## T

### T- Restrinction=Prohibit -2AC NEPA

#### 1. We meet – plan prevents the use of armed forces if their use violates NEPA – that’s a restriction

Lobel 8 (Jules – Professor of Law, University of Pittsburgh Law School, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, 2008, Ohio State Law Journal, 69 Ohio St. L.J. 391, lexis)

More generally, the Court held that Congress has the power to authorize limited, undeclared war in which the President's power as Commander in Chief would be restricted. In such wars, the Commander in Chief's power would extend no further than Congress had authorized. As President Adams recognized, Congress had as a functional matter "declared war within the meaning of the Constitution" against France, but "under certain restrictions and limitations." n123 Under this generally accepted principle in our early constitutional history, Congress could limit the type of armed forces used, the number of such forces available, the weapons that could be utilized, the theaters of actions, and the rules of combat. In short, it could dramatically restrict the President's power to conduct the war.

#### We meet – NEPA is a restriction

Abby 09

[Robert, Director of the Bureau of Land Management, Requirements for Processing and Approving Temporary Public Land Closure and Restriction Orders , 12/11/09 , <http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2010/IM_2010-028.html>]

National Environmental Policy Act (NEPA) analysis is required prior to the BLM closing the public lands to certain uses or restricting specific uses of the public lands under the authorities of 43 CFR § 8364.1, 8351.2-1, and 6302.19. Most closures and restrictions implemented by the BLM fall into these categories. Adequate NEPA analysis and documentation for temporary closures and restrictions may include: Categorical Exclusions (CX) Environmental Assessments (EA) Environmental Impact Statements (EIS) (i.e., specific closure decisions adopted in a completed Resource Management Plan)

#### 2. Judicial restriction means regulation

**Kerrigan** **73** (Frank, Judge @ Court of Appeal of California, Fourth Appellate District, Division Two, 29 Cal. App. 3d 815; 105 Cal. Rptr. 873; 1973 Cal. App. LEXIS 1235, SUN COMPANY OF SAN BERNARDINO, CALIFORNIA, Petitioner, v. THE SUPERIOR COURT OF SAN BERNARDINO COUNTY, Respondent; THE PEOPLE et al., Real Parties in Interest. PROGRESS-BULLETIN PUBLISHING COMPANY, Petitioner, v. THE SUPERIOR COURT OF SAN BERNARDINO COUNTY, Respondent; THE PEOPLE et al., Real Parties in Interest. (Consolidated Cases.), lexis)

While the studies were in progress, the United States Supreme Court found the impact of television cameras and lights in a courtroom setting prejudicial to the conduct of a fair trial. ( Estes v. Texas (1965) 381 U.S. 532 [14 L.Ed.2d 543, 85 S.Ct. 1628].) Shortly thereafter, in Sheppard v. Maxwell (1966) 384 U.S. 333, 358 [16 L.Ed.2d 600, 618, 86 S.Ct. 1507], the defendant's conviction of his wife's murder [\*\*879] was reversed because of "[the] carnival atmosphere at trial" and pervasive publicity affecting the fairness of the hearing. In reversing Dr. Sheppard's conviction, the court stated [\*\*\*15] that: (1) the publicity surrounding a trial may become so extensive and prejudicial in nature that unless neutralized by appropriate judicial procedures, a resultant conviction may not stand; (2) the trial court has the duty of so insulating the trial from publicity as to insure its fairness; (3) a free press plays a vital role in the effective and fair administration of justice. But the court did not set down any fixed rules to guide trial courts, law enforcement officers or media as to what could or could not be printed. Instead, the majority suggested that judicial restrictions on speech might sometimes be appropriate in the following dicta: "The courts [\*823] must take such steps by rule and regulation that will protect their processes from prejudicial outside interferences. Neither prosecutors, counsel for defense, the accused, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function. Collaboration between counsel and the press as to information affecting the fairness of a criminal trial is not only subject to regulation, but is highly censurable and worthy of disciplinary measures. [\*\*\*16] " (Ibid., p. 363 [16 L.Ed.2d p. 620].)

3. **Counter interpretation – restrict means to limit through conditions.**

**Cambridge Dictionary 9** (Cambridge Dictionary of American English, *Restrict – Definition*, http://dictionary.cambridge.org/define.asp?key=restrict\*1+0&dict=A)

Restrict

Verb [T]

To limit (an intended action) esp. by setting the conditions under which it is allowed to happen

The state legislature voted to restrict development in the area.

Efforts are under way to further restrict cigarette advertising.

#### Restriction is limitation not prohibition

CAC 12, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, COUNTY OF LOS ANGELES, Plaintiff and Respondent, v. ALTERNATIVE MEDICINAL CANNABIS COLLECTIVE et al., Defendants and Appellants, DIVISION ONE, 207 Cal. App. 4th 601; 143 Cal. Rptr. 3d 716; 2012 Cal. App. LEXIS 772

We disagree with County that in using the phrases “further restrict the location or establishment” and “regulate the location or establishment” in [\*615] section 11362.768, subdivisions (f) and (g), the Legislature intended to authorize local governments to ban all medical marijuana dispensaries that are otherwise “authorized by law to possess, cultivate, or distribute medical marijuana” (§ 11362.768, subd. (e) [stating scope of section's application]); the Legislature did not use the words “ban” or “prohibit.” Yet County cites dictionary definitions of “regulate” (to govern or direct according to rule or law); “regulation” (controlling by rule or restriction; a rule or order that has legal force); “restriction” (a limitation or qualification, including on the use of property); “establishment” (the act of establishing or state or condition of being established); “ban” (to prohibit); and “prohibit” (to forbid by law; to prevent or hinder) to attempt to support its interpretation. County then concludes that “the ordinary meaning [\*\*\*23] of the terms, ‘restriction,’ ‘regulate,’ and ‘regulation’ are consistent with a ban or prohibition against the opening or starting up or continued operation of [a medical marijuana dispensary] storefront business.” We disagree.¶CA(9)(9) The ordinary meanings of “restrict” and “regulate” suggest a degree of control or restriction falling short of “banning,” “prohibiting,” “forbidding,” or “preventing.” Had the Legislature intended to include an outright ban or prohibition among the local regulatory powers authorized in section 11362.768, subdivisions (f) and (g), it would have said so. Attributing the usual and ordinary meanings to the words used in section 11362.768, subdivisions (f) and (g), construing the words in context, attempting to harmonize subdivisions (f) and (g) with section 11362.775 and with the purpose of California's medical marijuana [\*\*727] statutory program, and bearing in mind the intent of the electorate and the Legislature in enacting the CUA and the MMP, we conclude that HN21Go to this Headnote in the case. the phrases “further restrict the location or establishment” and “regulate the location or establishment” in section 11362.768, subdivisions (f) and (g) do not authorize a per se ban at the local level. The Legislature [\*\*\*24] decided in section 11362.775 to insulate medical marijuana collectives and cooperatives from nuisance prosecution “solely on the basis” that they engage in a dispensary function. To interpret the phrases “further restrict the location or establishment” and “regulate the location or establishment” to mean that local governments may impose a blanket nuisance prohibition against dispensaries would frustrate both the Legislature's intent to “[e]nhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects” and “[p]romote uniform and consistent application of the [CUA] among the counties within the state” and the electorate's intent to “ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes” and “encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.”

### T- G-Spec

## CP

### XO CP – 2AC w/NEPA

#### OLC fails at executive restraint

Posner 11 -- Kirkland & Ellis Professor, University of Chicago Law School (Eric, 9/22/2011, "DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER 9/11:CONGRESS, THE COURTS AND THE OFFICE OF LEGAL COUNSEL," http://www.law.uchicago.edu/files/file/363-eap-deference.pdf)

The medical protocol analogy does not provi de any reason for doubting the deference thesis. Rules are valuable in many settings, in cluding emergencies; but it does not follow from that observation that courts and legislatures rather than the ex ecutive should create and enforce the rules. Each institution has specific advantag es; the executive’s advant ages are salient during emergencies. The notion that the executive can be constr ained by its own components is a paradoxical idea, and has little to recommend it. In the end, someone must have discretion to respond to unforeseen events, and in the U.S. system that ro le has been given to the president. The theory that OLC or some similar office within the exec utive branch could constrain the president rests on a confusion between rational self-binding, which presidents may (albeit with difficulty) engage in, and external constraint, which pres idents resist. OLC may serve as a device for rational self-binding, which extends the executive power; it is highly unlik ely, however, that it can serve as a constraint.

#### D) Judicial interprtations key – solves extinction

Villmer ’10 (Matthew,- attorney with the law firm of Emmanuel, Sheppard & Condon 11 Fl. Coastal L. Rev. 321)

The National Environmental Policy Act (NEPA or the Act) 1 greatly improved United States environmental policy, promising judicial oversight to federal actions. However, due to years of judicial interpretation that significantly reduced NEPA's requirements, the Act lost its substantive impact. This erosion of NEPA protections risked local and regional **disaster in the nuclear era**--but now, government contravention of NEPA provisions risks even more: **complete global destruction**. This Article follows the creation, development, and eventual demise of NEPA's environmental protections. The Article tracks NEPA's application throughout the last thirty years using three case studies and particularly analyzes the United States government's intentional evasion of the Act's safeguards. This Article then culminates with a detailed proposition for rehabilitating NEPA to its former status as an environmental safeguard for not only the United States, but the earth as a whole. By amending NEPA to adequately protect the environment, humanity will ensure its future on this planet.

## K

### Security – Framework/Framing

#### 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] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology **over explanatory** and/or interpretive **power** as if the latter two were merely a **simple function** of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), **it is by no means clear that it is**, in contrast, wholly dependent **on these philosophical commitments**. Thus, for example, one need not be sympathetic to rational choice theory to recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but **this does not undermine** the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, **it is not the only or even necessarily the** most important kind. The second danger run by the philosophical turn is that because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a **question for social-scientific inquiry**, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one **theoretical approach which gets things right**, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating 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: “So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means”; and “So act as if you were always through your actions a law-making member in a universal Kingdom of Ends.” No one with a concern for humanity could consistently will to risk eliminating humanity in the person of himself and every other or to risk the death of all members in a universal Kingdom of Ends for the sake of justice. To risk their collective death for the sake of following one’s conscience would be, as Rawls said, “irrational, crazy.” And to say that one did not intend such a catastrophe, but that one merely failed to stop other persons from bringing it about would be beside the point when the end of the world was at stake. For although it is true that we cannot be held responsible for most of the wrongs that others commit, the Latin maxim presents a case where we would have to take such responsibility seriously – perhaps to the point of deceiving, bribing, even killing an innocent person, in order that the world not perish. To avoid self-contradiction, the Categorical Imperative would, therefore, have to rule against the Latin maxim on account of its cavalier attitude toward the survival of mankind. But the ruling would then produce a rift in the application of the Categorical Imperative. Most often the Imperative would ask us to disregard all unintended but foreseeable consequences, such as the death of innocent persons, whenever concern for such consequences conflicts with concern for acting according to duty. But, in the extreme case, we might have to go against even the strictest moral duty precisely because of the consequences. Acknowledging such a rift would post a strong challenge to the unity and simplicity of Kant’s moral theory.

### Security – No impact

#### No impact– prefer topic specific ev

**Posner and** **Vermeule 3** (Eric and Adrian, law profs at Chicago and Harvard, Accommodating Emergencies, September, <http://www.law.uchicago.edu/files/files/48.eap-av.emergency.pdf>)

Against the view that panicked government officials overreact to an emergency, and unnecessarily curtail civil liberties, we suggest a more constructive theory of the role of fear. Before the emergency, government officials are complacent. They do not think clearly or vigorously about the potential threats faced by the nation. After the terrorist attack or military intervention, their complacency is replaced by fear. Fear stimulates them to action. Action may be based on good decisions or bad: fear might cause officials to exaggerate future threats, but it also might arouse them to threats that they would otherwise not perceive. **It is impossible to say in the abstract whether decisions and actions provoked by fear are likely to be better than decisions and actions made in a state of calm**. But our limited point is that there is no reason to think that the fear-inspired decisions are likely to be worse. For that reason, the existence of fear during emergencies does not support the antiaccommodation theory that the Constitution should be enforced as strictly during emergencies as during non-emergencies. C. The Influence of Fear during Emergencies Suppose now that the simple view of fear is correct, and that it is an unambiguously negative influence on government decisionmaking. Critics of accommodation argue that this negative influence of fear justifies skepticism about emergency policies and strict enforcement of the Constitution. However, this argument is implausible. It is doubtful that fear, so understood, has more influence on decisionmaking during emergencies than decisionmaking during non-emergencies. The panic thesis, implicit in much scholarship though rarely discussed in detail, holds that citizens and officials respond to terrorism and war in the same way that an individual in the jungle responds to a tiger or snake. The national response to emergency, because it is a standard fear response, is characterized by the same circumvention of ordinary deliberative processes: thus, (i) the response is instinctive rather than reasoned, and thus subject to error; and (ii) the error will be biased in the direction of overreaction. While the flight reaction was a good evolutionary strategy on the savannah, in a complex modern society the flight response is not suitable and can only interfere with judgment. Its advantage—speed—has minimal value for social decisionmaking. No national emergency requires an immediate reaction—except by trained professionals who execute policies established earlier—but instead over days, months, or years people make complex judgments about the appropriate institutional response. And the asymmetrical nature of fear guarantees that people will, during a national emergency, overweight the threat and underweight other things that people value, such as civil liberties. But if decisionmakers rarely act immediately, then the tiger story cannot bear the metaphoric weight that is placed on it. Indeed, the flight response has nothing to do with the political response to the bombing of Pearl Harbor or the attack on September 11. The people who were there—the citizens and soldiers beneath the bombs, the office workers in the World Trade Center—no doubt felt fear, and most of them probably responded in the classic way. They experienced the standard physiological effects, and (with the exception of trained soldiers and security officials) fled without stopping to think. It is also true that in the days and weeks after the attacks, many people felt fear, although not the sort that produces a irresistible urge to flee. **But this kind of fear is not the kind in which cognition shuts down**. (Some people did have more severe mental reactions and, for example, shut themselves in their houses, but these reactions were rare.) The fear is probably better described as a general anxiety or jumpiness, an anxiety that was probably shared by government officials as well as ordinary citizens.53 While, as we have noted, there is psychological research suggesting that normal cognition partly shuts down in response to an immediate threat, we are aware of no research suggesting that people who feel anxious about a non-immediate threat are incapable of thinking, or thinking properly, or systematically overweight the threat relative to other values. Indeed, it would be surprising to find research that clearly distinguished “anxious thinking” and “calm thinking,” given that anxiety is a pervasive aspect of life. People are anxious about their children; about their health; about their job prospects; about their vacation arrangements; about walking home at night. No one argues that people’s anxiety about their health causes them to take too many precautions—to get too much exercise, to diet too aggressively, to go to the doctor too frequently—and to undervalue other things like leisure. So it is hard to see why anxiety about more remote threats, from terrorists or unfriendly countries with nuclear weapons, should cause the public, or elected officials, to place more emphasis on security than is justified, and to sacrifice civil liberties. Fear generated by immediate threats, then, causes instinctive responses that are not rational in the cognitive sense, not always desirable, and not a good basis for public policy, but it is not this kind of fear that leads to restrictions of civil liberties during wartime. The internment of Japanese Americans during World War II may have been due to racial animus, or to a mistaken assessment of the risks; it was not the direct result of panic; indeed there was a delay of weeks before the policy was seriously considered.54 Post-9/11 curtailments of civil liberties, aside from immediate detentions, came after a significant delay and much deliberation. The civil libertarians’ argument that fear produces bad policy trades on the ambiguity of the word “panic,” which refers both to real fear that undermines rationality, and to collectively harmful outcomes that are driven by rational decisions, such as a bank run, where it is rational for all depositors to withdraw funds if they believe that enough other depositors are withdrawing funds. Once we eliminate the false concern about fear, it becomes clear that the panic thesis is indistinguishable from the argument that during an emergency people are likely to make mistakes. But if the only concern is that during emergencies people make mistakes, there would be no reason for demanding that the constitution be enforced normally during emergencies. Political errors occur during emergencies and nonemergencies, but the stakes are higher during emergencies, and that is the conventional reason why constitutional constraints should be relaxed.

#### 5. Security is not the root cause.

**Kydd**, Autumn **1997** (Andrew – assistant professor of political science at the University of California, Riverside, Sheep in Sheep’s clothing: Why security seekers do not fight each other, Security Studies, 7:1, p. 154)

The alternative I propose, motivational realism, argues that arms races and wars typically involve at least one genuinely greedy state, that is, states that often sacriﬁce their security in bids for power. In the case of the First World War, the four continental powers all had serious nonsecurity-related quarrels that played an indispensable role in producing the war. France was eager to regain Alsace-Lorraine, Russia sought hegemony over fellow Slavs in the Balkans when it could hardly integrate its own bloated empire, Ger- many dreamed of Weltpolitik and empire in the Levant, while Austria-Hungary was focused on its own imminent ethnic meltdown. All of these powers, had they sought just to be secure against foreign threat, could easily have conveyed that to each other and refrained from arms competition and war. Instead they engaged in competitions for power which eventually led to war. As for the Second World War, few structural realists will make a sustained case that Hitler was genuinely motivated by a rational pursuit of security for Germany and the other German statesmen would have responded in the same way to Germany’s international situation. Even Germen generals opposed Hitler’s military adventurism until 1939; it is difficult to imagine a less forceful civilian leader overruling them and leading Germany in an oath of conquest. In the case of the cold war, it is again difficult to escape the conclusion that the Soviet Union was indeed expansionist before Gorbachev and not solely motivated by security concerns. The increased emphasis within international relations scholarship on explaining the nature and origins of aggressive expansionists states reflects a growing consensus that aggressive states are at the root of conflict, not security concerns.

### Security – Perm/Rlsm

#### Security is not inherently negative.

**Roe**, June **12** (Paul – Associate Professor in the Department of International Relations and European Studies at Central European University, Budapest, Is Securitization a ‘negative’ concept? Revisiting the normative debate over normal versus extraordinary politics, Security Dialogue, Vol. 43, No.3, p. Sage Publication)

Although for Aradau, the solution to security’s barred universality lies not in desecuritization – the Copenhagen School’s preferred strategy – in does lie, nevertheless, in avoiding security’s Schmittian mode of politics.24 However, as Matt McDonald (2008: 580) pertinently recognizes, avoiding securitization neglects the potential to contest its very meaning: desecuritization is made ‘normatively problematic’ inasmuch as a preference for it relies on ‘the negative designation of threat’, which ‘serves the interest of those who benefit from … exclusionary articulations of threat in contemporary international politics, further silencing voices articulating alternative visions for what security means and how it might be achieved’. That is to say, the recourse of always viewing securitization as negative must be resisted: instead, contexts should be revealed in which utterances of security can be subject to a politics of progressive change. In keeping with McDonald, Booth’s understanding of security as emancipation criticizes (security as) securitization for its essentialism in fixing the meaning of security into a state-centric, militarized and zero-sum framework. Rejecting outright securitization’s necessarily Schmittian inheritance, Booth (2007: 165) points instead to a more positive rendering: Such a static view of the [securitization] concept is all the odder because security as a speech act has historically also embraced positive, non-militarised, and non-statist connotations…. Securitisation studies, like mainstream strategic studies, remains somewhat stuck in Cold War mindsets. For Booth, therefore, securitization is not always about the ‘expectation of hostility’. A positive securitization embraces the potential for human equality unhampered by the closure of political boundaries that Aradau postulates. Boothian emancipatory communities are constituted by the recognition of individuals as possessing multiple identities that cut across existing social and political divides. In this sense, Others are also selves in a variety of ways. Through this interconnectedness, the recognition of us all as human makes salient the values that bind, such as compassion, reciprocity, justice and dignity (Booth, 2007: 136–40).

### Warming – 2AC

#### Catastrophic warming reps are good—it’s the only way to motivate response—their empirics are attributable to climate denialism

Romm 12(Joe Romm is a Fellow at American Progress and is the editor of Climate Progress, which New York Times columnist Tom Friedman called "the indispensable blog" and Time magazine named one of the 25 “Best Blogs of 2010.″ In 2009, Rolling Stone put Romm #88 on its list of 100 “people who are reinventing America.” Time named him a “Hero of the Environment″ and “The Web’s most influential climate-change blogger.” Romm was acting assistant secretary of energy for energy efficiency and renewable energy in 1997, where he oversaw $1 billion in R&D, demonstration, and deployment of low-carbon technology. He is a Senior Fellow at American Progress and holds a Ph.D. in physics from MIT., 2/26/2012, “Apocalypse Not: The Oscars, The Media And The Myth of ‘Constant Repetition of Doomsday Messages’ on Climate”, http://thinkprogress.org/romm/2012/02/26/432546/apocalypse-not-oscars-media-myth-of-repetition-of-doomsday-messages-on-climate/#more-432546)

The two greatest myths about global warming communications are 1) constant repetition of doomsday messages has been a major, ongoing strategy and 2) that strategy doesn’t work and indeed is actually counterproductive! These myths are so deeply ingrained in the environmental and progressive political community that when we finally had a serious shot at a climate bill, the powers that be decided not to focus on the threat posed by climate change in any serious fashion in their $200 million communications effort (see my 6/10 post “Can you solve global warming without talking about global warming?“). These myths are so deeply ingrained in the mainstream media that such messaging, when it is tried, is routinely attacked and denounced — and the flimsiest studies are interpreted exactly backwards to drive the erroneous message home (see “Dire straits: Media blows the story of UC Berkeley study on climate messaging“) The only time anything approximating this kind of messaging — not “doomsday” but what I’d call blunt, science-based messaging that also makes clear the problem is solvable — was in 2006 and 2007 with the release of An Inconvenient Truth (and the 4 assessment reports of the Intergovernmental Panel on Climate Change and media coverage like the April 2006 cover of Time). The data suggest that strategy measurably moved the public to become more concerned about the threat posed by global warming (see recent study here). You’d think it would be pretty obvious that the public is not going to be concerned about an issue unless one explains why they should be concerned about an issue. And the social science literature, including the vast literature on advertising and marketing, could not be clearer **that only repeated messages have any chance of sinking in and moving the needle**. Because I doubt any serious movement of public opinion or mobilization of political action could possibly occur until these myths are shattered, I’ll do a multipart series on this subject, featuring public opinion analysis, quotes by leading experts, and the latest social science research. Since this is Oscar night, though, it seems appropriate to start by looking at what messages the public are exposed to in popular culture and the media. It ain’t doomsday. Quite the reverse, climate change has been mostly an invisible issue for several years and the message of conspicuous consumption and business-as-usual reigns supreme. The motivation for this post actually came up because I received an e-mail from a journalist commenting that the “constant repetition of doomsday messages” doesn’t work as a messaging strategy. I had to demur, for the reasons noted above. But it did get me thinking about what messages the public are exposed to, especially as I’ve been rushing to see the movies nominated for Best Picture this year. I am a huge movie buff, but as parents of 5-year-olds know, it isn’t easy to stay up with the latest movies. That said, good luck finding a popular movie in recent years that even touches on climate change, let alone one a popular one that would pass for doomsday messaging. Best Picture nominee The Tree of Life has been billed as an environmental movie — and even shown at environmental film festivals — but while it is certainly depressing, climate-related it ain’t. In fact, if that is truly someone’s idea of environmental movie, count me out. The closest to a genuine popular climate movie was the dreadfully unscientific The Day After Tomorrow, which is from 2004 (and arguably set back the messaging effort by putting the absurd “global cooling” notion in people’s heads! Even Avatar, the most successful movie of all time and “the most epic piece of environmental advocacy ever captured on celluloid,” as one producer put it, omits the climate doomsday message. One of my favorite eco-movies, “Wall-E, is an eco-dystopian gem and an anti-consumption movie,” but it isn’t a climate movie. I will be interested to see The Hunger Games, but I’ve read all 3 of the bestselling post-apocalyptic young adult novels — hey, that’s my job! — and they don’t qualify as climate change doomsday messaging (more on that later). So, no, the movies certainly don’t expose the public to constant doomsday messages on climate. Here are the key points about what repeated messages the American public is exposed to: The broad American public is exposed to virtually **no doomsday messages**, let alone constant ones, on climate change in popular culture (TV and the movies and even online). There is not one single TV show on any network devoted to this subject, which is, arguably, more consequential than any other preventable issue we face. The same goes for the news media, whose coverage of climate change has collapsed (see “Network News Coverage of Climate Change Collapsed in 2011“). When the media do cover climate change in recent years, the overwhelming majority of coverage is devoid of any doomsday messages — and many outlets still feature hard-core deniers. Just imagine what the public’s view of climate would be if it got the same coverage as, say, unemployment, the housing crisis or even the deficit? When was the last time you saw an “employment denier” quoted on TV or in a newspaper? The public is exposed to constant messages promoting business as usual and indeed idolizing conspicuous consumption. See, for instance, “Breaking: The earth is breaking … but how about that Royal Wedding? Our political elite and intelligentsia, including MSM pundits and the supposedly “liberal media” like, say, MSNBC, hardly even talk about climate change and when they do, it isn’t doomsday. Indeed, there isn’t even a single national columnist for a major media outlet who writes primarily on climate. Most “liberal” columnists rarely mention it. At least a quarter of the public chooses media that devote a vast amount of time to the notion that global warming is a hoax and that environmentalists are extremists and that clean energy is a joke. In the MSM, conservative pundits routinely trash climate science and mock clean energy. Just listen to, say, Joe Scarborough on MSNBC’s Morning Joe mock clean energy sometime. The major energy companies bombard the airwaves with millions and millions of dollars of repetitious pro-fossil-fuel ads. The environmentalists spend far, far less money. As noted above, the one time they did run a major campaign to push a climate bill, they and their political allies including the president explicitly did NOT talk much about climate change, particularly doomsday messaging Environmentalists when they do appear in popular culture, especially TV, are routinely mocked. There is very little mass communication of doomsday messages online. Check out the most popular websites. General silence on the subject, and again, what coverage there is ain’t doomsday messaging. Go to the front page of the (moderately trafficked) environmental websites. Where is the doomsday? If you want to find anything approximating even modest, blunt, science-based messaging built around the scientific literature, interviews with actual climate scientists and a clear statement that we can solve this problem — well, you’ve all found it, of course, but the only people who see it are those who go looking for it. Of course, this blog is not even aimed at the general public. Probably 99% of Americans haven’t even seen one of my headlines and 99.7% haven’t read one of my climate science posts. And Climate Progress is probably the most widely read, quoted, and reposted climate science blog in the world. Anyone dropping into America from another country or another planet who started following popular culture and the news the way the overwhelming majority of Americans do would get the distinct impression that **nobody who matters is terribly worried about climate change**. And, of course, they’d be right — see “The failed presidency of Barack Obama, Part 2.” It is total BS that somehow the American public **has been scared and overwhelmed by repeated doomsday messaging into some sort of climate fatigue**. If the public’s concern has dropped — and public opinion analysis suggests it has dropped several percent (though is bouncing back a tad) — that is **primarily due to the conservative media’s disinformation** **campaign** impact on Tea Party conservatives and to the treatment of this as a nonissue by most of the rest of the media, intelligentsia and popular culture.

### Security – Alt Fails

#### 8. Alternative fails – critical theory has no mechanism to translate theory into practice

**Jones 99** (Richard Wyn, Lecturer in the Department of International Politics – University of Wales, Security, Strategy, and Critical Theory, CIAO, http://www.ciaonet.org/book/wynjones/wynjones06.html)

Because emancipatory political practice is central to the claims of critical theory, one might expect that proponents of a critical approach to the study of international relations would be reflexive about the relationship between theory and practice. Yet their thinking on this issue thus far does not seem to have progressed much beyond **grandiose statements of intent**. There have been no systematic considerations of how critical international theory can help generate, support, or sustain emancipatory politics beyond the seminar room or conference hotel. Robert Cox, for example, has described the task of critical theorists as providing “a guide to strategic action for bringing about an alternative order” (R. Cox 1981: 130). Although he has also gone on to identify possible agents for change and has outlined the nature and structure of some feasible alternative orders, he has not explicitly indicated whom he regards as the addressee of critical theory (i.e., who is being guided) and thus how the theory can hope to become a part of the political process (see R. Cox 1981, 1983, 1996). Similarly, Andrew Linklater has argued that “a critical theory of international relations must regard the practical project of extending community beyond the nation–state as its most important problem” (Linklater 1990b: 171). However, he has little to say about the role of theory in the realization of this “practical project.” Indeed, his main point is to suggest that the role of critical theory “is not to offer instructions on how to act but to reveal the existence of unrealised possibilities” (Linklater 1990b: 172). But the question still remains, reveal to whom? Is the audience enlightened politicians? Particular social classes? Particular social movements? Or particular (and presumably particularized) communities? In light of Linklater’s primary concern with emancipation, one might expect more guidance as to whom he believes might do the emancipating and how critical theory can impinge upon the emancipatory process. There is, likewise, little enlightenment to be gleaned from Mark Hoffman’s otherwise important contribution. He argues that critical international theory seeks not simply to reproduce society via description, but to understand society and change it. It is both descriptive and constructive in its theoretical intent: it is both an intellectual and a social act. It is not merely an expression of the concrete realities of the historical situation, but also a force for change within those conditions. (M. Hoffman 1987: 233) Despite this very ambitious declaration, once again, Hoffman gives no suggestion as to how this “force for change” should be operationalized and what concrete role critical theorizing might play in changing society. Thus, although the critical international theorists’ critique of the role that more conventional approaches to the study of world politics play in reproducing the contemporary world order may be persuasive, their account of the relationship between their own work and emancipatory political practice is unconvincing. Given the centrality of practice to the claims of critical theory, this is a very significant weakness. Without some plausible account of the **mechanisms** by which they hope to aid in the achievement of their emancipatory goals, proponents of critical international theory are hardly in a position to justify the assertion that “it represents the next stage in the development of International Relations theory” (M. Hoffman 1987: 244). Indeed, without a more convincing conceptualization of the theory–practice nexus, one can argue that critical international theory, by its own terms, has no way of redeeming some of its central epistemological and methodological claims and thus that it is a **fatally flawed** enterprise.

### Security – Threats Real

#### 12. Threats are real

Knudsen 11 [Olav. F., Prof at Södertörn Univ College, Security Dialogue 32.3, “Post-Copenhagen Security Studies: Desecuritizing Securitization,” p. 360]

In the post-Cold War period, agenda-setting has been much easier to influence than the securitization approach assumes. That change cannot be credited to the concept; the change in security politics was already taking place in defense ministries and parliaments before the concept was first launched. Indeed, securitization in my view is more appropriate to the security politics of the Cold War years than to the post-Cold War period. Moreover, I have a problem with the underlying implication that it is unimportant whether states ‘really’ face dangers from other states or groups. In the Copenhagen school, threats are seen as coming mainly from the actors’ own fears, or from what happens when the fears of individuals turn into paranoid political action. In my view, this emphasis on the subjective is a misleading conception of threat, in that it discounts an independent existence for whatever is perceived as a threat. Granted, political life is often marked by misperceptions, mistakes, pure imaginations, ghosts, or mirages, but such phenomena do not occur simultaneously to large numbers of politicians, and hardly most of the time. During the Cold War, threats – in the sense of plausible possibilities of danger – referred to ‘real’ phenomena, and they refer to ‘real’ phenomena now. The objects referred to are often not the same, but that is a different matter. Threats have to be dealt with both in terms of perceptions and in terms of the phenomena which are perceived to be threatening. The point of Wæver’s concept of security is not the potential existence of danger somewhere but the use of the word itself by political elites. In his 1997 PhD dissertation, he writes, ‘One can view “security” as that which is in language theory called a speech act: it is not interesting as a sign referring to something more real – it is the utterance itself that is the act.’ The deliberate disregard of objective factors is even more explicitly stated in Buzan & Wæver’s joint article of the same year. As a consequence, the phenomenon of threat is reduced to a matter of pure domestic politics. It seems to me that the security dilemma, as a central notion in security studies, then loses its foundation. Yet I see that Wæver himself has no compunction about referring to the security dilemma in a recent article. This discounting of the objective aspect of threats shifts security studies to insignificant concerns. What has long made ‘threats’ and ‘threat perceptions’ important phenomena in the study of IR is the implication that urgent action may be required. Urgency, of course, is where Wæver first began his argument in favor of an alternative security conception, because a convincing sense of urgency has been the chief culprit behind the abuse of ‘security’ and the consequent ‘politics of panic’, as Wæver aptly calls it. Now, here – in the case of urgency – another baby is thrown out with the Wæverian bathwater. When real situations of urgency arise, those situations are challenges to democracy; they are actually at the core of the problematic arising with the process of making security policy in parliamentary democracy. But in Wæver’s world, threats are merely more or less persuasive, and the claim of urgency is just another argument. I hold that instead of ‘abolishing’ threatening phenomena ‘out there’ by reconceptualizing them, as Wæver does, we should continue paying attention to them, because situations with a credible claim to urgency will keep coming back and then we need to know more about how they work in the interrelations of groups and states (such as civil wars, for instance), not least to find adequate democratic procedures for dealing with them.

## DA

### PQD DA – 2AC

#### Nuke deterrence fails

**Gerson ‘9** (CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE RETHINKING U.S. NUCLEAR POSTURE MODERATOR: JAMES ACTON, ASSOCIATE, NONPROLIFERATION PROGRAM, CARNEGIE ENDOWMENT SPEAKERS: MICHAEL S. GERSON, RESEARCH ANALYST, CENTER FOR NAVAL ANALYSES Transcript by Federal News Service Washington, D.C.

The National Academy of Sciences report on the future of U.S. nuclear weapons policy advocated “no first use.” Again, along these lines that the major conventional threat had disappeared, therefore we didn’t need to rely on the threat of nuclear weapons to deter – to help to bolster deterrence of a conventional attack. Moreover**, the conventional capability – U.S. conventional superiority demonstrated so well in the first Gulf War** **made it such that conventional capabilities were absolutely sufficient for deterrence**. Even Paul Nitze, one of the architects of NSC- 68 in 1994 asked “is it time to junk our nukes?” His argument was smart conventional weapons should be the principal U.S. deterrent**. They’re safer,** they **cause less collateral damage,** they **provide more flexibility,** there’s **less risk of escalation, and** perhaps **most importantly, they’re highly credible**. So **people who had once concocted rather elaborate scenarios for nuclear war-fighting came around to this view, that smart conventional weapons would be the principal deterrent**, whereas those in favor of no-first-use advocated one set of use.

#### And 200 years of history disprove the DA - PQD is never cited and previous statutes disprove the link

Skinner 8-23 (Gwynne, Willamette University - College of Law, “Misunderstood, Misconstrued, and Now Clearly Dead: The 'Political Question Doctrine' in Cases Arising in the Context of Foreign Affairs,”)

Lower federal courts often cite the “Political Question Doctrine” when dismissing as nonjusticiable individual rights cases arising in the context of foreign or military affairs, especially since the 1962 case of Baker v. Carr. Similarly, such courts have inappropriately begun citing “special factors” counselling hesitation in refusing to recognize constitutional claims (“Bivens claims”) in similar foreign policy contexts. However, a review of 200 years of history reveals that the Supreme Court has never applied the so-called “political question doctrine” as a true justiciability doctrine to dismiss individual rights claims, even those arising in the context of foreign or military affairs. In fact, the Supreme Court has almost always rejected the “political question doctrine” as a basis to preclude adjudication of individual rights claims, even in the context of foreign or military affairs. Although the Supreme Court has invoked a “political question doctrine” in some cases, a close review of those cases demonstrates that rather than dismissing the cases as “nonjusticiable,” the Court in fact adjudicated the case by finding that either the executive or Congress acted constitutionally within their power or discretion. The recent post-9/11 Supreme Court cases of Hamdi v. Rumsfeld, Rasul v. Bush, and Bush v. Boumediene further demonstrate that the doctrine does not exist as a nonjusticiability doctrine in individual rights claims (if it exists as such at all), even in those involving foreign and military affairs. In case there remained any doubt, in 2012 case of Zivotofsky v. Clinton, the Supreme Court for all practical purposes sounded the death knell of the application of the “political question doctrine” as a justiciability doctrine with regard to individual rights claims, including those arising in a foreign policy context. Rather than continuing to erroneously dismiss such cases on political question grounds or using “special factors” as nonjusticiable, federal courts should adjudicate the claims by ruling which branch has what power under the Constitution, and whether the branch acted within its powers. This is an important function of the courts, and one vital to legal and political transparency and democracy. Indeed, this is the approach the Supreme Court has consistently taken – even if the Court has not always well-articulated this approach - and which it affirmed in Zivotofsky.

#### No Link - NEPA application is about statutory interpretation, no violation of political question doctrine

Arnold 88 (The Honorable Richard Shepard Arnold, B.A. in Latin and Greek from Yale University, J.D. from Harvard Law, Justice, U.S. Court of Appeals for the Eighth Circuit, 7 F.2d 445 27 ERC 1931, 56 USLW 2668, 18 Envtl. L. Rep. 21,092, 5-18-88)

B. Review of the Air Force EIS, Within the Limitations Set Forth by Section 110 of DAA 1984, Does Not Violate the Political Question Doctrine. 1. Overview We turn at this point to consider whether this Court, even under the limitations set forth by section 110 of DAA 1984, has the power to review the Air Force EIS for compliance with NEPA. The Air Force contends that the type of decisions involved in reviewing the MX EIS are "interwoven with political issues going to the heart of foreign policy and national defense which have been already resolved by the President." Thus, it concludes, these types of decisions represent political questions not subject to judicial review. We disagree and find that the federal courts have the power, within the parameters set forth by DAA 1984, to fully review the MX project's EIS for compliance with NEPA. 2. Discussion In reading DAA 1984, it is clear to us that Congress intended the ongoing MX project to be subject to substantial environmental review. The terms of the statute plainly state that the "Secretary of the Air Force shall prepare a full draft and final environmental impact statement in accordance with all terms, conditions and requirements of [NEPA] on the proposed deployment and peacetime operations of MX missiles in the Minuteman silos." Obviously, Congress was concerned about the potentially dangerous effects of a nuclear missile project on the civilian population during peacetime. Moreover, these environmental restrictions were undoubtedly part of an agreement or settlement that Congress entered into with the Executive Branch in exchange for the substantial appropriations involved in this project. Given this, it now seems particularly disingenuous for the Air Force and the Executive Branch to maintain that this duty is unenforceable. We simply do not accept the contention that such an explicit statutory command, made as a condition to large congressional appropriations, on an issue this vital to the health and well-being of citizens of this country, creates a mere precatory admonition, unreviewable by the courts. Moreover, precedent amply supports our view. We find the issue of justiciability in the present case to be controlled by Japan Whaling Ass'n v. American Cetacean Soc., 478 U.S. 221, 106 S.Ct. 2860, 92 L.Ed.2d 166 (1986). There, the Supreme Court found that a purely legal question of statutory interpretation, even if accompanied by significant political overtones, was justiciable and, in fact, part of the duty of a federal court to adjudicate. Given that the present case involves such purely legal questions and that it threatens less significant political repercussions than were present in Japan Whaling Ass'n, we find that it is justiciable. The facts of Japan Whaling Ass'n are as follows. Shortly after the Second World War, forty-six nations entered into an international agreement which created the International Whaling Commission (IWC). The IWC was given the power to set limits on the harvesting of various whale species. Though the member nations declared these quotas binding on themselves, the IWC had no power to impose sanctions for violations. Further, by filing an exception, a member nation could exempt itself from its obligation to abide by a given quota requirement. After various efforts to provide some sort of enforcement mechanism for this agreement, Congress passed the "Packwood Amendment" to the Magnuson Fishery Conservation and Management Act.23 This amendment required the Secretary of Commerce to monitor the whaling activities of foreign nationals and investigate any potential violations of the international agreement. Upon completion of this investigation, the Secretary of Commerce was to promptly make a decision whether to "certify" conduct by the foreign nationals which "diminished the effectiveness" of the international agreement. Under the Packwood Amendment, once the Secretary of Commerce certified such conduct, the Secretary of State had no choice but to reduce, by at least 50%, the offending nation's fishing allocation within the United States' zone. In 1981, the IWC declared that in the foreseeable future no sperm whales could be harvested in certain regions. The next year it ordered a five year moratorium on commercial whaling to begin in the 1985-86 season and continue until 1990. Japan filed timely objections and was freed from compliance with the sperm whale quotas under the terms of the international agreement for the years 1982 through 1984. As the 1984-85 whaling season approached, however, it was clear that the United States could impose sanctions under the Packwood Amendment if Japan continued to exceed the quotas. After extensive negotiations, Japan and the United States concluded an executive agreement wherein Japan agreed to certain harvest limits in excess of those set forth by the IWC and to cease commercial whaling by 1988, three years after the date specified by the IWC. In return, the United States agreed not to certify Japan under the Packwood Amendment. Following this agreement, several environmental groups brought suit in district court against the Secretary of Commerce and various organizations representing the Japanese whaling industry seeking, inter alia, a writ of mandamus compelling the Secretary of Commerce to certify Japan because its actions in violation of the quotas established by the IWC "diminished the effectiveness" of the international agreement. In response, the Japanese petitioners argued that under the political question doctrine, federal courts did not have the power to command an executive branch official to repudiate an international agreement, and thus the case was not justiciable. The Supreme Court disagreed. The Court began by stating that the political question doctrine prevents courts from reviewing controversies which involve "policy choices and value determinations constitutionally committed for resolution to the halls of Congress or the confines of the Executive Branch." Id. at 230, 106 S.Ct. at 2866, 92 L.Ed.2d at 178. This was so, the Court continued, for the reason that "courts are fundamentally underequipped to formulate national policies or develop standards for matters not legal in nature." Id. at 230, 106 S.Ct. at 2866, 92 L.Ed.2d at 178. (citation omitted). Yet, the court found that in terms of the mandamus petition, its task involved construing the Packwood amendment, a purely legal question of statutory interpretation. Moreover, even though the Court admitted that the adjudication of this case would likely have significant political overtones, it declared that the issues involved were not only fully justiciable but that their resolution was part of an unshirkable duty of federal courts under the Constitution. Specifically, it declared: As Baker [v. Carr] plainly held, however, the courts have the authority to construe treaties and executive agreements, and it goes without saying that interpreting congressional legislation is a recurring and accepted task for the federal courts. It is also evident that the challenge to the Secretary's decision not to certify Japan for harvesting whales in excess of IWC quotas presents a purely legal question of statutory interpretation. The Court must first determine the nature and scope of the duty imposed upon the Secretary by the Amendments, a decision which calls for applying no more than the traditional rules of statutory construction, and then applying this analysis to the particular set of facts presented below. We are cognizant of the interplay between these Amendments and the conduct of this Nation's foreign relations, and we recognize the premier role which both the Congress and the Executive play in this field. But under the Constitution, one of the judiciary's characteristic roles is to interpret statutes, and we cannot shirk this responsibility merely because our decision may have significant political overtones. We conclude, therefore, that the present cases present a justiciable controversy, and turn to the merits of petitioners' arguments. Id. at 230, 106 S.Ct. at 2866, 92 L.Ed.2d at 178-79. (emphasis added). The holding of Japan Whaling Ass'n clearly establishes the justiciability of the present case. We find that a dispute that raises the possibility of ordering the Executive Branch to repudiate an international executive agreement requires an action far more "interwoven with political issues going the heart of foreign policy and national defense which have been already resolved by the President" than the review for environmental compliance of a weapons system. In the former case, the judicial action threatens to absolutely thwart a clear and established action by the Executive. In the later case, the court's action would not thwart the Executive Branch but would simply require it to follow congressional directives mandating that its project be completed in an environmentally safe manner. Further, as in Japan Whaling Ass'n, the issues presented to this Court are purely legal ones of statutory interpretation, the resolution of which are a part of our constitutional duty. We further note that in the recent case of No GWEN Alliance v. Aldridge, 841 F.2d 946 (9th Cir.1988), the Ninth Circuit found a very similar claim justiciable. In No GWEN, environmental groups brought suit to compel the Air Force to file Environmental Assessments (EA's) that complied with NEPA in connection with the installation of the Ground Wave Emergency Network (GWEN), a project designed to send war messages to United States strategic forces during and after a nuclear war. In response to the Air Force contention that such a claim was barred by the political question doctrine, the court specifically stated: We conclude that a lawsuit challenging development of a defense installation on the grounds that the responsible agency did not discuss environmental impacts causally related § Marked 08:38 § to the installation raises justiciable questions. Id. at 951. We thus hold the present controversy justiciable. IV. CONCLUSION Heretofore, we have found that Congress intended that only the missiles it had actually authorized for deployment were subject to the EIS requirements of NEPA. Second, we have held that Congress intended to define the scope of the EIS requirement in terms of the "proposed deployment and peacetime operations of the MX missiles in the Minuteman silos." Finally, we have declared review of the EIS for compliance with NEPA to be justiciable under the political question doctrine. We therefore remand to the district court the claims of Colorado and the environmental groups concerning the MX missile EIS that come within the terms of section 110 of DAA 1984. We further order the district court to review these claims with all the rigor and scrutiny normally required by NEPA. Specifically, because we find that all of Colorado's claims involve either the deployment of the missiles or their peacetime operation within the silos,24 the entirety of its case is reviewable. Similarly, we find the claim of the environmental groups regarding accidents in terms of the deployment and normal operation of the missile to be justiciable. However, because Congress has limited the scope of the required EIS to the "proposed deployment and peacetime operation of the MX missiles in the Minuteman silos," we find the claims of the environmental groups concerning alternative weapons systems, alternative basing modes, and intentional or wartime use of the missile are precluded by the clear limitations of the statute. In terms of remedies, we find that justiciability presumes the availability of declaratory relief. At this point, however, we find the consideration of more intrusive remedies premature and leave those determinations to the district court when and if it should find both that the MX missile EIS violates the provisions of NEPA and that declaratory relief is inadequate. Therefore, the decision of the district court is reversed, and this case is remanded to it for action consistent with this opinion. Each party shall bear its own costs on appeal. The mandate of this Court shall issue forthwith.

### Iran – 2AC (Texas)

#### No vote for Iran sanctions AND Dems aren’t pushing for a vote

Kaper 2/2/14 (Stacy, National Journal, "How Obama Won the War on Iran Sanctions," http://www.nationaljournal.com/defense/how-obama-won-the-war-on-iran-sanctions-20140202)

The push for new sanctions on Iran has stalled. The Democrats who bucked President Obama to back the sanctions bill are backpedaling mightily—no longer even pretending they're pushing Harry Reid to hold a vote on the measure. And while there's still plenty of chest-pounding and posturing, the debate's end result seems clear: The Senate will wait, at least so long as the negotiations move in the right direction.

### Obama Good – 2AC

#### 1. Won’t pass –

#### 2. PC low

Kaminsky 12/29/13 (Ross, Political Commentator @ Heartland Institute, "Swirling the Bowl: An Administration Goes Down the Drain," http://blog.heartland.org/2013/12/swirling-the-bowl-an-administration-goes-down-the-drain/)

A Gallup poll released earlier this month shows massive declines among all of Obama’s core base groups, led by a stunning 23 percent drop in Obama’s approval among Hispanics since last December. Among those earning less than $24,000 a year, the plunge was 18 percent. Nonwhite support of Obama fell 17 percent (though it still remains high at 65 percent). Support among moderates fell 16 percent and among 18-29 year-olds tumbled 15 percent, both resting under 50 percent with groups Democrats must have to win.¶ And so the Obama presidency circles the drain.¶ Union members are furious about the impact of Obamacare on their “Cadillac” health plans. In August, the International Longshore and Warehouse Union, which has over 40,000 members in the United States, dissolved their ties with the AFL-CIO based in large part on the AFL-CIO chief Richard Trumka’s active role in helping Obamacare become law.¶ Several other large labor unions are now suffering buyer’s remorse over the ironically named Affordable Care Act. Union dissatisfaction with the Obama administration has become intense enough that even the Washington Post’s Ezra Klein was compelled to report on it.¶ Among reporters, however, it’s more of a Silver Blaze situation: notable for the lapdogs not barking. Some are reluctantly recognizing that what little credibility they and their profession have left requires telling today’s political stories with near-honesty rather than serving as Obama’s human shields.¶ Of course there are holdouts: The slavishly pro-Obama NBC News begins a story about the president’s 38 percent job approval in Iowa by saying, “Not that he’s running for anything again.” I’m sure that makes the reporter feel better.¶ That’s par for the “journalistic” course among the usual old-line news outlets whose J-school-graduate employees are inconsolable as the legacy of their “historic” president swirls in the bowl like Tuesday’s pot roast, substantially less appealing after being fully digested.¶ And while the Hollywood celebrity elite try to stand their ground, the Wall Street Journal’s Peggy Noonan believes that “New York’s Democrats, to the degree they ever loved the president, don’t love him anymore, and have moved on. They are not thinking about what progress he might make in Washington next year, they’re talking about what Hillary might do the year after that.”¶ Yet all this talk about President Obama obscures a larger point, though one not lost on likely-to-be-ex-Senator Mark Pryor (D-AR) and other vulnerable Democrats — or on the declining Mrs. Clinton herself: The flush isn’t just sucking away Obama’s last measure of relevancy, but the relevancy of his party and his philosophy, and the morale and commitment of their supporters.¶ The last remaining glimmer of Obama’s political capital and personal appeal, and thus his ability to help vulnerable Democrats in the 2014 elections and beyond, is flowing into the septic tank of Progressive history.

#### 4. Court shields

Stimson 9

[09/25/09, Cully Stimson is a senior legal fellow at the Heritage Foundation and an instructor at the Naval Justice School former American career appointee at the Pentagon. Stimson was the Deputy Assistant Secretary of Defense for Detainee Affairs., “Punting National Security To The Judiciary”, http://blog.heritage.org/2009/09/25/punting-national-security-to-the-judiciary/]

So what is really going on here? To those of us who have either served in senior policy posts and dealt with these issues on a daily basis, or followed them closely from the outside, it is becoming increasingly clear that this administration is trying to create the appearance of a tough national-security policy regarding the detention of terrorists at Guantanamo, yet allow the courts to make the tough calls on releasing the bad guys. Letting the courts do the dirty work would give the administration plausible cover and distance from the decision-making process. The numbers speak for themselves. Of the 38 detainees whose cases have been adjudicated through the habeas process in federal court in Washington, 30 have been ordered released by civilian judges. That is close to an 80 percent loss rate for the government, which argued for continued detention. Yet, how many of these decisions has this administration appealed, knowing full well that many of those 30 detainees should not in good conscience be let go? The answer: one. Letting the courts do it for him gives the president distance from the unsavory release decisions. It also allows him to state with a straight face, as he did at the Archives speech, “We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.” No, the president won’t release detainees; he’ll sit back and let the courts to do it for him. And the president won’t seek congressional authorization for prolonged detention of the enemy, as he promised, because it will anger his political base on the Left. The ultra-liberals aren’t about to relinquish their “try them or set them free” mantra, even though such a policy threatens to put terrorists back on the battlefield. Moreover, the president would have to spend political capital to win congressional authorization for a prolonged detention policy. Obviously, he would rather spend that capital on other policy priorities. Politically speaking, it is easier to maintain the status quo and let the detainees seek release from federal judges. The passive approach also helps the administration close Gitmo without taking the heat for actually releasing detainees themselves.

#### 7. PC not real

Hirsch 13

[Michael, chief correspondent for the National Journal and former senior editor and columnist at Newsweek, "There's no such thing as political capital.” 2/27/13, <http://news.yahoo.com/no-thing-political-capital-201002390--politics.html>]

On Tuesday, in his State of the Union address, President Obama will do what every president does this time of year. For about 60 minutes, he will lay out a sprawling and ambitious wish list highlighted by gun control and immigration reform, climate change and debt reduction. In response, the pundits will do what they always do this time of year: They will talk about how unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how much “political capital” Obama possesses to push his program through. Most of this talk will have no bearing on what actually happens over the next four years. Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen. What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.” As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The political tectonics have shifted dramatically in very little time. Whole new possibilities exist now that didn’t a few weeks ago. Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. BobbyJindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all. The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.” The real problem is that the idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, political capital is a concept that misleads far more than it enlightens. It is distortionary. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history. Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger. But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. § Marked 08:39 § “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.”

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