### 1AC – Enviro/Heg

#### Contention 1: Environmental Destruction

#### The DOD is the largest polluter globally – exemptions prevent compliance with domestic laws

ET 10 (EarthTalk, “U.S. Military – The World's Largest Polluter” – Political Affairs, 11/1, http://www.politicalaffairs.net/u-s-military-the-world-s-largest-polluter/)

As the world’s largest polluter, the U.S. military has its work

AND

large geothermal energy plants and funding research into extracting energy from ocean waves.

#### Warfare techniques cause irreversible environmental destruction

Cohan 3 (John Alan – J.D., Loyola Law School, “MODES OF WARFARE AND EVOLVING STANDARDS OF ENVIRONMENTAL PROTECTION UNDER THE INTERNATIONAL LAW OF WAR”, 2003, 15 Fla. J. Int'l L. 481, lexis)

A further problem is that predictions of the extent of damage to an environment are

AND

norms in opposition to military activities that cause direct or indirect environmental harm.

#### Extinction

Parsons 98 (Rymn James – Lieutenant Commander, JAGC, U.S. Navy. Staff Judge Advocate to Commander, “The Fight to Save the Planet: U.S. Armed Forces, "Greenkeeping," and Enforcement of the Law Pertaining to Environmental Protection During Armed Conflict”, 1998, 10 Geo. Int'l Envtl. L. Rev. 441, lexis)

Since time immemorial, war has visited its excesses on nature, excesses that many

AND

weapon that can be manipulated by both simple and technologically sophisticated means. n10

#### Biodiversity decline causes extinction

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

From the foregoing, it becomes obvious that the survival of Humankind depends on the

AND

wise policy of conservation and development can be based for centuries to come.

#### No adaptation or redundancy

Kunich 1 (John Charles, Associate Professor of Law – Roger Williams University School of Law, "Preserving the Womb of the Unknown Species With Hotspots Legislation", Hastings Law Journal, August, 52 Hastings L.J. 1149, Lexis)

It is possible, and even probable, that some currently "insignificant" species

AND

the option to discover value in that which we previously found valueless. n71

#### And Court action for hostilities are key – allows for binding environmental statutes for all military activites

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

The United States military establishment is a significant polluter of the air, land,

AND

year for further exemptions from the RCRA, CERCLA, and CAA. n29

#### Courts deference creates precedent of military before environment – plan ends that and spills over

Lightbody 9 (Lisa – J.D. Candidate, Harvard Law School, “Case Comment: WINTER V. NATURAL RESOURCES DEFENSE COUNCIL, INC.”, 2009, 33 Harv. Envtl. L. Rev. 593, lexis)

B. Policy-Driven Balance of Harms Despite chastising the lower courts for summarily

AND

claim a military emergency to avoid procedural obligations under environmental statutes will grow.

#### Uniquely true for overseas installations

Carlson 00 (Commander Margaret – JAGC, U.S. Navy (B.A. Villanova University 1983, J.D., Marshall- Wythe School of Law at the College of William and Mary, “Environmental Diplomacy: Analyzing Why the U.S. Navy Still Falls Short Overseas”, 47 Naval L. Rev. 62, lexis)

Arguably, this new view toward environmental protection serves DoD and DON well and brings

AND

a matter of policy rather than mandated as a matter of law. n18

#### Plan is a sign of goodwill and trust – key to basing posture and alliances

Weyand 12 (Matt –Executive Online Editor, Indiana Journal of Global Legal Studies, “Department of Defense, Inc.: The DoD's Use of Corporate Strategies to Manage U.S. Overseas Military Bases”, 2012, 19 Ind. J. Global Leg. Stud. 391, lexis)

The United States also is able to usually avoid costs by contracting out of liability

AND

at the very least, a record of cleaning up after itself. n145

#### Extraterrorial application is key – legal liability strengthens public relations

Chanbonpin 3

[Kim David, JD @ Richardson School of Law - Univ of Hawaii, "Holding the United States Accountable for Environmental Damages Caused by the U.S. Military in the Philippines, a Plan for the Future," 4 Asian-Pacific L. & Pol'y J. 245, lexis]

Although the concern for host nation sovereignty is crucial, the joint military activities of

AND

indicates that the two goals--security and environmentalism--are not incompatible.

#### Deep engagement and strong alliances solve nuclear war

Brooks et al 13

[Stephen G. Brooks is Associate Professor of Government at Dartmouth College.G. John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs. He is also a Global Eminence Scholar at Kyung Hee University.William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College. “Don't Come Home, America: The Case against Retrenchment”, Winter 2013, Vol. 37, No. 3, Pages 7-51, <http://www.mitpressjournals.org/doi/abs/10.1162/ISEC_a_00107>]

A core premise of deep engagement is that it prevents the emergence of a far

AND

that of potential rivals is by many measures growing rather than shrinking. 85

#### Environmental discontent fuels anti-basing movements globally – undermines efforts to fight terrorism and contain Iran and China

Scoville 6 (Ryan M. – Stanford Law School, “A Sociological Approach to the Negotiation of Military Base Agreements” 2006, 14 U. Miami Int'l & Comp. L. Rev. 1, lexis)

Over the past half century, the United States has relied on its overseas military

AND

and by helping to identify proactively local populations that will most require appeasement.

#### Containing Iran solves nuclear war

**London** **10** (Herbert – President Emeritus of Hudson Institute and Professor Emeritus of New York University, The Coming Crisis in the Middle East, Family Security Matters, 6/23, http://www.hudson.org/index.cfm?fuseaction=publication\_details&id=7101&pubType=HI\_Opeds)

The gathering storm in the Middle East is gaining momentum. War clouds are on

AND

is not sustainable and one the Iranian leadership looks to with imperial exhilaration.

#### Chinese containment prevents global nuclear war

Mauro 7 (Ryan – geopolitical analyst for Tactical Defense Concepts and for the Northeast Intelligence Network, founder of WorldThreats.com, national security advisor to the Christian Action Network, and an intelligence analyst with the Asymmetrical Warfare and Intelligence Center (AWIC), “The Consequences of Withdrawal from Iraq”, 5/7, http://www.worldthreats.com/?p=27)

Consequences in Asia American forces would be less able to block the shipment of drugs

AND

North Korea, South Korea, Japan, and possibly Taiwan and Australia.

#### Terror causes extinction

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand – Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects”, Studies in Conflict & Terrorism, 33(7), July)

A terrorist nuclear attack, and even the use of nuclear weapons in response by

AND

for the terrorists. This might not help the chances of nuclear restraint.

#### Certainty is key – necessary for green military R&D that provides new tech

Crawford 10 (Colin S. – Wake Forest University School of Law, J.D. Candidate, “GREEN WARFARE: AN AMERICAN GRAND STRATEGY FOR THE 21ST CENTURY”, Wake Forest Journal of Business and Intellectual Property Law, 2010, 11 Wake Forest J. Bus. & Intell. Prop. L. 243, lexis)

A. Chain of Command: The Civilian/Military Disconnect on Green Technology The

AND

dissemination of green technology is to simply procure and deploy it en masse.

### 1AC – Citizen Suits

#### Contention 2 is Citizen Suits

**Court environmental restrictions on executive war powers authority is necessary to spur citizen suits for noncompliance – injunctive relief is critical**

**Donovan 11** (Emily Donovan, J.D., 2010, Albany Law School, Albany, New York, “Deferring to the Assertion of National Security: The Creation of a National Security Exemption Under the National Environmental Policy Act of 1969,” Winter 2011, West Northwest Journal of Environmental Law and Policy, 17 Hastings W.-N.W. J. Env. L. & Pol'y 3)

Furthermore, it is the Court's responsibility to ensure that the Executive is abiding by

AND

in order to refrain from creating an exemption which Congress did not intend.

#### Granting injunctive relief in war powers cases halts broad non-compliance with environmental regulations, validates citizen enforcement efforts

**London 09** [Ian K. J.D. Candidate, 2011, Denver University Law Review, Winter v. National Resources Defense Council: Enabling the Military's Ongoing Rollback of Environmental Legislation, 2009, L/N]

Finally, the Winter Court's willingness to defer to the Navy's judgment and to allow

AND

to slow this trend, and prevent the military's rollback of environmental legislation.

#### Supreme court action is key – sends a clear message that supports citizen suits

Taylor 13

[Archita, J.D., Seattle University School of Law, Lead Article Editor on the Seattle Journal of Environmental Law. Adopting the Principle of Equitable Relief in Clean Water Act Challenges, 5/13/13, <http://www.sjel.org/vol3/adopting-the-principle-of-equitable-relief-in-cwa-challenges>]

As with all other issues of law that are unsettled, Supreme Court review of

AND

a priority and will continue to be a priority proceeding into the future.

**Prosecutions of environmental violators is crucial to send a deterrent signal – prevents future pipeline explosions**

**Geis 11** (Stacey P. Geis is an Assistant United States Attorney at the United States Attorney's Office in San

Francisco and is the office's Environmental Crimes Coordinator, “An Accident Waiting to Happen? Prosecuting Negligence-Based Environmental Crimes,” United States Attorneys' Bulletin July 2011, <http://www.justice.gov/usao/eousa/foia_reading_room/usab5904.pdf>)

Undertaking a criminal investigation in a large environmental disaster (or any disaster that may

AND

those responsible may help reduce the likelihood that a similar disaster happens again.

**Preventative measures are crucial to pipeline safety – catastrophic events risk the entire shale revolution**

**Silverstein 13** [Ken, award-winning journalist who is the editor-in-chief of EnergyBiz Insider, a publication started by Energy Central in July 2005 and which now runs each business day. Ken has been a writer and editor for more than two decades, much of that time covering the energy industry. The Insider has garnered critical praise and earned a worldwide following, Pipeline Explosion Rattles Natural Gas Industry, 1/29/13, <http://www.forbes.com/sites/kensilverstein/2013/01/29/pipeline-explosion-rattles-natural-gas-industry/>]

The increased concerns over pipeline safety are occurring alongside the boom in shale gas,

AND

reaching implications for an industry that is considered America’s bridge to energy independence.

#### Natural gas key to the economy

Pirog and Ratner, 12 [November, Congressional Research Service, Natural Gas in the U.S. Economy: Opportunities for Growth Robert Pirog Specialist in Energy Economics Michael Ratner Specialist in Energy Policy, http://www.fas.org/sgp/crs/misc/R42814.pdf]

Expanded supply, coupled with low natural gas prices, has the potential to contribute

AND

, would need to be changed to a more market-oriented method.

#### Nuclear war

Harris and Burrows, 9 – \*counselor in the National Intelligence Council, the principal drafter of Global Trends 2025, \*\*member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis”, Washington Quarterly, http://www.twq.com/09april/docs/09apr\_burrows.pdf)

Increased Potential for Global Conflict Of course, the report encompasses more than economics and

AND

within and between states in a more dog-eat-dog world.

**Pipeline and production safety is key to methane hydrate development**

**Mielke 00** (James E. – Specialist in Marine and Earth Sciences Resources, Science, and Industry Division, Congressional Research Service, “Methane Hydrates: Energy Prospect or Natural Hazard? “, 2/14, http://cnie.org/NLE/CRSreports/energy/eng-46.cfm)

The world's currently known natural gas reserves are estimated at 5,000 trillion cubic

AND

be affected by loss of sea floor support from hydrates destabilized by warming.

**Hydrate release is inevitable – only commercial extraction solves extinction**

**Light 12** (Malcolm – Ph.D at UCL and member of Arctic Methane Emergency Group, “When the sea ice is gone”, 6/27, http://arctic-news.blogspot.com/2012/06/when-sea-ice-is-gone.html)

If left alone the subsea Arctic methane hydrates will explosively destabilize on their own due

AND

in a controlled way thus shutting down the entire Arctic subsea methane blowout.

**Methane release causes extinction –best statistics and geological records prove**

**Ryskin 3** (Gregory Ryskin, Department of Chemical Engineering, Northwestern University, “Methane-driven oceanic eruptions and mass extinctions,” Geology, 31(9), September 2003, http://pangea.stanford.edu/research/Oceans/GES205/methaneGeology.pdf)

METASTABILITY AND ERUPTION A liquid subject to gravity and completely or partially saturated with dissolved

AND

weapons, implicated in the nuclearwinter scenario (Turco et al., 1991).

### Plan

#### The United States Federal Judiciary should substantially increase environmental restrictions on the introduction of non-nuclear armed forces into hostilities

### 1AC – Basic

#### Judicial review solves – only courts can enforce regulations

Babcock 7 (Hope – Professor of Law, Georgetown University Law Center, “NATIONAL SECURITY AND ENVIRONMENTAL LAWS: A CLEAR AND PRESENT DANGER?”, 2007, 25 Va. Envtl. L.J. 105, lexis)

V. These Changes to Environmental and Public Disclosure Laws Are Troubling The combination of

AND

enacted, will enable the military to add to that inventory of abuse.

#### DOD enforcement of NEPA proves only judicial review solves – loopholes

Schwabach 00 (Aaron – Associate Professor of Law, Thomas Jefferson School of Law, “Associate Professor of Law, Thomas Jefferson School of Law”, Environmental Damage Resulting from the NATO Military Action Against Yugoslavia”, 2000, 25 Colum. J. Envtl. L. 117, lexis)

Overseas activities of the U.S. military are governed instead by Executive Order

AND

Order] 12,114 exemptions, no further analysis is required." n121

#### Judicial review is key – enables effective decision-making

Zillman 97 (Donald M. – Dean and Edward Godfrey Professor of Law, University of Maine School of Law, “Environmental Protection and the Mission of the Armed Forces”, 1997, 65 Geo. Wash. L. Rev. 309, lexis)

D. Environmentalism in Wartime Chapter Six examines environmental protection during wartime. "Even

AND

Act), and documented to ensure agency accountability and enable judicial review. n92