### Ext - Enviro K2 Bases

#### Environmental concerns can undermine the effectiveness and expel bases globally

Lostumbo et al. 13 (Michael – Director, RAND Center for Asia Pacific Policy, “ Overseas Basing of U.S. Military Forces An Assessment of Relative Costs and Strategic Benefits”, 2013, http://www.rand.org/pubs/research\_reports/RR201.html)

104 Overseas Basing of U.S. Military Forces Access comes through agreements between

AND

to authorize the United States to use its bases for a particular operation.

### T – Hostilities – 2AC

#### 2. Hostilities a state of confrontation

Hardy 84 (William H, Pacific Law Journal Issue 265, Tug of War: The War Powers Resolution and the Meaning of Hostilities, P 281-282)

The House Foreign Affairs Committee (hereinafter H.F.A.C)

AND

that conﬂicts with the H.F.A.C. deﬁnition.

#### B) Education - Broad definitions are key to topic education

Hardy 84 (William H, Pacific Law Journal Issue 265, Tug of War: The War Powers Resolution and the Meaning of Hostilities, P 277-278)

The determination that “hostilities” is an ambiguous term and therefore, susceptible to

AND

meaning of the word could be clariﬁed or gradually spelled out by experience.

### Executive CP – 2AC

#### Doesn’t work extraterritorially

Hilbert 12 (Sarah – J.D. Candidate, William & Mary Law School, “A Legislative Solution to Environmental Protection in Military Action Overseas”, 2012, 37 Wm. & Mary Envtl. L. & Pol'y Rev. 263, lexis)

III. Solution A. Executive Orders It has been suggested that the solution to

AND

the ideal executive order n129 is not a job for the executive branch.

#### E) Certainty – Legal decision key

Pildes 13 (Rick, udler Family Professor of Constitutional Law and Co-Faculty Director for the Program on Law and Security at NYU School of Law, "Does Judicial Review of National-Security Policies Constrain or Enable the Government?," 8/5, <http://www.lawfareblog.com/2013/08/does-judicial-review-of-national-security-policies-constrain-or-enable-the-government/>)

First, government actors have a need for legal clarity, particularly in national-

AND

and all the resources involved, about exactly where the legal boundaries lie.

#### 3. Congress will roll back the counterplan during a conflict – kills solvency

Tisler **11**

[Tiffany, J.D. Candidate, University of Toledo, 2011., FEDERAL ENVIRONMENTAL LAW WAIVERS AND HOMELAND SECURITY: ASSESSING WAIVER APPLICATION IN HOMELAND SECURITY SETTINGS AT THE SOUTHERN BORDER IN COMPARISON TO NATIONAL SECURITY SETTINGS INVOLVING THE MILITARY, Spring, 2011 The University of Toledo Law Review, L/N]

In times of war, the conflict between national-security goals and environmental laws

AND

that impact the environment, creating a dim future for the environment. n60

#### 5. **CP is misconstrued – military avoids change**

Hilbert 12 (Sarah – J.D. Candidate, William & Mary Law School, “A Legislative Solution to Environmental Protection in Military Action Overseas”, 2012, 37 Wm. & Mary Envtl. L. & Pol'y Rev. 263, lexis)

IV. Call to Action Judicial action through liability for the government and government contractors

AND

procedures and standards, and will effectuate the change our country needs. n182

#### Takes out solvency - Empirically proven

Hilbert 12 (Sarah – J.D. Candidate, William & Mary Law School, “A Legislative Solution to Environmental Protection in Military Action Overseas”, 2012, 37 Wm. & Mary Envtl. L. & Pol'y Rev. 263, lexis)

II. Current Government Direction The current environmental protection plan for military efforts overseas has

AND

"major action," would be easy for an officer to find. n73

#### 4. Military non-compliance undermines environmentalism across the board – only the plan solves

Stellakis 10

[John C, J.D. Candidate, 2011, Villanova University School of Law; B.A.H, 2008, Villanova University., Villanova Law Review, U.S. Navy Torpedoes NEPA: Winter v. Natural Resources Defense Council May Sink Future Environmental Pleas Brought under the National Environmental Policy Act,1/1/10 <http://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?article=1035&context=elj>,

The Winter holding has shown the significance of national security interests when the Court exercises

AND

NEPA plaintiffs must meet a higher burden of proof in litigation before the courts

### Space Weapons Add-On – 2AC

#### Plan solves space weapons – solves U.S. Russia war

Scheetz 6 (Lori – J.D. Candidate, Georgetown University Law Center, Cites Thomas Graham Jr. – Former Acting Director of the U.S Arms Control and Disarmament Agency, “Infusing Environmental Ethics into the Space Weapons Dialouge”, Georgetown International Environmental Law Review, Fall, 19 Geo. Int'l Envtl. L. Rev. 57, lexis)

Proponents of weaponizing space focus on American military dependence on space and a sense of

AND

critical for the future quality of the environment in space and on Earth.

#### Space weapons cause extinction

Mitchell 1 (Gordon, Associate Professor and Dir Debate – U Pittsburgh, Et al., ISIS Briefing on Ballistic Missile Defense, July, [http://www.isisuk.demon.co.uk/0811/isis/uk/bmd/no6.html](https://mail.msu.edu/cgi-bin/webmail?timestamp=1155773646&md5=nbdSk8IggXVhlJHMdBeJkw%3D%3D&redirect=http%3A%2F%2Fwww.isisuk.demon.co.uk%2F0811%2Fisis%2Fuk%2Fbmd%2Fno6.html))

A buildup of space weapons might begin with noble intentions of 'peace through strength' deterrence

AND

space could plunge the world into the most destructive military conflict ever seen.

### Generic Legalism K – 2AC

#### 2. K doesn’t come first

**Owens 2002** (David – professor of social and political philosophy at the University of Southampton, Re-orienting International Relations: On Pragmatism, Pluralism and Practical Reasoning, Millenium, p. 655-657)

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a]

AND

the first and second dangers, and so a potentially vicious circle arises.

#### 3. Extinction outweighs

Bok 88

(Sissela, Professor of Philosophy at Brandeis, Applied Ethics and Ethical Theory, Rosenthal and Shehadi, Ed.)

The same argument can be made for Kant’s other formulations of the Categorical Imperative:

AND

post a strong challenge to the unity and simplicity of Kant’s moral theory.

#### 6. 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,

AND

political actors’ exertions and legal rules will prove effective in limiting such discretion.

#### **7.** Even if they aren’t – the president will go along with them anyway – takes out the impact

Bradley and Morrison 13

[Curtis, William Van Alstyne Professor of Law, Duke Law School. and Trevor, Liviu Librescu Professor of Law, Columbia Law School, Presidential Power, Historical Practice, And Legal Constraint, 2013 Directors of The Columbia Law Review Association, Inc. Columbia Law Review May, 2013, L/N]

Insisting on a sharp distinction between the law governing presidential authority that is subject to

AND

than an internal sense of fidelity to law (or judicial review). n120

#### 8. No impact

 **Dickinson 4** (Dr. Edward Ross, Professor of History – University of Cincinnati, “Biopolitics, Fascism, Democracy: Some Reflections on Our Discourse About ‘Modernity’”, Central European History, 37(1), p. 18-19)

In an important programmatic statement of 1996 Geoff Eley celebrated the fact that Foucault’s ideas

AND

not develop the dynamic of constant radicalization and escalation that characterized Nazi policies.

#### 11. Alt Can’t solve --Appeals for institutional restrain are a crucial supplement to political resistance to executive power.

David COLE Law @ Georgetown ’12 “The Politics of the Rule of Law: The Role of Civil Society in the Surprising Resilience of Human Rights in the Decade after 9/11” http://www.law.uchicago.edu/files/files/Cole%201.12.12.pdf p. 51-53

As I have shown above, while political forces played a significant role in checking

AND

but on a vibrant civil society dedicated to reinforcing and defending constitutional values.

### War Powers DA – Gtown – 2AC

#### 1. No spillover – president will still do whatever is necessary to solve the DA

Marshall 08

[William, Kenan Professor of Law, University of North Carolina, Eleven Reasons Presidential Power Inevitably Expands and Why It Matters, 2008,

<http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/MARSHALL.pdf>]

The first and perhaps overarching reason underlying the growth of presidential power is that the

AND

direct prohibitions to the contrary, expectations easily translate into political reality.33

#### First – their Li evidence indicates any slow down in decisionmaking kill warfighting – that’s the status quo

Rothkopf 13

[David, CEO and editor at large of Foreign Policy, The Gamble, 8/31/13, <http://www.foreignpolicy.com/articles/2013/08/31/the_gamble?page=0,1>]

Whatever happens with regard to Syria, the larger consequence of the president's action will

AND

the imperial presidency than anything his predecessors or Congress have done for decades.

#### Even if there is spillover – status quo thumps

Wong 13 -- PhD dissertation in Government to Georgetown University (U Jin, 4/22/2013, "THE BLANK CHECK: SUPREME COURT DECISION - MAKING IN NATIONAL SECURITY CLAIMS AND DURING WARTIME," http://repository.library.georgetown.edu/bitstream/handle/10822/558286/Wong\_georgetown\_0076D\_12276.pdf?sequence=1)

This study started out with two questions. The first was: ?Does war

AND

to the executive branch‘s arguments when it comes to national security claims

#### **A) Rules don’t hurt flexibility and flexibility not key to warfighting**

Holmes 9 -- Walter E. Meyer Professor of Law, New York University School of Law (Stephen, 4/30/2009, "In Case of Emergency: Misunderstanding Tradeoffs in the War on Terror," http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1140&context=californialawreview)

Thus, it also illustrates the truism, profoundly relevant to the war on terror

AND

order rule is "always get a second opinion before undertaking major surgery."

#### 4. Plan doesn’t hurt warfighting

Dycus 05

[Stephen, Professor, Vermont Law School, Osama's Submarine: National Security and

Environmental Protection After 9/11, William & Mary Environmental Law and Policy Review, <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1112&context=wmelpr>]

The evidence that compliance with environmental laws has seriously impaired U.S. preparations

AND

-11 and al Qaeda to get unprecedented environmental immunity is despicable. 38

#### 8. No bioterror impact

Keller 13 -- Analyst at Stratfor, Post-Doctoral Fellow at University of Colorado at Boulder (Rebecca, 2013, "Bioterrorism and the Pandemic Potential," http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential)

It is important to remember that the risk of biological attack is very low and

AND

rapidly exchange information, conduct research and promote individual awareness of the threat.

### A2: 4GW

#### Fourth generation warfare theory is trash

Echevarria 5 [Antulio J. II, Director of Research, Director of National Security Affairs, and Acting Chairman of the Regional Strategy and Planning Department at the Strategic Studies Institute, November, “FOURTH-GENERATION WAR AND OTHER MYTHS”, p. 2-5, http://www.strategicstudiesinstitute.army.mil/pdffiles/pub632.pdf]

The notion of 4GW ﬁrst appeared in the late 1980s as a vague sort of

AND

, the conditions that gave rise to inimical ideologies in the ﬁrst place.

### A2: Econ T/Heg

#### 1. Economic decline doesn’t turn heg

**Kagan** **12**

 (Robert – senior fellow in foreign policy at the Brookings Institution, Not Fade Away, The New Republic, p. International Relations Theory and the Consequences of Unipolarity, p. http://www.tnr.com/article/politics/magazine/99521/america-world-power-declinism?passthru=ZDkyNzQzZTk3YWY3YzE0OWM5MGRiZmIwNGQwNDBiZmI)

SOME OF THE ARGUMENTS for America’s relative decline these days would be more potent if

AND

and the 1980s were all high points of American global power and influence.

### Schuette Thumper – 2AC

#### Schuette decision coming now – saps capital

Feder 9/2

[Jody, Legislative Attorney, Banning the Use of Racial Preferences in Higher Education: A Legal Analysis of Schuette v. Coalition to Defend Affirmative Action, 9/2/13, <http://www.fas.org/sgp/crs/misc/R43205.pdf>]

In the more than three decades since the Supreme Court’s ruling in Regents of the

AND

, and the Supreme Court will review the case during the upcoming term.

### A2: McCutcheon vs. FEC – U 2AC

#### Will uphold limits now – perception of corruption

Kennedy 13

[Liz, Demos, Another Citizens United—But This Time We’ll Win, 7/31/13, <http://www.demos.org/blog/7/31/13/another-citizens-united%E2%80%94-time-we%E2%80%99ll-win>]

Toobin paints a dreary picture of the prospects for the case, encapsulated in a

AND

politics and policy and upholds the aggregate contribution limits at stake in McCutcheon.

### Court Politics DA – 2AC

#### 4. Ideology outweighs on controversies

Feldman 08

[Stephen, Jerry W. Housel/Carl F. Arnold Distinguished Professor of Law and Adjunct Professor of Political Science, University of Wyoming, Southern California Interdisciplinary Law Journal, Fall 2008, L/N]

So, did Roberts and Alito lie during their confirmation hearings? n4 Did they

AND

they understand the relevant legal texts, whether in constitutional or other cases.

#### 5. Capital is compartmentalized

Redish 87 (Martin H., Professor of Law – Northwestern University, and Karen L. Drizin, Clerk – Illinois State Supreme Court, New York University Law Review, April, Lexis)

a. The fallacy of the concept of fungible institutional capital. The basis for

AND

if it had chosen to stay out of interbranch and intersystemic conflicts. [146](http://www.lexis.com/research/retrieve?_m=11c71424f02a19dd3fddea3d6d214ae5&docnum=9&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAb&_md5=29cb5075b93d84858cb8ef752799c5b9&focBudTerms=supreme%20court%20w/35%20political%20capital%20or%20institutional%20capital%20w/35%20strong%20or%20strength%20or%20increas%21%20or%20abundan%21&focBudSel=all#n146)

#### 6. Fiat solves --- normal means is plan’s announced at the same time as the other decision, so it wouldn’t affect capital

#### 7. Capital resilient

Chemerinsky 99 (Erwin, Professor of Law – USC, South Texas Law Review, Fall, 40 S. Tex. L. Rev. 943, Lexis)

Interestingly, though, the Supreme Court has been immune from that cynicism. At

AND

of fragile public legitimacy and almost 200 years of judicial review refute it.

#### 8. Normal means is courts will announce their decision at the end of the term and that solves the link

Mondak 92 [Jeffery J., assistant professor of political science @ the University of Pittsburgh. “Institutional legitimacy, policy legitimacy, and the Supreme Court.” American Politics Quarterly, Vol. 20, No. 4, Lexis]

The process described by the political capital hypothesis acts as expected in the laboratory,

AND

the Court release popular edicts to offset the effects of its controversial actions?