## 1AC

Same as Round 4

## 2AC

### Circumvent

#### Restrictions solve – raises political costs

Ogul, 1996 (Morris, Master and Doctorate in Political Science from the University of Michigan, “The Politics of the War Powers”, Review: Louis Fisher, Presidential War Powers; Reviews in American History, 24.3, JSTOR)

In part, these two positions can be reconciled. Recognition that presidents under specific political circumstances will in essence act unilaterally does not mean sustained tyranny is upon us. If congressional majorities and large segments of the public respond vigorously and negatively to specific presidential actions, political pressures will minimize the duration and impact of such actions. Conversely if Congress and large segments of the public go along with the president, formal legal restrictions will have few decisive effects.¶ Over twenty years of experience with the War Powers Resolution (WPR) illuminates the problem. Presidents have usually claimed that they have consulted with Congress as stipulated in the WPR before committing troops to hostile zones. Few members of Congress would read the evidence that way. Presidents have notified Congress about what they were about to do while asserting that they have consulted Congress. What presidents have actually done does not conform with any normal meaning of consultation. Similarly, most presidential decisions to send troops into environments where combat is likely were reported, as required by the WPR , to the Congress. But presidents have studiously avoided reporting in the manner prescribed by the WPR, one that triggers its sixty-day cut-off provisions. [End Page 527]¶ This behavior by presidents surely leaves some critical decisions in a legal limbo. That, for good or evil, is where they actually are. What we can do is recognize that fact and act accordingly. Politics has and will govern the resolution of this issue. Whether this is desirable in principle can be debated. The realities of politics, however, have and are likely to prevail.¶ Legal restrictions sometimes cannot withstand political tides. Constitutional, limited government is not intended to work that way but it does in reality. There are few effective legal safeguards against intense and enduring political tides. Fortunately in U.S. history, such episodes have been few and relatively fleeting. Legal restrictions such as those specified in the War Powers Resolution have little direct, conclusive impact. They do, however, help raise the political costs of unilateral executive actions. Therein lies their primary value. Will presidents fully and freely involve Congress in decision making to send U.S. armed forces into potential or actual combat? Despite the force of Louis Fisher's account of the constitutional history of the war powers, the answer is probably not. Will presidents carefully calculate the political costs of such initiatives? They usually will. Legislation designed to raise political costs may be a useful way to promote this possibility, but Fisher places far too much weight on "solid statutory checks" (p. 205).

#### Courts solve non-compliance

Garcia, 2012 (Michael John, Legislative Attorney, “War Powers Litigation Initiated by Members of Congress Since the Enactment of the War Powers Resolution”, Congressional Research Service, February 17, http://www.fas.org/sgp/crs/natsec/RL30352.pdf)

The courts have made clear, however, that while formidable, none of the aforementioned procedural barriers constitutes an insurmountable obstacle to resolving the statutory or constitutional issues concerning war powers. All of the opinions to date indicate that the barrier to the exercise of jurisdiction stems from the posture of the cases, not some institutional shortcoming. If this view prevails, both statutory and constitutional war powers issues can be judicially determined if a legal, as distinguished from a political, impasse is created. It has been suggested that this can come about by congressional action that directs the President to take a particular action, or bars him from doing so, and by presidential noncompliance. Absent such an irreconcilable conflict, however, many believe it’s unlikely that the courts will venture into this politically and constitutionally charged thicket.

### Military Key

#### Military force is the response to reprocessing tech

Riecke, 2004 (Henning, Resident Fellow at the German Council on Foreign Relations, “The Crisis in Halting WMD Proliferation”, Translantic Internationale Politik, https://ip-journal.dgap.org/en/article/getFullPDF/22996)

Today we can distinguish three tendencies in American nonproliferation policy that could undermine the principles of traditional nonproliferation policy. First, export controls are favored over treaties and verification. This is not a new tendency, but in the previous history of nonproliferation regimes, export controls and withholding of technology have been balanced by other principles, such as research cooperation. Now, however, the increasingly diffuse trade in sensitive and dual-use technologies has left those export control agreements among likeminded industrialized states accounting for only a part of all dangerous shipments. Those between proliferation candidates remain concealed. For decades the United States has been trying to keep sensitive reprocessing and enrichment technology out of the hands of developing nations; in the 1990s these withholding strategies were tailored directly to the handful of “rogue states” that Washington identified as threats. The latest example of Washington’s abiding interest in novel withholding mechanisms is the US Proliferation Security Initiative from spring of 2003. Together with other provider countries, the United States is exploring the possibilities of enforcing multilateral agreements by detecting and intercepting exports of sensitive technologies by land, sea, or air before they reach their destinations. Export restrictions are in the interest of both the US and other industrialized nations and will surely remain a component of US nonproliferation policy. The second trend is a dismissal of present multilateral treaties that borders on contempt. During the administration of George W. Bush a series of open flouting of treaties have laid bare the American paradigm change. These include the administration’s unwillingness to submit the Comprehensive Test Ban Treaty for ratification; the failure, thanks to US intransigence, of negotiations over a biological weapons verification protocol; the obstructionist US stance at the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in summer of 2001 that forced the delegates to reach an unsatisfactory conclusion; and, finally, America and Russia’s withdrawal from the Anti-Ballistic Missile Treaty. There were understandable reasons for each of these individual steps, of course. Yet they also demonstrate that the United States considers itself better positioned to counteract WMD proliferation by its own political and military superiority than by commitments to multilateral treaties. Such ad hoc measures have their own drawbacks. They may be more efficient, but they also make American policy more erratic. The third tendency is greater dependence on military force. The US national doctrine for fighting the proliferation of weapons of mass destruction from September 2002 names three pillars of nonproliferation policy: military-based counter-proliferation, traditional nonproliferation, and “consequence management,” or preparation for an attack by weapons of mass destruction. Military elements are at the top of this list. They include components such as interdiction, the interception of sensitive technology shipments, deterrence, and defense against WMD attack. Defense includes the controversial elements of preemption, or military strikes against WMD programs even before a direct threat exists, and an anti-ballistic missile defense. Plans for developing and using even nuclear weapons as instruments of preemptive military strikes must also be seen in this context, regardless of the signal they send to non-nuclear powers of the value of such weapons. The military bias of American nonproliferation policy could lead to a split between supporters and opponents of military preemption in nonproliferation policy. The states of the European Union now also include military coercion—under the terms of the United Nations Charter— among the vital instruments of nonproliferation policy. Yet they strictly link these measures to the earlier work of the institutions.

### Fukushima

#### NP invest happening post fukushiima

**Domenici and Miller, 2012** (Pete, former senator and senior fellow at the Bipartisan Policy Center; Warren F, PhD in Engineering Sciences from Northwestern and recently served as assistant secretary for nuclear energy at the U.S. Department of Energy; “Maintaining U.S. Leadership in Global Nuclear Energy Markets”, Report of the Bipartisan Policy Center’s Nuclear Initiative, July, http://bipartisanpolicy.org/sites/default/files/Leadership%20in%20Nuclear%20Energy%20Markets.pdf)

Internationally, the outlook is quite different: a number of countries intend to grow their nuclear fleet or enter the market for nuclear technology for the first time. **Though enthusiasm for nuclear investments has been somewhat dimmed by the Fukushima accident, there still seems to be substantial international interest** **in the further deployment of nuclear power**. In 2008, when the Nuclear Energy Agency of the Organization for Economic Cooperation and Development (OECD) last conducted its Nuclear Energy Outlook, it analyzed global growth scenarios ranging from 450 to 600 gigawatts of electricity through nuclear capacity by 2050, taking into account existing capacity and new additions. 14 Several years later, the lower-end projection seems more likely given the impacts of the worldwide economic crisis and the impacts of the Fukushima accident. 15 In fact, **Fukushima has caused, appropriately, an international pause as each country with existing or planned nuclear capacity takes time to reassess the safety of its currently operating plants and to review its commitment to future nuclear energy development**. **Some countries**—Germany is a prominent example—**have reversed course on their nuclear energy programs**. In March 2011, Germany’s 17 reactors generated approximately 25 percent of that country’s electricity supply. After Fukushima, the German government immediately shut down eight reactors and reinstated its policy of phasing out nuclear energy altogether by 2022. 16 Italy and Switzerland have made similar decisions to phase out or delay the growth of their nuclear programs. 17 After Fukushima, the Japanese government reversed its policy goal of expanding nuclear power to 30 to 40 percent of electric generation. 18 As of May 2012, all 54 of Japan’s nuclear power reactors had been shut down for scheduled maintenance; due to public opposition, to date, only one of these plants has been able to restart. 19,20 **Several other countries, by contrast, have reaffirmed their intentions to continue expanding or developing a nuclear energy program after Fukushima.** **These countries include China, India, South Korea, and Russia. Together, they are expected to account for 80 percent of new nuclear plant construction globally over the next decade** or longer. China alone accounts for 40 percent of planned new construction globally, with 26 new reactors under development. 21 **Thus, global growth in nuclear energy is still expected to be positive overall.**

### Tech CP

#### Perm do both

#### Doesn’t solve any of the aff – about developing nations – that’s squassoni – we’ll make other arguments

#### US nuclear power now – t/o the DA

Silverstein 2/20 Ken, Forbes, "Despite Difficulties, Nuclear Energy Will Regain Strength", 2013, [www.forbes.com/sites/kensilverstein/2013/02/20/despite-difficulties-nuclear-energy-will-regain-strength/](http://www.forbes.com/sites/kensilverstein/2013/02/20/despite-difficulties-nuclear-energy-will-regain-strength/)

The Japanese nuclear accident in March 2011 may have knocked out the sector’s wind. But the industry now says that it has regained its momentum. Here in the United States, five new plants are expected to be operational by the end of the decade while internationally, 70 such facilities are planned.¶ Nuclear energy advocates are still battling the same longtime foes. But the industry feels that once the new plants with modern safeguards get up and running, those facilities will prove their value. The harder sell, right now, is the financial justification. Why spend $10-$15 billion to build a new nuclear facility when market conditions now favor combined-cycle natural gas plants that are much cheaper and easier to permit?¶ “The long-term fundamentals continue to support this technology,” says Marvin Fertel, chief executive of the Nuclear Energy Institute, before Wall Street analysts. He adds that the average capacity factor — a measurement of operational efficiency — has been about 90 percent for the past decade. Further, the uranium to fuel those reactors is plentiful while the environmental impact is relatively benign.¶ The utilities with active construction efforts are Southern Company, Scana Corp. and the Tennessee Valley Authority. Southern Co. and its partners are building two new units where two other other nuclear reactors now reside. The total price tag is estimated at $14 billion. Of that, the partnership will snag an $8 billion loan guarantee while it puts up $6 billion of its money.

### XO

#### Perm do both

#### Object fiat – reject the team – they blur the controversy, warps 2AC time and offense – err aff even if they are “just” TOO CLOSE, practical fairness controls precision on questions of cp theory

#### “Of the President” is an adjective phrase – particularizes “authority”

David Megginson, University of Ottawa, Department of English, 2007. “The Function Of Phrases” writingcentre.uottawa.ca/hypergrammar/phrfunc.html

An adjective phrase is any phrase which modifies a noun or pronoun. You often construct adjective phrases using participles or prepositions together with their objects: I was driven mad by the sound of my neighbour's constant piano practising. In this sentence, the prepositional phrase "of my neighbour's constant piano practising" acts as an adjective modifying the noun "sound."

#### Restraint fails – won’t listen to congress and doesn’t access any signaling arguments

Posner, 9/3 (Eric, professor at the University of Chicago Law School, “Obama is only making his War Powers mightier”, Slate, 2013, http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever. It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.” Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him. The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.) People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way. This approach also empowers the president relative to Congress by giving him the ability to embarrass members of Congress when he wants to. Just ask Hillary Clinton, whose vote in favor of the 2003 Iraq War damaged her chances against Barack Obama in 2008, and the Democratic senators who could not enter the 1992 campaign for the presidency because their votes against the 1991 Iraq War rendered them unelectable. The best thing for individual members of Congress is to be able to carp on the sidelines—to complain about not being consulted and to blame the president if the war goes badly. That is why David Axelrod said, “Congress is now the dog that caught the car.” This is hardball politics, not a rediscovery of legal values.

#### Perm do the CP

#### Plan key to effective signaling – only internal link to our offense

Scheuerman, 2012 (William, Professor of Political Science and Western European Studies at Indiana University, “Review Essay: Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy”, Law & Social Inquiry, 37 Law & Soc. Inquiry 743, Lexis)

Posner and Vermeule rely on two main claims. First, even if the president constitutes the dominant actor in a legally unchecked administrative state, he or she has to gain elite and public support to get things done and stand for election. So how can political actors decide whether or not the executive is performing well? Posner and Vermeule tend to hang their hats on "executive signaling": presidents can send signals to voters communicating that they are "well-motivated," and that in fact many voters might make the same (or at least similar) decisions if they possessed the information the president typically has. By communicating in a certain way (e.g., by appointing members of the opposing party to his or her cabinet, promising to accept the recommendations of an independent commission, or by making decisions as transparent as possible), presidents can gain credibility, and voters might thereby come to acknowledge the plausibility--if not necessarily the substantive Tightness--of what the executive is doing (2010, 137-53). However, as Schmitt aptly grasped, even formally free elections potentially become charades when the executive effectively exercises legally unconstrained power (e.g., in Peronist Argentina, or Putin's Russia). Posner and Vermeule never really provide enough evidence for us to dismiss this possibility. Since the president in our system is only subject on one occasion to reelection, it is unclear how their proposals might meaningfully check the executive, particularly during a second term. The fact that executive signaling represents a form of self-binding hardly seems reassuring, either (2010, 135). Nor does the book's highlighting of the possible dangers of different forms of executive signaling (e.g., too much transparency, or an excessive subservience to independent agencies) help very much on this score (2010, 142-46). Why should we expect to get presidents who know how to engage in executive signaling in just the right way? The familiar reason the executive needs elite and popular support, of course, is that it still relies on a popularly elected Congress and other institutional players to get things done: this is why describing such dependence as intrinsically political and "nonlegal" seems odd. For that matter, the relationship between what we traditionally have described as a normative theory of political legitimacy and executive signaling mechanisms--whereby the executive gains popular credibility--remains ambiguous. Is their theory of executive signaling and credibility meant to stand in for a normative theory of legitimacy? If so, one might worry. We can easily imagine an executive diligently doing many of the things prescribed here yet nonetheless pursuing policies deeply at odds with the common good, or at least with what a democratic community under more ideal conditions might determine to be in its best interests. Depending on one's normative preferences, some of the examples provided of executive signaling (e.g., FDR and Obama naming Republicans to their cabinets) might legitimately be taken as evidence for presidential Machiavellianism, rather than as solid proof that the presidents in question were well-motivated and thereby somehow politically acceptable. [\*758] Presidential "signaling" seems like a pale replacement for liberal legalism and the separation of powers.

#### Conditionality is bad – it disincentivizes offense because it takes too long and they can kick it – allows them to read contradictory positions kills education – dispo solves

### K

#### Framework we get to weigh implementation of the aff vs a competitive alternative –

#### Predictability – the rez says USFG so that’s predictable that we should debate – the alternative moots the 1AC and makes fair debate impossible

#### Education – the only way to change government energy policy is deliberation about how climate science can inform policy options – it’s low now so there is only a risk we’re right – that’s Hanson

**Hansen ‘9**, heads the [NASA](http://en.wikipedia.org/wiki/NASA) [Goddard Institute for Space Studies](http://en.wikipedia.org/wiki/Goddard_Institute_for_Space_Studies) and [adjunct professor](http://en.wikipedia.org/wiki/Professors_in_the_United_States#Adjunct_professor) in the Department of Earth and Environmental Sciences at [Columbia University](http://en.wikipedia.org/wiki/Columbia_University) (James, December, Storms of My Grandchildren, xi)

I believe the biggest obstacle to solving global warming is the role of money in politics, the undue sway of special interests. **But the public, and young people in particular, will need to get involved in a major way.** “What?” you say. You already did get involved by working your tail off to help elect President Barack Obama. Sure, I (a registered Independent who has voted for both Republicans and Democrats over the years) voted for change too, and I had moist eyes during his Election Day speech in Chicago. That was and always will be a great day for America. But let me tell you: President Obama does not get it. He and his key advisers are subject to heavy pressures, and so far the approach has been, “Let’s compromise.” **So you still have a hell of a lot of work ahead of you**. You do not have any choice. Your attitude must be “Yes, we can.” I am sorry to say that most of what our politicians are doing on the climate front is greenwashing – their proposals sound good, but they are deceiving you and themselves at the same time. Politicians think that if matters look difficult, compromise is a good approach. **Unfortunately, nature and the laws of physics cannot compromise – they are what they are.** Policy decisions on climate change are being deliberated every day by those without full knowledge of the science, and often with intentional misinformation spawned by special interests. This book was written to help rectify the situation. Citizens with a special interest – in their loved ones – need to become familiar with the science, exercise their democratic rights, and pay attention to politicians’ decisions. Otherwise, it seems, short-term special interests will hold sway in capitals around the world – and we are running out of time.

#### Simulation and institutional deliberation are valuable and motivate effective responses to climate risks

Marx et al 7 (Sabine M, Center for Research on Environmental Decisions (CRED) @ Columbia University, Elke U. Weber, Graduate School of Business and Department of Psychology @ Columbia University, Benjamin S. Orlovea, Department of Environmental Science and Policy @ University of California Davis, Anthony Leiserowitz, Decision Research, David H. Krantz, Department of Psychology @ Columbia University, Carla Roncolia, South East Climate Consortium (SECC), Department of Biological and Agricultural Engineering @ University of Georgia and Jennifer Phillips, Bard Centre for Environmental Policy @ Bard College, “Communication and mental processes: Experiential and analytic processing of uncertain climate information”, 2007, http://climate.columbia.edu/sitefiles/file/Marx\_GEC\_2007.pdf)

Based on the observation that experiential and analytic processing systems compete and that personal experience and vivid descriptions are often favored over statistical information, we suggest the following research and policy implications.¶ Communications designed to create, recall and highlight relevant personal experience and to elicit affective responses can lead to more public attention to, processing of, and engagement with forecasts of climate variability and climate change**.** Vicarious experiential information in the **form of scenarios**, narratives, and analogies **can help** the public and **policy makers imagine the potential consequences of climate** variability and **change, amplify** or attenuate **risk perceptions, and influence** both individual behavioral intentions and **public policy preferences.** Likewise, as illustrated by the example of retranslation in the Uganda studies, **the translation of statistical information** into concrete experience **with simulated forecasts, decisionmaking and its outcomes can greatly facilitate an intuitive understanding of** both **probabilities and the** consequences of incremental change and extreme events, and **motivate contingency planning**.¶ Yet, while the engagement of experience-based, affective decision-making can make risk communications more salient and motivate behavior, experiential processing is also subject to its own biases, limitations and distortions, such as the finite pool of worry and single action bias. Experiential processing works best with easily imaginable, emotionally laden material, yet many aspects of climate variability and change are relatively abstract and require a certain level of analytical understanding (e.g., long-term trends in mean temperatures or precipitation). Ideally, communication of **climate forecasts should encourage the interactive engagement of** both analytic and experiential **processing systems in** the course of **making concrete decisions** about climate, ranging from individual choices about what crops to plant in a particular season to broad social choices about how to mitigate or adapt to global climate change.¶ One way to facilitate this interaction is through group and participatory decision-making. As the Uganda example suggests, **group processes allow individuals with a range of knowledge, skills and** personal **experience to share diverse information and perspectives and work together on a problem**. Ideally, groups should include at least one member trained to understand statistical forecast information to ensure that all sources of information—both experiential and analytic—are considered as part of the decision-making process. Communications to groups should also try to translate statistical information into formats readily understood in the language, personal and cultural experience of group members. In a somewhat iterative or cyclical process, the shared concrete information can then be re-abstracted to an analytic level that **leads to action**.¶ Risk and uncertainty are inherent dimensions of all climate forecasts and related decisions. **Analytic products like trend analysis, forecast probabilities, and ranges of uncertainty ought to be valuable contributions to stakeholder decision-making**. Yet decision makers also listen to the inner and communal voices of personal and collective experience, affect and emotion, and cultural values. Both systems—analytic and experiential—should be considered in the design of climate forecasts and risk communications. If not, many analytic products will fall on deaf ears as decision makers continue to rely heavily on personal experience and affective cues to make plans for an uncertain future. The challenge is to find innovative and creative ways to engage both systems in the process of individual and group decision-making.

#### Perm do the plan and let go of apocalypse expectations and vote aff – obviously the alt does more than this – the perm will shift as the alt does

#### Climate apocalypticisism leads to activism that averts catastrophe – studies prove robust correlation

Veldman 12 – doctoral candidate in the Religion and Nature program at the University of Florida (Robin Globus, “Narrating the Environmental Apocalypse”, Volume 17, Number 1, Spring 2012, Ethics & the Environment, online, MCR)

Environmental Apocalypticism and Activism¶ As we saw in the introduction, critics often argue that apocalyptic rhetoric induces feelings of hopelessness or fatalism. While it certainly does for some people, in this section I will present evidence that apocalypticism also often goes hand in hand with activism.¶ Some of the strongest evidence of a connection between environmental apocalypticism and activism comes from a national survey that examined whether Americans perceived climate change to be dangerous. As part of his analysis, Anthony Leiserowitz identified several “interpretive communities,” which had consistent demographic characteristics but varied in their levels of risk perception. The group who perceived the risk to be the greatest, which he labeled “alarmists,” described climate change [End Page 5] using apocalyptic language, such as “Bad…bad…bad…like after nuclear war…no vegetation,” “Heat waves, it’s gonna kill the world,” and “Death of the planet” (2005, 1440). Given such language, this would seem to be a reasonable way to operationalize environmental apocalypticism. If such apocalypticism encouraged fatalism, we would expect alarmists to be less likely to have engaged in environmental behavior compared to groups with moderate or low levels of concern. To the contrary, however, Leiserowitz found that alarmists “were significantly more likely to have taken personal action to reduce greenhouse gas emissions” (ibid.) than respondents who perceived climate change to pose less of a threat. Interestingly, while one might expect such radical views to appeal only to a tiny minority, Leiserowitz found that a respectable eleven percent of Americans fell into this group (ibid).¶ Further supporting Leiserowitz’s findings, in a separate national survey conducted in 2008, Maibach, Roser-Renouf, and Leiserowitz found that a group they labeled “the Alarmed” (again, due to their high levels of concern about climate change) “are the segment most engaged in the issue of global warming. They are very convinced it is happening, human-caused, and a serious and urgent threat. The Alarmed are already making changes in their own lives and support an aggressive national response” (2009, 3, emphasis added). This group was far more likely than people with lower levels of concern over climate change to have engaged in consumer activism (by rewarding companies that support action to reduce global warming with their business, for example) or to have contacted elected officials to express their concern. Additionally, the authors found that “[w]hen asked which reason for action was most important to them personally, the Alarmed were most likely to select preventing the destruction of most life on the planet (31%)” (2009, 31)—a finding suggesting that for many in this group it is specifically the desire to avert catastrophe, rather than some other motivation, that encourages pro-environmental behavior. Taken together, these and other studies (cf. Semenza et al. 2008 and DerKarabetia, Stephenson, and Poggi 1996) provide important evidence that many of those who think environmental problems pose a severe threat practice some form of activism, rather than giving way to fatalistic resignation.

#### Floating PIKS are bad – shifts the nature of the alt – we can’t predict them

#### The 1AC is a narrativization of climate apocalypse – key to moral deliberation which ensures activism and avoids their apathy arguments since it’s tied to constructive solutions

Veldman 12 – doctoral candidate in the Religion and Nature program at the University of Florida (Robin Globus, “Narrating the Environmental Apocalypse”, Volume 17, Number 1, Spring 2012, Ethics & the Environment, online, MCR)

The Apocalyptic Narrative as a Framework for Moral Deliberation¶ In discussing how apocalypticism functions within the environmental community, it will be helpful to analyze it as a type of narrative. I do so because the domain of narrative includes both the stories that people read and write, as well as those they tell and live by. By using narratives as data, scholars can analyze experiential and textual sources simultaneously (Polkinghorne 1988; Riessman 2000).¶ To analyze environmental apocalypticism as a type of narrative is not to suggest that apocalyptics’ claims about the future are fictional. Rather, it is to highlight that the facts to which environmentalists appeal have been organized with particular goals in mind, goals which have necessarily shaped the selection and presentation of those facts. Compelling environmental writers do not simply list every known fact pertaining to the natural world, but instead select certain findings and place them within a larger interpretive framework. Alone, each fact has little meaning, but when woven into a larger narrative, a message emerges. This process of narrativization is essential if a message is to be persuasive (Killingsworth and Palmer 2000, 197), and has occurred not only in the rapidly expanding genre of environmental nonfiction, but in much scientific writing about the environment as well (Harré, Brockmeier, and Mühlhäusler 1999, 69).¶ What defines narratives as such is their beginning-middle-end structure, their ability to “describe an action that begins, continues over a well-defined period of time, and finally draws to a definite close” (Cronon 1992, 1367). Here I will focus on the last of these elements, the ending, because anything we can learn about how endings function within narratives in general will be applicable to the apocalypse, the most final ending of all.¶ An ending is essential in order for a story to be complete, but there is more to it than this. Endings are also key because they establish a story’s moral, the lesson it is supposed to impart upon the reader. In other words, to know the moral of the story, auditors must know the consequences of the actions depicted therein, so there can be no moral without an ending. To take a simple example, when we hear the story of the shepherd boy who falsely claims that a wolf is attacking his flock of sheep in order to entertain himself at his community’s expense, what makes the lesson clear is that when a wolf does attack his flock, the disenchanted town members refuse to come to his aid. By clearly illustrating how telling lies can have [End Page 9] unpleasant consequences for the perpetrator, the ending reveals the moral that lying is wrong. As Cronon explains, it is “[t]he difference between beginning and end [that] gives us our chance to extract a moral from the rhetorical landscape” (1992, 1370).¶ Endings play a similar role in environmental stories. In Al Gore’s book Earth in the Balance (1992), for example, he devotes over a third of the book’s pages to presenting scientific evidence that disaster is imminent.5 As he sums it up, “Modern industrial civilization…is colliding violently with our planet’s ecological system. The ferocity of its assault on the earth is breathtaking, and the horrific consequences are occurring so quickly as to defy our capacity to recognize them” (1992, 269). He builds this argument so carefully precisely because if the ending does not seem credible, the moral he wants readers to draw from the story will not be compelling. If his readers are not convinced that the ending to this story of ecological misbehavior will be a debacle of colossal proportions, they will not become convinced that they need to dramatically alter their ecological behavior. Thus the vision of future catastrophe that Gore presents provides a crucial vantage point from which the present environmental situation can be understood as the result of a grand moral failure, and Gore’s readers are made aware of their obligations in light of it. Gore himself appreciates the importance of this recognition, arguing that “whether we realize it or not, we are now engaged in an epic battle to right the balance of our earth, and the tide of this battle will turn only when the majority of people in the world become sufficiently aroused by a shared sense of urgent danger to join an all-out effort” (1992, 269, emphasis added). Here, as in so many other stories, the ending must be in place for the moral to become clear.¶ To say that endings are essential in order for stories to have morals is already to hint that stories alter behavior, that they can encourage action in the real world even as they invoke an imaginary one. This much is clear from Earth in the Balance (1992): Gore does not just want people to grasp a moral, to perceive some ethic in the abstract—he wants them change their behavior in the here and now. In constructing a narrative with this goal in mind, he is banking on the ability of powerful stories to motivate social change, to be, as Cronon puts it, “our chief moral compass in the world” (1992, 1375).¶ Mark Johnson’s insightful synthesis of cognitive science and philosophy helps explain further how this process of moral guidance occurs. For [End Page 10] Johnson, narrative is fundamental to our experience of reality, “the most comprehensive means we have for constructing temporal syntheses that bind together and unify our past, present, and future into more or less meaningful patterns” (1993, 174). Narratives are also critical to our ability to reason morally, an activity which Johnson asserts is fundamentally imaginative. In this view, we use stories to imagine ourselves in different scenarios, exploring and evaluating the consequences of different possible actions in order to determine the right one. Moral deliberation is thus¶ …an imaginative exploration of the possibilities for constructive action within a present situation. We have a problem to solve here and now (e.g., ‘What am I to do?’…. ‘How should I treat others?’), and we must try out various possible continuations of our narrative in search of the one that seems best to resolve the indeterminacy of our present situation.¶ (1993, 180)¶ Put another way, what cognitive science has revealed is that from an empirical perspective the process of moral deliberation entails constructing narratives rooted in our unique history and circumstances, rather than applying universal principles (such as Kant’s categorical imperative) to particular cases. That we use narratives to reason morally is not a result of conscious choice but of how human cognition works. That is, insofar as we experience ourselves as temporal beings, a narrative framework is necessary to organize, explain, and ultimately justify the many individual decisions that over time become a life. § Marked 07:24 § Formal principles may be useful in unambiguous textbook cases, but in real life “we can almost never decide (reflectively) how to act without considering the ways in which we can continue our narrative construction of our situation” (Johnson 1993, 160). Empirically speaking, “our moral reasoning is situated within our narrative understanding” (Johnson 1993, 180, italics in original).¶ The observation that people use narratives to reason morally may help explain the association between environmental apocalypticism and activism. The function of the apocalyptic narrative may be that it helps adherents determine how to act by providing a storyline from which they can imaginatively sample, enabling them to assess the consequences of their actions. In order to answer the question, “Should I drive or walk to the store?” for example, they can reason, “If I walk, that will reduce my carbon footprint, which will help keep the ice caps from melting, saving humans and other species.” It is their access to this narrative of impending [End Page 11] disaster that makes such reasoning possible, for it provides a simple framework within which people can consider and eventually arrive at some conclusion about their moral obligations.6 More broadly, it can guide entire lives by providing a narrative frame of reference that imbues the individual’s experiences with meaning. For example, it is the context of looming anthropogenic apocalypse which suggests that dedicating one’s life to achieving a healthier relationship with the natural world is a worthwhile endeavor. Absent the apocalypse, choices such as limiting one’s travel to reduce greenhouse gas emissions, becoming vegetarian, working in the environmental sector (often for less compensation), or growing one’s own food could seem to be meaningless sacrifices. Within this context, on the other hand, such choices become essential features of the quest to live a moral life.¶ The apocalyptic narrative is but one of many ways to tell the environmental story, yet it is one that seems particularly well-suited to encouraging pro-environmental behavior. First, the apocalyptic ending discloses certain everyday decisions as moral decisions. Without the narrative context of impending disaster, decisions such as whether to drive or walk to the store would be merely matters of convenience or preference. In the context of potentially disastrous consequences for valued places, people, and organisms, by contrast, such decisions become matters of right and wrong. Second, putting information about the environment into narrative form enables apocalyptics to link complex global environmental processes to their own lives, a perceptual technique Thomashow describes as “bringing the biosphere home” (2002). Developing this skill is essential because without that felt sense of connection to their own lived experience, people are much less likely to become convinced that it is incumbent upon them to act (2002, 2). Finally, the sheer magnitude of the impending disaster increases the feeling of responsibility to make good on one’s moral intuitions. By locating individuals within a drama of ultimate concern, the narrative frames their choices as cosmically important, and this feeling of urgency then helps to convert moral deliberation into action.¶ With this conceptual overview in place, we can now examine more closely what the relationship between apocalypticism and moral reasoning looks like in practice. [End Page 12]

#### Only our specific rhetoric solves

Stepp, 11/5/2012 (Matthew, Contributor and Senior Policy Analyst of the D.C.-based think tank the Information Technology and Innovation Foundation, “Climate Hawks and 'Reverse Tribalism': How Our Policy Choices Are Fueling Climate Inaction”, Forbes, http://www.forbes.com/sites/matthewstepp/2012/11/05/climate-hawks-and-reverse-tribalism-how-are-policy-choices-are-fueling-climate-inaction/)

A self-aware and important discussion has emerged among climate advocates on ‘reverse tribalism’: the process by which some within the climate community scold climate hawks for making exaggerated claims about climate change and extreme weather (see Hurricane Sandy). As Grist writer Dave Roberts puts it, these ‘climate scolds’ believe they, “are saving the [climate hawk] activists from themselves,” by keeping them within the bounds of peer-reviewed science and not allowing their alarming message to be used against them to create climate denial and spurn policy action.¶ **But this process** of reverse tribalism **exists** in the first place **because climate advocates are supporting the wrong policy choices**. In other words, reverse tribalism isn’t a communications issue, it’s a policy issue and it’s at the heart of solving climate change.¶ On paper, making the connection between specific extreme weather events like Hurricane Sandy and climate change is seen as a communications strategy. It’s a way for climate hawks (and I consider myself one) to convey a visceral sense of what climate change means and even feels like. If Americans connect the images of flooded subways, long gas station lines, and washed away neighborhoods to human-driven climate change, then they’re more likely to support climate policy.¶ For communicators like Roberts, it’s the best way to get their point across. And I couldn’t agree more that climate change is an urgent, society-threatening problem that requires aggressive attention over many decades.¶ The problem is that making the extreme weather-climate change connection isn’t working, reverse tribalism or not. It didn’t work after Hurricane Katrina. Or after another year of historic droughts and wildfires. And it probably won’t work after Hurricane Sandy.¶ Sure, Sandy’s devastating impacts on New Jersey and New York are helping spark a long overdue discussion on climate change within the parameters of the Presidential election (if we count NYC Mayor Michael Bloomberg’s endorsement of President Obama on climate grounds as a national discussion), but this shows the limits of it as a communications strategy. Policy elites will discuss climate change, reporters will challenge politicos with climate questions, and cover stories will be written, but more likely than not anything actionable will come from it. I am not suggesting the discussion of climate change isn’t important, but don’t expect Hurricane Sandy to be the proverbial foot to the policymakers backside.¶ **Jarring images of extreme weather aren’t sparking action because ‘climate scolds’ are muddying the messaging.** No, as I wrote in Sunday’s Washington Post the images aren’t sparking action because the policy options most climate advocates and environmentalists are selling the public are bankrupt:¶ “Many environmentalists argue that the best way to address climate change is for Americans to change their lifestyles and make sacrifices for the good of the planet. Americans are told they must consume less, waste less and spend more to buy clean energy. While David Brooks’s “Bourgeois Bohemians” may be able to retrofit their homes with solar panels and drive Chevy Volts, most of us can’t.”¶ Shifting from using fossil fuels to clean energy isn’t an obvious or easy economic choice for most Americans. Clean energy technologies like wind, solar, nuclear, and electric vehicles are more expensive than carbon-intensive alternatives and suffer from limited performance and intermittency problems. As a result, the dominant climate policies emphasized by advocates and environmentalists are like selling nothing more than a bill of goods. Preferred government mandates like Clean Energy Standards or regulatory schemes like cap-and-trade will raise energy prices. In absence of mandates, significant tax-payer subsidies are required to spur even modest clean energy deployment. As I put it in the same piece in the Post, climate change policy has:¶ “…become a hair shirt that Americans are expected to wear for the ‘good of the planet.’ Middle America has long been told what not to do: not to buy incandescent light bulbs, drive gas-guzzling cars and trucks, or use dirty energy.”¶ If Americans were offered clean energy options that were affordable and better than gasoline, coal, and natural gas, much of the derision towards clean energy would go away. Only then would mandates accelerate the deployment of cheap, clean energy rather than force more expensive clean energy technologies on the market. Only then would long-term subsidies not be needed for the clean energy industry to simply survive. And the need to constantly harp on every extreme weather event as one more reason for Americans to sacrifice for the public good becomes less of an issue, as does reverse tribalism.¶ To remove these cost and technology performance barriers – and therefore the major barrier to mitigating climate change – climate advocates should be discussing how best to support clean energy innovation to develop cheaper, better clean energy options. It’s clear that we can’t put the deployment cart before the development horse without feeding the very derision that climate advocates hope to overcome by connecting extreme weather to climate change. It’s an endless positive feedback loop and a vicious one at that.¶ Many fellow climate hawks will respond by saying that I have it all wrong. We just need better messaging. The aforementioned ‘climate scolds’ need to back off the reverse tribalism. Or even more wonky, I shouldn’t bash deployment policies to elevate clean energy innovation – it’s not an either/or proposition. By which they really mean “clean energy R&D is okay, but what is really important is deploying the clean tech we have today.”¶ But the reality is that clean energy is not ready for prime time and all the deployment in the world won’t make it so. One hundred more lithium ion car battery factories won’t get us batteries that cost $100/kWh and have 5 times more storage capacity. Only R&D-based innovation will get us that. The same is true with other key clean energy technologies. Most climate advocates have it wrong by overwhelmingly emphasizing deployment.¶ What we need today – and what Americans would get behind as ‘climate policy’ – is an aggressive clean energy innovation strategy aimed at developing cheaper and better technology options. Smarter deployment policies may be needed down the road to scale better technologies, but they would come with less baggage than the blunt deployment policies used today. Climate advocates and environmentalists need to forget about messaging and start innovating.

#### Inherent equality of all beings requires utilitiarianism

David Cummiskey, Associate Professor of Philosophy @ Bates College & a Ph.D. from UM, 1996, Kantian Consequentialism, Pg. 145-146

In the next section, I will defend this interpretation of the duty of beneficence. For the sake of argument, however, let us first simply assume that beneficence does not require significant self-sacrifice and see what follows. Although Kant is unclear on this point, we will assume that significant self-sacrifices are supererogatory. Thus, if I must harm one in order to save many, the individual whom I will harm by my action is not morally required to affirm the action. On the other hand, I have a duty to do all that I can for those in need. As a consequence **I am faced with a dilemma: If I act, I harm a person in a way that a rational being need not consent to; if I fail to act, then I do not do my duty to those in need and thereby fail to promote an objective end.** Faced with such a choice, which horn of the dilemma is more consistent with the formula of the end-in-itself? **We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.”** Instead, **the question is whether some persons must bear the inescapable cost for the sake of other persons.** Robert Nozick, for example, argues that “**to use a person in this way does not sufficiently respect and take account of the fact that he [or she] is a separate person, that** ~~his~~ **is the only life he [or she] has.” But why is this not equally true of all those whom we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, we fail to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction.** In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? **A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself.”** Rational nature as such is the supreme objective end of all conduct. **If one truly believes that all** rational beings **have an equal value then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many** rational beings **as possible**. **In order to avoid this** conclusion, **the non-consequentialist** Kantian **needs to justify agent-centered constraints.** As we saw in chapter 1, however, even most Kantian **deontologists recognize that agent-centered constraints require a non-value based rationale.** But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? **If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. Persons may have “dignity,** that is, **an unconditional and incomparable worth” that transcends any market value, but persons also have a fundamental equality that dictates that some must sometimes give way for the sake of others. The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others**. If on focuses on the equal value of all rational beings, then **equal consideration suggests that one may have to sacrifice some to save many**.

### Warfighting

#### This DA relies on the presumption that war exists and presidential credibility is necessary to prevent wars – They have to win ALL of the no war and nuclear war debate to win this DA

#### We Control Link UQ - Legislative constraints are inevitable – only question is whether approval takes place

Barron and Lederman, 2008 (David, Professor of Law at Harvard Law School; Martin, Visiting Professor of Law at Georgetown University Law Center; “The Commander in Chief at the Lowest Ebb – A Constitutional History”, Harvard Law Review, 121 Harv. L. Rev. 941, Lexis)

In a companion Article, we described many of the structural forces responsible for this shift in the ground of debate. n2 Collectively, they strongly suggest that the prevailing paradigm of congressional abdication - developed at a time when bold claims of presidential authority to act without express legislative approval occasioned all the attention - no longer illuminates the main battle lines in constitutional struggles over the exercise of war powers. Among the most important of these forces is the peculiar nature of the war on terrorism. Its unusual entwinement with the home front, its heavy focus on preemptive action and intelligence collection, and its targeting of a diffuse, non-state enemy, all guarantee that presidential uses of force are likely to be conducted for years to come in a context that is thick with statutory restrictions. But even beyond the war on terrorism, the "lowest ebb" issue is likely to take on added significance, if only because of the increased willingness of Presidents to deploy force abroad. There is mounting evidence that the reduction in legislative participation at the front end of these conflicts is being counterbalanced to some extent by a legislative willingness to intervene at the back end if the campaign goes poorly or if the public begins to doubt certain of the President's decisions about how it should be prosecuted.

#### The DA is wrong – presidents can’t act quickly and congressional action solves

Pearlstein, 2009 (Deborah, Visiting Scholar and Lecturer in Public and International Affairs at the Woodrow Wilson School of Public & International Affairs at Princeton University; “Form and Function in the National Security Constitution”, Connecticut Law Review, 41 Conn. L. Rev. 1549, Lexis)

This brings us to the new functionalists' role effectiveness approach. For whatever one researcher (especially, the new functionalists would suggest, legal researchers) might find in the empirical literature informing the nature of security threats and emergency responses, the new functionalists' more forthright argument is that institutional competences make the executive better positioned to consider this information and make decisions accordingly. Indeed, in a linear comparison of institutional competences, the differences among the branches that flow from institutional structure are of course real. The judiciary, for example, can only act in the event of a case or controversy. The administrative agency and national security apparatus may put information, in the first instance, in the hands of the executive rather than Congress or the courts. Moreover, the new functionalists add, the judiciary lacks the expertise and the procedural and evidentiary resources to make good judgments in an emergency; judicial resources are too scarce to require individualized determinations as to many hundreds or thousands of detainees it is assumed, as a matter of raw effectiveness, it will be necessary to detain. And given its own resource constraints and motives, the executive is [\*1598] unlikely to exaggerate the danger posed by an individual, or detain too many people. n168 Accordingly, the new functionalists tend to favor a decision- making structure with loose (if any), emergency-driven congressional engagement and deferential (if any) judicial review. But such comparative competence accounts are misleading in several ways. They ignore the complexity of current government decision-making structures. The vast executive branch decision-making apparatus means decisions rarely come down to the speed possible with one man acting alone, and Congress and the courts have at their institutional disposal multiple means to enable the sharing of information among the branches. Such accounts also critically ignore the possibility of collective organizational capacity, a notion Justice Jackson's Youngstown concurrence seemed squarely to contemplate. n169 The executive acting alone may be better than the courts acting alone in some circumstances, but the executive plus the courts (or Congress) may be more effective than the executive alone. Perhaps most important, the new functionalist role effectiveness view ignores the structural reality that national security policy (indeed all government decision- making) is channeled through a set of existing organizations, each with its own highly elaborated set of professional norms and responsibilities, standard procedures and routines, identities and culture, all of which constrain and guide behavior-often in ways that centrally affect the organization's ability to perform its functions. Considering how such pathologies affect decision-making, one may find a far more sophisticated-and more meaningful-set of comparisons between decision-making structures than asking, for example, whether the executive can make decisions faster than courts. The next section explores a role effectiveness approach that could take this reality into account.

### Politics

#### Bioterror risk is low—dispersal problems, tech barriers, risk of back spread—experts agree

John Mueller, Professor, Political Science, Ohio State University, OVERBLOWN: HOW POLITICIANS AND THE TERRORISM INDUSTRY INFLATE NATIONAL SECURITY THREATS, AND WHY WE BELIEVE THEM, 2009, p. 21-22.

For the most destructive results, biological weapons need to be dispersed in very low-altitude aerosol clouds. Because aerosols do not appreciably settle, pathogens like anthrax (which is not easy to spread or catch and is not contagious) would probably have to be sprayed near nose level. Moreover, 90 percent of the microorganisms are likely to die during the process of aerosolization, and their effectiveness could be reduced still further by sunlight, smog, humidity, and temperature changes. Explosive methods of dispersion may destroy the organisms, and, except for anthrax spores, long-term storage of lethal organisms in bombs or warheads is difficult: even if refrigerated, most of the organisms have a limited lifetime. The effects of such weapons can take days or weeks to have full effect, during which time they can be countered with medical and civil defense measures. And their impact is very difficult to predict; in combat situations they may spread back onto the attacker. In the judgment of two careful analysts, delivering microbes and toxins over a wide area in the form most suitable for inflicting mass casualties—as an aerosol that can be inhaled—requires a delivery system whose development "would outstrip the technical capabilities of all but the most sophisticated terrorist" Even then effective dispersal could easily be disrupted by unfavorable environmental and meteorological conditions." After assessing, and stressing, the difficulties a nonstate entity would find in obtaining, handling, growing, storing, processing, and dispersing lethal pathogens effectively, biological weapons expert Milton Leitenberg compares his conclusions with glib pronouncements in the press about how biological attacks can be pulled off by anyone with "a little training and a few glass jars," or how it would be "about as difficult as producing beer." He sardonically concludes, "The less the commentator seems to know about biological warfare the easier he seems to think the task is.""

#### PC isn’t key – their evidence assumes Obama’s \*previous push\* for \*COMPREHENSIVE\* reform – no evidence he is backing high-skilled visas which their uniqueness argument proves is inevitable even absent his push

#### House and Senate will never agree on piecemeal

- GOP worried Senate bill would win out in conference

- Dems will never agree to piecemeal w/o citizenship which GOP won’t support

**Blake 11-13** (Aaron, “Boehner closes door on House-Senate immigration panel”, <http://www.washingtonpost.com/blogs/post-politics/wp/2013/11/13/boehner-closes-door-on-house-senate-immigration-panel/>, CMR)

House Speaker John **Boehner** (R-Ohio) **said** Wednesday that **the House will not enter negotiations with the Senate to hash out differences between its immigration plans and the Senate** immigration bill -- dealing a significant blow to the prospects of comprehensive immigration reform this Congress. "The idea that we're going to take up a 1,300-page bill that no one had ever read, which is what the Senate did, is not going to happen in the House," Boehner said. "And frankly, I'll make clear that we have no intention of ever going to conference on the Senate bill." Conservatives have worried for weeks that passing smaller pieces of immigration reform legislation out of the House -- as Republicans have moved to do -- would lead to a House-Senate conference committee in which the larger Senate immigration bill might win out. Sen. Marco Rubio (R-Fla.), who led the comprehensive effort in the Senate, has said any conference committee must promise not to consider the Senate's bill and only consider the House's legislation. **Boehner's comments effectively put** an end to that prospect. And given the House hasn't shown much interest in passing a comprehensive immigration bill of its own, it could put an end to whatever chance Congress had of achieving that goal -- one Republican leaders pushed for following their drubbing among Latino voters in the 2012 presidential election. Mitt Romney took just 27 percent of the Hispanic vote, according to exit polls. The House is working on a series of piecemeal immigration bills, most of which deal with enforcement and other issues but not with what to do with most of the millions of people who are in the United States illegally. Democrats have pushed fora path to citizenship for illegal immigrants -- a centerpiece of most comprehensive immigration bills in recent years -- **but** the **House Republican conference has** so far declined to embrace that idea. **Boehner** previously said that the House wouldn't vote on the Senate immigration bill, which might be able to pass but has very limited House GOP support. He has also **said any bill** -- including one from a House-Senate conference committee -- **would have to have the support of a majority of House Republicans in order to come to a vote**. **Wednesday's comments** appear to **take this a step farther**, **not even allowing that conference committee to occur if the Senate's bill is involved**.

#### Piecemeal won’t pass or come to a vote

- even a bill w/o citizenship wouldn’t be enough votes

Nowicki 11-15-13 (Dan, “Migrant reform all but dead,” <http://www.azcentral.com/news/politics/articles/20131107immigration-reform-all-dead.html>, CMR)

**Five House bills have cleared committees, but** so far, none has come to the floor. **Anticipated bills** dealing with dreamers and, possibly, a legalization program that would not preclude citizenship through the existing system, **have** yet to emerge. Boehner told reporters Wednesday that he wants to deal with immigration “in a commonsense, step-by-step way” and that House Judiciary Committee Chairman Bob Goodlatte, R-Va., “is working with our members and, frankly, across the aisle to develop a set of principles that will help guide us as we deal with this issue.” **Complicating the calculus is Boehner’s** previous **decision to require** that **any immigration**-related **bills secure the support of a majority of Republicans in the GOP**-controlled **chamber before he allows the legislation to proceed to** a full House **vote**. **With the fractured caucus** unlikely **to deliver enough Republican votes to pass most bills**, Democratic help likely still would be needed. Frank Sharry, executive director of the pro-reform America’s Voice, said that **legalization with no** “special **pathway” to citizenship** **could attract** as many as **120** to 150 **House Republicans**, providing that a proposal ever turns up. Generally, 218 **votes are needed to pass a bill** when there are no vacancies in the 435-member House, so some votes would have to come from the 200 House Democrats. “There’s definitely lots of back-and-forth and discussions going on, but there’s no commitment from leadership as far as we can tell that says, ‘Let’s move something by the end of the year,’ ” Sharry said prior to Boehner’s latest comments.

**Executive action solves the impact and internal link**

**Reyes 10-23**-13 (Raul, “Obama, put brakes on deportation train: Column”, <http://www.usatoday.com/story/opinion/2013/10/23/obama-immigration-reform-column/3173543/>, CMR)

President Obama is closing in on a record. Sometime around the end of this year, he will have deported 2 million undocumented immigrants, more than any other president. Enough, already. The **Obama** administration **should put the brakes on** its **deportation** train. **The president has the authority to offer temporary relief from immigration removals**. **With reform stalled**, **the president ought to stop trying to appease Republicans** by being strong on immigration enforcement. He should consider executive action. **Obama has options to allow** undocumented **immigrants to live** without the threat of deportation. Remember, this impacts only immigrants already here. He could end the controversial Secure Communities program, which turns local law enforcement officers into immigration agents. **He could let more immigrants qualify** for temporary protected status, **which provides** them with **work and residence permits.** In 2010, **a leaked memo from** the **U.S. C**itizenship and **I**mmigration **S**ervices **revealed that the agency was exploring** "**meaningful immigration reform absent legislative action."** Though an agency spokesman later characterized the memo as an "internal draft," **the legality of such measures was not in question.** Defer action **The president's most practical route to fewer deportations would be to broaden the number of immigrants eligible for deferred action**. In 2012, his administration announced the Deferred Action for Childhood Arrivals program, aimed at helping those brought to the U.S. illegally as children. Not only has the program allowed 455,000 young immigrants the freedom to live and work openly, it has withstood legal challenges as well. The Washington Post has noted that this program could be expanded to include other discrete classes of people, such as the parents of citizen children, victims of domestic abuse, or whistle-blowers. Show some courage Although Obama said last month on Telemundo that expanding the program would be "very difficult to defend legally," that is not true; it would just be very difficult to defend politically. Immigration reform activists have engaged in civil disobedience nationwide. Isn't it time the president display similar courage? "I believe **this president will be tempted ... to issue an executive order**," Sen. Marco Rubio, R-Fla., said in August, "**like** he did for the DREAM Act kids **a year ago, where he basically legalizes 11 million people by the sign of a pen.**" The website PolitiFact judged this statement "mostly false." On his own, the president cannot offer citizenship, a path to citizenship, or permanent relief from deportation. He can take limited action to make our system more humane. True, any **executive action** on immigration **will anger conservative lawmakers**. Rep. Bob Goodlatte, R-Va., told USA TODAY that this "would effectively kill immigration reform." **Yet Goodlatte and other House Republicans are already effectively killing immigration reform with** their **inaction**. **A unilateral move by the president might goad GOP lawmakers into actual legislating**. If Obama believes immigration reform still has a chance, he should not be deporting those who might be eligible for a path to citizenship. If he has given up on reform, **he has every reason to move ahead with executive action.** Either way, the right choice is to cut back on deportations.

**War power losses won’t spillover or effect PC**

Perry **Bacon 9/9**/13, “Losing the Syria vote does not turn Obama into a lame duck”, <http://thegrio.com/2013/09/09/no-losing-the-syria-vote-does-not-turn-obama-into-a-lame-duck/>, CMR

McDonough ducked the question, preferring to focus on the substance of the administration’s case for military action. But to be clear, **no**, **Obama losing** a vote on Syria **does not turn him into a lame duck**.¶ Would the defeat be bad for the president? Of course. Polls show majorities of not only conservatives, who oppose much of what Obama does on every issue, but also liberals and moderates disagree with the president on intervening in Syria. If a vote gets to the House of Representatives, there’s a chance it will be defeated with large blocs of liberals and black members of Congress voting against a president who they have strongly supported for much of the last five years. The White House would have made an all-out blitz to win the support of American voters and Congress and lost.¶ A defeat would show Obama’s words on chemical weapons and perhaps other foreign policy ideas won’t be supported by deeds. It would also illustrate Americans are even more wary of intervention in other nations than was generally believed and likely block Obama from any kind of military action in the future, even the kind of limited steps he took in Libya two years ago.¶ But **the presidency is not one issue, or just about foreign policy**. **If the House or** the **Senate** **blocks** action in **Syria, Republicans still would be wise to back** the **immigration** bill the Senate passed earlier this year, giving Obama a major victory but also making it easier for the GOP to win Latino votes in the future. **House Republicans**, **divided** **internally on that issue**, **have been delaying consideration** of the bill, and **that process is unaffected by what happens on Syria**.¶ The **Obama** administration, **even if it does not act in Syria, will still be implementing** a far-reaching **health care** law that could provide health insurance to millions of Americans. The president will still have the use of the bully pulpit, to make the case against America’s growing income inequality and urge our society to focus more on the specific challenges faced by African-American males, as Obama suggested he would do after the George Zimmerman verdict. **The administration can still fight** controversial voting laws passed in Republican-led states, urge fewer prosecutions of non-violent drug offenders and support the growing American acceptance of gay marriage.¶ And it wasn’t as if Obama’s agenda had been moving quickly through Congress before he starting talking about Syria. Republicans in the Senate had blocked his gun control push, the House delayed the immigration bill and members of both parties were not fully on board with his economic agenda. Before Syria was in the headlines, the administration was planning to spend September pushing for Congress to approve government funding for the next year and raise the federal debt limit, the kind of necessary but unexciting lawmaking that Obama has been limited to since Republicans won control of the House of Representatives in 2010.¶ That’s **the key factor here: Republican control of the House**. **Much speculation has centered on Obama losing his “political capital”** or his ability to influence Congress and the public over the last three years. But **the evidence is fairly clear; Obama has struggled to get legislation through Congress since its membership came to include many more Republicans**, who disagree with him on most issues. If Obama wanted to cut taxes on the wealthy Americans or allow the construction of the Keystone XL Pipeline, both ideas Republicans strongly support, they could easily be passed in Congress.¶ **A loss by Obama** on Syria **won’t change the views of Republicans, who were already against most of what Obama proposed, or congressional Democrats, who won’t suddenly stop supporting** Obamacare or **other presidential initiatives**.¶ § Marked 07:27 § **If the president is barred** from attacking Syria by Congress, **that will not be the last real day of his presidency.** The next day will not be the first day of the 2016 campaign, which has long been underway anyway. President George W. **Bush’s poll numbers dropped** quickly **after** his **mishandling** of the aftermath of Hurricane **Katrina**, and **it was considered the end of presidency. But he still managed to implement** a whole **new strategy in Iraq and** **loan billions** of taxpayer dollars **to American banks and auto companies** in his last two years in office — **hardly** the stuff of **a man who was powerless**.¶ **No matter what happens** in Syria, Barack **Obama will still have** more than 1200 days to make **an impact** on American public policy and culture.

## 1AR

### Circumvention

#### Restrictions work – political costs backed up by legal changes ensure effectiveness

Huq, 2012 (Aziz, Assistant Professor of Law at the University of Chicago Law School, “Binding the Executive (by Law or by Politics),” Public Law and Legal Theory Working Paper No. 400, August, http://www.law.uchicago.edu/files/file/400-ah-binding.pdf)

Paulson’s genuflection and Obama’s reticence, I will contend here, are symptomatic of our political system’s operation rather than being aberrational. It is generally the case that even in the heart of crisis, and even on matters where executive competence is supposedly at an acme, legislators employ formal institutional powers not only to delay executive initiatives but also affirmatively to end presidential policies.20 Numerous examples from recent events illustrate the point. Congressional adversaries of Obama, for instance, cut off his policy of emptying Guantánamo Bay via appropriations riders.21 Deficit hawks spent 2011 resisting the President’s solutions to federal debt, while the President declined to short-circuit negotiations with unilateral action.22 Even in military matters, a growing body of empirical research suggests Congress often successfully influences the course of overseas engagements to a greater degree than legal scholars have discerned or acknowledged. 23 That work suggests that the failure of absolute congressional control over military matters cannot be taken as evidence of “the inability of law to constrain the executive

” in more subtle ways (p 5). The conventional narrative of executive dominance, in other words, is at best incomplete and demands supplementing. This Review uses The Executive Unbound as a platform to explore how the boundaries of discretionary executive action are established. As the controversial national security policies of the Bush administration recede in time, the issue of executive power becomes ripe for reconsideration. Arguments for or against binding the executive are starting to lose their partisan coloration. There is more room to investigate the dynamics of executive power in a purely positive fashion without the impinging taint of ideological coloration. Notwithstanding this emerging space for analysis, there is still surprising inattention to evidence of whether the executive is constrained and to the positive question of how constraint works. The Executive Unbound is a significant advance because it takes seriously this second “mechanism question.” Future studies of the executive branch will ignore its important and trenchant analysis at their peril.24 Following PV’s lead, I focus on the descriptive, positive question of how the executive is constrained. I do speak briefly and in concluding to normative matters. But first and foremost, my arguments should be understood as positive and not normative in nature unless otherwise noted. Articulating and answering the question “What binds the executive?”, The Executive Unbound draws a sharp line between legal and political constraints on discretion—a distinction between laws and institutions on the one hand, and the incentives created by political competition on the other hand. While legal constraints usually fail, it argues, political constraints can prevail. PV thus postulate what I call a “strong law/politics dichotomy.” My central claim in this Review is that this strong law/politics dichotomy cannot withstand scrutiny. While doctrinal scholars exaggerate law’s autonomy, I contend, the realists PV underestimate the extent to which legal rules and institutions play a pivotal role in the production of executive constraint. Further, the political mechanisms they identify as substitutes for legal checks cannot alone do the work of regulating executive discretion. Diverging from both legalist and realist positions, I suggest that law and politics do not operate as substitutes in the regulation of executive authority.25 They instead work as interlocking complements. An account of the borders of executive discretion must focus on the interaction of partisan and electoral forces on the one hand and legal rules. It must specify the conditions under which the interaction of political actors’ exertions and legal rules will prove effective in limiting such discretion.

### Counterplan

#### Executive self-binding fails to send an appropriate signal, Legal action is critical

Pildes, 2012 (Richard, Sudler Family Professor of Constitutional Law at NYU School of Law, “Book Review: Law and the President”, Harvard Law Review, 125 Harv. L. Rev. 1381, Lexis)

That Posner and Vermeule miss the role of legal compliance as a powerful signal, perhaps the most powerful signal, in maintaining a President's critical credibility as a well-motivated user of discretionary power is all the more surprising in light of the central role executive self-binding constraints play in their theory. After asserting that "one of the greatest constraints on [presidential] aggrandizement" is "the president's own interest in maintaining his credibility" (p. 133), they define their project as seeking to discover the "social-scientific microfoundations" (p. 123) of presidential credibility: the ways in which presidents establish and maintain credibility. One of the most crucial and effective mechanisms, in their view, is executive self-binding, "whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors" (p. 137). As they also put it, "a well-motivated president can distinguish himself from an ill-motivated president by binding himself to a policy position that an ill-motivated president would reject" (p. 135). By complying with these constraints, presidents signal their good faith and accrue more trust to take further action. Most importantly from within Posner and Vermeule's theory, these constraints, many self-generated through executive self-binding, substitute for the constraints of law. Law does not, or cannot, or should not constrain presidents, in their view, but rational-actor presidents recognize that [\*1408] complying with constraints is in their own self-interest; presidents therefore substitute or accept other constraints. Thus, Posner and Vermeule recognize the importance of "enabling constraints" n78 in effective mobilization and maintenance of political power; that is, they recognize that what appear to be short-term constraints on the immediate preferences of actors like presidents might actually enable long-term marshaling of effective presidential power. Yet they somehow miss that law, too, can work as an enabling constraint; when it comes to law, Posner and Vermeule seem to see nothing but constraint. Indeed, this failing runs even deeper. For if presidents must signal submission to various constraints to maintain and enhance their credibility - as Posner and Vermeule insist they must - Posner and Vermeule miss the fact that the single most powerful signal of that willingness to be constrained, particularly in American political culture, is probably the President's willingness to comply with law.

#### Future Presidents prevent solvency

Friedersdorf, 2013 (Conor, The Atlantic, “Does Obama Really Believe He Can Limit the Next President’s Power?” The Atlantic, May 28, http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/)

Over at Fox News, Chris Wallace and Brit Hume are musing about President Obama's aims on national security. What exactly does he hope to accomplish before leaving office in January 2017? Let's listen in: Chris Wallace: It's been suggested that that's exactly what the president wants to do. He wants to leave a different national-security structure, different rules of the road, different limits, for the next president than what he inherited when he came in. Brit Hume: Not only what he inherited, but what he made generous use of for the purposes of fighting this conflict. There's an odd quality, Chris, to this whole thing. And it its almost like he's saying with regard to the drone policy, 'We need something to stop me before I kill again.' You see that in his support -- on an unrelated matter -- of this shield law for journalists. He's carried out these oversteps in pursuing journalists who are doing their jobs. And now he says, 'We need a shield law,' as if to say, a law to protect them from us. I think it's peculiar. I admit to being a bit puzzled myself, if for slightly different reasons. It's perfectly understandable to serve in a position, appreciate its power, and believe it should be limited by outside constraints, even when they'd constrain you. George Washington and Thomas Jefferson both felt that way at times. If Obama feels that way about a shield law, good for him. And it isn't as if he personally approves every interaction the Department of Justice has with journalists. But something puzzles me about his behavior with regard to the War on Terrorism. It does sometimes appear, as Wallace suggests, that he wants to leave a different national-security structure to his predecessor that limits him or her more than Obama himself was limited in 2009. Administration officials have said as much. A disposition matrix! Strict protocol for putting an American citizen on the kill list! That sort of thing. There was talk, before Election 2012, of Team Obama hurriedly developing changes just in case. So unlike Hume, I don't think it's "stop me before I kill again," so much as, "I trust myself with this power more than anyone. You won't always be so lucky as to have me, but don't worry, I'm leaving instructions." Will anyone follow them? That's what I don't understand. Why does Obama seem to think his successors will constrain themselves within whatever limits he sets? Won't they just set their own limits? Won't those limits be very different? What would Chris Christie do in the White House? I have no idea, but I'm guessing that preserving the decisionmaking framework Obama established isn't what he'd do. Does anyone think Hilary Clinton would preserve it? Obama doesn't seem to realize that his legacy won't be shaped by any perspicacious limits he places on the executive branch, if he ever gets around to placing any on it. The next president can just undo those "self-imposed" limits with the same wave of a hand that Obama uses to create them. His influence in the realm of executive power will be to expand it. By 2016 we'll be four terms deep in major policy decisions being driven by secret memos from the Office of Legal Counsel. The White House will have a kill list, and if the next president wants to add names to it using standards twice as lax as Obama's, he or she can do it, in s0065cret, per his precedent. Some new John Brennan-like figure, with different values and a different personality, will serve as Moral Rectitude Czar. Even ending torture was done by executive order. The folks guilty of perpetrating it weren't punished. Congress wasn't asked to act. (There was an ambitious domestic agenda to focus on!) So who knows what we'll get next, save for a new president who witnessed all the previously unthinkable things post-9/11 presidents got away with so long as they invoked fighting "terror." The fact that every new president is likely to be a power-seeking egomaniac seems like too obvious a flaw in Obama's plan for a smart guy like him not to see it. So what gives? Is all the talk of limiting the executive branch just talk? But why even talk at this point, if so? He isn't running again. Yet if he really does think his office wields too much power, why is he putting in place safeguards the next president can and probably will undo instead of zealously trying to get Congress to act? Yet he does seem to be concerned. Here's Peter Baker reporting in The New York Times: For nearly four years, the president had waged a relentless war from the skies against Al Qaeda and its allies, and he trusted that he had found what he considered a reasonable balance even if his critics did not see it that way. But now, he told his aides, he wanted to institutionalize what in effect had been an ad hoc war, effectively shaping the parameters for years to come "whether he was re-elected or somebody else became president," as one aide said. Ultimately, he would decide to write a new playbook that would scale back the use of drones, target only those who really threatened the United States, eventually get the C.I.A. out of the targeted killing business and, more generally, begin moving the United States past the "perpetual war" it had waged since Sept. 11, 2001. Whether the policy shifts will actually accomplish that remains to be seen, given vague language and compromises forced by internal debate, but they represent an effort to set the rules even after he leaves office. "We've got this technology, and we're not going to be the only ones to use it," said a senior White House official who, like others involved, declined to be identified talking about internal deliberations. "We have to set standards so it doesn't get abused in the future." There's that same obvious flaw, but everyone seems oblivious to it. The standards you're setting? The next president can just change them. In secret, even! That's the problem with extreme executive power: It is capricious, prone to abuse, and difficult to meaningfully check. Does Obama think the next man or woman will just behold the wisdom of his approach and embrace it? That error, unthinkable as it seems, would not be without precedent for this president.

### 1AR – “object fiat”

#### Grammar literally shapes the resolution, controls their right to the cp:

#### And, “the” particularizes a proper noun – not presidential office but THE president

http://dictionary.reference.com/browse/the

the1    [stressed thee; unstressed before a consonant thuh; unstressed before a vowel thee] Show IPA definite article 1. (used, especially before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article a or an ): the book you gave me; Come into the house. 2. (used to mark a proper noun, natural phenomenon, ship, building, time, point of the compass, branch of endeavor, or field of study as something well-known or unique): the sun; the Alps; the Queen Elizabeth; the past; the West.

#### 1. adjective placement favors our interpretation – their interp presupposes a noun-phrase

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http://grammar.about.com/od/ab/g/adjectivephraseterm.htm

"There may be very little difference between a noun phrase and an adjective phrase in structures where the adjectives occur before the word it qualifies. Most noun phrases consist of a head noun plus one or more adjectives, or indeed an adjective phrase itself. Consider the examples in a, below.

### Controversy Link

#### Tons of controversies now

Matthews 11-12-13 (Laura, political reporter, "Why Immigration Reform May (Or May Not) Die In 2013" IB Times) www.ibtimes.com/why-immigration-reform-may-or-may-not-die-2013-1466644

Nowrasteh said that timing is the reason, as there aren’t enough legislative days left on the calendar to pass it. There are just 15 legislative days left this year. The momentum the issue had earlier this year among lawmakers was quickly derailed by the Syrian chemical weapons crisis, NSA spying, and the recent government shutdown. Currently, the broken health-care websites and the fact that millions of Americans are losing insurance plans they would like to keep remain the focus of President Barack Obama and his administration. This, after Obama said immigration was among his top priorities, following the reopening of the federal government last month.

**Multiple issues trigger the link\*\***

**Levy, 11-14**-13 (Perma, “To Reboot Your Presidency, Click Here,” <http://www.newsweek.com/reboot-your-presidency-click-here-3223>, CMR)

So **can the president turn this thing around**, or is he already a lame duck? Has No-Drama Obama become No-Anything Obama? “**Obama has reached the nadir of his presidency** and risks diminished relevance for the remainder of his presidency,” William **Galston, a former adviser to** President Bill **Clinton, warned** on Wednesday after sifting through the latest devastating polls numbers. **He ticked off a litany of bad news for the president**: his **job approval** is **at** its lowest ever at **39 percent**, according to a Quinnipiac University poll. Even among his base of supporters, women disapprove of the job he is doing 51 percent to 40 percent, Hispanics disapprove 47 percent to 41 percent, and young voters disapprove 54 percent to 36 percent. Worst of all, **Obama’s personal credibility is at its lowest**, with 52 percent saying he is not honest and trustworthy – a finding Galston called “a dagger aimed at the heart of Obama’s presidency.” Throughout a tough first term, voters viewed the president favorably even if they didn’t like what was happening, and that insulated him from Republican attacks and buoyed him during the 2012 election season. Without it, Obama is in new territory. Clearly, **things have not been going the president’s way** lately. Since the spring, **he’s weathered the failure of gun control** legislation after the Sandy Hook elementary school shooting, the trickle of **N**ational **S**ecurity **A**gency leaks from Edward Snowden and a close brush with war in **Syria**. His latest **judicial nominees** have been **filibustered**. **Congress** is **still fussing** **with** the dying embers of **c**omprehensive **i**mmigration **r**eform

, Obama’s biggest second-term goal. But **these setbacks pale in comparison to the disastrous rollout of Obama’s** signature **health** care **reform** law. Here, the president faces two major problems. One is the HealthCare.gov website, which has yet to work properly six weeks after being unveiled. The other is the revelation that when Obama promised Americans “if you like your plan, you can keep your plan,” that wasn’t entirely true. He went on NBC to apologize, but if the polls are any indication, the public hasn’t forgiven him. **Republicans are milking the confusion for all it’s worth**.

#### Sufficient to take out the disad