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## Contention 1 is Adventurism

#### Failure of the Supreme Court to substantively rule on detention authority causes judicial abstention on national security issues

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After being reversed three times in a row in Rasul, Hamdan, and then Boumediene, the D.C. Circuit finally managed in Kiyemba to reassert, and have effectively sanctioned, its highly deferential stance towards the Executive in cases involving national security. In particular, the D.C. Circuit concluded that an order mandating the Uighurs’ release into the continental United States would impermissibly interfere with the political branches’ exclusive authority over immigration matters. But this reasoning is legal ground that the Supreme Court has already implicitly—and another three-judge panel of the D.C. Circuit more explicitly—covered earlier. As such, the Bush administration’s strategy in employing the “war” paradigm at all costs and without any judicial intervention, while unsuccessful in the Supreme Court, has finally paid off in troubling, and binding, fashion in the D.C. Court of Appeals, where, national security fundamentalism reigns supreme and the Executive’s powers as “Commander-in-Chief” can be exercised with little, if any, real check; arguably leading to judicial abstention in cases involving national security. The consequences of the Kiyemba decision potentially continue today, for example, with passage of the National Defense Authorization Act of 2012,246 which President Obama signed, with reservations, into law on December 31, 2011.247 This defense authorization bill contains detainee provisions that civil liberties groups and human rights advocates have strongly opposed.248 The bill’s supporters strenuously objected to the assertion that these provisions authorize the indefinite detention of U.S. citizens.249 In signing the bill, President Obama later issued a statement to the effect that although he had reservations about some of the provisions, he “vowed to use discretion when applying” them.250 Of course, that does not mean another administration would do the same, especially if courts abstain from their role as protectors of individual rights. In the years after 9/11, the Supreme Court asserted its role incrementally, slowly entering into the debate about the rights of enemy combatant detainees. This was a “somewhat novel role” for the Court.251 Unsurprisingly, in so doing, the Court’s intervention “strengthened detainee rights, enlarged the role of the judiciary, and rebuked broad assertions of executive power.”252 Also unsurprisingly, the Court’s decisions in this arena “prompted strong reactions from the other two branches.”253 This may be so because, as Chief Justice Rehnquist noted, the Court had, in the past, recognized the primacy of liberty interests only in quieter times, after national emergencies had terminated or perhaps before they ever began.254 However, since the twentieth century, wartime has been the “normal state of affairs.”255 If perpetual war is the new “normal,” the political branches likely will be in a permanent state of alert. Thus, it remains for the courts to exercise vigilance and courage about protecting individual rights, even if these assertions of judicial authority come as a surprise to the political branches of government.256 But courts, like any other institution, are susceptible to being swayed by influences external to the law. Joseph Margulies and Hope Metcalf make this very point in a 2011 article, noting that much of the post-9/11 scholarship mirrors this country’s early wartime cases and “envisions a country that veers off course at the onset of a military emergency but gradually steers back to a peacetime norm once the threat recedes, via primarily legal interventions.”257 This model, they state, “cannot explain a sudden return to the repressive wilderness just at the moment when it seemed the country had recovered its moral bearings.”258 Kiyemba is very much a return to the repressive wilderness. In thinking about the practical and political considerations that inevitably play a role in judicial decisionmaking (or non-decisionmaking, as the case may be), I note that the Court tends to be reluctant to decide constitutional cases if it can avoid doing so, as it did in Kiyemba. Arguably, this doctrine of judicial abstention is tied to concerns of institutional viability, in the form of public perception, and to concerns about respecting the separation of powers.259 But, as Justice Douglas once famously noted, when considering the separation of powers, the Court should be mindful of Chief Justice Marshall’s admonition that “it is a constitution we are expounding.”260 Consequently, “[i]t is far more important [for the Court] to be respectful to the Constitution than to a coordinate branch of government.”261 And while brave jurists have made such assertions throughout the Court’s history, the Court is not without some pessimism about its ability to effectively protect civil liberties in wartimes or national emergencies. For example, in Korematsu—one of the worst examples of judicial deference in times of crisis—Justice Jackson dissented, but he did so “with explicit resignation about judicial powerlessness,” and concern that it was widely believed that “civilian courts, up to and including his own Supreme Court, perhaps should abstain from attempting to hold military commanders to constitutional limits in wartime.”262 Significantly, even when faced with the belief that the effort may be futile, Justice Jackson dissented. As I describe in the following section, that dissent serves a valuable purpose. But, for the moment, I must consider the external influences on the court that resulted in that feeling of judicial futility.

#### This incentivizes presidential adventurism which devolves into tyranny and makes all of your impact scenarios more likely

Yang ’11 (Christina – dissertation @ Emory, advised by Michael Sullivan - PhD, Vanderbilt University, 2000 JD, Yale Law School, 1998 “Reconstructing Habeas: Towards a New Emergency Scheme!”

In the wake of 9/11 and since the start of the War on Terror, the government – including the Obama administration – has justified its self-expanded powers with the security argument. The government, its supporters argue, requires such powers in order to adequately protect the American people. In other words, the President did not seek out expansion of powers because he wanted to; no, it was for the safety and wellbeing of the American people. To say the least, it is a difficult argument – that, we, the government, require greater discretion for your, the citizen’s, own good – to outright reject. After all, who doesn’t wish to feel safe, to feel protected, and well looked after? Are we to say, “No thanks, I’ll keep my freedom and take my chances with the terrorists.” Sure, some will; but the majority will not. Exploding bombs, collapsing skyscrapers, and the deaths of those we know are immediately cognizable and evoke strong emotional responses. Liberties, separation-of-powers concerns, on the other hand, are far less tangible and far more abstract. Yes, everybody can rally behind freedom as an idea; but when faced with the choice between continual fear and more restricted freedoms, most prefer to feel safe than sorry. As a result, our politics are skewed a certain way. As the greater public continually says, “Better safe than sorry,” in turn the government justifies its actions with “Better safe than sorry, that’s what America wants.” Put bluntly, this is not the case where the status quo is acceptable. We are not dealing with a situation in which we could or could not change – in which the wheel ain’t broke so don’t fix it. Preventive detention in the aftermath of emergency has time and time again shown itself to be abusive when allowed to be under the sole discretion of the executive. And in many ways, the practice is incompatible with our enduring values of freedom, transparency, due process, and minority protections. Remember, absolute power corrupts absolutely. Bruce Ackerman attempted with his emergency constitution to place it beneath the purview of the legislative branch, but as we have shown, such a solution does not adequately address the fundamental problem of preventive detention: mistaken imprisonment. Oftentimes, preventive paradigms cast broad dragnets which subsequently result in the imprisonment of countless innocents – that is, individuals of a targeted minority group, e.g. persons of Arab ancestry or Muslim faith. The national security theorists, the Jack Bauer enthusiasts, have tried to convince us that increased security is all we require in times of emergency – that everything else is secondary. Exceptional times call for exceptional measures. Rights can be recovered, but can lives? Can nations? The reality is, however, the terrorist threat is not nearly as grave as these security apologists make it out to be. Yes, a terrorist attack is undoubtedly tragic and may even result in the loss of thousands of lives; nonetheless, it is not capable of toppling or overtaking governments. Isolated terrorist attacks, in short, are not existential threats. Too often, the safety – bought at the price of liberty – the government offers is illusory. As Steven T. Wax observes, “The searches of baby strollers at airports does little or nothing for safety in the air and nothing at all for the safety of trains, trucks, shipping, and chemical and power plants.”20 We need to be smart about our security and not buy into the fallacy of the more intrusive security measures automatically leads to greater safety. Not to mention, as has been shown throughout this paper, rounding up people based on paranoia, profiling, or any other arbitrary reason, not only does nothing to help our security, but also harms us insofar as we fail to differentiate between the legitimate and the illegitimate. Indeed, such actions damage our integrity as a country that believes in the maxim “innocent until proven guilty,” as a country that believes there is more to life than feeling safe and secure in our physical and material being. We need to instead ask ourselves exactly how much freedom we are willing to give up in the name of increased security? We must keep in mind the long-term costs, and not just the short-term benefits, of granting our president, our law enforcement, and our military freer and freer reign. Small sacrifices inevitably accumulate, and subsequently can morph into much bigger sacrifices than we are actually willing to give up. Furthermore, we owe those harmed – those wrongly detained – better than just monetary compensation. They deserve more than a “sorry” or an “our mistake, here’s some cash to make you whole.” They warrant, at the very least, an apology which vows this is the last time we make this recurring mistake: “We sincerely apologize for your wrongful detention, we will do our very best to make sure this does not happen again.” And so, in arguing for a framework in which the Suspension Clause is the absolute minimum in the arena of preventive detention, we remain the most true to our American ideals.21 It is then, during times of crisis and emergency, the task of the judiciary – the most politically-insulated branch of government – to uphold the writ of habeas corpus in its constitutional form, i.e. the Suspension Clause, and thereby set the absolute minimum in times of exigency. It is the responsibility of judges to force the executive to justify his actions in a court of law as well as the court – domestic and international – of public opinion. Most importantly, it is the time-honored duty of this nation’s legal guardians to ensure that the ideals which informed our founding are not lost. In more colloquial terms, it is up to our judges – through the vehicle of habeas corpus – to be the good man in the storm. After all, in the age of terror, “[i]f anybody destroys our legacy of freedom, it will be us.”22 Thus, the upkeep and preservation of our freedom, our values and beliefs, is our responsibility – and ours alone. Indeed, by the time Al Maqaleh, or another case like it, comes before the Supreme Court of the United States, we – the people, the lawyers, the judges – should be prepared to not simply enforce the new habeas emergency paradigm by extending the writ to all those detained by the United States, but also to do better, with each subsequent generation, as a nation dedicated to an enduring legacy of freedom.

#### Independently results in nuclear war from military arms sales

Scales and Spitz 12 (Ann Scales, prof at U Denver law school. Laura Spitz, prof at U Colorado Law School. The Jurisprudence of the Military-Industrial ComplexSeattle Journal for Social Justice Volume 1 | Issue 3 Article 51 10-11-2012)

First, our nation’s history and legitimacy rest upon a separation of military power from democratic governance. For that reason, the armed forces are subject to constitutional constraint. Second, however, as an aspect of separation of powers, courts try not to interfere in areas of foreign policy and military affairs. Often this is referred to as the “political question” doctrine, a determination that a matter is beyond the capabilities of judges. The strongest argument for this deference is that the political branches—or the military itself—have superior expertise in military matters. That may be true in some situations. I am not sure, for example, the Supreme Court would have been the best crowd to organize the invasion of Normandy. But what we now have is an increasingly irrational deference.7 Consider three cases: a. In Korematsu v. United States,8 the Supreme Court said the internment of Japanese-Americans at the beginning of 1942 was constitutional, based upon a military assessment of the possibility of espionage in preparation for a Japanese invasion of the United States. It turns out that the information provided by the military to the Supreme Court was falsified.9 But note two things: (1) the nation was in the midst of a declared world war, and (2) in subsequent less urgent circumstances, Korematsu would seem to argue strongly for military justifications to have to be based upon better, more reliable information than was offered there. b. In the 1981 case of Rostker v. Goldberg,10 the Supreme Court decided that it was constitutional for Congress to exclude women from the peacetime registration of potential draftees, even though both the Department of Defense and the Army Chief of Staff had testified that including women would increase military readiness. But Congress got the benefit of the military deference doctrine as a cover for what I think was a sinister political purpose—to protect the manliness of war—and the Supreme Court felt perfectly free to ignore what those with the real expertise had to say. c. Most recently, in Hamdi v. Rumsfeld,11 the Fourth Circuit held that a U.S. citizen who had been designated an “enemy combatant”12 could be detained indefinitely without access to counsel. In this case, however, not only is there no declared war,13 but also, the only evidence regarding Mr. Hamdi was a two-page affidavit by a Defense Department underling, Mr. Mobbs. Mobbs stated that Mr. Hamdi was captured in Afghanistan, and had been affiliated with a Taliban military unit. The government would not disclose the criteria for the “enemy combatant” designation, the statements of Mr. Hamdi that allegedly satisfied those criteria, nor any other bases for the conclusion of Taliban “affiliation.”14 And that is as good as the evidence for life imprisonment without trial has to be. Deference to the military has become abdication. In other words, what we presently have is not civilian government under military control, but something potentially worse, a civilian government ignoring military advice,15 but using the legal doctrine of military deference for its own imperialist ends. Third, the gigantic military establishment and permanent arms industry are now in the business of justifying their continued existences. This justification is done primarily, as you know, by retooling for post-Cold War enemies—the so-called “rogue states”—while at the same time creating new ones, for example by arming corrupt regimes in Southeast Asia.16 I was reminded of this recently when we went to see comedian Kate Clinton. She thought Secretary Powell had taken too much trouble in his presentation attempting to convince the Security Council that Iraq had weapons of mass destruction.17 Why not, she asked, “just show them the receipts?” Fourth, we have seen the exercise of extraordinary influence by arms makers on both domestic and foreign policy. For domestic pork barrel and campaign finance reasons, obsolete or unproven weapons systems continue to be funded even when the military does not want them!18 And, just when we thought we had survived the nuclear arms race nightmare, the United States has undertaken to design new kinds of nuclear weapons,19 even when those designs have little military value.20 Overseas, limitations on arms sales are being repealed, and arms markets that should not exist are being constantly expanded21 for the sake of dumping inventory, even if those weapons are eventually used for “rogue” purposes by rogue states. This system skews security considerations, and militarizes foreign policy. Force has to be the preferred option because other conduits of policy are not sufficiently well-funded. Plus, those stockpiled weapons have got to be used or sold so that we can build more. Fifth, enlarging upon this in a document entitled The National Security Policy of the United States, we were treated last September to “the Bush doctrine,” which for the first time in U.S. history declares a preemptive strike policy. This document states, “America will act against emerging threats before they are fully formed.”22 If they are only emerging and not fully formed, you may wonder, how will we know they are “threats”? Because someone in Washington has that perception, and when the hunch hits, it is the official policy of this country to deploy the military.23 All options—including the use of nuclear weapons—are always on the table.

#### Specifically, this stirs up flashpoints in East Asia over North Korea

Symonds 4-5-13 [Peter, leading staff writer for the World Socialist Web Site and a member of its International Editorial Board. He has written extensively on Middle Eastern and Asian politics, contributing articles on developments in a wide range of countries, “Obama’s “playbook” and the threat of nuclear war in Asia,” http://www.wsws.org/en/articles/2013/04/05/pers-a05.html]

The Obama administration has engaged in reckless provocations against North Korea over the past month, inflaming tensions in North East Asia and heightening the risks of war. Its campaign has been accompanied by the relentless demonising of the North Korean regime and claims that the US military build-up was purely “defensive”. However, the Wall Street Journal and CNN revealed yesterday that the Pentagon was following a step-by-step plan, dubbed “the playbook”, drawn up months in advance and approved by the Obama administration earlier in the year. The flights to South Korea by nuclear capable B-52 bombers on March 8 and March 26, by B-2 bombers on March 28, and by advanced F-22 Raptor fighters on March 31 were all part of the script.¶ There is of course nothing “defensive” about B-52 and B-2 nuclear strategic bombers. The flights were designed to demonstrate, to North Korea in the first instance, the ability of the US military to conduct nuclear strikes at will anywhere in North East Asia. The Pentagon also exploited the opportunity to announce the boosting of anti-ballistic missile systems in the Asia Pacific and to station two US anti-missile destroyers off the Korean coast.¶ According to CNN, the “playbook” was drawn up by former defence secretary Leon Panetta and “supported strongly” by his replacement, Chuck Hagel. The plan was based on US intelligence assessments that “there was a low probability of a North Korean military response”—in other words, that Pyongyang posed no serious threat. Unnamed American officials claimed that Washington was now stepping back, amid concerns that the US provocations “could lead to miscalculations” by North Korea.¶ However, having deliberately ignited one of the most dangerous flashpoints in Asia, there are no signs that the Obama administration is backing off. Indeed, on Wednesday, Defence Secretary Hagel emphasised the military threat posed by North Korea, declaring that it presented “a real and clear danger”. The choice of words was deliberate and menacing—an echo of the phrase “a clear and present danger” used to justify past US wars of aggression.¶ The unstable and divided North Korean regime has played directly into the hands of Washington. Its bellicose statements and empty military threats have nothing to do with a genuine struggle against imperialism and are inimical to the interests of the international working class. Far from opposing imperialism, its Stalinist leaders are looking for a deal with the US and its allies to end their decades-long economic blockade and open up the country as a new cheap labour platform for global corporations.¶ As the present standoff shows, Pyongyang’s acquisition of a few crude nuclear weapons has in no way enhanced its defence against an American attack. The two B-2 stealth bombers that flew to South Korea could unleash enough nuclear weapons to destroy the country’s entire industrial and military capacity and murder even more than the estimated 2 million North Korean civilians killed by the three years of US war in Korea in the 1950s.¶ North Korea’s wild threats to attack American, Japanese and South Korean cities only compound the climate of fear used by the ruling classes to divide the international working class—the only social force capable of preventing war.¶ Commentators in the international media speculate endlessly on the reasons for the North Korean regime’s behaviour. But the real question, which is never asked, should be: why is the Obama administration engaged in the dangerous escalation of tensions in North East Asia? The latest US military moves go well beyond the steps taken in December 2010, when the US and South Korean navies held provocative joint exercises in water adjacent to both North Korea and China.¶ Obama’s North Korea “playbook” is just one aspect of his so-called “pivot to Asia”—a comprehensive diplomatic, economic and military strategy aimed at ensuring the continued US domination of Asia. The US has stirred up flashpoints throughout the region and created new ones, such as the conflict between Japan and China over the disputed Senkaku/Diaoyu islands in the East China Sea. Obama’s chief target is not economically bankrupt North Korea, but its ally China, which Washington regards as a dangerous potential rival. Driven by the deepening global economic crisis, US imperialism is using its military might to assert its hegemony over Asia and the entire planet.¶ The US has declared that its military moves against North Korea are designed to “reassure” its allies, Japan and South Korea, that it will protect them. Prominent figures in both countries have called for the development of their own nuclear weapons. US “reassurances” are aimed at heading off a nuclear arms race in North East Asia—not to secure peace, but to reinforce the American nuclear monopoly.¶ The ratcheting-up of tensions over North Korea places enormous pressures on China and the newly-selected leadership of the Chinese Communist Party. An unprecedented public debate has opened up in Beijing over whether or not to continue to support Pyongyang. The Chinese leadership has always regarded the North Korean regime as an important buffer on its northeastern borders, but now fears that the constant tension on the Korean peninsula will be exploited by the US and its allies to launch a huge military build-up.¶ Indeed, all of the Pentagon’s steps over the past month—the boosting of anti-missile systems and practice runs of nuclear capable bombers—have enhanced the ability of the US to fight a nuclear war against China. Moreover, the US may not want to provoke a war, but its provocations always run the risk of escalating dangerously out of control. Undoubtedly, Obama’s “playbook” for war in Asia contains many more steps beyond the handful leaked to the media. The Pentagon plans for all eventualities, including the possibility that a Korean crisis could bring the US and China head to head in a catastrophic nuclear conflict.

#### Korea war draws in every great power.

Stares and Wit 9 (Paul B., General John W. Vessey senior fellow for conflict prevention and director of the center for preventive action of CFR and Joel S., adjunct senior research fellow at the Weather head East Asia Institute at Columbia University and a visiting fellow at the US Korea Institute at John Hopkins, “Preparing for Sudden Change in North Korea”)

These various scenarios would present the United States and the neighboring states with challenges and dilemmas that, depending on how events were to unfold, could grow in size and complexity. Important and vital interests are at stake for all concerned. North Korea is hardly a normal country located in a strategic backwater of the world. As a nuclear weapons state and exporter of ballistic missile systems, it has long been a serious proliferation concern to Washington. With one of the world’s largest armies in possession of huge numbers of long-range artillery and missiles, it can also wreak havoc on America’s most important Asian allies––South Korea and Japan––both of which are home to large numbers of American citizens and host to major U.S. garrisons committed to their defense. Moreover, North Korea abuts two great powers—China and Russia––that have important interests at stake in the future of the peninsula. That they would become actively engaged in any future crisis involving North Korea is virtually guaranteed. Although all the interested powers share a basic interest in maintaining peace and stability in northeast Asia, a major crisis from within North Korea could lead to significant tensions and––as in the past–– even conflict between them. A contested or prolonged leadership struggle in Pyongyang would inevitably raise questions in Washington about whether the United States should try to sway the outcome.5 Some will almost certainly argue that only by promoting regime change will the threat now posed by North Korea as a global proliferator, as a regional menace to America’s allies, and as a massive human rights violator, finally disappear. Such views could gain some currency in Seoul and even Tokyo, though it seems unlikely. Beijing, however, would certainly look on any attempt to promote a pro-American regime in Pyongyang as interference in the internal affairs of a sovereign state and a challenge to China’s national interests. This and other potential sources of friction could intensify should the situation in North Korea deteriorate. The impact of a severe power struggle in Pyongyang on the availability of food and other basic services could cause tens and possibly hundreds of thousands of refugees to flee North Korea. The pressure on neighboring countries to intervene with humanitarian assistance and use their military to stem the flow of refugees would likely grow in these circumstances. Suspicions that the situation could be exploited by others for political advantage would add to the pressure to act sooner rather than later in a crisis. China would be the most likely destination for refugees because of its relatively open and porous border; its People’s Liberation Army (PLA) has reportedly developed contingency plans to intervene in North Korea for possible humanitarian, peacekeeping, and “environmental control” missions.6 Besides increasing the risk of dangerous military interactions and unintended escalation in sensitive borders areas, China’s actions would likely cause considerable consternation in South Korea about its ultimate intentions toward the peninsula. China no doubt harbors similar fears about potential South Korean and American intervention in the North.

#### Asian war goes nuclear---no defense---interdependence and squo institutions don’t check

C. Raja Mohan 13, distinguished fellow at the Observer Research Foundation in New Delhi, March 2013, Emerging Geopolitical Trends and Security in the Association of Southeast Asian Nations, the People’s Republic of China, and India (ACI) Region,” background paper for the Asian Development Bank Institute study on the Role of Key Emerging Economies, http://www.iadb.org/intal/intalcdi/PE/2013/10737.pdf

Three broad types of conventional conflict confront Asia. The first is the prospect of war between great powers. Until a rising PRC grabbed the attention of the region, there had been little fear of great power rivalry in the region. The fact that all major powers interested in Asia are armed with nuclear weapons, and the fact that there is growing economic interdependence between them, has led many to argue that great power conflict is not likely to occur. Economic interdependence, as historians might say by citing the experience of the First World War, is not a guarantee for peace in Asia. Europe saw great power conflict despite growing interdependence in the first half of the 20th century. Nuclear weapons are surely a larger inhibitor of great power wars. Yet we have seen military tensions build up between the PRC and the US in the waters of the Western Pacific in recent years. The contradiction between the PRC’s efforts to limit and constrain the presence of other powers in its maritime periphery and the US commitment to maintain a presence in the Western Pacific is real and can only deepen over time.29 We also know from the Cold War that while nuclear weapons did help to reduce the impulses for a conventional war between great powers, they did not prevent geopolitical competition. Great power rivalry expressed itself in two other forms of conflict during the Cold War: inter-state wars and intra-state conflict. If the outcomes in these conflicts are seen as threatening to one or other great power, they are likely to influence the outcome. This can be done either through support for one of the parties in the inter-state conflicts or civil wars. When a great power decides to become directly involved in a conflict the stakes are often very high. In the coming years, it is possible to envisage conflicts of all these types in the ACI region. ¶ Asia has barely begun the work of creating an institutional framework to resolve regional security challenges. Asia has traditionally been averse to involving the United Nations (UN) in regional security arrangements. Major powers like the PRC and India are not interested in “internationalizing” their security problems—whether Tibet; Taipei,China; the South China Sea; or Kashmir—and give other powers a handle. Even lesser powers have had a tradition of rejecting UN interference in their conflicts. North Korea, for example, prefers dealing with the United States directly rather than resolve its nuclear issues through the International Atomic Energy Agency and the UN. Since its founding, the involvement of the UN in regional security problems has been rare and occasional.¶ The burden of securing Asia, then, falls squarely on the region itself. There are three broad ways in which a security system in Asia might evolve: collective security, a concert of major powers, and a balance of power system.30 Collective security involves a system where all stand for one and each stands for all, in the event of an aggression. While collective security systems are the best in a normative sense, achieving them in the real world has always been difficult. A more achievable goal is “cooperative security” that seeks to develop mechanisms for reducing mutual suspicion, building confidence, promoting transparency, and mitigating if not resolving the sources of conflict. The ARF and EAS were largely conceived within this framework, but the former has disappointed while the latter has yet to demonstrate its full potential. ¶ A second, quite different, approach emphasizes the importance of power, especially military power, to deter one’s adversaries and the building of countervailing coalitions against a threatening state. A balance of power system, as many critics of the idea point out, promotes arms races, is inherently unstable, and breaks down frequently leading to systemic wars. There is growing concern in Asia that amidst the rise of Chinese military power and the perception of American decline, many large and small states are stepping up their expenditure on acquiring advanced weapons systems. Some analysts see this as a structural condition of the new Asia that must be addressed through deliberate diplomatic action. 31 A third approach involves cooperation among the great powers to act in concert to enforce a broad set of norms—falling in between the idealistic notions of collective security and the atavistic forms of balance of power. However, acting in concert involves a minimum level of understanding between the major powers. The greatest example of a concert is the one formed by major European powers in the early 18th century through the Congress of Vienna after the defeat of Napoleonic France. The problem of adapting such a system to Asia is the fact that there are many medium-sized powers who would resent any attempt by a few great powers to impose order in the region.32 In the end, the system that emerges in Asia is likely to have elements of all the three models. In the interim, though, there are substantive disputes on the geographic scope and the normative basis for a future security order in Asia.

#### Reversing stance of judicial deference solves adventurism – forces government accountability

Knowles, 2009 (Robert, Acting assistant Professor, New York University School of Law, “American Hegemony and the Foreign Affairs Constitution,” Arizona State Law Journal, 41 Ariz. St. L.J. 87, October)

The accountability justification generally overstates the degree to which courts are insulated from politics.286 On the domestic front, Supreme Court appointments have become an increasingly prominent issue in presidential elections, at least since Roe v. Wade and the nominations of Robert Bork and Clarence Thomas.287 Although foreign affairs have not played much of a role in these debates thus far, this is almost certainly due to the courts’ generally deferential approach to foreign relations controversies. When the courts have been bolder, such as in the three Guantánamo cases, they have captured the attention of policy-makers and the public, creating issues for presidential campaigns.288 Moreover, accountability cuts both ways. It is a core purpose of the separation of powers.289 The courts can serve an important information-forcing role that assists the People in holding the executive branch accountable for foreign affairs decisions, many of which are shrouded in secrecy.290 Court cases require the government to articulate clearly the rationales for its policies and the procedures through which those policies were enacted. Habeas corpus forces federal officers to justify their detention of individuals whose imprisonment would otherwise remain unscrutinized.291 In any event, assuming that the courts are relatively less accountable than the political branches, this aspect of the constitutional regime is accepted in the domestic context. Why should foreign affairs require faster and easier accountability? Ultimately, the one-voice arguments for special deference— for uniformity, accountability, and avoiding embarrassment—must be grounded in assumptions about the peculiar requirements of managing a great power’s foreign policy in an anarchic world. These are considerations of realpolitik, which I discuss in the next subpart.

#### Suspension Clause application checks presidential adventurism

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There is nothing in these foundational principles to indicate that the responsibility of the judiciary to check the Executive and thereby safeguard individual liberty is restricted by geography. Nor is there any sense from them that the potential for the Executive to detain someone unlawfully—which provides the factual predicate necessitating the judiciary’s involvement—does not exist outside the territorial bounds of the United States. And there is nothing that may be reasonably extracted from them that suggests that the Executive may act anywhere in the world, but that the supervisory need for the courts is confined to the borders of the United States. The remainder— or difference between the unbounded reach of executive power and the enclosed power of the courts—offers ample room for executive conduct to devolve into tyranny because the courts are unable to measure such conduct against the rule of law. To fulfill the full promise of the writ of habeas corpus and identify arbitrary and wrongful imprisonments, the judicial writ must shadow executive conduct. If the Executive summons the powers of its office and the government that it heads to imprison an individual in any part of the world, it subjects the detainee to the authority of the United States, including the oversight of the judicial branch of its federal government. In other words, the courts are awakened or agitated, by necessity, by the Executive to sanitize governmental conduct by way of law. The proposition is quite simple: where the Executive may act, so the courts may follow—otherwise, we condone a situation, intolerable to the Framers, in which Law is King inside the four corners of the United States, but where the American King is Law outside of it. This understanding of the scope of the habeas writ is supported not only by the historical purposes of the writ and the constitutional tripartite checking scheme, but also by several ancillary arguments. The first points to the common law. Even before the formation of an independent United States, the writ, which the American legal system imported from the AngloSaxon tradition, ran extraterritorially. As Sir William Blackstone explained with respect to the writ, “the king is at all times entitled to have an account, why the liberty of any of his subjects is restrained, wherever that restraint may be inflicted.”159 Moreover, at common law “[e]ven those designated enemy aliens,” like the petitioners in al Maqaleh, “retained habeas corpus rights to challenge their enemy designation.”160 The second is a textual argument that the Suspension Clause—which “protects the rights of the detained by affirming the duty and authority of the Judiciary to call the jailer to account”161 and, unless formally suspended, enables the judiciary to serve “as an important judicial check on the Executive’s discretion in the realm of detentions”162—is not restricted by territory by the Constitution’s own terms. Because “[t]he Suspension Clause contains no territorial limitation with respect to its scope,” argues Richard A. Epstein, “it’s a perfectly natural reading to say wherever the United States exerts power, there habeas corpus will run.”163 The third relates to the transcendence already of territorial barriers concerning the issuance of the writ. While the Supreme Court in Ahrens required district courts to issue the statutory habeas writ only if the petitioner was within its territorial jurisdiction,164 the Court subsequently departed from this restrictive view of jurisdiction to hold that habeas “petitioners’ absence from the district does not present a jurisdictional obstacle to the consideration of the claim.”165 The Court rejected the contention that a petitioner’s “presence within the territorial confines of the district is an invariable prerequisite” to the statutory habeas writ.166 The fourth identifies the proper focus of the writ. The focal point of the habeas petition is not the petitioner himself, but rather the government official holding him, namely the custodian. “The writ of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody,” the Court has explained.167 Accordingly, “[s]o long as the custodian can be reached by service of process, the court can issue a writ . . . even if the prisoner himself is confined outside the court’s territorial jurisdiction.”168 The emphasis on the jailer, rather than the petitioner, for purposes of habeas jurisdiction is in lockstep with the view, advanced thus far in this Article, that because the habeas writ is a means for the courts to check the Executive, and, specifically, to ensure that it detains an individual only in conformance with the law, the writ has the potential to run wherever the Executive is detaining an individual. Indeed, there can be little doubt that the custodian is but an agent of or proxy for the Executive itself169—the Executive makes the legal decision; the jailer holds the key.170 The fifth argument recognizes the trend of an increasingly broadening interpretation of habeas jurisdiction. “[T]he general spirit and genius of our institutions has tended to the widening and enlarging of the habeas corpus jurisdiction of the courts and judges of the United States,” according to the Court.171 An expansive view of the courts’ jurisdiction to hear habeas petitions, where geography and sovereignty are without preclusive effect on such jurisdiction, is consistent with this observation. The sixth enumerates an essential characteristic of the writ: its flexibility. The writ is an “inherently elastic concept”172 disentangled from formal restrictions.173 The seventh takes notice of the globalized world in which we live and within which the Executive may detain an individual. A rule by which habeas can follow the Executive wherever it acts comports with the realities of an increasingly globalized and technologically advanced world in which the Executive can detain—and has detained, as the post–9/11 campaigns demonstrate—individuals thousands of miles from the shores of the United States.174 Nations will act outside of their territorial borders with greater regularity, frequency, and ease as the world becomes “smaller”—confining judicial review to borders that are readily pierced leaves the rule of law in an outdated and stationary state while the Executive frolics both inside and outside his land and whisks away detainees at his whim.175 The relevance of the globalized world, marked by technology, is particularly salient today after 9/11.176 It should render less persuasive any suggestion that habeas be understood only as it was in 1789 or in Eisentrager, when technology and resources did not allow for the transnational, global activities that are commonplace today and thus call for evolving and more practically applicable meanings of habeas.177 “It must never be forgotten,” the Supreme Court wrote in 1939, “that the writ of habeas corpus is the precious safeguard of personal liberty and there is no higher duty than to maintain it unimpaired.”178 In short, geography and sovereignty should not impair the otherwise critical and constitutionally vital purposes of the habeas writ.

## Contention 2 is Climate Change

#### US Rule of law hypocrisy alienates allies – plan revitalizes international support

Yang ’11 (Christina – dissertation @ Emory, advised by Michael Sullivan - PhD, Vanderbilt University, 2000 JD, Yale Law School, 1998 “Reconstructing Habeas: Towards a New Emergency Scheme!”

In this global war on terror, America cannot stand alone. But in the aftermath of 9/11, we have become more and more alone. “Once a leading exponent of the rule of law,” David Cole observes, “the United States is now widely viewed as a systematic and arrogant violator of the most basic norms of human rights law – including the prohibitions against torture, disappearances, and arbitrary detention.”104 We cannot afford to alienate our friends with our actions. This loss of legitimacy is not simply harmful because it paints us in hypocritical colors, but because it also leaves us more vulnerable to terrorist attack inasmuch our governmental abuses in the arena of detention “fuels the animus and resentment that inspire the attacks against us in the first place.”105 We only confirm what the terrorists have been saying all along. In the end, the fight against terrorism is fundamentally a battle for hearts and minds.106 The more we win over our enemies, the fewer enemies we have to be concerned about. But the battle is not won with money; it is not won with victory. It is won by a long term commitment to civil liberties and the rule of law – everything that America was once known to stand for – as well as proof that even in the short term, we will act with legitimacy, fairness, and within the constraints of law. “As any leader instinctively knows,” Cole advises, “it is far better to have people follow your lead because they view you as legitimate than to have to try to compel others by force to adhere to your will.”107 Our allies were once willing to aid us in our cause – for the cause, the fight against terrorism, is neither illegitimate nor unworthy of pursuit. They are more reluctant now because we have compromised our legitimacy – i.e., the sincerity of our reasons for fighting this fight – when we employ illegitimate means to reach our ends. We require the help of our allies; and so in order to keep them on our side, we need to maintain “our historic position of leadership in the global spread of the rule of law,” thus reminding them of the “virtue of [the] legal commitments they [too] have made.”108

#### Judicial deference to military courts undermines legitimacy – plan’s key to solve

Pereira 08 Marcia Pereira 08, Civil Litigation &Transactional Attorney and University of Miami School of Law Graduate, Spring, "ARTICLE: THE "WAR ON TERROR" SLIPPERY SLOPE POLICY: GUANTANAMO BAY AND THE ABUSE OF EXECUTIVE POWER," University of Miami International & Comparative Law Review, 15 U. Miami Int'l & Comp. L. Rev. 389, Lexis

As these examples reveal, many propositions have been advanced to provide for a solution to these detainees with no particular success. Meanwhile, human rights advocates have their eyes centered on our nation. The Human Rights Watch has recently expressed its concerns with respect to the MCA. It advanced that the military commissions "fall far short of international due process standards." n156 It has been articulated that U.S. "artificial" derogation from the Geneva Conventions by virtue [\*440] of the MCA leaves open the door for other States to "opt-out" as well. In other words, any step back from the Geneva Conventions could also provoke mistreatment of captured U.S. military personnel. In addition, scholars of international jurisprudence claim there have been over 50 years since Geneva was entered into force and it has been applied in every conflict. n157 However, U.S. current policies undercut the overarching principles under international law to strive for uniform human rights policies around the World. In the current state of affairs, the Executive branch becomes three branches in one: legislator, executive enforcer, and judge of its own actions. The lack of independent judicial oversight deprives detainees from the opportunity of impartial judicial review of verdicts, regardless of their arbitrariness or lack of legal soundness.¶ In response to the consequences of this expansive executive power, the U.N. Human Rights Committee stated that the use of military courts could present serious problems as far as the equitable, impartial, independent administration of justice is concerned. As detainees have increasingly been deemed non-enemy-combatants, it is possible to assess how the Executive, now Congressional actions, captures civilians who had no connection to the armed conflict. In other words, as a consequence of the disparate overreaching power of the political branches and a rather weakened Judiciary, the U.S. is substantially regarded by the international community with complete disapproval.¶ Thus, the impact of U.S. current polities in the International Community is, at the very least, alarming. If entitling the detainees to a unified due process approach seems unrealistic, at minimum, they should be treated in a manner consistent with the principles of the Geneva Conventions. Relevant provisions in the Third Convention provide that detainees are entitled to a presumption of protection thereunder, "until such time as their status has been determined by a competent tribunal." The detainees must first be designated as civilians, combatant, or criminals rather than lumped into a single composite group of unlawful combatants by presidential fiat. Moreover, the International Covenant on Civil and Political Rights mandates that "[n]o one shall be subjected to arbitrary arrest or detention and those deprived of liberty shall be entitled [\*441] to take proceedings before a court." n158 The meaning of "court" within the Covenant was aimed at civilian courts, not military, in the sense that the preoccupation was to provide them with a fair adjudication with respect to the detainees' status. Yet, the U.S. Government chose to ignore the requirements under international law despite apparently false claims that it would be followed. n159 Instead, as previously discussed in Part II of this Article, Congress made sure that international law does not provide a substantive basis of relief for these detainees' claims by virtue of the MCA.¶ The vast cultural, economic and political differences among signatory States were deemed as plausible justification for permitting reservations treaties. By this mechanism, the States are provided the opportunity to somewhat "tailor" multilateral treaties to their realities. It is evident that the U.S. Government has granted itself the right not to be entirely bound by international law. How wise the use of this mechanism was undertaken by U.S. may be reflected by the current the impact of U.S. policies toward international law mandates. As the detainees' situation develops, however, the U.S. image within the international community is in serious jeopardy. As a result a widespread criticism of the U.S. policies generated an atmosphere of wariness of U.S's ability and willingness to preserve individuals' fundamental rights at any time a situation is categorized as "emergency."¶ [\*442] V. CONCLUSION¶ All the problems outlined in this Article can be corrected. It would not take more than going back to the Constitution and reconstituting the Framers' intent in promoting the leadership of the country as an integral body composed by the three branches of Government. The U.S. Government should ensure that the wide gap between domestic law and the law of armed conflict is minimized by allowing those tried before military commissions to receive trials up to the level of American justice. If no action is taken, the American justice once internationally admired will give space to a stain in the American history. Congress should be more active in undertaking its role of making the law rather than merely voting on proposals based on their political agenda or the Executive's wishes. The Judiciary should step up and actively "say what the law is" rather than handing down amorphous rulings stigmatizing detainees on the basis of their citizenship status. Under basic constitutional principles, doing justice means equal protections of the laws. Using the claim of times of emergency to justify abusive treatment does not foster a democratic society. If the military is not able to advance legal grounds to hold these detainees, they should be released. The Judiciary should be eager to have a case challenging the MCA sooner rather than later and take the opportunity to lay down a clearly ruling on how these detainees should be accorded equal safeguards regardless of their race, national origin, or status. In other words, the Judiciary should take back what Congress has taken away, through implementing major modifications to the Executive's ill-conceived policies regarding commissions. In terms of meaningful separation of powers mandates, what the Constitution has given, Congress cannot take away.

#### Federal ruling on detention policies signals US commitment to reform – boosts legitimacy

Hathaway et al 13, Oona Hathaway, Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School, Samuel Adelsberg, Spencer Amdur, and Freya Pitts, J.D. candidates at Yale Law School, Philip Levitz and Sirine Shebaya J.D.s Yale Law School (2012), Winter, "Article: The Power To Detain: Detention of Terrorism Suspects After 9/11," The Yale Journal of International Law, 38 Yale J. Int'l L. 123, Lexis

2. Legitimacy ¶ Federal courts are also generally considered more legitimate than military commissions. The stringent procedural protections reduce the risk of error and generate trust and legitimacy. n245 The federal courts, for example, provide more robust hearsay protections than the commissions. n246 In addition, jurors are [\*165] ordinary citizens, not U.S. military personnel. Indeed, some of the weakest procedural protections in the military commission system have been successfully challenged as unconstitutional. n247 Congress and the Executive have responded to these legal challenges - and to criticism of the commissions from around the globe - by significantly strengthening the commissions' procedural protections. Yet the remaining gaps - along with what many regard as a tainted history - continue to raise doubts about the fairness and legitimacy of the commissions. The current commissions, moreover, have been active for only a short period - too brief a period for doubts to be confirmed or put to rest. n248 Federal criminal procedure, on the other hand, is well-established and widely regarded as legitimate.¶ Legitimacy of the trial process is important not only to the individuals charged but also to the fight against terrorism. As several successful habeas corpus petitions have demonstrated, insufficient procedural protections create a real danger of erroneous imprisonment for extended periods. n249 Such errors can generate resentment and distrust of the United States that undermine the effectiveness of counterterrorism efforts. Indeed, evidence suggests that populations are more likely to cooperate in policing when they believe they have been treated fairly. n250 The understanding that a more legitimate detention regime will be a more effective one is reflected in recent statements from the Department of Defense and the White House. n251¶ 3. Strategic Advantages¶ ¶ There is clear evidence that other countries recognize and respond to the difference in legitimacy between civilian and military courts and that they are, indeed, more willing to cooperate with U.S. counterterrorism efforts when terrorism suspects are tried in the criminal justice system. Increased international cooperation is therefore another advantage of criminal prosecution.¶ Many key U.S. allies have been unwilling to cooperate in cases involving law-of-war detention or prosecution but have cooperated in criminal [\*166] prosecutions. In fact, many U.S. extradition treaties, including those with allies such as India and Germany, forbid extradition when the defendant will not be tried in a criminal court. n252 This issue has played out in practice several times. An al-Shabaab operative was extradited from the Netherlands only after assurances from the United States that he would be prosecuted in criminal court. n253 Two similar cases arose in 2007. n254 In perhaps the most striking example, five terrorism suspects - including Abu Hamza al-Masr, who is accused of providing material support to al-Qaeda by trying to set up a training camp in Oregon and of organizing support for the Taliban in Afghanistan - were extradited to the United States by the United Kingdom in October 2012. n255 The extradition was made on the express condition that they would be tried in civilian federal criminal courts rather than in the military commissions. n256 And, indeed, both the European Court of Human Rights and the British courts allowed the extradition to proceed after assessing the protections offered by the U.S. federal criminal justice system and finding they fully met all relevant standards. n257 An insistence on using military commissions may thus hinder extradition and other kinds of international prosecutorial cooperation, such as the sharing of testimony and evidence.

#### Leadership solves coalitions that solve warming

Greenberg 5 – Director Emeritus and Honorary Vice Chairman of the Council on Foreign Relations and a member of the Trilateral Commission, Maurice, “On Leadership”, The National Interest, 12/1, http://www.nationalinterest.org/Article.aspx?id=10874

I am concerned that these are not the issues being discussed by our political leadership and that the United States is abdicating its role as a global leader. There are a number of **problems** that **require** the **U**nited **S**tates to step forward and exercise **leadership**. In matters of world trade, the Doha Round has not been a booming success. Promises of aid for Africa have turned out to be little more than promises. We have **transnational threats such as terrorism**, **environmental degradation and** the spread of **disease**. We have an issue of global warming. I'm not a scientist, but I am concerned that the intensity **and** strength of natural disasters has grown. Ocean **warming** has occurred by several degrees of temperature, ice flows are melting in the poles--what is going to be the impact of that on the world's climate? There are a whole host of issues that **are** not simply matters of American national interest, but **are** global, **planetary interests**. And make no mistake, **if the** **U**nited **S**tates **does not lead, who will?** The future of the European Union is a question mark. The proposed constitution was not enthusiastically embraced by Europe's population. More and more Europeans are dissatisfied with the euro, which, I might add, seems less and less likely to replace the dollar as the leading currency for global trade and finance. American **leadership is essential to put together** the broad-based **coalitions necessary to tackle these** **problems.** Our **national interest is served by continuing to build up** our **relations with other states, creating** a network of **mutual interdependence, rather than** ignoring problems or **isolating ourselves** from the rest of the world.

#### Specifically, US leadership key to effective negotiations on the Montreal Protocol

US-EPA 12 U.S. Environmental Protection Agency¶ June 2012¶ 2¶ Benefits of Addressing HFCs under the Montreal Protocol¶ June 2012 http://www.epa.gov/ozone/downloads/Benefits%20of%20Addressing%20HFCs%20Under%20the%20Montreal%20Protocol,%20June%202012.pdf

The Montreal Protocol has been an unparalleled environmental success story. It is the only international agreement to achieve universal ratification. It has completed an enormous task in the phaseout of CFCs and halons—chemicals that had become pervasive in multiple industries. It established a schedule to phaseout the remaining important ODS (namely, HCFCs). Under the Montreal Protocol, Article 5 and non-Article 5 countries together have not only set the ozone layer on a path to recovery by mid-century but have reduced greenhouse gases by over 11 Gigatons CO2eq per year, providing an approximate 10-year delay in the onset of the effects of climate change.34 This legacy is now at risk. Although safe for the ozone layer, the continued emissions of HFCs— primarily as alternatives to ODS but also from the continued production of HCFC-22—will have an immediate and significant effect on the Earth’s climate system. Without further controls, it is predicted that HFC emissions could negate the entire climate benefits achieved under the Montreal Protocol. HFCs are rapidly increasing in the atmosphere. HFC-use is forecast to grow, mostly due to increased demand for refrigeration and air conditioning, particularly in Article 5 countries. There is a clear connection to the Montreal Protocol’s CFC and HCFC phaseout and the increased use of HFCs. However, it is possible to maintain the climate benefits achieved by the Montreal Protocol by using climate-friendly alternatives and addressing HFC consumption. Recognizing the concerns with continued HFC consumption and emissions, the actions taken to date to address them, the need for continued HFC use in the near future for certain applications, and the needed for better alternatives, Canada, Mexico and the United States have proposed an amendment to phase down HFC consumption and to reduce byproduct emissions of HFC-23, the HFC with the highest GWP. The proposed Amendment would build on the success of the Montreal Protocol, rely on the strength of its institutions, and realize climate benefits in both the near and long-term. Table 10 displays the projected benefits from the Amendment.

#### That solves climate-tipping points

AP 9 AP, Fox News, “Obama Administration to Push For Major Initiative to Fight Global Warming”, 4/30/9 http://www.foxnews.com/politics/2009/04/30/obama-administration-push-major-initiative-fight-global-warming/#ixzz2eoLvyx00

The Obama administration, in a major environmental policy shift, is leaning toward asking 195 nations that ratified the U.N. ozone treaty to enact mandatory reductions in hydrofluorocarbons, according to U.S. officials and documents obtained by The Associated Press.¶ ¶ "We're considering this as an option," Environmental Protection Agency spokeswoman Adora Andy said Wednesday, emphasizing that while a final decision has not been made it was accurate to describe this as the administration's "preferred option."¶ ¶ The change -- the first U.S.-proposed mandatory global cut in greenhouse gases -- would transform the ozone treaty into a strong tool for fighting global warming.¶ ¶ "Now it's going to be a climate treaty, with no ozone-depleting materials, if this goes forward," an EPA technical expert said Wednesday, speaking on condition of anonymity because a final decision is pending.¶ ¶ The expert said the 21-year-old ozone treaty known as the Montreal Protocol created virtually the entire market for hydrofluorocarbons, or HFCs, so including them in the treaty would take care of a problem of its own making.¶ ¶ It's uncertain how that would work in conjunction with the Kyoto Protocol, the world's climate treaty, which now regulates HFCs and was rejected by the Bush administration. Negotiations to replace Kyoto, which expires in 2012, are to be concluded in December in Denmark.¶ ¶ The Montreal Protocol is widely viewed as one of the most successful environmental treaties because it essentially eliminated the use of chlorofluorocarbons, or CFCs, blamed for damaging the ozone layer over Antarctica.¶ ¶ Because they do not affect the ozone layer, HFCs broadly replaced CFCs as coolants in everything from refrigerators, air conditioners and fire extinguishers to aerosol sprays, medical devices and semiconductors.¶ ¶ But experts say the solution to one problem is now worsening another.¶ ¶ As a result, the U.S. is calling HFCs "a significant and growing source of emissions" that could be eliminated more quickly in several ways, including amending the ozone treaty or creating "a legally distinct agreement" linked to the Montreal Protocol, says a March 27 State Department briefing paper presented at one of two recent meetings on the topic.¶ ¶ State Department officials told participants at one of last month's meetings that the United States wants to amend the Montreal Protocol to phase out the use of HFCs, a change praised by environmentalists. But there appear to be some interagency snags.¶ ¶ Though the State Department secured backing from the Pentagon and other agencies for amending the Montreal Protocol, some opposition remains within the administration, U.S. officials say. It is not clear if the proposal to eliminate HFCs will be submitted by next week, in time to be considered at a meeting in November by parties to the Montreal Protocol.¶ ¶ Proponents say eliminating HFCs would have an impact within our lifetimes. HFCs do most of their damage in their first 30 years in the atmosphere, unlike carbon dioxide which spreads its impact over a longer period of time.¶ ¶ "Retiring HFCs is our best hope of avoiding a near-term tipping point for irreversible climate change. It's an opportunity the world simply cannot afford to miss, and every year we delay action on HFCs reduces the benefit," said Alexander von Bismarck, executive director of the Environmental Investigation Agency, a nonprofit watchdog group in Washington that first pitched the idea two years ago.¶ ¶ Globally, a huge market has sprung up around the use of HFCs, a man-made chemical, as a result of their promotion under the Montreal Protocol. Several billion dollars have been spent through an affiliated fund to prod countries to stop making and using CFCs and other ozone-damaging chemicals and to instead use cheap and effective chemicals like HFCs.¶ ¶ Scientists say eliminating use of HFCs would spare the world an amount of greenhouse gases up to about a third of all CO2 emissions about two to four decades from now. Manufacturers in both Europe and the U.S. have begun to replace HFCs with so-called natural refrigerants such as hydrocarbons, ammonia or carbon dioxide.¶ ¶ HFCs can be up to 10,000 times more powerful than carbon dioxide as climate-warming chemicals, according to U.S. government data.¶ ¶ Currently they account for only about 2 percent of all greenhouse-gas emissions, but the U.N.'s Intergovernmental Panel on Climate Change warned in 2005 that use of HFCs was growing at 8.8 percent per year.¶ ¶ More recent studies concur and show that HFCs are on a path to reach about 11 billion tons of greenhouse gases, which would constitute up to a third of all greenhouse gas emissions by sometime within 2030 and 2040 under some CO2-reduction scenarios.¶ ¶ House Democrats also are adding to the pressure on HFCs.¶ ¶ In an April 3 letter to President Barack Obama, California Rep. Henry Waxman, chairman of the House Energy and Commerce Committee, and Massachusetts Rep. Edward Markey, chairman of the energy and environment subcommittee, urged the White House to offer an amendment to the Montreal Protocol this year.¶ ¶ "Although we strongly support a comprehensive international agreement on climate change, we believe that adding HFCs to the existing Montreal Protocol would be a sensible, cost-effective method of addressing a small but growing piece of the problem," they wrote.¶ ¶ Waxman and Markey also have drafted legislation laying out a broad outline for phasing out HFCs in the United States.¶ ¶ Worldwide, phasing out HFCs under the Montreal Protocol could prevent 90 billion tons of greenhouse gases by 2040, by including nations like India and China that were not part of the Kyoto treaty.¶ ¶ Nations such as Argentina, the Federated States of Micronesia, Mauritius and Mexico have recently pushed for climate protections under the Montreal Protocol, arguing every possible tool must be used to combat climate change.¶ ¶ The EPA in April determined that hydrofluorocarbons were one of six greenhouse gases endangering human health and welfare, a ruling that could eventually lead to mandatory reductions in the U.S. under the Clean Air Act.¶ ¶ "This is a strong sign of new American leadership in atmospheric protection," said von Bismarck.

#### Extinction—4 degree projections triggers numerous scenarios

Roberts 13—citing the World Bank Review’s compilation of climate studies

- 4 degree projected warming, can’t adapt

- heat wave related deaths, forest fires, crop production, water wars, ocean acidity, sea level rise, climate migrants, biodiversity loss

David, “If you aren’t alarmed about climate, you aren’t paying attention” [http://grist.org/climate-energy/climate-alarmism-the-idea-is-surreal/] January 10 //mtc

We know we’ve raised global average temperatures around 0.8 degrees C so far. We know that 2 degrees C is where most scientists predict catastrophic and irreversible impacts. And we know that we are currently on a trajectory that will push temperatures up 4 degrees or more by the end of the century. What would 4 degrees look like? A recent World Bank review of the science reminds us. First, it’ll get hot: Projections for a 4°C world show a dramatic increase in the intensity and frequency of high-temperature extremes. Recent extreme heat waves such as in Russia in 2010 are likely to become the new normal summer in a 4°C world. Tropical South America, central Africa, and all tropical islands in the Pacific are likely to regularly experience heat waves of unprecedented magnitude and duration. In this new high-temperature climate regime, the coolest months are likely to be substantially warmer than the warmest months at the end of the 20th century. In regions such as the Mediterranean, North Africa, the Middle East, and the Tibetan plateau, almost all summer months are likely to be warmer than the most extreme heat waves presently experienced. For example, the warmest July in the Mediterranean region could be 9°C warmer than today’s warmest July. Extreme heat waves in recent years have had severe impacts, causing heat-related deaths, forest fires, and harvest losses. The impacts of the extreme heat waves projected for a 4°C world have not been evaluated, but they could be expected to vastly exceed the consequences experienced to date and potentially exceed the adaptive capacities of many societies and natural systems. [my emphasis] Warming to 4 degrees would also lead to “an increase of about 150 percent in acidity of the ocean,” leading to levels of acidity “unparalleled in Earth’s history.” That’s bad news for, say, coral reefs: The combination of thermally induced bleaching events, ocean acidification, and sea-level rise threatens large fractions of coral reefs even at 1.5°C global warming. The regional extinction of entire coral reef ecosystems, which could occur well before 4°C is reached, would have profound consequences for their dependent species and for the people who depend on them for food, income, tourism, and shoreline protection. It will also “likely lead to a sea-level rise of 0.5 to 1 meter, and possibly more, by 2100, with several meters more to be realized in the coming centuries.” That rise won’t be spread evenly, even within regions and countries — regions close to the equator will see even higher seas. There are also indications that it would “significantly exacerbate existing water scarcity in many regions, particularly northern and eastern Africa, the Middle East, and South Asia, while additional countries in Africa would be newly confronted with water scarcity on a national scale due to population growth.” Also, more extreme weather events: Ecosystems will be affected by more frequent extreme weather events, such as forest loss due to droughts and wildfire exacerbated by land use and agricultural expansion. In Amazonia, forest fires could as much as double by 2050 with warming of approximately 1.5°C to 2°C above preindustrial levels. Changes would be expected to be even more severe in a 4°C world. Also loss of biodiversity and ecosystem services: In a 4°C world, climate change seems likely to become the dominant driver of ecosystem shifts, surpassing habitat destruction as the greatest threat to biodiversity. Recent research suggests that large-scale loss of biodiversity is likely to occur in a 4°C world, with climate change and high CO2 concentration driving a transition of the Earth’s ecosystems into a state unknown in human experience. Ecosystem damage would be expected to dramatically reduce the provision of ecosystem services on which society depends (for example, fisheries and protection of coastline afforded by coral reefs and mangroves.) New research also indicates a “rapidly rising risk of crop yield reductions as the world warms.” So food will be tough. All this will add up to “large-scale displacement of populations and have adverse consequences for human security and economic and trade systems.” Given the uncertainties and long-tail risks involved, “there is no certainty that adaptation to a 4°C world is possible.” There’s a small but non-trivial chance of advanced civilization breaking down entirely. Now ponder the fact that some scenarios show us going up to 6 degrees by the end of the century, a level of devastation we have not studied and barely know how to conceive. Ponder the fact that somewhere along the line, though we don’t know exactly where, enough self-reinforcing feedback loops will be running to make climate change unstoppable and irreversible for centuries to come. That would mean handing our grandchildren and their grandchildren not only a burned, chaotic, denuded world, but a world that is inexorably more inhospitable with every passing decade.

#### Warming is anthropogenic – most comphrensive analysis to date proves

Green 13 – Professor of Chemistry @ Michigan Tech,

\*John Cook – Fellow @ Global Change Institute, produced climate communication resources adopted by organisations such as NOAA and the U.S. Navy

\*\*Dana Nuccitelli – MA in Physics @ UC-Davis

\*\*\*Mark Richardson – PhD Candidate in Meteorology, et al.,

(“Quantifying the consensus on anthropogenic global warming in the scientific literature,” Environmental Research Letters, 8.2)

An accurate perception of the degree of scientific consensus is an essential element to public support for climate policy (Ding et al 2011). Communicating the scientific consensus also increases people's acceptance that climate change (CC) is happening (Lewandowsky et al 2012). Despite numerous indicators of a consensus, there is wide public perception that climate scientists disagree over the fundamental cause of global warming (GW; Leiserowitz et al 2012, Pew 2012). In the most comprehensive analysis performed to date, we have extended the analysis of peer-reviewed climate papers in Oreskes (2004). We examined a large sample of the scientific literature on global CC, published over a 21 year period, in order to determine the level of scientific consensus that human activity is very likely causing most of the current GW (anthropogenic global warming, or AGW). Surveys of climate scientists have found strong agreement (97–98%) regarding AGW amongst publishing climate experts (Doran and Zimmerman 2009, Anderegg et al 2010). Repeated surveys of scientists found that scientific agreement about AGW steadily increased from 1996 to 2009 (Bray 2010). This is reflected in the increasingly definitive statements issued by the Intergovernmental Panel on Climate Change on the attribution of recent GW (Houghton et al 1996, 2001, Solomon et al 2007). The peer-reviewed scientific literature provides a ground-level assessment of the degree of consensus among publishing scientists. An analysis of abstracts published from 1993–2003 matching the search 'global climate change' found that none of 928 papers disagreed with the consensus position on AGW (Oreskes 2004). This is consistent with an analysis of citation networks that found a consensus on AGW forming in the early 1990s (Shwed and Bearman 2010). Despite these independent indicators of a scientific consensus, the perception of the US public is that the scientific community still disagrees over the fundamental cause of GW. From 1997 to 2007, public opinion polls have indicated around 60% of the US public believes there is significant disagreement among scientists about whether GW was happening (Nisbet and Myers 2007). Similarly, 57% of the US public either disagreed or were unaware that scientists agree that the earth is very likely warming due to human activity (Pew 2012). Through analysis of climate-related papers published from 1991 to 2011, this study provides the most comprehensive analysis of its kind to date in order to quantify and evaluate the level and evolution of consensus over the last two decades. 2. Methodology This letter was conceived as a 'citizen science' project by volunteers contributing to the Skeptical Science website (www.skepticalscience.com). In March 2012, we searched the ISI Web of Science for papers published from 1991–2011 using topic searches for 'global warming' or 'global climate change'. Article type was restricted to 'article', excluding books, discussions, proceedings papers and other document types. The search was updated in May 2012 with papers added to the Web of Science up to that date. We classified each abstract according to the type of research (category) and degree of endorsement. Written criteria were provided to raters for category (table 1) and level of endorsement of AGW (table 2). Explicit endorsements were divided into non-quantified (e.g., humans are contributing to global warming without quantifying the contribution) and quantified (e.g., humans are contributing more than 50% of global warming, consistent with the 2007 IPCC statement that most of the global warming since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations). Table 1. Definitions of each type of research category. Category Description Example (1) Impacts Effects and impacts of climate change on the environment, ecosystems or humanity '...global climate change together with increasing direct impacts of human activities, such as fisheries, are affecting the population dynamics of marine top predators' (2) Methods Focus on measurements and modeling methods, or basic climate science not included in the other categories 'This paper focuses on automating the task of estimating Polar ice thickness from airborne radar data...' (3) Mitigation Research into lowering CO2 emissions or atmospheric CO2 levels 'This paper presents a new approach for a nationally appropriate mitigation actions framework that can unlock the huge potential for greenhouse gas mitigation in dispersed energy end-use sectors in developing countries' (4) Not climate-related Social science, education, research about people's views on climate 'This paper discusses the use of multimedia techniques and augmented reality tools to bring across the risks of global climate change' (5) Opinion Not peer-reviewed articles 'While the world argues about reducing global warming, chemical engineers are getting on with the technology. Charles Butcher has been finding out how to remove carbon dioxide from flue gas' (6) Paleoclimate Examining climate during pre-industrial times 'Here, we present a pollen-based quantitative temperature reconstruction from the midlatitudes of Australia that spans the last 135 000 years...' Table 2. Definitions of each level of endorsement of AGW. Level of endorsement Description Example (1) Explicit endorsement with quantification Explicitly states that humans are the primary cause of recent global warming 'The global warming during the 20th century is caused mainly by increasing greenhouse gas concentration especially since the late 1980s' (2) Explicit endorsement without quantification Explicitly states humans are causing global warming or refers to anthropogenic global warming/climate change as a known fact 'Emissions of a broad range of greenhouse gases of varying lifetimes contribute to global climate change' (3) Implicit endorsement Implies humans are causing global warming. E.g., research assumes greenhouse gas emissions cause warming without explicitly stating humans are the cause '...carbon sequestration in soil is important for mitigating global climate change' (4a) No position Does not address or mention the cause of global warming (4b) Uncertain Expresses position that human's role on recent global warming is uncertain/undefined 'While the extent of human-induced global warming is inconclusive...' (5) Implicit rejection Implies humans have had a minimal impact on global warming without saying so explicitly E.g., proposing a natural mechanism is the main cause of global warming '...anywhere from a major portion to all of the warming of the 20th century could plausibly result from natural causes according to these results' (6) Explicit rejection without quantification Explicitly minimizes or rejects that humans are causing global warming '...the global temperature record provides little support for the catastrophic view of the greenhouse effect' (7) Explicit rejection with quantification Explicitly states that humans are causing less than half of global warming 'The human contribution to the CO2 content in the atmosphere and the increase in temperature is negligible in comparison with other sources of carbon dioxide emission' Abstracts were randomly distributed via a web-based system to raters with only the title and abstract visible. All other information such as author names and affiliations, journal and publishing date were hidden. Each abstract was categorized by two independent, anonymized raters. A team of 12 individuals completed 97.4% (23 061) of the ratings; an additional 12 contributed the remaining 2.6% (607). Initially, 27% of category ratings and 33% of endorsement ratings disagreed. Raters were then allowed to compare and justify or update their rating through the web system, while maintaining anonymity. Following this, 11% of category ratings and 16% of endorsement ratings disagreed; these were then resolved by a third party. Upon completion of the final ratings, a random sample of 1000 'No Position' category abstracts were re-examined to differentiate those that did not express an opinion from those that take the position that the cause of GW is uncertain. An 'Uncertain' abstract explicitly states that the cause of global warming is not yet determined (e.g., '...the extent of human-induced global warming is inconclusive...') while a 'No Position' abstract makes no statement on AGW. To complement the abstract analysis, email addresses for 8547 authors were collected, typically from the corresponding author and/or first author. For each year, email addresses were obtained for at least 60% of papers. Authors were emailed an invitation to participate in a survey in which they rated their own published papers (the entire content of the article, not just the abstract) with the same criteria as used by the independent rating team. Details of the survey text are provided in the supplementary information (available at stacks.iop.org/ERL/8/024024/mmedia). 3. Results The ISI search generated 12 465 papers. Eliminating papers that were not peer-reviewed (186), not climate-related (288) or without an abstract (47) reduced the analysis to 11 944 papers written by 29 083 authors and published in 1980 journals. To simplify the analysis, ratings were consolidated into three groups: endorsements (including implicit and explicit; categories 1–3 in table 2), no position (category 4) and rejections (including implicit and explicit; categories 5–7). We examined four metrics to quantify the level of endorsement: (1) The percentage of endorsements/rejections/undecideds among all abstracts. (2) The percentage of endorsements/rejections/undecideds among only those abstracts expressing a position on AGW. (3) The percentage of scientists authoring endorsement/ rejection abstracts among all scientists. (4) The same percentage among only those scientists who expressed a position on AGW (table 3). Table 3. Abstract ratings for each level of endorsement, shown as percentage and total number of papers. Position % of all abstracts % among abstracts with AGW position (%) % of all authors % among authors with AGW position (%) Endorse AGW 32.6% (3896) 97.1 34.8% (10 188) 98.4 No AGW position 66.4% (7930) — 64.6% (18 930) — Reject AGW 0.7% (78) 1.9 0.4% (124) 1.2 Uncertain on AGW 0.3% (40) 1.0 0.2% (44) 0.4 3.1. Endorsement percentages from abstract ratings Among abstracts that expressed a position on AGW, 97.1% endorsed the scientific consensus. Among scientists who expressed a position on AGW in their abstract, 98.4% endorsed the consensus. The time series of each level of endorsement of the consensus on AGW was analyzed in terms of the number of abstracts (figure 1(a)) and the percentage of abstracts (figure 1(b)). Over time, the no position percentage has increased (simple linear regression trend 0.87% ± 0.28% yr−1, 95% CI, R2 = 0.66,p < 0.001) and the percentage of papers taking a position on AGW has equally decreased. Reset Figure 1. (a) Total number of abstracts categorized into endorsement, rejection and no position. (b) Percentage of endorsement, rejection and no position/undecided abstracts. Uncertain comprise 0.5% of no position abstracts. Export PowerPoint slide Download figure: Standard (154 KB)High-resolution (248 KB) The average numbers of authors per endorsement abstract (3.4) and per no position abstract (3.6) are both significantly larger than the average number of authors per rejection abstract (2.0). The scientists originated from 91 countries (identified by email address) with the highest representation from the USA (N = 2548) followed by the United Kingdom (N = 546), Germany (N = 404) and Japan (N = 379) (see supplementary table S1 for full list, available at stacks.iop.org/ERL/8/024024/mmedia). 3.2. Endorsement percentages from self-ratings We emailed 8547 authors an invitation to rate their own papers and received 1200 responses (a 14% response rate). After excluding papers that were not peer-reviewed, not climate-related or had no abstract, 2142 papers received self-ratings from 1189 authors. The self-rated levels of endorsement are shown in table 4. Among self-rated papers that stated a position on AGW, 97.2% endorsed the consensus. Among self-rated papers not expressing a position on AGW in the abstract, 53.8% were self-rated as endorsing the consensus. Among respondents who authored a paper expressing a view on AGW, 96.4% endorsed the consensus. Table 4. Self-ratings for each level of endorsement, shown as percentage and total number of papers. Position % of all papers % among papers with AGW position (%) % of respondents % among respondents with AGW position (%) Endorse AGWa 62.7% (1342) 97.2 62.7% (746) 96.4 No AGW positionb 35.5% (761) — 34.9% (415) — Reject AGWc 1.8% (39) 2.8 2.4% (28) 3.6 aSelf-rated papers that endorse AGW have an average endorsement rating less than 4 (1 =explicit endorsement with quantification, 7 = explicit rejection with quantification). bUndecided self-rated papers have an average rating equal to 4. cRejection self-rated papers have an average rating greater than 4. Figure 2(a) shows the level of self-rated endorsement in terms of number of abstracts (the corollary to figure 1(a)) and figure 2(b) shows the percentage of abstracts (the corollary to figure 1(b)). The percentage of self-rated rejection papers decreased (simple linear regression trend −0.25% ± 0.18% yr−1, 95% CI, R2 = 0.28,p = 0.01, figure 2(b)). The time series of self-rated no position and consensus endorsement papers both show no clear trend over time. Reset Figure 2. (a) Total number of endorsement, rejection and no position papers as self-rated by authors. Year is the published year of each self-rated paper. (b) Percentage of self-rated endorsement, rejection and no position papers. Export PowerPoint slide Download figure: Standard (149 KB)High-resolution (238 KB) A direct comparison of abstract rating versus self-rating endorsement levels for the 2142 papers that received a self-rating is shown in table 5. More than half of the abstracts that we rated as 'No Position' or 'Undecided' were rated 'Endorse AGW' by the paper's authors. Table 5. Comparison of our abstract rating to self-rating for papers that received self-ratings. Position Abstract rating Self-rating Endorse AGW 791 (36.9%) 1342 (62.7%) No AGW position or undecided 1339 (62.5%) 761 (35.5%) Reject AGW 12 (0.6%) 39 (1.8%) Figure 3 compares the percentage of papers endorsing the scientific consensus among all papers that express a position endorsing or rejecting the consensus. The year-to-year variability is larger in the self-ratings than in the abstract ratings due to the smaller sample sizes in the early 1990s. The percentage of AGW endorsements for both self-rating and abstract-rated papers increase marginally over time (simple linear regression trends 0.10 ± 0.09% yr−1, 95% CI, R2 = 0.20,p = 0.04 for abstracts, 0.35 ± 0.26% yr−1, 95% CI, R2 = 0.26,p = 0.02 for self-ratings), with both series approaching approximately 98% endorsements in 2011. Reset Figure 3. Percentage of papers endorsing the consensus among only papers that express a position endorsing or rejecting the consensus. Export PowerPoint slide Download figure: Standard (83 KB)High-resolution (128 KB) 4. Discussion Of note is the large proportion of abstracts that state no position on AGW. This result is expected in consensus situations where scientists '...generally focus their discussions on questions that are still disputed or unanswered rather than on matters about which everyone agrees' (Oreskes 2007, p 72). This explanation is also consistent with a description of consensus as a 'spiral trajectory' in which 'initially intense contestation generates rapid settlement and induces a spiral of new questions' (Shwed and Bearman 2010); the fundamental science of AGW is no longer controversial among the publishing science community and the remaining debate in the field has moved to other topics. This is supported by the fact that more than half of the self-rated endorsement papers did not express a position on AGW in their abstracts. The self-ratings by the papers' authors provide insight into the nature of the scientific consensus amongst publishing scientists. For both self-ratings and our abstract ratings, the percentage of endorsements among papers expressing a position on AGW marginally increased over time, consistent with Bray (2010) in finding a strengthening consensus. 4.1. Sources of uncertainty The process of determining the level of consensus in the peer-reviewed literature contains several sources of uncertainty, including the representativeness of the sample, lack of clarity in the abstracts and subjectivity in rating the abstracts. We address the issue of representativeness by selecting the largest sample to date for this type of literature analysis. Nevertheless, 11 944 papers is only a fraction of the climate literature. A Web of Science search for 'climate change' over the same period yields 43 548 papers, while a search for 'climate' yields 128 440 papers. The crowd-sourcing techniques employed in this analysis could be expanded to include more papers. This could facilitate an approach approximating the methods of Doran and Zimmerman (2009), which measured the level of scientific consensus for varying degrees of expertise in climate science. A similar approach could analyze the level of consensus among climate papers depending on their relevance to the attribution of GW. Another potential area of uncertainty involved the text of the abstracts themselves. In some cases, ambiguous language made it difficult to ascertain the intended meaning of the authors. Naturally, a short abstract could not be expected to communicate all the details of the full paper. The implementation of the author self-rating process allowed us to look beyond the abstract. A comparison between self-ratings and abstract ratings revealed that categorization based on the abstract alone underestimates the percentage of papers taking a position on AGW. Lastly, some subjectivity is inherent in the abstract rating process. While criteria for determining ratings were defined prior to the rating period, some clarifications and amendments were required as specific situations presented themselves. Two sources of rating bias can be cited: first, given that the raters themselves endorsed the scientific consensus on AGW, they may have been more likely to classify papers as sharing that endorsement. Second, scientific reticence (Hansen 2007) or 'erring on the side of least drama' (ESLD; Brysse et al 2012) may have exerted an opposite effect by biasing raters towards a 'no position' classification. These sources of bias were partially addressed by the use of multiple independent raters and by comparing abstract rating results to author self-ratings. A comparison of author ratings of the full papers and abstract ratings reveals a bias toward an under-counting of endorsement papers in the abstract ratings (mean difference 0.6 in units of endorsement level). This mitigated concerns about rater subjectivity, but suggests that scientific reticence and ESLD remain possible biases in the abstract ratings process. The potential impact of initial rating disagreements was also calculated and found to have minimal impact on the level of consensus (see supplemental information, section S1 available at stacks.iop.org/ERL/8/024024/mmedia). 4.2. Comparisons with previous studies Our sample encompasses those surveyed by Oreskes (2004) and Schulte (2008) and we can therefore directly compare the results. Oreskes (2004) analyzed 928 papers from 1993 to 2003. Over the same period, we found 932 papers matching the search phrase 'global climate change' (papers continue to be added to the ISI database). From that subset we eliminated 38 papers that were not peer-reviewed, climate-related or had no abstract. Of the remaining 894, none rejected the consensus, consistent with Oreskes' result. Oreskes determined that 75% of papers endorsed the consensus, based on the assumption that mitigation and impact papers implicitly endorse the consensus. By comparison, we found that 28% of the 894 abstracts endorsed AGW while 72% expressed no position. Among the 71 papers that received self-ratings from authors, 69% endorse AGW, comparable to Oreskes' estimate of 75% endorsements. An analysis of 539 'global climate change' abstracts from the Web of Science database over January 2004 to mid-February 2007 found 45% endorsement and 6% rejection (Schulte 2008). Our analysis over a similar period (including all of February 2007) produced 529 papers—the reason for this discrepancy is unclear as Schulte's exact methodology is not provided. Schulte estimated a higher percentage of endorsements and rejections, possibly because the strict methodology we adopted led to a greater number of 'No Position' abstracts. Schulte also found a significantly greater number of rejection papers, including 6 explicit rejections compared to our 0 explicit rejections. See the supplementary information (available at stacks.iop.org/ERL/8/024024/mmedia) for a tabulated comparison of results. Among 58 self-rated papers, only one (1.7%) rejected AGW in this sample. Over the period of January 2004 to February 2007, among 'global climate change' papers that state a position on AGW, we found 97% endorsements. 5. Conclusion The public perception of a scientific consensus on AGW is a necessary element in public support for climate policy (Ding et al 2011). However, there is a significant gap between public perception and reality, with 57% of the US public either disagreeing or unaware that scientists overwhelmingly agree that the earth is warming due to human activity (Pew 2012). Contributing to this 'consensus gap' are campaigns designed to confuse the public about the level of agreement among climate scientists. In 1991, Western Fuels Association conducted a $510 000 campaign whose primary goal was to 'reposition global warming as theory (not fact)'. A key strategy involved constructing the impression of active scientific debate using dissenting scientists as spokesmen (Oreskes 2010). The situation is exacerbated by media treatment of the climate issue, where the normative practice of providing opposing sides with equal attention has allowed a vocal minority to have their views amplified (Boykoff and Boykoff 2004). While there are indications that the situation has improved in the UK and USA prestige press (Boykoff 2007), the UK tabloid press showed no indication of improvement from 2000 to 2006 (Boykoff and Mansfield 2008). The narrative presented by some dissenters is that the scientific consensus is '...on the point of collapse' (Oddie 2012) while '...the number of scientific "heretics" is growing with each passing year' (Allègre et al 2012). A systematic, comprehensive review of the literature provides quantitative evidence countering this assertion. The number of papers rejecting AGW is a miniscule proportion of the published research, with the percentage slightly decreasing over time. Among papers expressing a position on AGW, an overwhelming percentage (97.2% based on self-ratings, 97.1% based on abstract ratings) endorses the scientific consensus on AGW.

## Plan Text

#### The United States Supreme Court should restrict presidential war powers authority by overruling the D.C. Circuit Al-Maqaleh v. Gates decision.

## Contention 3 is Solvency

#### SCOTUS ruling key – influences presidential and legislative agendas over detention policy

Elsea & Garcia ’12 (Jennifer & Michael – legislative attorneys) “Judicial Activity Concerning

 Enemy Combatant Detainees: Major Court Rulings” http://www.fas.org/sgp/crs/natsec/R41156.pdf

Although the political branches of government have been primarily responsible for shaping U.S. wartime detention policy in the conflict with Al Qaeda and the Taliban, the judiciary has also played a significant role in clarifying elements of the rights and privileges owed to detainees under the Constitution and existing federal statutes and treaties. These rulings may have longterm consequences for U.S. detention policy, both in the conflict with Al Qaeda and the Taliban and in future armed conflicts. Judicial decisions concerning the meaning and effect of existing statutes and treaties may compel the executive branch to modify its current practices to conform with judicial opinion. For example, judicial opinions concerning the scope of detention authority conferred by the AUMF may inform executive decisions as to whether grounds exist to detain an individual suspected of involvement with Al Qaeda or the Taliban. Judicial decisions concerning statutes applicable to criminal prosecutions in Article III courts or military tribunals may influence executive determinations as to the appropriate forum in which to try detainees for criminal offenses. Judicial rulings may also invite response from the legislative branch, including consideration of legislative proposals to modify existing authorities governing U.S. detention policy. The 2012 NDAA, for example, contains provisions which arguably codify aspects of existing jurisprudence regarding U.S. authority to detain persons in the conflict with Al Qaeda. Judicial activity with respect to the present armed conflict may also influence legislative activity in future hostilities. For example, Congress may look to judicial rulings interpreting the meaning and scope of the 2001 AUMF for guidance when drafting legislation authorizing the executive to use military force in some future conflict. While the Supreme Court has issued definitive rulings concerning certain issues related to wartime detainees, many other issues related to the capture, treatment, and trial of suspected enemy belligerents are either the subject of ongoing litigation or are likely to be addressed by the judiciary. Accordingly, the courts appear likely to play a significant role in shaping U.S. policies relating to enemy belligerents in the foreseeable future.

#### Detention policy is incomprehensible in the status quo- only Supreme Court rulings send a clear judicial review test for lower court judges and spills over to effective Congressional policy

Garrett 12 (Brandon, Roy L. and Rosamund Woodruff Morgan Professor of Law, University of Virginia School of Law. HABEAS CORPUS AND DUE PROCESSCORNELL LAW REVIEW [Vol. 98:47] page lexis)

The Suspension Clause casts a broad shadow over the regulation of all forms of detention. It has exerted direct and indirect influence even in contexts where statutes largely supplant habeas corpus as the primary vehicle for judicial review. The Executive, courts, and Congress have long been concerned with avoiding Suspension Clause problems, and the Supreme Court’s own sometimes-carried-out warnings that it will narrowly interpret efforts to restrict judicial review to avoid potential Suspension Clause problems have, many years before Boumediene, helped to structure judicial review of detention. I have argued that the Suspension Clause explains why, as the Court put it in INS v. St. Cyr, “[a]t its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.”451 Post- Boumediene, judges may rely on the Suspension Clause more directly, and not just as a principle of constitutional avoidance. Understanding the Suspension Clause as affirmatively guaranteeing a right to habeas process to independently examine the authorization for a detention helps to explain habeas and constitutional doctrine across a range of areas. Why does habeas corpus sometimes provide access to process unavailable under the Due Process Clause, while sometimes due process provides more process than habeas would? At its core, habeas corpus provides judges with process in situations where the need for review of legal and factual questions surrounding detention is most pressing. This view of habeas process can be seen as related to the Court’s long line of decisions that guarantee a “right of access” to courts without clarifying the source of that “[s]ubstantive [r]ight.”452 In Boumediene, the Court grounded that right in the Suspension Clause. This basis for the right makes some sense of the varied nature of habeas review in which statutes and case law differ depending on the type of detention. Judicial review does not vary categorically; for example, immigration does not receive less review than postconviction or military detention habeas. Instead, judicial review varies within each category. This is the product of evolving executive detention policies, varying postconviction practice, and changes over time in federal statutes, some poorly conceived and some sensible. No one actor provides coherence to habeas practice at any time, and some of the statutes are notoriously Byzantine, poorly drafted, and illogical. Judges have long played, however, an important role in interpreting the writ (and the underlying constitutional rights). Indeed, for some time, the Supreme Court’s interventions have reinforced the role habeas plays, particularly in the executive detention context. In response to the Court’s habeas rulings, which generally avoid defining the precise reach of the Suspension Clause, Congress has drafted statutes to preserve judicial review of detentions in an effort to steer clear of Suspension Clause problems, with mixed results.

#### Suspension Clause application solves without sacrificing military missions

Nelson ’11 (Luke - B.A., University of Minnesota Duluth, 2007; J.D. Candidate, University of New Hampshire School of Law, 2011) “Territorial Sovereignty and the Evolving Boumediene Factors: Al Maqaleh v. Gates and the Future of Detainee Habeas Corpus Rights” http://law.unh.edu/assets/images/uploads/publications/unh-law-review-vol-09-no2-nelson.pdf

Lastly, Al Maqaleh presents another opportunity for the Supreme Court to provide further guidance on the practical-obstacles factor. As mentioned earlier, the inherent deficiency of a multi-factored, functional test is its arbitrary and unequal application.144 The Boumediene Court’s deficient guidance on the practical-obstacles factor only exacerbates this problem. Unquestionably, deference to the President and military leaders regarding decisions on military necessity, operations in an active theater of war, and reasonable detention of enemy combatants should not be circumvented. However, questions remain regarding the risk of executive manipulation of the Boumediene test.145 For instance, one question is the effect on the practical-obstacles analysis when a detainee is captured beyond an active theater of war and later transported into an active theater for detention. This scenario played out in Al Maqaleh. In our current “Global War on Terrorism,” another lingering question is the actual boundaries of an active theater of war.146 A detainee should not be denied Suspension Clause protections because the government transported him into an active theater where the Suspension Clause would arguably not reach. Furthermore, another question is the effect of military necessity and the military mission on the practicalobstacles factor. These questions require that a delicate and fine line be drawn. On one hand are the surest safeguards of liberty and the separation of powers check on the executive.147 On the other hand is the importance of the military mission and executive deference in international conflict policy decisions. The answer to these questions must include some level of deference to the legitimate needs of the armed forces in advancing the military mission148 but also address the pertinent constitutional issues that cannot be overlooked. Safe to say, the writ of habeas corpus is one of these pertinent constitutional issues. However, as the Boumediene Court recognized, the executive branch is entitled to a “reasonable period of time” before a court will entertain a habeas corpus petition from a detainee.149 This reasonable period of time is necessary to allow the military to screen and review the detainee and determine the detainee’s combatant status.150 This balance between the military mission and an individual’s surest safeguard of liberty will allow the courts to maintain a practical, functional, and detainee-by-detainee, detention-site-by-detention-site application of the habeas test that the Boumediene Court envisioned.

#### Failing to articulate habeas standards for lower court judges makes indefinite detention inevitable and triggers your disads

Sparrow 11 (Indefinite Detention After Boumediene: Judicial Trailblazing in Uncharted and Unfamiliar Territory SUFFOLK UNIVERSITY LAW REVIEW [Vol. XLIV:261 p lexis Tyler Sparrow is an associate in the Securities Department, and a member of the Litigation and Enforcement Practice Group]

This section will argue that the current guidance on detainee habeas corpus actions offered by the Supreme Court as well as the Executive and Legislative branches is vague and inadequate.100 Because of this inadequacy, federal district court judges cannot proceed with any confidence that their judgments will stand, nor can the litigants form any reasonable predictions from the case law.101 This section will then examine how more definitive Supreme Court precedent would help to unify the case law dealing with detainee habeas corpus actions.102 Finally, this section will argue that adoption of legislation clearly addressing the substantive scope of the government’s detention authority would clarify the law for the public, the federal courts, and most importantly those detained without charge.103 The Supreme Court’s holding in Boumediene was limited to the constitutional issues regarding Guantanamo detainees’ access to the writ of habeas corpus, leaving all questions of procedure and substantive scope-ofdetention authority to the lower federal courts.104 This lack of guidance has drawn criticism from legal scholars and federal judges alike.105 A group of noted legal scholars observed that, in holding Guantanamo detainees were entitled to seek the writ of habeas corpus, the Supreme Court “gave only the barest sketch of what such proceedings should look like, leaving a raft of questions open for the district and appellate court judges.”106 Furthermore, the Obama Administration has stated that it will not seek further legislation from Congress to justify or clarify its detention authority.107 This lack of guidance has led to disparate results in detainee habeas corpus actions with similar facts, based not on the merits of the cases, but rather on which particular judge hears the petition.108 B. Need for Supreme Court Precedent Addressing Standards and Procedure for Detainee Habeas Corpus Actions The Supreme Court’s refusal to address the substantive scope of the government’s detention authority in Boumediene has left the task to federal district court judges, who are free to apply whichever standard they see fit, regardless of its disparity from the standard being applied down the hall of the very same courthouse.109 For instance, it is up to the district judges whether to analyze detention authority under the rubric of “substantial support” for the Taliban and/or Al Qaeda, or the rubric pertaining to being a “part of” either of these groups.110 There are also differing opinions as to when, and how long, a detainee’s relationship with the Taliban and/or Al Qaeda must have existed to justify detention, under either the “part of” or “substantial support” rationales.111 Differing judicial approaches can also be seen in the weight of evidence required to justify detention, as well as how to treat hearsay and evidence obtained in the face of coercion.112 This creates a situation where neither the government nor the detainee “can be sure of the rules of the road in the ongoing litigation, and the prospect that allocation of a case to a particular judge may prove dispositive on the merits can cut in either direction.”113 The Supreme Court has the opportunity to unify these divergent paths by finally ruling on questions such as the substantive scope of the government’s detention authority, the standard and weight of evidence required for continued detention, whether a relationship with the Taliban and/or Al Qaeda can be sufficiently vitiated, and the reliability of hearsay evidence and statements made under coercion.114

# 2AC

## 2AC: Ground Spec

#### W/M – suspension clause is a restriction on WPA

Natelson 8/19/13 (After a quarter of a century as Professor of Law at the University of Montana, he recently retired to work full time at Colorado's Independence Institute.) “Where is the Power to Suspend Habeas Corpus?” http://blog.tenthamendmentcenter.com/2013/08/where-is-the-power-to-suspend-habeas-corpus/#.UmL\_E5TwIic

The Constitution’s Suspension Clause (Art. I, Section 9, cl. 2) limits when the writ of habeas corpus can be suspended. But the Constitution doesn’t seem to grant the federal government power to suspend the writ in the first place. Why not? And why limit a power never given?¶ In an Aug. 17 Wall Street Journal piece, constitutional law professor Nicholas Quinn Rosenkrantz infers that Congress has the sole suspension authority from the structure of the constitutional text. He writes:¶ “Since the Suspension Clause appears in Article I of the Constitution, which is predominately about the powers of Congress, there is a strong argument that only Congress can suspend the habeas writ.”¶ He concludes that when President Abraham Lincoln suspended the writ, he probably intruded on Congress’s prerogative, and thereby exceeded his constitutional authority. (Professor Rosenkrantz also gives Lincoln credit for trying to cure the constitutional defect.)¶ This is largely correct, but the organization of the text is not the sole reason. When read in legal and historical context, the language of the Constitutiondoes give the federal government authority to suspend the writ.¶ Here’s why: At the time of the Founding, suspending habeas was a recognized incident of war powers—repeatedly resorted to both by Parliament and by the Continental Congress. When the Constitution granted Congress authority to declare war, this grant carried with it the incidental power to suspend the writ. (The Necessary and Proper Clause confirmed this.) For more on that, see my book The Original Constitution: What It Actually Said and Meant, pp. 106-07.¶ The President’s power to serve as commander-in-chief also carried with it incidental authority to suspend the writ. (The Necessary and Proper Clause doesn’t apply to the President, but for other reasons the doctrine of incidental powers does.) However, the President’s suspension authority was limited to the actual theater of war. See p. 134.¶ Thus, Professor Rosenkranz was correct to conclude that Lincoln exceeded this authority by suspending the writ over large areas outside the war theater.

#### 4. Al-Maqaleh v. gates decision would be ruled on the grounds that it violates the suspension clause

Nelson ’11 (Luke - B.A., University of Minnesota Duluth, 2007; J.D. Candidate, University of New Hampshire School of Law, 2011) “Territorial Sovereignty and the Evolving Boumediene Factors: Al Maqaleh v. Gates and the Future of Detainee Habeas Corpus Rights” http://law.unh.edu/assets/images/uploads/publications/unh-law-review-vol-09-no2-nelson.pdf

b. Executive Manipulation A second factor that deserves inclusion into the Boumediene test would analyze whether the executive branch transferred the detainee into an active theater of war following apprehension. This factor would guard against potential executive manipulation by transferring detainees into an active theater of war, thereby distorting Boumediene’s third factor—practical obstacles in extending the Suspension Clause. Interestingly, the D.C. Circuit in Al Maqaleh even invited the Supreme Court to modify the three-factor test by adding “manipulation by the Executive.”130 Maintaining the current three-factor test risks executive manipulation by transferring detainees beyond the reach of the Suspension Clause. In Boumediene, Justice Kennedy briefly noted that, had Guantanamo Bay been located within an active theater of war, the practical obstacles would weigh against extending the Suspension Clause protections to the detainees.131 In Al Maqaleh, all four Bagram detainees were allegedly captured beyond Afghanistan and later transferred into the Afghanistan theater.132 Relying on Justice Kennedy’s statement in Boumediene, the D.C. Circuit held that the third factor weighed “overwhelmingly” in favor of not extending the Suspension Clause to the Bagram detainees because Bagram remained in an active theater of war.133 Thus, once the government transfers a detainee into an active theater, the practical-obstacles factor, considered a “primary driver” under the habeas test,134 is greatly affected.

## 2AC: Climate

#### We’ll impact turn this argument

First, it’s key to motivate large scale action

FOSTER 1998 (John Bellamy Foster, a member of the Board of the Monthly Review Foundation, teaches sociology at the University of Oregon and is coeditor of Organization & Environment, Monthly Review, April. findarticles.com/p/articles/mi\_m1132/is\_/ai\_20931195)

Having said this, however, Gould goes on to suggest that this way of thinking - predicated on a geological time-scale - is irrelevant where human time-scales are concerned. "We cannot threaten at geological scales," Gould writes, but such vastness has no impact upon us. We have a legitimately parochial interest in our own lives, the happiness and prosperity of our children, the suffering of our fellows. The planet will recover from a nuclear holocaust, but we will be killed and maimed by billions, and our culture will perish. The earth will prosper if polar icecaps melt under a global greenhouse, but most of our major cities, built at sea level as ports and harbors, will founder, and changing agricultural patterns will uproot our populations.(3) Our vision in contemporary society is normally limited to our own lifetime and that of a few generations that come before or after us. As a teacher in the realm of social science I know how difficult it is to get students to think in terms of historical time, which often means perceiving things on a scale of centuries or millennia. All of this, however, falls far short of a geological time scale, which exceeds the average life span of most species. In this sense it is reasonable to speak metaphorically of a world in which there is no more spring, or of a "vulnerable planet" when as Gould says the threatened reality is one of the elimination of human society and even the human species, along with innumerable, "higher" species of direct significance to human beings, as a result of the destruction that humanity is wreaking on its own life support systems. We are definitely speaking parochially: of "our ecological crisis" and not of the demise of the earth or of the biosphere on a geological time-scale. Yet behind this concern lies the fact that even the basic biogeochemical processes of the planet - which human beings have come to see as quite fixed - are "vulnerable" to human transformation in ways that are likely to destroy the planet as a place for human habitation. None of this of course is meant to deny the reality that, as Gould says, we can "barely dent bacterial diversity and will surely not remove many million of species of insects and mites." But to say that we cannot claim that the planet or the biosphere is "vulnerable" because such "lower" life forms will survive, or because the biosphere will recover over tens of millions of years is to deny the right of human beings to identify their fate and that of the species with which they are most closely connected with the fate of the planet. It is to insist on a geological way of thinking (the peculiar professional reality of geologists and paleontologists), which though of great scientific importance has little direct relevance for humanity's own existence. It is as if one were to take the deep ecological viewpoint, which insists that we should view human beings as no more important - even in our own eyes - than any other species, to the level of absolute absurdity of denying that it matters whether we as a species utterly destroy our own moment on earth. It is to deny an essential anthropocentrism without which it is probably impossible for human beings to respond to the ecological crisis on the scale at which we must - that is in the largest human terms, which identifies our fate with that of the planet.

#### Second, risk framing motivates new social movements and re-democratizes politics – means only a risk of our impacts

Borraz, ‘7 [Olivier Borraz, Centre de Sociologie des Organisations, Sciences Po-CNRS, Paris, Risk and Public Problems, Journal of Risk Research Vol. 10, No. 7, 941–957, October 2007, p. 951]

These studies seem to suggest that risk is a way of framing a public problem in such a way as to politicize the search for solutions. This politicization entails, in particular, a widening of the range of stakeholders, a reference to broader political issues and debates, the search for new decision- making processes (either in terms of democratization, or renewed scientific expertise), and the explicit mobilization of non-scientific arguments in these processes. But if this is the case, then it could also be true that risk is simply one way of framing public problems. Studies in the 1990s, in particular, showed that a whole range of social problems (e.g., poverty, housing, unemployment) had been reframed as health issues, with the result that their management was transferred from social workers to health professionals, and in the process was described in neutral, depoliticized terms (Fassin, 1998). Studies of risk, on the contrary, seem to suggest that similar social problems could well be re-politicized, i.e., taken up by new social movements, producing and using alternative scientific data, calling for more deliberative decision-making procedures, and clearly intended to promote change in the manner in which the state protects the population against various risks (health and environment, but also social and economic). In other words, framing public problems as risks could afford an opportunity for a transformation in the political debate, from more traditional cleavages around social and economic issues, to rifts stemming from antagonistic views of science, democracy and the world order.

#### Climate Change is the greatest threat to human extinction. Far more likely to cause extinction than nuclear war because nuclear weapons have become more about precision than magnitude

The New York End Times 2006

(The New York End Times is a non-partisan, non-religious, non-ideological, free news filter. We monitor world trends and events as they pertain to two vital threats - war and extinction. We use a proprietary methodology to quantify movements between the extremes of war and peace, harmony and extinction.

http://newyorkendtimes.com/extinctionscale.asp)

We rate Global Climate Change as a greater threat for human extinction in this century**.** Most scientists forecast disruptions and dislocations, if current trends persist**.** The extinction danger is more likely if we alter an environmental process that causes harmful effects and leads to conditions that make the planet uninhabitable to humans. Considering that there is so much that is unknown about global systems, we consider climate change to be the greatest danger to human extinction. However, there is no evidence of imminent danger.

Nuclear war at some point in this century might happen. It is unlikely to cause human extinction though. While several countries have nuclear weapons, there are few with the firepower to annihilate the world. For those nations it would be suicidal to exercise that option. The pattern is that the more destructive technology a nation has, the more it tends towards rational behavior. Sophisticated precision weapons then become better tactical options. The bigger danger comes from nuclear weapons in the hands of terrorists with the help of a rogue state, such as North Korea. The size of such an explosion would not be sufficient to threaten humanity as a whole. Instead it could trigger a major war or even world war**.** Under this scenario human extinction would only be possible if other threats were present, such **as** disease and climate change. We monitor war separately. However we also need to incorporate the dangers here .

## 2AC: Adventurism

**No circumvention – review mechanism distributes power and insulates from pressure**

**Siegel 12** - Senior Editor for UCLA Law Review, UCLA Law Review, April, 2012, 59 UCLA L. Rev. 1076Reconciling Caperton and Citizens United: When Campaign Spending Should Compel Recusal of Elected Officials, Samuel P. Siegel

BIO: \* AUTHOR Samuel P. Siegel is a Senior Editor for UCLA Law Review

The influence of campaign expenditures is further lessened when an adjudicatory decision is made by a group of executive officials, even if each of those officials is directly accountable to the elected official. For example, the Committee on Foreign Investment in the United States - comprised of top-ranking officials from various executive departments n258 - is a body authorized by Congress to screen and investigate foreign-investment proposals "to determine the effects of the transaction on the national security of the United States," n259 negotiate mitigation agreements with foreign investors to minimize national security concerns, n260 and, should mitigation efforts fail, recommend to the president that she block the [\*1119] deal, n261 powers that are "like individual adjudications (or quasi-adjudications)." n262 Yet the very fact that a committee, rather than a single officer, exercises this adjudicatory power insulates its decisions from presidential control: "With a single agency, the President could credibly threaten to remove or otherwise pressure or discipline that agency's Secretary or Administrator. But there is strength in numbers." n263 Thus, even within a unitary executive, such a structure would likely temper the influence that campaign expenditures would have on the outcome of an adjudication.

## 2AC: Baudrillard

#### Evaluate these impacts – consequences matter

Isaac, 2002

(Jeffrey C., James H. Rudy professor of Political Science and director of the Center for the Study of Democracy and Public Life at Indiana University, Bloomington, “Ends, Means and politics,” *Dissent*, Spring)

As writers such as Niccolo Machiavelli,Max Weber, Reinhold Niebuhr, and HannahArendt have taught, an unyielding concern with moral goodness undercuts political responsibility.The concern may be morally laudable, reflectinga kind of personal integrity, but it suffersfrom three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make commoncause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics—as opposed to religion—pacifism is alwaysa potentially immoral stand. In categorically repudiatingviolence, it refuses in principle tooppose certain violent injustices with any effect;and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good”may engender impotence, it is often the pursuit of “good” that generates evil. This is thelesson of communism in the twentieth century:it is not enough that one’s goals be sincere oridealistic; it is equally important, always, to askabout the effects of pursuing these goals andto judge these effects in pragmatic and historicallycontextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### use of risk in the public sphere improves democracy and public interest

Borraz, ‘7 [Olivier Borraz, Centre de Sociologie des Organisations, Sciences Po-CNRS, Paris, Risk and Public Problems, Journal of Risk Research Vol. 10, No. 7, 941–957, October 2007, p. 953]

Thesecond set of studies, albeit close to the first in many respects (especially the methods of inquiry), differs on the order of events: its interest lies in the manner in which a pre-existing public problem is framed as a collective risk. This is not so different from the analysis of boundary effects by Baumgartner and Jones (1994), i.e., the impact of associating certain components with an issue on the outcome of the policy. This does not imply that risk is purely a matter of presentation; rather, such an approach emphasizes the features which are subsequently associated with the problem and impact on its definition and on the outcome of the decisions it calls for. Gilbert, in particular, underlines the many attributes with which a problem can be equipped, and the availability and nature of which depend on the institutional context within which the problem is debated. These attributes relate to the characteristics and emergence of the problem, and to its potential solutions. The key issue here lies in what framing a public problem into a collective risk allows: a problem labelled as a risk will be able to move across institutional borders, to trigger a change in competent authorities, and to call for a reorganization of responsibilities; it will also have easier access to the wider public sphere, draw a larger audience, and touch on more global political debates (Gilbert, 2003a).

#### Fiat may be illusory but plan focus is key to logical decision-making skills

Smith 07 (Ross, director of debate @ WFU, 1-4, http://www.mail-archive.com/edebate@www.ndtceda.com/msg01011.html)

Policy: a course of action undertaken by an agent. We are all policy makers every time we decide to undertake a course of action. Most policies are non-governmental. We have an obligation to ourselves and others to be good policy makers and advocates of good policies when dealing with others in our spheres of influence. Policy Deliberation and Debate: a METHOD for making and advocating better policy decisions. Intercollegiate debate about PUBLIC policy: a useful way of teaching the SKILLS needed for successful use of a METHOD of making and advocating good decisions. Public policy topics are especially useful because the research base is public. While we could debate about private actions by private agents, we have no way of poviding equal access to the kinds of information that would help make those debates good ones. There is a side benefit that some of what we learn about the public policy topics sometimes informs our later lives as citizens engaged in public deliberation regarding those same policies, but that is **not the primary reason** that public policy topics are necessary. Andy Ellis is a policy maker. He makes decisions about courses of action for himself and for/with others. But a topic about what Andy Ellis should do is inaccessable and, frankly, largely none of our business. But Andy Ellis has been well served by having the training in one of the better methods of choosing among and advocating whatever policies he is responsible for. That method is policy debate. Debate about public policy is a subset of debate about policy, a subset that is "debatable" because there is a common research base. The fact that the subject matter is at a remove from us personnally while still residing in the "public sphere" is a feature, not a bug.

#### The impacts of climate change are real – they range from 18 killer storms a this year to massive floods and droughts that force people from their homes, force people to go hungry and lose their way of life

Oxfam No Date http://www.oxfam.org.au/explore/climate-change/impacts-of-climate-change, Oxfam is a NGO (non-governmental organization) that seeks to alleviate conditions of global poverty in cooperation with global governments and organizations

While Australia is feeling the effects of climate change, it’s people in developing countries like the Pacific Islands, South East Asia and sub Saharan Africa who are bearing the brunt of it. The poorest communities in the world are suffering because of the actions of the richest nations. Seem fair? We don’t think so either. Consider this: -50 million more people will be forced into hunger by 2050 due to climate change – about 75% of that number will be in Africa – Over half of the 4 billion people in Asia (60% of the world’s population) live near the coast, making them directly vulnerable to sea level rise. – Crops on six of Tuvalu’s eight islands have been damaged by rising sea levels and more severe storms affecting local food supplies Humanitarian disasters and conflicts will increase: When disaster strikes, vital resources like food and water are always impacted and pressure on limited resources often leads to an increase in conflict. And temporary camps – where people are forced to flee in times of disaster and conflict – are often dangerous and disease-prone places. Particularly for women and children. More people will go hungry: A big increase in unpredictable weather related to climate change is affecting crops, meaning that poor people can no longer grow enough food to feed their families. This is contributing to the current world food crisis which is causing one sixth of the world’s population to go hungry. People will lose their means of making a living: With the damage climate change is doing to crops, many of the world’s poorest people who are dependent on agriculture, are finding their meagre incomes further reduced. They're also struggling to find other ways of making a living causing them to sink deeper into poverty. Rising food prices are also increasing poverty in both urban and rural areas. More people will be displaced: As poor countries feel the effects of climate change, the reality of relocation is of international concern. Pacific islanders will be among the world’s first people displaced because of climate change. Today there are an estimated 26 million climate refugees, yet by 2050, 200 million people a year will be on the move due to hunger, environmental degradation and loss of land due to climate change. Watch Ursula’s story – a brave and inspiring woman from the Cartaret Islands who is taking control by helping her people relocate to Bougainville PNG. Drought and water shortages will increase: Changes in rainfall, river flows and storm patterns have created some of the biggest climate change impacts being felt by communities. Many regions are experiencing longer dry seasons and increased drought. By 2020, between 75 million and 250 million people in Africa are expected to suffer increased water shortages due to climate change. This burden is felt most acutely by women, who will have to spend more time and walk longer distances to collect water for their families.

#### K’s inevitable and alt doesn’t solve—individual overconsumption is inevitable even if we adopt a less focus on consumption

**Huber and Mills ‘5** – senior fellow at the Manhattan Institute and a Ph.D in Mechanical Engineering

(Peter Huber, senior fellow at the Manhattan Institute writing on the issues of drug development, energy, technology, and the law and Ph.D in Mechanical Engineering from MIT, Mills earned several patents while working as an engineer in chips and fiber optics, The Bottomless Well: The Twilight of Fuel, the Virtue of Waste, and Why We Will Never Run Out Of Energy, Perseus Books, 2005)

Even as it separates and orders things in one place, energy consumption accelerates the mixing in others, and all the uncontrolled mixing is often called pollution. This mixing can be suppressed or reversed as well-but only by using still more energy. To begin with the easiest example, many householders recycle only a few simple commodities like glass, paper, and aluminum, and they do that badly if at all. Such processes can be automated-the dexterous robots that assemble the car or dishwasher can likewise be enlisted to disassemble and sort its parts when it's discarded. This won't generally reduce energy consumption, it will raise it-but it undoubtedly can reduce our need to mine new aluminum, dig up more iron ore, and harvest more trees. Most recycling as we know it today doesn't save energy either-not if we properly account for all the extra collection, processing, and manual labor in the home. Well-ordered power also lets us detect trace pollutants far more effectively than we could before, and detection is the key to better control. The best way to monitor emissions in a tailpipe, for example, is with laser-based multispectral radar. The same technology that, in search of oil, guides a remotely operated vehicle through clouds of sediment at the bottom of the sea is engaged here at the end of the fuel cycle to track the particulates and chemical by-products created by the oil's combustion. A high-power free-electron laser, tunable from the ultraviolet to the mid-infrared bands, can likewise send megawatt (MW) micro-pulses of light through the atmosphere to identify a wide range of atmospheric aerosols and pollutants. Lower-power sensors that probe exhaust gases can be tied in to engine control systems to optimize tuning on the fly. To reduce pollution further, we scrub and filter. We use platinum catalysts to complete the oxidation of incompletely burned fuel and nitrogen in tailpipes and reformers to strip the carbon out of fossil fuels, leaving only the hydrogen. The scrubber installed in the smokestack of the coal-fired power plant strips out sulfur-consuming 5 percent of the plant's output in the cleanup. Catalytic converters in car exhaust systems strip out nitrogen oxides-and cut fuel economy too, by using some part of the engine pressure to move the polluted gas into close enough proximity with the catalyst for the cleanup to occur. All "extraction" processes consume high-grade energy, whether they extract fuels from the disorder of the Earth's crust, recyclables from trash, or pollutants from the chaos of a car's exhaust. To contain solid nuclear wastes we literally mine the Earth a second time, to build secure, fortified repositories, much as we cocoon our children in more steel to keep them safer on the highway. We don't yet scrub carbon dioxide out of coal plant smokestacks, but we may do that too, in time. The basic chemistry isn't difficult. Under one proposal, flue gases will be pumped through a tank with a water spray that then flows over a bed of limestone particles. The carbon dioxide dissolves in water to form carbonic acid, which then reacts with limestone-calcium carbonate-to form calcium bicarbonate. The process would effectively emulate the geochemical process of carbonate weathering which, over the millennia, takes carbon dioxide out of the atmosphere and deposits it in solid form at the bottom of the ocean. All this will require still more high-grade energy. Chimneys use the natural buoyancy of the hot gas as a pump, to draw air through the furnace at the front end. Scrubbers of any kind lower the throughput, and carbon scrubbers would require new electrical pumps of their own, to move and mix the carbon dioxide, water, and calcium carbonate. The energy used to pump water and grind limestone would amount to about 10 percent of a power plant's output-consuming an additional 100 million tons per year of coal, at current U.S. levels of consumption. And then we use still more high-grade energy to get rid of low-grade energy. Heat-chaos-is where ordered power ends up when the order dissipates. The more power we pump into an engine, motor, switch, microprocessor, laser, or digital radio, the more we lose as heat. And the smaller the structure, the worse the problem-more heat in less space means higher temperature, which eventually means meltdown. If it isn't effectively dissipated, heat takes microprocessors, sensors, and engines to the grave with it. Heat is the insidious enemy of valves, seals, capacitors, and logic. A car's engine pumps water and spins fans to remove the heat produced by the engine itself. Microprocessors sprout cooling fins and fans, and air conditioning is essential in any room where more than a few microprocessors run full-time. The highest-resolution imaging systems and sensors require cryostats to keep them bathed in liquid nitrogen, otherwise they're blinded by the thermal background. Solid-state lasers must be cooled by tiny, solid-state Peltier chillers. The faster the clock and the smaller the structure, the more power we have to use to pump out the power after we pump it in.

#### 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.

#### K strengthens power of denialism - risks the lives of hundreds of millions

Hamilton 2009 Hamilton: Denying the coming global holocaust http://www.crikey.com.au/2009/11/16/hamilton-denying-the-coming-climate-holocaust/ [Clive Hamilton, Professor of Public Ethics at the Centre for Applied Philosophy and Public Ethics (CAPPE)[1] and the Vice-Chancellor's Chair in Public Ethics at Charles Sturt University.[2] He is the Founder and former Executive Director of the The Australia Institute. Overseas Commonwealth Postgraduate Scholar and completed his Doctorate at the Institute of Development Studies at the University of Sussex. Senior Visiting Fellow of the School of Forestry and Environmental Studies of Yale University. Professor at Oxford.]

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| Climate sceptics resent being called deniers because of the odium associated with Holocaust revisionism. Even critics of the sceptics are careful to distance themselves from the implication that they are comparing climate denialism with Holocaust denialism for fear of being seen to trivialise the Holocaust by suggesting some sort of moral equivalence. Judgments about moral equivalence depend on the ethical standpoint one adopts. For consequentialists the morality of an action is judged by its outcomes. For those who adopt this ethical standpoint, any assessment of the consequences of the two forms of truth-rejection would conclude that climate deniers deserve greater moral censure than Holocaust deniers because their activities are more dangerous. If the David Irvings of the world were to succeed, and the public rejected the mountain of evidence for the Holocaust, then the consequences would be a rewriting of history and a probable increase in anti-Semitism. If the climate deniers were to succeed, and stopped the world responding to the mountain of evidence for human-induced global warming, then hundreds of millions of mostly impoverished people around the world would die from the effects of climate change. They will die from famine, flood and disease caused by our unwillingness to act. The Stern report provides some sobering estimates: an additional 30-200 million people at risk of hunger with warming of only 2-3°C; an additional 250-500 million at risk if temperatures rise above 3°C; some 70-80 million more Africans exposed to malaria; and an additional 1.5 billion exposed to dengue fever. Instead of dishonouring the deaths of six million in the past, climate deniers risk the lives of hundreds of millions in the future. Holocaust deniers are not responsible for the Holocaust, but climate deniers, if they were to succeed, would share responsibility for the enormous suffering caused by global warming. It is a ghastly calculus, yet it is worth making because the hundreds of millions of dead are not abstractions, mere chimera until they happen. We know with a high degree of certainty that if we do nothing they will die. But not everyone adopts a consequentialist ethic. An alternative ethical stance is to judge climate deniers not by the effects of what they do but by the rightness of their activities (a so-called duty ethic) or by their character and motives (a virtue ethic). |

#### Reality exists – representation is grounded in a concrete reality

King 98

[Anthony King. “Baudrillard’s Nihilism and the End of Theory” Telos Press. Copyrighted 1998. http://journal.telospress.com/cgi/content/abstract/1998/112/89]

In severing the dialectical process of interpretation at its first and most assertive point and in raising his most cursory impressions of television culture to a definitive analysis of that culture, Baudrillard seriously mis- represents the transformations which have occurred over the last three decades. Baudrillard’s notion of hyperreality cannot be defended as an account of recent cultural transformations, although he is undoubtedly cor- rect to point to the importance of television as a central element in contem- porary culture. It is a startling development that in the last thirty years, practically everyone in the West is able to see footage of events from almost anywhere, and this footage is invariably misleading, even though it is apparently so compelling and “realistic.” However, Baudrillard is wrong to leap to the conclusion that reality is obliterated by the television screen. Television does not create an entirely false reality either in its representation of the world or with its reception by viewers. Television coverage is informed by the understandings and interpretations of the society to which it broadcasts and by those who work in it. Thus, any footage is an interpretation of the world according to a particular culture and, conse- quently, it is necessarily limited. Programmers try to render this interpre- tation of the world as compelling as possible to attract viewers and to sustain their claims, but those images are always and necessarily “social”; they are the historical products of a particular culture. Then the images are not free-floating, mere simulacra but, on the contrary, concrete moves in a cultural practice. They refer not so much to the reality of the situa- tions they portray but rather to the society to which they communicate these images, and they only make sense to viewers insofar as viewers are thoroughly embedded in that culture. Similarly, television viewers do not regard these images as empty, ref- erenceless and fragmentary. On the contrary, just as the creation of these images is embedded in the intepretive practice of making sense of the world, so the viewers try to interpret these images to make sense of their world. Whether the program be a soap opera or news footage, viewers inter- pret the images according to their cultural understandings31 — although those understandings are under constant revision in order to make sense of new information. Rather than becoming the primary and prior cultural fac- tor in contemporary society, television is embedded in and dependent upon pre-existing and historically produced understandings. Furthermore, the footage does not exist above and beyond the lives of viewers but, as the briefest autobiographical consideration will reveal, television is employed as a resource, wherein new interpretations derived from its footage are used in the renegotiation of social relations. Viewers discuss what they watch and use what they see to make sense of their own lives.

#### If they win their argument, then vote Aff

Merrin, 2001 (William, School of Cultural Studies, Leeds Metropolitan University, Calverley Street, Leeds, “to play with phantoms,” Economy and Society, Volume 30, Number 1, Feb)

More importantly for Baudrillard, however, is the simulacral efficacy of doubling – the theoretical strategy of employing simulation which, quite naturally, has a simulacral effect. The theory of simulation Baudrillard did not believe in has now been realized: as the Japanese interviewer makes clear, the simulacrum has become reality. Volatized in, and as, the real, its victory is the concept’s defeat: once it is ‘true’, the simulacrum becomes a commonplace, robbed of its capacity to arouse the world’s denial and thus its critical force: if there is nothing beyond the simulacrum then it is not even open to question but is simply ‘our absolute banality, our everyday obscenity’ (Zurbrugg 1997: 11). Hence Baudrillard’s emphasis upon the theoretical challenge of the simulacrum. Once realized, unless – as Baudrillard hopes – it can itself be reversed against simulation, then this critical function is lost. Opposing Baudrillard with the simulacrum – with its success – is, therefore, the most effective means of critique. For his work is not wrong, but too true: the simulacrum has become reality and this is his end; the game is over. It is, therefore, in the hyperdefence of Baudrillard that we . nd a means of leaving him behind. With his success, Baudrillard disappears. If we want him to survive, we must condemn him as a nihilistic proponent of the simulacrum and oppose him with an outraged, vituperic, moral appeal to reality, as Kellner and Norris do; thereby restoring his work to life. For, if it is only in its contradiction that it can live as a provocation and diabolical challenge, then once it is true this ends. Kellner and Norris, therefore, may yet prove to be Baudrillard’s greatest defenders.

#### Collapse of empires guarantees transion wars and empires can prevent war

Lal, 2004 (Deepak, James s. Coleman Professor of International Development Studies at UCLA, In Praise of Empires, pp. XXII-XXIV)

Empires, which for our purposes can be defined as "multi-ethnic con­glomerates held together by transnational organizational and cultural ties,"5 have historically both maintained peace and promoted prosperity for a simple reason. The centers of the ancient civilizations in Eurasia—where sedentary agriculture could be practiced and yielded a surplus to feed the towns (civi­tas, the emblem of civilization)—were bordered north and south by areas of nomadic pastoralism: the steppes of the north and the semidesert of the Arabian peninsula to the south. In these regions the inhabitants had kept up many of the warlike traditions of our hunter-gatherer ancestors and were prone to prey upon the sedentary inhabitants of the plains. At times they attempted to convert them into chattel like their cattle.' Thus, the provision of a classical public good—protecting citizens from invaders—required the extension of territory to some natural barriers which could keep the barbar­ians at bay. The Roman, Chinese, and various Indian empires were partly created to provide this Pax, to protect their labor intensive and sedentary forms of making a living. The Pax of various empires has thus been essential in providing one of the basic public goods required for prosperity. A simple thought experiment will help to show that in the past, despite nationalist rhetoric, an imperial Pax has usually succeeded in providing the essential public good of order. Consider an ordinary citizen of any ethnic and religious origin of either of the two supposedly benighted nineteenth-century empires extinguished by President Woodrow Wilson at Versailles: the Austro-Hungarian and the Ottoman. He in turn is considering the likelihood of his grandchildren living, surviving, and passing on their property to their children. Now consider a similar citizen of the postimperial successor states during the last century contemplating the same prospect. There can be no doubt of the great deterioration in life chances that has befallen the average citizen of the successor states. The situation in many ways is of course even worse in Africa with its millions of refugees and ethnic slaughter, even by comparison with the inhuman and brutal regime of Leopold's Belgian empire in the Congo. In many parts of the postimperial world, the main ben­eficiaries of the Age of Nations have been the nationalist predatory elites who have failed to provide even the most elemental of public goods—law and order—required for human thriving.? The decline of empires was followed by both domestic disorder and a disintegration of the enlarged economic spaces they had created.' Thus, the Roman empire had through its Pax brought unprecedented prosperity to the inhabitants of the Mediterranean littoral for nearly a millennium. With its demise, the ensuing disorder and the destruction of the imperial economic space led to a marked fall in the standards of living of the common people inhabiting the fallen empire. As Samuel Finer notes: "If a peasant family in Gaul, or Spain, or northern Italy had been able to foresee the misery and exploitation that was to befall his grandchildren and their grandchildren, on and on and on for the next 500 years, he would have been singularly spiritless—and witless too—if he had not rushed to the aid of the empire. And even then the kingdoms that did finally emerge after the year 1000 were poverty-stricken dung heaps compared with Rome. Not till the full Renaissance in the sixteenth century did Europeans begin to think of them­selves as in any ways comparable to Rome, and not till the 'Augustan Age' of the eighteenth century did they regard their civilization as its equal."9 Similarly, the periodic collapse of Chinese empires led to periods of warlordism and widespread disorder, until the Mandate of Heaven was passed on to another imperial dynasty which restored order. The Chinese have therefore always placed a very high value on the order provided by their successive empires. In our own times, the death of the nineteenth-century liberal economic order built by Pax Britannia on the fields of Flanders led to a near century of economic disintegration and disorder, because the British were unable and the Americans were unwilling to maintain an imperial global Pax. In this context it is worth considering another thought experiment. As we shall see, by the 1870s, the British economic ascendancy which had underwritten their imperial Pax was coming to an end with the rise of two major new industrial powers, the United States and Germany. If the Americans hadthen joined the British in creating an Anglo-American imperium to maintain the Pax, the terrible events of the last century could perhaps have been avoided. The joint industrial and military might of an Anglo-American imperium run, let us say, by the equivalent of a Lord Palmerston could have prevented the Kaiser's gamble to achieve mastery in Europe, and one of the most pointless wars—the First World War—could perhaps have been averted. This in turn could have prevented the events that led to the rise of Hitler. Similarly, a joint Anglo-American imperium could perhaps have prevented the rise of the Bolsheviks. In a sense therefore, the rise of the two illiberal creeds—fascism and communism—which have blighted the lives of millions could perhaps have been prevented if, by the end of the nineteenth-century, the United States had taken over (in partner­ship) Britain's imperial role. Instead, Woodrow Wilson at Versailles destroyed the Age of Empire and, with the United States retreating into iso­lationism, left global disorder and economic disintegration to rule for nearly a century during the Age of Nations. With the realization of the consequences of its failure to maintain an imperial Pax to promote peace and prosperity, the United States since the Second World War hasat first surreptitiously, and since 9/11 more openly, taken on the imperial role. It is only in the last decade, with the defeat of the second of the illiberal creeds which ran riot in the last century and the undisputed emergence of the United States as the world hegemon, that the twentieth-century's global disorder and economic disintegration is coming to be reversed. But is the United States willing and able to maintain its Pax, which could underwrite the resurrection of another LIEO like that of the British in the nineteenth century? And if it is not, what are the likely conse­quences? What form of U.S. empire is likely to be sustainable and to pro­mote the order required for the benign processes of globalization to work? Are the antiglobalization arguments of various activists of a self-proclaimed international civil society valid? Should the U.S. imperium promote democ­racy around the world? These are the central questions I want to raise in this book, but I hope I have said enough already to emphasize that globalization cannot be understood without understanding empires.

# 1AR

### K

#### existential framing solves.

Manaugh, ’12 [Thomas Manaugh, PhD env science, in the guest comment of Lake Country News, 3/4/12,

http://www.lakeconews.com/index.php?option=com\_content&view=article&id=23954:climate-new-study-will-help-protect-vulnerable-birds-from-impacts-of-climate-change&catid=1:latest&Itemid=197 ]

Clearly, protection for coastal environments is becoming a concern because of rise in sea level from global warming. If events continue to point to global warming as an existential threat to all species, including humans, public opinion will come to demand solutions. The west slope of Antarctica is ground zero for concern about significant, rapid sea level rises because melting of the polar ice cap. I offer a very ambitious and action-oriented proposal at http://dolphinblueinc.wordpres...ntarctica/ for how melting of ice in Antarctica could be slowed. Absent a slow-down or halt in a rise in sea level of an estimated one meter by 2100, upwards of 500 million people will be displaced and coastal areas and huge swaths of low-lying land areas will be inundated and made unproductive. The solution I propose would be extraordinarily costly, but the costs would be smaller than the ultimate price of inaction. If every nation in the world would accept global warming as an existential threat, solutions could be implemented that are commensurate with the threat. A budget of $2 trillion per year (approximately what is spent on wars and military preparedness) would do the job

Evaluation of risk is enabling – prefer specific evidence

Moser and Dilling 11

 The Oxford Handbook of Climate Change and Society

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####  Clearly these findings pose difficult dilemmas for communicators: Should we avoid telling what scientists have established as facts and reasonable outlooks about the seriousness, pace, and long-term commitment of climate change? Should we instead only discuss energy- and money-saving actions and convey pictures of hope by focusing on the easy actions, the 'doability' of mitigation? Should we perpetuate the idea that there are fifty 'simple ways to save the planet,' just to spare lay publics rather appropriate anxiety? Existing research suggests otherwise. While neither alarmism nor Pollyannaism seem to yield desired results, wise integration of strategies may well result in greater engagement. First, communication that affirms rather than threatens the sense of self and basic world- views held by the audience has been shown to create a greater openness to risk information (Kahan and Braman 2008). Second, risk information and fear-evoking images should be limited and always be combined with messages and information that provide specific, pragmatic help in realizing doable solutions. These solutions must be reasonably effective in reducing the problem, especially together with other solutions being implemented. Importantly, communicators must establish a sense of collective response, especially by people in like social and cultural groups. Moreover, solutions should be broadly consistent with individuals' personal aspirations, desired social identity, and cultural biases (CRED 2009; Segnit and Ereaut 2007). Finally, given the ideological polarization around responses to climate change (discussed below), the legitimate experience of fear and being over- whelmed, and the deep and lasting societal changes required to address the problem, there is an important place for facilitated dialogue and structured deliberation of the issues as they emerge (Kahan and Braman 2006). Such deliberation has been shown to improve interpersonal knowledge and trust of people with very different values, provide critical social support and affirmation, increase openness to different opinions and risk information, and thus to enable decision making, rather than obstruct it (Nagda 2006).

100% ceartinty is impossible - don't roll the dice with the Climate. Global warming is an unprecedented event that shatters traditional decision making calculus - the impact is untold suffering.

Romm 8 - Phd in Physics from MIT (Joe, http://thinkprogress.org/climate/2008/03/30/202487/adaptation-trap-2-not-so-honest-broker-roger-pielke-jr/, The adaptation trap 2: The not-so-honest-broker, March 30th 2008)

#### Climate scientists don’t spend a lot of time studying 800 to 1000 ppm, in part because they can’t believe humanity would be so self-destructive as to ignore their increasingly dire warnings and fail to stabilize at well below 550 ppm. The IPCC notes that if equilibrium CO2-equivalent concentrations hit 1000 ppm, the “best estimate” for temperature increase is 5.5°C (10°F), which means that over much of the inland United States, temperatures would be about 15°F higher. This increase would be the end of life as we know it on this planet. Interestingly, 5.5°C is just about the temperature difference between now and the end of the last ice age, the difference between a livable climate for human civilization that is well suited to agriculture and massive glaciers from the North Pole down to Indiana. Is it 100% certain that 1000 ppm would result in Sea level rise of 80 feet to 250 feet at a rate of 6 inches a decade; Desertification of one third the planet and drought over half the planet, plus the loss of all inland glaciers; and More than 70% of all species going extinct, plus extreme ocean acidification? Of course not. Such certainty is not possible for a climate transition that is completely unprecedented in the history of the human species. I can state with very high confidence that the possibility all of those outcomes will occur is higher than the world seeing even a single “science and engineering-based technological breakthrough” (let alone several as delayers like Pielke seem to be counting on) in the next quarter century or so significant enough to somehow avert such catastrophes far more cheaply than simply acting now with existing technology to avoid 450 ppm. Importantly, even a 3% chance of a warming this great is enough to render useless all traditional cost-benefit analyses that argue for delay or only modest action, as Harvard economist Martin Weitzman has shown. Yet, absent immediate and strong action, the chances of such warming and such effects are not small, they are large — greater than 50%. These impacts seem especially likely in an 800 to 1000 ppm world given that the climate appears to be changing much faster than the IPCC had projected. The Greenland and Antarctic ice sheets already appear to be shrinking “100 years ahead of schedule” as Penn State climatologist Richard Alley put it in March 2006. Indeed, a number of peer-reviewed articles have appeared in the scientific literature in the past 18 months supporting the real possibility of a 6-inch-a-decade sea level rise. As for desertification, “The unexpectedly rapid expansion of the tropical belt constitutes yet another signal that climate change is occurring sooner than expected,” noted one climate researcher in December. As a recent study led by NOAA noted, “A poleward expansion of the tropics is likely to bring even drier conditions to” the U.S. Southwest, Mexico, Australia and parts of Africa and South America.” In 2007, the IPCC warned that as global average temperature increase exceeds about 3.5°C [relative to 1980 to 1999], model projections suggest significant extinctions (40-70% of species assessed) around the globe. That is a temperature rise over pre-industrial levels significantly exceeding 4.0°C. So a 5.5°C rise would likely put extinctions beyond the high end of that range. And these horrific impacts are certainly not the worst-case scenario. As NASA’s James Hansen explained in a 2004 Scientific American article: The peak rate of deglaciation following the last Ice Age was … about one meter [39 inches] of sea-level rise every 20 years, which was maintained for several centuries. Imagine sea level rise of nearly 20 inches a decade lasting centuries. Now imagine what future generations will think of us if we let it happen. A year ago Science (subs. req’d) published research that “predicted a permanent drought by 2050 throughout the Southwest” — levels of aridity comparable to the 1930s Dust Bowl would stretch from Kansas to California. And they were only looking at a 720 ppm case! The Dust Bowl was a sustained decrease in soil moisture of about 15% (“which is calculated by subtracting evaporation from precipitation”). Even the one-third desertification of the planet by 2100 scenario by the Hadley Center is only based on 850 ppm (in 2100). Princeton has done an analysis on “Century-scale change in water availability: CO2-quadrupling experiment,” which is to say 1100 ppm. The grim result: Most of the South and Southwest ultimately sees a 20% to 50% (!) decline in soil moisture. You may be interested in how fast we can hit 1000 ppm. Well, the Hadley Center has one of the few models that incorporates many of the major carbon cycle feedbacks. In a 2003 Geophysical Research Letters (subs. req’d) paper, “Strong carbon cycle feedbacks in a climate model with interactive CO2 and sulphate aerosols,” the Hadley Center finds that the world would hit 1000 ppm in 2100 even in a scenario that, absent those feedbacks, we would only have hit 700 ppm in 2100. I would note that the Hadley Center, though more inclusive of carbon cycle feedbacks than most other models, still does not model any feedbacks from the melting of the tundra even though it is probably the most serious of those amplifying feedbacks. Clearly, 800 to 1000 ppm would be ruinous to this country, creating unimaginable suffering and misery for billions and billions of people for centuries to come. No one who believes in science and cares about humanity can possibly believe that adaptation is a more rational or moral policy than focusing 99% of our climate efforts on staying far, far below 800 ppm.

#### Neg says that apocalyptic reps lead to paralysis in terms of taking action against Climate change in the 1NR

#### Their use of the paralysis metaphor is not benign wordplay but violent language that stigmitizes disability.

Ben-Moshe, 2005. (Liat, Ph.D student in Sociology at Syracuse). ““Lame Idea”: Disabling

Language in the Classroom,” in Building Pedagogical Curb Cuts: Incorporating Disability into the University Classroom and Curriculum.” <http://www.syr.edu/

gradschool/pdf/resourcebooksvideos/Pedagogical%20Curb%20Cuts.pdf>. ZDS

When we use terms like “retarded,” “lame” or “blind”—even if we are referring to acts or ideas and not to people at all—we perpetuate the stigma associated with disability. By using a label which is commonly associated with disabled people to denote a deficiency, a lack or an ill-conceived notion, we reproduce the oppression of people with disabilities. As educators, we must be aware of the oppressive power of “everyday” language and try to change it. We learn about disability through everyday use of language. In the same way that racist or sexist attitudes, whether implicit or explicit, are acquired through the “normal” learning process, so too are negative assumptions about disabilities and the people who are labeled as having them. Our notions of people who are blind, deaf or labeled as mentally retarded come into play when we use disabling phrases, and these notions are usually far from accurate. They do not convey the complexity of living in a society that regards people with disabilities as the Other on the basis of perceived mentally or bodily difference. The use of disability as a metaphor perpetuates false beliefs about the nature of impairment and disability. People who are blind, for example, do not lack in knowledge; they simply have different ways of obtaining it. Paralysis does not necessarily imply lack of mobility, stagnancy or dependence since there are augmentative instruments, such as wheelchairs and personal aids, that secure independence and mobility. The continued use of disabling language in the classroom perpetuates ignorance and misconceptions in regards to the lived experience of people with disabilities. Power Relations in the Classroom As Marxists, feminists and anti-racist activists and scholars have claimed for decades, the world is viewed mostly from the perspective of the rulers, and language is created in their image as well. Therefore, we must not be surprised that the use of disabling language not only persists, but is neither contested nor acknowledged. Disabling language is language that accepts the assumption that disabilities are bad, unfortunate or denote lack/deficiency; that they are invisible and insignificant to society as a whole; and that disabilities belong to the Other and are distinct from what we would term as normal. What this language hides is that there is a power struggle of definitions, that normalcy is culturally determined and everchanging, and t hat there are more people who are defined as having disabilities than we acknowledge. The question that disability activists and scholars are asking is not who is disabled, but who gets to be defined as blind, mentally retarded or crippled and under what power relations? Using an oppressive abelist language to denote deficiency reproduces the same hierarchy and power relations in the classroom, and renders these phrases unproblematic. Disability is not a metaphor. It is an identity. Using disability as a metaphor to represent only negative aspects of a situation is problematic. It is made worse by the fact that blindness, deafness, paralysis, etc., are not floating signifiers, but have real referents behind them—people with disabilities. When using disabling language, we do not only de-value the lived experience of people with disabilities, but we also appropriate these lived experiences for our own use. This means that disabled people have been presented as socially flawed able-bodied people, not as people with our own identities. As responsible instructors, we must ask ourselves, when was the last time we discussed disability in our classrooms, not as metaphors, but as lived experiences?

Voting Issue – Ableist Speech strengthens oppression and destroys the purposes of public debate – the impacts trump the other warrants in their arguments

Wheelchair Dancer, 4/28/8

(“On Making Argument: Disability and Language”, <http://cripwheels.blogspot.com/2008/04/on-making-argument-disability-and.html> Accessed: 2/10/11 GAL)
If you are feeling a little bit of resistance, here, I'd ask you to think about it. If perhaps what I am saying feels like a burden -- too much to take on? a restriction on your carefree speech? -- perhaps that feeling can also serve as an indicator of how pervasive and thus important the issue is. As a community, we've accepted that commonly used words can be slurs, and as a rule, we avoid them, hopefully in the name of principle, but sometimes only in the name of civility. Do you go around using derivatives of the b**\*ch** word?If you do, I bet you check which community you are in**....** Same thing for the N word**.** These days, **depending on your age,** you might say something is retarded **or spastic,** but you probably never say that it's gay. I'd like to suggest that society as a whole has not paid the same kind of attention to disabled people's concerns about language. By not paying attention to the literal value, the very real substantive, physical, psychological, sensory, and emotional experiences that come with these linguistic moves, we have created a negative rhetorical climate. In this world, it is too easy for feminists and people of colour to base their claims on argumentative strategies that depend, as their signature moves, on marginalizing the experience of disabled people and on disparaging their appearance and bodies. Much of the blogosphere discourse of the previous weeks has studied the relationships between race, (white) feminism and feminists, and WOC bloggers. To me, the intellectual takeaway has been an emerging understanding of how, in conversation, notions of appropriation, citation, ironization, and metaphorization can be deployed as strategies of legitimation and exclusion. And, as a result, I question how "oppressed, minoritized" groups differentiate themselves from other groups in order to seek justice and claim authority. Must we always define ourselves in opposition and distance to a minoritized and oppressed group that can be perceived as even more unsavory than the one from which one currently speaks?
As I watched the discussion about who among the feminist and WOC bloggers has power and authority and how that is achieved, I began to recognise a new power dynamic both on the internet and in the world at large. Feminism takes on misogyny. The WOC have been engaging feminism. But from my point of view, a wide variety of powerful feminist and anti-racist discourse is predicated on negative disability stereotyping. There's a kind of hierarchy here: the lack of awareness about disability, disability culture and identity, and our civil rights movement has resulted in a kind of domino effect where disability images are the metaphor of last resort: the bottom, the worst. Disability language has about it a kind of untouchable quality -- as if the horror and weakness of a disabled body were the one true, reliable thing, a touchstone to which we can turn when we know we can't use misogynistic or racist language. When we engage in these kinds of argumentative strategies, we exclude a whole population of people whose histories are intricately bound up with ours. When we deploy these kinds of strategies to underscore the value of our own existence in the world, we reaffirm and strengthen the systems of oppression that motivated us to speak out in the first place.

### Kritik

#### Dying outweighs it destroys our legacy and breaks our obligation to the unborn

**Rees ‘3,** <Martin, Astronomer Royal, Our Final Hour, pg 126-127>

My Cambridge colleague Adrian Kent has emphasised a second factor: the finality and completeness of the extinction that this scenario would entail. It would deprive us of an expectation—-**important to most** of us—that some biological or cultural legacy will survive our deaths; it would dash the hope that our lives and our works may be part of some continuing progress. It would, worse still, foreclose the existence of a (perhaps far larger) total number of people in all future generations. Wiping out all the world’s people (and indeed destroying not just humans but the entire biosphere) could therefore be deemed far more than **six billion times worse than the death** of one person. So perhaps we should set an even more stringent threshold on the possible risk before sanctioning such experiments. Philosophers have long debated how to balance the rights and interests of “possible people,” who might have some future existence, against those of people who actually exist. For some, like Schopenhauer, the painless elimination of the world would not rate as an evil at all. But most would resonate more with Jonathan Schell’s response: “While it is true that extinction cannot be felt by those whose fate it is—the unborn, who would stay unborn—the same cannot be said, of course, for extinction’s alternative, survival. If we shut the unborn out of life, they will never have the chance to lament their fate, but if we let them into life they will have **abundant opportunity to be glad** that they were born instead of having been prenatally severed from existence by us. What we must desire first of all is that people be born, for their own sakes, and not for any other reason. Everything else—our wish to serve the future generations by preparing a decent world for them to live in, and our wish to lead a decent life ourselves in a common world made secure by the safety of the future generations—**flows from this commitment**. Life comes first, the rest is secondary.

#### Their politics of doubt ==> antiscientism and strengthens the hand of everything they criticize. Passivity and stressing the "inconclusiveness" of the ev is what the right want you to think.

Latour 4 - Philosopher, leading founder of Science Studies (Bruno, Why Has Critique Run out of Steam? From Matters of Fact to Matters of Concern, Published by: The University of Chicago Press Article DOI: 10.1086/421123 Stable URL: http://www.jstor.org/stable/10.1086/421123, Critical Inquiry > Vol. 30, No. 2, Winter 2004)

#### In these most depressing of times, these are some of the issues I want to press, not to depress the reader but to press ahead, to redirect our meager capacities as fast as possible. To prove my point, I have, not exactly facts, but rather tiny cues, nagging doubts, disturbing telltale signs. What has become of critique, I wonder, when an editorial in the New York Times contains the following quote? Most scientists believe that [global] warming is caused largely by manmade pollutants that require strict regulation. Mr. Luntz [a Republican strategist] seems to acknowledge as much when he says that “the scientific debate is closing against us.” His advice, however, is to emphasize that the evidence is not complete. “Should the public come to believe that the scientific issues are settled,” he writes, “their views about global warming will change accordingly. Therefore, you need to continue to make the lack of scientific certainty a primary issue.”2 Fancy that? An artificially maintained scientific controversy to favor a “brownlash,” as Paul and Anne Ehrlich would say.3 Do you see why I am worried? I myself have spent some time in the past trying to show “‘the lack of scientific certainty’” inherent in the construction of facts. I too made it a “‘primary issue.’” But I did not exactly aim at fooling the public by obscuring the certainty of a closed argument—or did I? After all, I have been accused of just that sin. Still, I’d like to believe that, on the contrary, I intended to emancipate the public from prematurely naturalized objectified facts. Was I foolishly mistaken? Have things changed so fast? In which case the danger would no longer be coming from an excessive confidence in ideological arguments posturing as matters of fact—as we have learned to combat so efficiently in the past—but from an excessive distrust of good matters of fact disguised as bad ideological biases! While we spent years trying to detect the real prejudices hidden behind the appearance of objective statements, do we now have to reveal the real objective and incontrovertible facts hidden behind the illusion of prejudices? And yet entire Ph.D. programs are still running to make sure that good American kids are learning the hard way that facts are made up, that there is no such thing as natural, unmediated, unbiased access to truth, that we are always prisoners of language, that we always speak from a particular standpoint, and so on, while dangerous extremists are using the very same argument of social construction to destroy hard‐won evidence that could save our lives. Was I wrong to participate in the invention of this field known as science studies? Is it enough to say that we did not really mean what we said? Why does it burn my tongue to say that global warming is a fact whether you like it or not? Why can’t I simply say that the argument is closed for good? Should I reassure myself by simply saying that bad guys can use any weapon at hand, naturalized facts when it suits them and social construction when it suits them? Should we apologize for having been wrong all along? Or should we rather bring the sword of criticism to criticism itself and do a bit of soul‐searching here: what were we really after when we were so intent on showing the social construction of scientific facts? Nothing guarantees, after all, that we should be right all the time. There is no sure ground even for criticism.4 Isn’t this what criticism intended to say: that there is no sure ground anywhere? But what does it mean when this lack of sure ground is taken away from us by the worst possible fellows as an argument against the things we cherish?