be coextensive with the defensible, if controversial, original Unitary Executive theory. n63 We should also weigh the costs and benefits of an expanded scope of executive power. But it is vital to appreciate that there are costs. They include not only short-term, acute consequences but long-term, systemic consequences that may not become fully apparent for years. In fact, the exorbitant exercise of broad, supposedly inherent, executive powers may well - as in the aftermath of the Nixon administration - culminate in precisely the sort of reactive statutory constraints and de facto diplomatic obstacles that proponents of a robust executive regard as misguided and a threat to U.S. national security in the twenty-first century.

### PQD 2AC

#### Doctrine low now

Rosen 12

[Jeffery, legal affairs editor of The New Republic., The Supreme Court Has a Legitimacy Crisis, But Not For the Reason You Think, 6/11/12, <http://www.newrepublic.com/article/politics/103987/the-supreme-court-has-legitimacy-crisis-not-the-reason-you-think>]

But a new study by Nathaniel Persily of Columbia Law School and Stephen Ansolabehere of Harvard suggests that the relationship between the Court’s declining approval ratings and increased perceptions of the Court’s partisanship may be more complicated than the New York Times and the Chief Justice suggest. According to the study, **Americans already judge the Court according to political criteria**: They generally support the Court when they think they would have ruled the same way as the justices in particular cases, or when they perceive the Court overall to be ruling in ways that correlate with their partisan views. If this finding is correct, the most straightforward way for the Court to maintain its high approval ratings is to hand down decisions that majorities of the public agree with. And, like its predecessors, the Roberts Court has, in fact, managed to mirror the views of national majorities more often than not. In a 2009 survey, Persily and Ansolabehere found that the public strongly supported many of the Supreme Court’s recent high-profile decisions, including conservative rulings recognizing gun rights and upholding bans on partial birth abortions, as well as liberal rulings upholding the regulation of global warming and striking down a Texas law banning sex between gay men. But if the public agrees with most of the Court's decisions, why is it more unpopular than ever? Part of the answer has to do with the fact that there are a handful of high profile decisions on which the Court is out of step with public opinion, including the Kelo decision allowing a local government to seize a house under eminent domain and the Boumediene case extending habeas corpus to accused enemy combatants abroad, and recent First Amendment decisions protecting unpopular speakers, such as funeral protesters, manufacturers of violent video games, and corporations (in the Citizens United case.) All of these decisions were unpopular with strong majorities of the public. But Persily and Ansolabehere also found that even decisions that closely divide the public can lead to a decrease in the Court’s approval rating over time, by increasing the perception among half the public that the Court is out of step with its partisan preferences. Bush v. Gore is perhaps the clearest example. In the short term, the Court’s overall approval ratings didn’t suffer: Republicans liked the decision, while Democrats didn’t, and the two effects canceled each other out. But Persily and his colleagues found that ten years later, Bush v. Gore continues to define the Court for many citizens, destroying confidence in the Court among Democrats while reinvigorating it among Republicans. Since an important component of the Court’s overall approval rating is whether Americans perceive themselves to be in partisan agreement with the Court as an institution, Bush v. Gore has led to a statistically significant decline in approval among Democrats as a whole. At the beginning of his tenure, Chief Justice Roberts said he wanted to avoid 5-4 decisions because if people perceived the Court as a partisan institution, they would lose confidence in the institution more generally. But Persily and Ansolabehere’s study suggests a more complicated reality: Americans support the Court when they perceive themselves to be in partisan agreement with it, and they lose confidence when they perceive the justices to be moving in a different partisan direction than their own. The study found that most Americans either don’t know or guessed wrong about which party’s presidents appointed the majority of justices: only a third knew that a majority of justices were appointed by Republican presidents. And the study also found that Republicans who can correctly identify the fact that Republican presidents appointed a majority of justices tend to support the Court, while Democrats who can correctly identify the fact that Democrats appointed a minority of justices express less support.

#### Global warming won’t cause species extinction – most evidence suggests warmer climates increase extinction resistence

Carter et al 11 [Dr. Robert M. Carter is a stratigrapher and marine geologist with degrees from the University of Otago (New Zealand) and the University of Cambridge (England)., Dr. Craig D. Idso is the founder and chairman of the Center for the Study of Carbon Dioxide and Global Change, Dr. S. Fred Singer is one of the most distinguished atmospheric physicists in the U.S. He established and served as the first director of the U.S. Weather Satellite Service, now part of the National Oceanographic and Atmospheric Administration (NOAA), and earned a U.S. Department of Commerce Gold Medal Award for his technical leadership. “Climate Change Reconsidered – 2011 Interim Report of the Nongovernmental International Panel on Climate Change” <http://www.nipccreport.org/reports/2011/pdf/2011NIPCCinterimreport.pdf>, Chetan]

Results of other studies also suggest the model-based species extinction hypothesis is unlikely to occur. In a review paper published in Current Biology, for example, Erwin (2009) explored past epochs and the myriad nooks and crannies of contemporary Earth, all in a search for the primary trigger of speciation. His conclusion? Warmth is the fire that fuels the process by which species originate, whereas cold tends to destroy what warmth produced. Headquartered in the Department of Paleobiology at the National Museum of Natural History in Washington, DC (USA), Erwin writes, ―some of the best evidence for a link between biodiversity and climate comes from latitudinal gradients in diversity, which provide an avenue to explore the more general relationship between climate and evolution.‖ In reviewing that evidence, he indicates ―among the wide range of biotic hypotheses, those with the greatest empirical support indicate that warmer climates [1] have provided the energetic foundation for increased biodiversity by fostering greater population size and thus increased extinction resistance, [2] have increased metabolic scope, [3] have allowed more species to exploit specialized niches as a result of greater available energy, and [4] have generated faster speciation and/or lower extinction rates.‖ He states ―in combination with geologic evidence for carbon dioxide levels and changing areas of tropical seas, these observations provide the basis for a simple, first-order model of the relationship between climate through the Phanerozoic and evolutionary patterns and diversity,‖ and he adds ―such a model suggests that we should expect greatest marine diversity during globally warm intervals,‖ as is typically also found to be the case for terrestrial diversity. Erwin notes ―the three best-studied mass extinction events are associated with sharp changes in climate and support the contention that rapid shifts in climate can reduce global diversity,‖ which sounds much like the mantra of the IPCC with respect to global warming. However, the climate shifts Erwin cites consist mostly of cooling, and it is not only the shift to cooling but stagnating in a cool state that bodes badly for Earth‘s biodiversity. As Erwin describes it, ―the long interval of stagnant evolution during the Permo-Carboniferous glaciation is consistent with studies of modern-day latitudinal diversity that [indicate] rates of evolutionary innovation and diversification are higher in highenergy climates than in low-energy climates.‖ In further explanation of this conceptual framework, Erwin notes ―contemporary studies suggest a positive relationship between high-energy climates and [1] increased diversification rates, [2] increased number of niches because of increased metabolic scope, and [3] more specialized niches, and possibly because of [4] niche construction.‖ Indeed, he states ―studies showing that the tropics are a cradle of diversity, pumping clade representatives into higher latitudes, as well as evidence of increased ordinal level originations in the tropics, and of the sudden appearance of several mammalian groups during the Paleocene-Eocene Thermal Maximum suggest an asymmetric pattern of innovations associated with high-energy climate regimes.‖ Erwin‘s parting comment in this regard is his statement, ―there is an intriguing possibility that diversity does not track climate, but rather builds up during warm intervals but without falling by proportional amounts when climates turn cooler,‖ with the result that ―warmer climates may serve as an evolutionary diversification pump with higher diversity persisting [throughout following cooler periods], at least for a time.‖ Whatever the details may be, two generalizations clearly can be made: warmth typically begets speciation, whereas cold tends to lead to species extinctions.

#### EV SUPER OLD – CROSS X

#### No link – the plan is a form of stealth overruling that avoids public scrutiny

Friedman 10 (Barry, Prof of Law @ NYU, "The Wages of Stealth Overruling (With Particular

Attention to Miranda v. Arizona), http://georgetownlawjournal.org/files/pdf/99-1/Friedman.pdf)

There is one quite persuasive—perhaps even obvious—explanation that remains for why Justices engage in stealth overruling: avoiding the publicity¶ attendant explicit overruling.185Although public opinion is not often given as a¶ basis for the Court’s decisions, it has played a role with regard to stare decisis.¶ As we have seen, part of the concern about overruling in constitutional cases is¶ the way the public will perceive the decision, especially if it appears fueled by¶ little else but a membership change on the Court.186 This point was poignantly¶ made in Planned Parenthood of Southeastern Pennsylvania v. Casey.¶ 187 The¶ joint opinion of Justices Kennedy, O’Connor, and Souter dwelt in somewhat¶ agonized terms with the crisis of legitimacy the Court would experience if it¶ overruled Roe; they concluded that a “terrible price would be paid for overruling.”188 Although the analysis was somewhat muddled, the conclusion was¶ almost certainly correct. Casey was a case of extremely high salience, and the¶ Justices had seen ample evidence of the uproar that would attend a decision to¶ overrule Roe v. Wade.¶ 185. See Peters,supra note 8, at 1090 (noting public scrutiny provides an “incentive for the Court to¶ overrule precedents it believes to be wrong without being seen to do so”).¶ 186. See supra note 142 and accompanying text.¶ 187. 505 U.S. 833 (1992).¶ 188. Id. at 864; see also Moragne v. States Marine Lines, Inc., 398 U.S. 375, 403 (1970) (favoring¶ respect for precedent given “the necessity of maintaining public faith in the judiciary as a source of¶ impersonal and reasoned judgments”).

#### Multiple controversial decisions coming now - docket proves

Wakefield 9/16/13 (Mike, "Supreme Court Preview: Three Cases to Watch Next Term," http://redalertpolitics.com/2013/09/16/supreme-court-preview-three-cases-to-watch-next-term/)

The Supreme Court’s upcoming term will not feature the same blockbuster, hyper-political issues like same-sex marriage or the Voting Rights Act, but Americans should be aware of several important cases on the docket for oral arguments beginning in October. Here are three cases particularly likely to make news and have significant political implications.¶ 1) National Labor Relations Board v. Canning¶ The Supreme Court is set to rule on the constitutionality of President Barack Obama’s controversial recess appointments to the National Labor Relations Board without Senate confirmation. To date, three federal appellate courts have already held that Obama’s appointments were unconstitutional.¶ You may recall that President Obama’s questionable NLRB appointments were part of his administration’s “We can’t wait” call-to-action back in 2011, in which Obama announced that he intended to do as much as possible without Congress’s approval using executive orders or other means. The Supreme Court is likely to hand Obama an embarrassing rebuke for his impatience, potentially invalidating every action undertaken by the NLRB during the time it had unconfirmed members.¶ 2) Schuette v. Coalition to Defend Affirmative Action¶ Schuette is another college affirmative action case, but with a bizarre twist — the Court is being asked to decide whether the Constitution sometimes might actually require racial discrimination. We previously reported this case as the “worst case of the year.”¶ The case was raised in response to a successful Michigan initiative amending the state’s constitution to prohibit the use of preferential treatment in college admissions and public hiring. The Sixth Circuit Court of Appeals ruled that under the circumstances, the state constitutional amendment requiring equal treatment was prohibited by the U.S. Constitution.¶ Presumably recalling the text of the Fourteenth Amendment, which requires “equal protection under the law,” a dissenting judge on the Sixth Circuit concluded that “a State does not deny equal treatment by mandating it.” Expect the Supreme Court, which in the past has been blunt in its denunciations of truly discriminatory “anti-discrimination” policies, to wholeheartedly agree.¶ 3) McCutcheon v. Federal Election Commission¶ In this campaign finance case, an Alabama resident and the Republican National Committee have asked the Court to strike down the current aggregated political contribution limits as unconstitutional under the First Amendment’s protection of political speech.¶ Currently, individuals may contribute no more than $2,600 per election to a candidate and no more than $32,400 per year to a national political committee like the RNC. However, individuals are also limited by aggregate contribution limits. For example, no individual may donate more than $48,600 to candidates or more than $74,600 to anything else during a two-year election period. That means someone can give the maximum legal contribution of $2,600 to 18 different candidates but not to 19 or more. The Justices may now overturn that somewhat arbitrary limit.¶ Last time the Court issued a significant campaign finance decision, liberals howled about the “end of democracy,” and President Obama took the unprecedented step of publicly scolding the Justices, right to their faces, at his nationally televised State of the Union address. Be on the look out for similarly dramatic hyperbole in the lead up to the decision.

#### Ice age coming now – co2 key prevent end of civilization

Marsh ‘12 (Gerald E. Marsh, Retired Physicist from the Argonne National Laboratory and a former consultant to the Department of Defense on strategic nuclear technology and policy in the Reagan, Bush, and Clinton Administration, “The Coming of a New Ice Age,” <http://www.winningreen.com/site/epage/59549_621.htm>, 2012)

CHICAGO — Contrary to the conventional wisdom of the day, the real danger facing humanity is not global warming, but more likely the coming of a new Ice Age. What we live in now is known as an interglacial, a relatively brief period between long ice ages. Unfortunately for us, most interglacial periods last only about ten thousand years, and that is how long it has been since the last Ice Age ended. How much longer do we have before the ice begins to spread across the Earth’s surface? Less than a hundred years or several hundred? We simply don’t know. Even if all the temperature increase over the last century is attributable to human activities, the rise has been relatively modest one of a little over one degree Fahrenheit — an increase well within natural variations over the last few thousand years. While an enduring temperature rise of the same size over the next century would cause humanity to make some changes, it would undoubtedly be within our ability to adapt. Entering a new ice age, however, would be catastrophic for the continuation of modern civilization. One has only to look at maps showing the extent of the great ice sheets during the last Ice Age to understand what a return to ice age conditions would mean. Much of Europe and North-America were covered by thick ice, thousands of feet thick in many areas and the world as a whole was much colder. The last “little” Ice Age started as early as the 14th century when the Baltic Sea froze over followed by unseasonable cold, storms, and a rise in the level of the Caspian Sea. That was followed by the extinction of the Norse settlements in Greenland and the loss of grain cultivation in Iceland. Harvests were even severely reduced in Scandinavia And this was a mere foreshadowing of the miseries to come. By the mid-17th century, glaciers in the Swiss Alps advanced, wiping out farms and entire villages. In England, the River Thames froze during the winter, and in 1780, New York Harbor froze. Had this continued, history would have been very different. Luckily, the decrease in solar activity that caused the Little Ice Age ended and the result was the continued flowering of modern civilization. There were very few Ice Ages until about 2.75 million years ago when Earth’s climate entered an unusual period of instability. Starting about a million years ago cycles of ice ages lasting about 100,000 years, separated by relatively short interglacial periods, like the one we are now living in became the rule. Before the onset of the Ice Ages, and for most of the Earth’s history, it was far warmer than it is today. Indeed, the Sun has been getting brighter over the whole history of the Earth and large land plants have flourished. Both of these had the effect of dropping carbon dioxide concentrations in the atmosphere to the lowest level in Earth’s long history. Five hundred million years ago, carbon dioxide concentrations were over 13 times current levels; and not until about 20 million years ago did carbon dioxide levels dropped to a little less than twice what they are today. It is possible that moderately increased carbon dioxide concentrations could extend the current interglacial period. But we have not reached the level required yet, nor do we know the optimum level to reach. So, rather than call for arbitrary limits on carbon dioxide emissions, perhaps the best thing the UN’s Intergovernmental Panel on Climate Change and the climatology community in general could do is spend their efforts on determining the optimal range of carbon dioxide needed to extend the current interglacial period indefinitely. NASA has predicted that the solar cycle peaking in 2022 could be one of the weakest in centuries and should cause a very significant cooling of Earth’s climate. Will this be the trigger that initiates a new Ice Age? We ought to carefully consider this possibility before we wipe out our current prosperity by spending trillions of dollars to combat a perceived global warming threat that may well prove to be only a will-o-the-wisp.

#### Outweighs all impacts

**Whitehouse 12** – science adviser to the Global Warming Policy Foundation (David, 01/11, “Could rising CO2 levels help prevent the next ice age?” http://www.publicserviceeurope.com/article/1338/could-rising-co2-levels-help-prevent-the-next-ice-age)

That the trees no longer completely canopy this land is due to mankind as we cleared the forests. That the ice is no longer here is due to global warming. Without doubt, we live in an interglacial period – a warm time between ice ages. There have been many during the current great glaciation. Some have these periods have been warmer than today, many shorter than our current interglacial's duration. The return of the ice would, short of a giant meteor strike, be the biggest disaster to face humanity. Vast swathes of the northern Hemisphere would be frozen. Northern Europe, Asia, Canada and the United States would have extensive regions rendered uninhabitable. Mankind would have to move south. There would be no choice as no technology could stop the ice or allow our high populations to life amongst it. Some believe the return of the ice will not happen for thousands of years, other that the signs could be visible within decades. But could it be that the greenhouse gasses being pumped into the atmosphere, that many believe are responsible for a recent warming of the planet, might counteract the forces bringing us a new glaciation? Could it be that greenhouse gasses might actually stave off the return of the ice and save the lives of tens of millions, if not civilisation itself? A recent study by scientists at Cambridge University and published in the Journal Nature Geoscience suggests that the carbon dioxide might extend the current interglacial until carbon dioxide levels fall. They believe that the atmospheric concentration of CO2 must be about 240 parts per million before glaciation could start. Currently, it is about 390 ppm. In a 1999 essay, Sir Fred Hoyle said: "The renewal of ice-age conditions would render a large fraction of the world's major food-growing areas inoperable and so would inevitably lead to the extinction of most of the present human population. We must look to a sustained greenhouse effect to maintain the present advantageous world climate. This implies the ability to inject effective greenhouse gases into the atmosphere, the opposite of what environmentalists are erroneously advocating."

#### The impact should have already happened – their card is from 1989 – drone programs and restructuring of courts should have caused it.

#### Plan’s announced in June

Ward 10 (Jake, “Bilski Decision Tomorrow (Thursday, June 17th)? Maybe?”, Anticipate This! (Patent and Trademark Law Blog), 6-17, http://anticipatethis.wordpress.com/2010/06/16/bilski-decision-tomorrow-thursday-june-17th-maybe/)

In mid-May until the end of June, the Supreme Court of the United States (SCOTUS) releases orders and opinions.  SCOTUS has yet to issue a number of decisions this term, however, and it is rapidly moving toward summer recess.  Most notable from a patent law perspective is that the decision in [Bilski v. Kappos](http://anticipatethis.wordpress.com/?s=bilski), which was argued in November 2009, has yet to be decided.

# 1AR

### ARCTIC WAR!!!

#### Arctic conflict risk high now---prefer recent evidence

Clark 2/6 Pilita, Financial Times, "Environment: Frozen frontiers", 2013, www.ft.com/intl/cms/s/2/a51a35e2-704c-11e2-ab31-00144feab49a.html#axzz2KSkdFR00

Yet this is only the latest sign of a surge in diplomatic, commercial and scientific activity in one of the world’s last unspoilt wildernesses. Much of this Arctic awakening is being driven by the belief that rapidly melting Arctic ice will unleash access to more than a fifth of the world’s undiscovered oil and gas deposits, plus a lot of fish and tourist attractions.¶ So far, it has unfolded peacefully. But two distinct schools of thought are emerging about whether it will stay this way or eventually erupt into what Scott Borgerson, a US maritime policy specialist, has described as “an armed mad dash” for resource spoils in a region that never expected to need the rules to prevent such chaos.¶ “Either outcome is possible,” says Canadian academic, Michael Byers, author of Who Owns the Arctic? Right now, he says, “there is a concerted effort on the part of all the Arctic countries to steer future development towards co-operation and away from conflict”.¶ But doubts persist. “It sounds like Europe in 1935,” says Rob Huebert of the University of Calgary’s Centre for Military and Strategic Studies, the co-author of a study showing that some Arctic countries, including Russia, have already started rebuilding their Arctic military capabilities while others have plans to follow.¶ Such is the uncertain backdrop to a region producing more surprises each year, not least in the shipping trade.

#### Russian threat increasing – most recent ev

**Lyons 12** - commander in chief of the U.S. Pacific Fleet and senior U.S. military representative to the United Nations (James, Russia’s shot across the bow: Sneaky submarine bad sign for U.S. readiness, Lexis)

A Russian Akula-class cruise-missile attack submarine recently transited the North Atlantic and operated undetected in the Gulf of Mexico for an undeclared period of time. The United States did not find out until after it left. **This should not have come as a surprise.**¶ The naval resources we once had that implemented the Navy’s Maritime Strategy, a major factor in winning the Cold War, have been decimated. President Reagan’s 600-ship Navy has been allowed to atrophy to about 285 ships. To put that number in perspective, that is approximately the number of ships I had under my command of the Pacific Fleet. With the current anemic shipbuilding plan forced on the Navy by the Obama administration’s drastic budget cuts, we are headed for the smallest Navy since World War I.¶ **The argument that our ships are so much more capable today that we don’t need as many is pure nonsense. The world hasn’t shrunk**. If an objective look is taken at the realigned geographic boundaries assigned our combat commanders (COCOMs) as a result of Sept. 11, 2001, it should become clear how a Russian Akula submarine can transit the North Atlantic and operate in the Gulf of Mexico undetected.¶ The Atlantic Ocean is divided up into four sectors, with responsibility shared by four COCOMs — U.S. European Command, U.S. Northern Command, U.S. Southern Command, and U.S. African Command. Previously, the Atlantic was under a single U.S. Atlantic Command, with the commander of the U.S. 2nd Fleet as both the operational commander and the NATO Striking Fleet commander. That command has been disbanded. Today, the U.S. Northern Command, with headquarters in Colorado Springs, Colo., carries that responsibility with U.S. Fleet Forces Command as its naval component commander based in Norfolk, Va.¶ While it is quite possible that two-thirds of the Akula’s transit took place in the European Command’s area of supervision, that should give no comfort because that command lacks the naval resources to carry out its responsibility. In a recent conversation with me, a former commander of the Northern Command expressed the same sentiments. He never had the naval resources to carry out his duties.¶ The undetected Akula cruise-missile submarine deployment is compounded by the fact that Iran already has established missile bases in Venezuela that can reach a number of American cities. In his best appeasement rhetoric, President Obama has stated that he does not think “what Hugo Chavez has done in the last several years has had a serious national security impact on us.” I doubt the American cities that are within range of those Iranian missiles would share that view, particularly if they understood the seriousness of our vulnerability.¶ What Iran is doing in Venezuela today is what the Soviet Union tried to do in Cuba in 1962. The principles of the Monroe Doctrine prevailed then under the leadership of President Kennedy, backed up by a massive deployment of naval ships to impose a quarantine around Cuba. Our national security was preserved by having the Soviets withdraw their missiles from Cuba. Nothing less is acceptable today. When the 4th Fleet, the naval component for the U.S. Southern Command, states that its most pressing security issue is crime, we have a problem. If there is no implementation of the Monroe Doctrine to force the removal of the Iranian missiles from Venezuela, rest assured that longer-range Iranian missiles will find their way there, putting more American cities at risk.¶ With the current impasse over the Iranian nuclear weapons program, a U.S. or Israeli military strike becomes a real possibility to eliminate Iran’s nuclear infrastructure. In such a scenario, Iranian missiles remaining in Venezuela clearly are unacceptable. If the Monroe Doctrine is not invoked to remove them, they must be destroyed. Furthermore, we must expedite plans to provide defensive coverage of our exposed southern flank on an expedited basis with an Aegis anti-ballistic-missile system, which can be a combination of land- and sea-based systems.¶ **Russia’s assertive Akula deployment follows a June exercise of its strategic bombers and support aircraft in the Arctic, simulating strikes against Alaska**. Then in July, **a Russian Bear H strategic bomber** most likely **simulated strikes against California from the Gulf of Alaska. It was intercepted before, hopefully, it was able reach its simulated missile-launch position**. The questionable new Strategic Arms Reduction Treaty (**START**) with Russia requires 14-day advance notification when such bomber exercises are conducted. **No notification was given.**

**This requirement creates a false sense of security because it certainly could be used for deceptive purposes.** As a **commander, you always want to retain the initiative and thereby keep your potential enemies off balance. You want to remain unpredictable. In that way, you raise the level of deterrence.**¶ So much for the Obama administration’s “reset” with Russia. **That nation clearly has been given new marching orders by its recently inaugurated President Vladimir Putin at a time when our national leadership is perceived to be weak**. Social engineering imposed on our military by the administration has not enhanced our military capabilities. Our military has been involved in two wars over the past decade and has been run hard and put away wet.¶ These factors, when combined with looming, draconian budget cuts, will weaken our military capabilities and our ability to deter aggression**. Our potential enemies see these growing weaknesses as opportunities to be exploited. There is no question that we are being challenged.**

### Warming

#### Warming is irreversible

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

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

#### CO2 is not the one cause for climate change – solar radiation and ocean interactions are ignored

Patterson 11 [Norman Paterson is a Professional Engineer and Consulting Geophysicist with 60 years’ experience in Mineral and Environmental Geophysics. He obtained his Ph. D in Geophysics at the University of Toronto in 1955, and was elected Fellow, Royal Society of Canada in 1977. “Global Warming: A Critique of the Anthropogenic Model and its Consequences”, Geoscience Canada - Volume 38, Number 1, March 2011, Chetan]

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