# 1NC

### 1

#### Our interpretation is the aff has to defend instrumental implementation of an example of the resolutional statement

#### The resolution indicates affs should advocate topical government change

**Ericson 3** (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### Statutory restrictions mandate government action

Kershner 10 (Joshua, Articles Editor, Cardozo Law Review. J.D. Candidate (June 2011), Benjamin N. Cardozo School of Law, “Political Party Restrictions and the Appointments Clause: The Federal Election Commission's Appointments Process Is Constitutional” Cardozo Law Review de novo 2010 Cardozo L. Rev. De Novo 615)

The process by which the President fills an Executive Branch position is governed by the Appointments Clause: [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments. n81 This process is divided into three phases: (1) Congress creates an Executive Branch position by statute; n82 (2) the President nominates an individual to fill the position; n83 and (3) the Senate confirms the nominee. n84 The Clause covers a specified list of positions and the generic "other Officers of the United States." n85 The Clause controls who nominates, appoints, and confirms an individual for such a position. n86 Finally, the Clause defines a separate process for inferior officers. n87 It should be noted, however, that the Appointments Clause limits but does not empower Congress to create positions. n88 That power comes from the Necessary and Proper Clause. n89 The House of Representatives has no role in the process of nomination and appointment and is specifically not mentioned in the [\*626] Appointments Clause. All of the powers contained in the Appointments Clause are reserved to the President, the Senate, or both. n90 The Appointments Clause makes a distinction between the power to nominate and the separate power to appoint. The power of nomination is textually reserved to the President of the United States, n91 whereas the power of appointment is shared by the President and the Senate. n92 Statutory restrictions violate the plain text of the Appointments Clause because the very act of passing a statute requires the involvement of the House of Representatives. n93 Statutory restrictions on the appointments process are further problematic because the Appointments Clause's power to nominate is vested solely in the President. n94 Those statutory restrictions that limit the President's power to nominate violate the plain text of the Clause. n95 Where the Constitution provides a clear procedural process, the Supreme Court has consistently applied strict principles of formalism, construing the text so as to limit, rather than expand, the powers of the various branches of government. n96 The Senate's role in the appointments process is the final confirmation of a nominee. n97 The "advice and consent" of the Senate applies only to the appointment power. n98 The President and the Senate have interpreted advice as non-binding guidance, and have interpreted [\*627] consent as the act of confirmation. n99 Thus, the Appointments Clause gives the Senate only the narrow function of confirming nominees. n100

#### So do judicial restrictions

Singer 7 (Jana, Professor of Law, University of Maryland School of Law, SYMPOSIUM A HAMDAN QUARTET: FOUR ESSAYS ON ASPECTS OF HAMDAN V. RUMSFELD: HAMDAN AS AN ASSERTION OF JUDICIAL POWER, Maryland Law Review 2007 66 Md. L. Rev. 759)

n25. See, e.g., Dep't of the Navy v. Egan, 484 U.S. 518, 530 (1988) (noting the reluctance of courts "to intrude upon the authority of the Executive in military and national security affairs"); see also Katyal, supra note 1, at 84 (noting that "in war powers cases, the passive virtues operate at their height to defer adjudication, sometimes even indefinitely"); Harold Hongju Koh, Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair, 97 Yale L.J. 1255, 1313-17 (1988) (discussing the Court's use of justiciability doctrines to refuse to hear challenges to the President's authority in cases involving foreign affairs); Gregory E. Maggs, The Rehnquist Court's Noninterference with the Guardians of National Security, 74 Geo. Wash. L. Rev. 1122, 1124-38 (2006) (discussing the Rehnquist Court's general policy of nonintervention in cases concerning actions of governmental agencies and political entities in national security matters); Peter E. Quint, Reflections on the Separation of Powers and Judicial Review at the End of the Reagan Era, 57 Geo. Wash. L. Rev. 427, 433-34 (1989) (discussing the use of the political question doctrine as a means to avoid judicial restrictions on presidential power in cases involving military force).

#### Two reasons our interpretation is best -

#### First is limits,

#### Allowing affs that are only tangentially related to the topic allows an unlimited number of affs (prisons, immigration, etc) where the aff would always have the literature advantage. Even if they win that those affs are debatable, the aff would always have the literature and expertise advantage against impact turns to their aff. They also force the negative to engage in limitless research to prepare for every conceivable approach to the topic, making debate A) inaccessible to people that have to work for a living and B) even more biased toward schools with large coaching staffs.

#### Second is Ground,

#### Topical fairness requirements are key to effective dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

**Galloway 7** – professor of communications at Samford University (Ryan, “Dinner And Conversation At The Argumentative Table: Reconceptualizing Debate As An Argumentative Dialogue”, Contemporary Argumentation and Debate, Vol. 28 (2007), ebsco)

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

### 2

#### Interp – “and/or” means 3 options

Jeongbin Ok, Safety material and system¶ EP 2619826 A2 (text from WO2012039632A2), Publication date Jul 31, 2013¶ http://www.google.com/patents/EP2619826A2?cl=en

As used herein "(s)" following a noun means the plural and/or singular forms of the noun. As used herein the term "and/or" means "and" or "or" or both.

#### Resolutional use implies a choice of restrictions

Tennessee Department of Education, Programs of Study¶ 2013-2014 Academic Year¶ http://www.scsk12.org/uf/ctae/documents/ProgramsofStudy/TradeIndustrial\_ProgramArea.pdf

The word "or" signifies that credit can be earned toward the fulfillment of the Program of Study ¶ in either course, but not both. The term “and/or” means a student may choose either course or both courses for credit toward the POS.

#### Vio – the plan does not choose judicial or statutory restrictions

#### Vote negative – plan is legally void, impossible agreement – zero solvency, roll-back, jurisdiction

CONTRACT CHAPTER 149 OF THE LAWS¶ 1959 EDITION¶ PRINTED BY¶ C. F. ROWORTH LIMITED, 54, GRAFTON WAY, LONDON, W.1.¶ [Appointed by the Government of Cyprus the Government Printers of this Edition of Laws within, the meaning of the Evidence (Colonial Statutes)Act, 1907.] 1959¶ [1st January, 1931.]¶ 1949 Cap. 192. 25 of 53. 7 of 56

32. Contingent contracts to do or not to do anything if an uncertain future event happens cannot be enforced by law unless and until that event has happened.¶ If the event becomes impossible, such contracts become void.

### 3

#### The stars have aligned---Obama’s push secures quick passage in both houses

- a2 shutdown thumper

- a2 citizenship

- vote soon

Clift 10-25-13 (Eleanor, “Obama, Congress Get Back to the Immigration Fight”, <http://www.thedailybeast.com/articles/2013/10/25/obama-congress-get-back-to-the-immigration-fight.html>, CMR)

After months of relative quiet on the subject of immigration reform, President **Obama** reclaimed center stage in an event in the East Room of the White House Thursday, urging the Republican-controlled House **to take up bipartisan legislation** passed in June by a big margin (68-32) in the Senate. “It doesn’t get easier to put off,” he said, a pointed reminder to Republicans that the politics are stacked against them if they punt on an issue of central importance to the fastest growing bloc of voters in the country. Neutralizing the Democrats’ advantage among Hispanics is crucial to the GOP’s presidential prospects, and could improve Congress’ image in the wake of the government shutdown. “Rather than create problems, let’s prove to the American people that Washington can actually solve some problems,” Obama implored. Among those assembled in the East Room for the president’s remarks was Frank Sharry, founder and director of America’s Voice and a longtime activist for immigration reform. Asked what he was thinking as he listened to Obama’s 12-minute speech, he termed it “a modest push,” noting that Obama has been “remarkably restrained” on the issue when you consider that overhauling the nation’s broken immigration system is his top second-term priority. Obama sidelined himself in deference to Republicans who needed room to build support without being aligned with a president so many in the GOP caucus reflexively dislike. But now with the shutdown behind them and Republicans on the defensive, Obama saw an opening to get back in the game. His message, says Sharry: “‘Hey, I’m flexible,’ which after the shutdown politics was important, and he implied ‘if you don’t do it, I’m coming after you.’” For Obama and the Democrats, **immigration reform is a win-win issue**. They want an overhaul for the country and their constituents. If they don’t get it, they will hammer Republicans in demographically changing districts in California, Nevada, and Florida, where they could likely pick up seats—not enough to win control of the House, but, paired with what Sharry calls “the shutdown narrative,” Democratic operatives are salivating at the prospect of waging that campaign. **Some Republicans understand the stakes**, **and** former vice-presidential candidate and budget maven Paul **Ryan is at the center of a newly energized backroom effort to craft legislation that would deal with the thorniest aspect of immigration reform** for Republicans: the disposition of 11 million people in the country illegally. Rep. Raul Labrador (R-ID), an early advocate of reform who abandoned the effort some months ago, argues that Obama’s tough bargaining during the shutdown means Republicans can’t trust him on immigration. “When have they ever trusted him?” asks Sharry. “Nobody is asking them to do this for Obama. They should do this for the country and for themselves.... We’re not talking about tax increases or gun violence. This is something the pillars of the Republican coalition are strongly in favor of.” Among those pillars is Chamber of Commerce President Tom **Donahue**, who on Monday **noted** the **generally good feelings about immigration reform** among disparate groups, among them business and labor. **He expressed optimism** that **the House could pass something, go to conference and** resolve differences **with the Senate, get a bill and have the president sign it** “and guess what, government works! Everybody is looking for something positive to take home.” The Wall Street Journal reported Thursday that **GOP donors are withholding contributions to lawmakers blocking reform**, and that Republicans for Immigration Reform, headed by former Bush Cabinet official, Carlos Gutierrez, is running an Internet ad urging action. Next week, evangelical Christians affiliated with the Evangelical Immigration Table will be in Washington to press Congress to act with charity toward people in the country without documentation, treating them as they would Jesus. The law-enforcement community has also stepped forward repeatedly to embrace an overhaul. House Speaker John Boehner says he wants legislation, but not the “massive” bill that the Senate passed and that Obama supports. **The House seems inclined to act**—if it acts at all—on a series of smaller bills starting with “Kids Out,” a form of the Dream Act that grants a path to citizenship for young people brought to the U.S. as children; then agriculture-worker and high-tech visas, accompanied by tougher border security. The sticking point is the 11 million people in the country illegally, and finding a compromise between Democrats’ insistence that reform include a path to citizenship, and Republicans’ belief that offering any kind of relief constitutes amnesty and would reward people for breaking the law. The details matter hugely, but **what a handful of Republicans, led by Ryan, appear to be crafting is legalization** for most of the 11 million but without any mention of citizenship. It wouldn’t create a new or direct or special path for people who came to the U.S. illegally or overstayed their visa. **It would allow them to earn legal status** through some yet-to-be-determined steps, and once they get it, they go to the end of a very long line that could have people waiting for decades. The Senate bill contains a 13-year wait. However daunting that sounds, **the potential for meaningful reform is** tantalizingly close **with Republicans actively engaged in preparing their proposal,** pressure building from the business community and religious leaders, **and a** short window **before the end of the year** to redeem the reputation of Congress and the Republican Party after a bruising takedown. The pieces are all there for long-sought immigration reform. **We could be** a few weeks away **from an historic House vote**, or headed for a midterm election where Republicans once again are on the wrong side of history and demography.

#### **The plan *saps capital* and *causes defections***

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### That wrecks Obama’s strategy

Milbank, 10/18/13 – Washington Post Opinion Writer (Dana, “Now, lead from the front” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-now-lead-from-the-front/2013/10/18/56c1fd42-37fe-11e3-8a0e-4e2cf80831fc_story.html>)

Obama got out in front of the shutdown and debt-ceiling standoff. He took a firm position — no negotiating — and he made his case to the country vigorously and repeatedly. Republicans miscalculated, assuming he would again give in. The result was the sort of decisive victory rarely seen in Washington skirmishes.¶ On Wednesday, Republicans surrendered. They opened the government and extended the debt limit with virtually no conditions. On Thursday, Obama rubbed their noses in it.¶ “You don’t like a particular policy or a particular president? Then argue for your position. Go out there and win an election,” Obama taunted from the State Dining Room. “Push to change it, but don’t break it. Don’t break what our predecessors spent over two centuries building.”¶ Obama said “there are no winners” after the two-week standoff, but his opponents, particularly his tea party foes, clearly lost the most; seven in 10 Americans thought Republicans put party ahead of country. These “extremes” who “don’t like the word ‘compromise’ ” were the obvious target of Obama’s demand that we all “stop focusing on the lobbyists and the bloggers and the talking heads on radio and the professional activists who profit from conflict.” (He did not mention newspaper columnists, so you are free to continue reading.)¶ The gloating was a bit unseemly, but the president is entitled to savor a victory lap. The more important thing is that Obama now maintain the forceful leadership that won him the budget and debt fights. In that sense, the rest of Obama’s speech had some worrisome indications that he was returning to his familiar position in the rear.¶ The agreement ending the shutdown requires Congress to come up with a budget by Dec. 13 . It’s a chance — perhaps Obama’s last chance — to tackle big issues such as tax reform and restructuring Medicare. The relative strength he gained over congressional Republicans during the shutdown left him in a dominant negotiating position. If he doesn’t use his power now to push through more of his agenda, he’ll lose his advantage. George W. Bush adviser Karl Rove called it the “perishability” of political capital.¶ But instead of being forceful, Obama was vague. He spoke abstractly about “the long-term obligations that we have around things like Medicare and Social Security.” He was similarly elliptical in saying he wants “a budget that cuts out the things that we don’t need, closes corporate tax loopholes that don’t help create jobs, and frees up resources for the things that do help us grow, like education and infrastructure and research.”¶ Laudable ideas all — but timidity and ambiguity in the past have not worked for Obama. The way to break down a wall of Republican opposition is to do what he did the past two weeks: stake out a clear position and stick to it. A plan for a tax-code overhaul? A Democratic solution to Medicare’s woes? As in the budget and debt fights, the policy is less important than the president’s ability to frame a simple message and repeat it with mind-numbing regularity.¶ If there’s going to be a big budget deal, the president eventually will have to compromise, perhaps even allowing some changes to his beloved Obamacare, which he didn’t mention while on his victory lap Thursday. Even then, forceful leadership may not be enough to prevail.¶ But he has a much better chance if he remains out in front. Otherwise, he’ll soon be knocked back on his behind.

#### Immigration reform key to STEM leadership and biotech innovation

Scullion ’13 (Christine, “Manufacturers Take the Lead In STEM Education”, January 8, <http://www.shopfloor.org/2013/01/manufacturers-take-the-lead-in-stem-education/27254>, CMR)

The U.S. the leading producer of cutting-edge products such as those on display at the Consumer Electronics Show. Whether it’s in IT, biotech, aerospace, medical devices or heavy machinery, US companies will be the ones to constantly and consistently create new and better things. This future promises to be bright, but only if we have the workforce capable of pushing that leading-edge. And right now, that doesn’t look like a very good bet. The lack of a skilled workforce is a constant threat to manufacturing growth. In fact in a recent survey 82% of manufacturers reported a moderate-to-serious shortage in skilled production labor. Worker shortages abound not only among machinists and welders but also in occupations requiring expertise in the fields of science, technology, engineering and math (STEM), where the unemployment rate today lies well below 4%.¶ The US needs to refocus our workforce training resources and reform our immigration system to continue to grow and innovate. Immigration reform is a serious issue for Manufacturers not only in the High-tech arena but across manufacturing sectors. Without a skilled workforce – from the PhDs to production labor, the nation’s economy will suffer and jobs will be moved overseas. Access to the right individual with the right skills at the right time will ensure that the US remains a global innovation leader.

#### US biotech leadership key to global climate adaptation

* Also solves soil erosion and environment collapse

Leath et al. 10-10-13 (STEVEN LEATH is president of Iowa State University; PHYLLIS WISE is chancellor of the University of Illinois at Urbana-Champaign; and DAVID CHICOINE is president of South Dakota State University, “Another View: The truth about GMOs”, <http://www.desmoinesregister.com/article/20131009/OPINION01/310090021/>, CMR)

In our letter we said, “Feeding a world population of nine billion people by 2050 in the face of increasingly severe weather and environmental conditions simply cannot be done without the full benefit of modern science and biotechnology. Today’s **ag**ricultural **biotech**nology is **help**ing **us to attain higher yields while using less water and fewer inputs**, thus **promoting sustainability** by placing fewer burdens on the environment. **These tech**nologies **are** critical tools **in meeting** **the challenges of global food security and climate volatility**.” While this opinion is widely shared within the scientific community, some consumers are put off by the term “genetically modified” (GM). As was noted by the Scientific American editorial board in September of this year, “We have been tinkering with our food’s DNA since the dawn of agriculture.” Farmers have been modifying plants and animals for thousands of years to improve yields and the quality of our food. Last year, **the U**nited **N**ations’ **High-Level Panel on Global Sustainability said, “New green biotech**nologies **can play a valuable role in enabling farmers to adapt to climate change, improve resistance to pests, restore soil fertility and contribute to** the **diversification of the rural economy**.” England’s London Times declared in the headline of its editorial on June 21 that “Europe’s refusal to embrace GM crops is hypocritical, anti-scientific and potentially disastrous for the developing world.” The United States has been the global leader in agricultural research. That is why **we** are **set**ting **records on food and ag**riculture **exports**. We must not give up our leadership position in agriculture and cede it to other nations that are embracing biotechnology with enthusiasm. **Because of modern approaches** to genetic research, **plant breeding is now more precise and predictable**. **After** 20 years of **widespread use of GM crops in the U**nited **S**tates, **no** related **food safety risks have emerged and foods can be fortified in ways that can’t be done through traditional breeding**. Rice is being enriched with vitamins; beans are being fortified with iron. Grain **crops are being modified for drought, heat and saline tolerance to** enable them to better **withstand** the challenges of increasingly **severe weather and** other **adverse conditions**. In addition, **GM is enabling farmers to produce more using less land, fertilizers, chemicals, fuel and water. The positive impact on the environment can be immeasurable**. In short, the **genetic modification** of seeds does not degrade the environment; it **helps** to sustain the environment.

#### Extinction

Antholis 10 (William J, Managing Director @ Brookings, Strobe Talbott, President @ Brookings, “Leaving a Good Legacy”, <http://www.brookings.edu/opinions/2010/0607_global_warming_talbott_antholis.aspx>, CMR)

Beyond **the** political **stakes**, there **are** existential ones. Today's citizens and leaders are not only the first generation to realize that **we are living in the era of global warming**. **We could** also **be** the last **that has a chance of slowing and eventually reversing the process**. This understanding of our predicament has deep roots. Throughout history, people have known that their lives and deeds were chapters in a saga connecting them to those who had come before and to those who would come after. The conservative man of letters Edmund Burke saw society and civilization as a "partnership" of generations "between those who are living, those who are dead and those who are to be born." Burke feared citizens might become "unmindful of what they have received from their ancestors or of what is due to their posterity" and therefore run the risk of "[leaving] to those who come after them a ruin instead of an habitation." Thomas Jefferson, Burke's contemporary, made much the same point when he argued that because "the earth belongs in usufruct [trust] to the living ... no generation can contract debts greater than may be paid during the course of its own existence." In the 20th century, Hannah Arendt, in The Human Condition, envisioned the "public realm" of a "common world" that would "contain a public space [that] cannot be erected for one generation and planned for the living only; it must transcend the life span of mortal men." Such sentiments accord with how we conduct ourselves in our private lives. We instinctively think the shift from one generation to the next involves an accumulation of positive legacies. It has long been a working assumption that children would be at least somewhat better off than their parents: when something good happens to you, you should pay it forward rather than pay it back. Our concept of intergenerational equity holds that assets do not belong exclusively to those who have accrued them; rather, those resources should, to the extent possible, be administered and preserved for those who will inherit them and will, partly as a consequence of their inheritance, live somewhat better lives than those who came before. We come into this world in debt to our ancestors, and we leave it an incrementally better place, believing our descendants will come up with means of fending off or coping with whatever their age throws at them. Down through the years, that has been the narrative of the human family. But global warming alters it in a basic way. **We cannot leave those who come after us to their own devices. If we do not get the process of** mitigating climate change **started right now, our descendants,** however skilled, **will not be able to cope with the consequences**. If we do nothing**, we will likely bequeath to them a** less habitable — perhaps even uninhabitable — planet**,** the most negative legacy imaginable. That is why there is no time to lose.

### 4

#### Hunter and I advocate that the Office of Legal Counsel should determine that the Executive Branch lacks the legal authority to initiate preemptive cyber attacks.

#### The President should require the Office of Legal Counsel to publish any legal opinions regarding policies adopted by the Executive Branch.

#### The CP is competitive and solves the case—OLC rulings do not actually remove authority but nevertheless hold binding precedential value on the executive.

Trevor W. Morrison (Professor of Law, Columbia Law School) October 2010. “STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448, Lexis.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the [\*1462] legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53¶ The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is [\*1463] at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC.¶ Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients.¶ But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint.¶ 2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written [\*1464] views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions.¶ Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might [\*1465] construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored.¶ In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality.¶ OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69¶ [\*1466] To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for [\*1467] disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon.¶ The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for [\*1468] providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76¶ Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

#### Mandatory publishing requirements prevent OLC deferral to presidential pressure—can be self-imposed—avoids SOP concerns with congressional interference.

Ross L. Weiner, February 2009. JD May 2009 @ George Washington University Law School. “THE OFFICE OF LEGAL COUNSEL AND TORTURE: THE LAW AS BOTH A SWORD AND SHIELD,” THE GEORGE WASHINGTON LAW REVIEW, 77 Geo. Wash. L. Rev. 524, Lexis.

The Torture Memo exposed serious deficiencies in how the OLC operates. For two years, interrogators were given erroneous legal advice regarding torture, with two adverse results. First, American interrogators behaved in ways contrary to traditional American values, possibly leading in part to the Abu Ghraib scandal n147 and to a decline in American reputation around the globe. n148 Second, agents on the [\*549] frontlines were given advice that, if followed, might be the basis for prosecution one day. n149 More importantly, when the Torture Memo was leaked to the public, it exposed the OLC to charges of acting as an enabler to the executive branch. John Yoo, the author of the Torture Memo, was known as "Dr. Yes" for his ability to author memos asserting exactly what the Bush Administration wanted to hear. n150 To ensure that this situation does not repeat itself in the future, it is critical for changes to be implemented at the OLC by mandating publication and increasing oversight.¶ A. Mandated Publishing One explanation for the Torture Memo and its erroneous legal arguments was the OLC authors' belief that the Memo would remain secret forever. When he worked in the OLC, Harold Koh was often told that we should act as if every opinion might be [sic] some day be on the front page of the New York Times. Almost as soon as the [Torture Memo] made it to the front page of the New York Times, the Administration repudiated it, demonstrating how obviously wrong the opinion was. n151 Furthermore, James B. Comey, a Deputy Attorney General in the OLC, told colleagues upon his departure from the OLC that they would all be "ashamed" when the world eventually found out about other opinions that are still classified today on enhanced interrogation techniques. n152 This suggests that OLC lawyers, operating in relative obscurity, felt somewhat protected by the general veil of secrecy surrounding their opinions.¶ [\*550] For many opinions, some of which are already published on the OLC's Web site, n153 this will not be a controversial proposition. Publication has three advantages: (1) accessibility; (2) letting people see the factual predicate on which an opinion is based; and (3) eliminating people's ability to strip an OLC opinion of nuance in favor of saying "OLC says we can do it." n154 Koh provides a telling illustration of the problems associated with the absence of mandated publishing as he found an OLC opinion placed in the Territorial Sea Journal that was critical to a case he was trying on behalf of a group of Haitians seeking to enter the United States. n155 He was incredulous that on a matter "of such consequence," n156 he literally had to be lucky to find the opinion. n157¶ Secrecy in government facilitates abuse, and nowhere is the need for transparency more important than the OLC, whose opinions are binding on the entire executive branch. In a telling example, on April 2, 2008, the Bush Administration declassified a second Torture Memo. n158 In eighty-one pages, John Yoo presented legal arguments that effectively allowed military interrogators carte blanche to abuse prisoners without any fear of prosecution. n159 While the Memo was classified at the "secret" level, it is clear that there was no strategic rationale for classifying it beyond avoiding public scrutiny. n160 According [\*551] to J. William Leonard, the nation's top classification oversight official from 2002-2007, "There is no information contained in this document which gives an advantage to the enemy. The only possible rationale for making it secret was to keep it from the American people." n161¶ To address this problem, the OLC should be required to publish all of its opinions, with a few limited exceptions. John F. Kennedy once said, "The very word 'secrecy' is repugnant in a free and open society." n162 Justice Potter Stewart, in New York Times Co. v. United States, n163 laid out the inherent dangers of secrecy in the realm of foreign affairs: I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. n164¶ The proposal to require the OLC to publish its opinions has been advocated by many, including former heads of the OLC. n165 [\*552] ¶ 1. Process for Classification In certain situations, an opinion may have to remain confidential for national security purposes, but mechanisms can be designed to deal with this scenario. First, in order to deem a memorandum classified as a matter of national security, another agency in the executive branch with expertise on the subject should be required to sign off on such a classification. The Torture Memo exposed an instance of the OLC acting secretively not only for national security purposes, but also because it knew the Torture Memo could not withstand scrutiny. n166 Thus, only opinions dealing with operational matters that give aide to the enemy should be classified. Opinions that consist solely of legal reasoning on questions of law clearly would not pass that test.¶ If there is a disagreement between those in the OLC who choose to classify something and those in the other executive agency who believe it should be published, then the decision should be sent back to the OLC to review the potential for publishing a redacted version of the opinion. For example, consider a memo from the OLC on the different interrogation techniques allowable under the law. While it would be harmful for the OLC to publish specific activities, and thus alert the country's enemies as to interrogation tactics, publishing the legal analysis that gives the President this authority would not be harmful. Publishing would restore legitimacy to the work the OLC is doing and help remove the taint the Torture Memo has left on the office.¶ 2. Exceptions There are a few necessary exceptions to a rule requiring publication, and the former OLC attorneys who wrote a series of guidelines for the OLC are clear on them: Ordinarily, OLC should honor a requestor's desire to keep confidential any OLC advice that the proposed executive action would be unlawful, where the requestor then does not take the action. For OLC routinely to release the details of all contemplated action of dubious legality might deter executive branch actors from seeking OLC advice at sufficiently early stages in policy formation. n167 [\*553] This reasoning stems directly from the attorney-client privilege and the need for candor in government. It is imperative that the executive branch seek information on potential action that may or may not be legal (or constitutional), and this type of inquiry should not be discouraged. This exception is only to be applied when the President does not go ahead with the policy in question. If the OLC were to opine that something is illegal or unconstitutional, and the President were to disregard that advice and proceed with the action anyway, this type of opinion should be made public. n168¶ If the OLC tells a President he can ignore a statute, and the President follows that advice, that opinion should be available to the public. One of the foundations of American governance is that nobody is above the law; advice that a statute should not be enforced contradicts this maxim. The Torture Memo asserted that violations of U.S. law would probably be excused by certain defenses, including necessity and self-defense. n169 Additionally, the Torture Memo argued that "Congress can no more interfere with the President's conduct of the interrogation of enemy combatants than it can dictate strategic or tactical decisions on the battlefield." n170 The OLC thus told the President that he does not have to enforce any congressional statutes that infringe on his Commander in Chief power. For both the purposes of good government and accountability, this type of claim should be made in public, rather than in secret, so Americans know how the President is interpreting the laws.¶ 3. Oversight of Secret Opinions Increased oversight at the OLC is most important for opinions that are classified as secret pursuant to the above procedures, and are unlikely to ever be heard in a court of law. According to former OLC attorneys: The absence of a litigation threat signals special need for vigilance: In circumstances in which judicial oversight of executive branch action is unlikely, the President - and by extension [\*554] OLC - has a special obligation to ensure compliance with the law, including respect for the rights of affected individuals and the constitutional allocation of powers. n171 How can oversight be ensured?¶ First, memos that are both secret and unlikely to be heard in court must be reviewed by others with an expertise in the field. In 2002, there were two major issues with the OLC: first, almost nobody outside a group of five attorneys was allowed to read the secret opinions, n172 and second, there was a lack of expertise in the office on matters of national security. n173 As Goldsmith later confessed, "I eventually came to believe that [the immense secrecy surrounding these memoranda] was done [not for confidentiality, but] to control outcomes in the opinions and minimize resistance to them."n174¶ For opinions that are classified as secret, at least one other legal department in the federal government, with a similar level of expertise, should be asked to review a secret opinion in order to take a [\*555] substantive look at the legal work in question. According to Jack Goldsmith, this process was traditionally how things worked; n175 when the Bush Administration started "pushing the envelope," n176 however, nearly all outside opinion was shut out under the guise of preventing leaks. n177 It is now apparent that the concern stemmed more from a fear of objections than from the national security concern of a leak. n178 Based on the declassification of the Torture Memo, along with the subsequent declassification of another memo on torture, n179 there was no national security purpose for keeping the memos secret.¶ The reason an outside review of memos labeled as classified is important is that in times of crisis, proper oversight mechanisms need to be in place. It is in times of emergency when the country is most vulnerable to decisions that it might later regret. n180 Based on the legal reasoning exposed in both the Torture Memo and the released Yoo opinion from March 2003, it is reasonable to surmise that other opinions written in the aftermath of September 11 are similarly flawed. n181 Currently, there are a number of classified memoranda that have been referenced in declassified OLC opinions, but have never been declassified themselves. n182 What these memoranda assert, and whether President Bush decided to follow them, are currently unknown. In a recently declassified opinion, however, there is a footnote indicating that the Fourth Amendment's protection against unreasonable searches and seizures is not applicable to domestic military operations related to the war on terror.n183 Because this would be a novel assertion [\*556] of authority, the American public should be able to evaluate the merits of such a legal argument.¶ Different agencies of government have personnel with different expertise, so it will be incumbent upon those in the OLC to determine which department, and which individual in the department, has the required security clearance and knowledge to review an opinion. Thus, when an opinion has been deemed classified, before it can be forwarded outside of the OLC, it would have to go to another agency for approval.¶ The question that the reviewer should have to answer is whether the work he or she is analyzing is an "accurate and honest appraisal of applicable law." n184 If it is, then there is no problem with the opinion, and the second agency will sign off on it. If it is not, then the reviewer should prepare a minority report. What is most critical is that both the Attorney General and the President - who might not be an attorney - understand exactly what their lawyers are saying. For a controversial decision, it should not be sufficient for someone in the OLC like John Yoo to write an inaccurate legal memo that asserts one thing, while the law and precedent say another, with the eventual decisionmaker - the President - only viewing the flawed opinion. The minority report will serve two purposes: first, it will encourage lawyers to avoid dressing up a shoddy opinion in "legalese" to make it look legitimate when in reality it is not; and second, it will ensure that the opinion truly is a full and fair accounting of the law.¶ The most important by-product from mandated review of secret opinions will be that lawyers in the OLC will no longer be able to hide behind a wall of total confidentiality. n185 Rather than acting as if the OLC is above the law and answerable to no one, the knowledge that every classified opinion will be reviewed by someone with an expertise in the field should give pause to any OLC attorney who lacks independence and serves as a yes-man for the President.¶ [\*557] ¶ B. Mechanisms for Implementing Changes¶ 1. Self-Imposed by Executive The easiest way to implement such a change in OLC requirements would be for the President to impose them on the OLC. The OLC's authority stems from the Attorney General, who has delegated some of his power to the OLC. n186 The Attorney General is in the executive branch, which means that the President has the authority to order these changes.¶ It is unlikely that the executive branch would self-impose constraints on the OLC, because Executives from both parties have historically exhibited a strong desire to protect the levers of power. n187One of the reasons lawyers at the OLC were able to write documents like the Torture Memo without anyone objecting was because the results were in line with what the Bush Administration wanted to hear. n188 Thus, it was unlikely that the Bush Administration would make any changes during its final year in office, and as it turned out, the Bush Administration ended on January 20, 2009, without making any changes.¶ Nevertheless, in light of the OPR's publicly announced investigation of the OLC's conduct, n189 and the release of another John Yoo memorandum on torture, n190 the lack of oversight at the OLC could come to the forefront of the public's attention. n191 Thus, it is possible that through public pressure, President Bush could be persuaded to mandate these changes himself. n192¶ 2. Congressional Mandate Alternatively, Congress could step into the void and legislate. Any potential congressional interference, however, would be fraught with separation of powers concerns, which would have to be dealt with directly. First, the President is entitled to advice from his advisors. n193 Second, a great deal of deference is owed to the President when he is operating in the field of foreign affairs. n194 Any attempt by Congress to limit either of these two powers will most likely be met with resistance. n195

### Case

#### Util is best

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

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

#### Obama will circumvent Congress

RUSSIA TODAY, “Obama to ‘Bypass Congress’ on CISPA with Cybersecurity Executive Order,” 2—11—13, http://rt.com/usa/congress-executive-actions-president-958/

Unable to reach a deal with Congress, President Obama reportedly plans to use his power to exert executive actions against the will of lawmakers. The president will issue orders addressing controversial topics including cybersecurity. Although President Obama has issued fewer executive orders than any president in over 100 years, he is making extensive plans to change that, Washington Post reports quoting people outside the White House involved in discussions on the issues. Due to conflicts with a Congress that too often disagrees on proposed legislation, Obama plans to act alone and is likely "to rely heavily" on his executive powers in future, according to the newspaper. Obama’s first executive order is expected to be issued this week when the president calls for the creation of new standards on what private-sector companies must do to protect their computer systems from a cybersecurity breach. The order is a direct response to Congress’ refusal to [pass](http://rt.com/usa/news/cispa-congress-reintroduce-act-825/) the Cyber Intelligence Sharing and Protection Act (CISPA) last year, which the administration deemed crucial to prevent crippling attacks on the nation’s infrastructure. But members of Congress who opposed the legislation [cited](http://rt.com/usa/news/obama-us-administration-cyber-435/) serious privacy concerns with giving the government greater access to Americans’ personal information that only private companies and servers might have access to. Despite opposition from lawmakers, the president will use his executive powers to issue an order addressing cybersecurity initiatives. “It is a very dangerous road he’s going down contrary to the spirit of the Constitution,” Sen. Charles E. Grassley (R-Iowa) told the Washington Post. “Just because Congress doesn’t act doesn’t mean the president has a right to act.” But the president has increasingly been issuing executive orders, including 23 actions addressing gun violence after the shooting at Sandy Hook Elementary School. The 23 orders angered lawmakers who are opposed to tighter gun legislation. Sen. Rand Paul (R-Ky.)[accused](http://rt.com/usa/news/gun-executive-actions-president-210/)the president of demonstrating a “king complex” by exerting so many orders. Major executive actions implemented by the president also include orders delaying deportations of young illegal immigrants and orders to lower student loan payments. The president plans to have a greater impact during his second term by increasing his number of executive actions. He is currently considering extending anti-discrimination protections for homosexuals employed by the government and working with the Environmental Protection Agency to regulate carbon emissions. He is also planning to allow nearly 11 million struggling homeowners to refinance their mortgages at low interest rates. The White House has made it clear that if Congress continues to disagree on issues that Obama considers important, the president will go ahead and use his power to pass new laws on his own.

#### A bunch of alt causes to the aff – Drone Strikes, the authority to initiate armed forces into hostilities, detention, wiretapping, constitutional authority – Their Internal link evidence proves you should be skeptical of the position of the 1AC – It’s about drone strikes and military capabilities to respond to terrorism – also proves circumvention

Pearlstein, ’13 ~Deborah Pealstein, professor of law at Princeton, member of the ABA’s Advisory Committee on Law and National Security, former White House staff, director of the Law and Security Program at Human Rights First, former clerk for Justice John Paul Stevens, and J.D. from Harvard; "Congress Shouldn’t Give the President New Power to Fight Terrorists;" published in Slate, 26 MAR 2013; http://www.slate.com/articles/news\_and\_politics/jurisprudence/2013/03/congress\_shouldn\_t\_give\_president\_obama\_new\_power\_to\_fight\_terrorists.html

Though no one much noticed amid the debate over whether the CIA or the Pentagon should be in charge of drone strikes, last week the Senate Foreign Relations Committee heard testimony on the need for a new and improved law authorizing the president to use lethal force against a new and changeable set of terrorist groups. This week, Republican Sen. Bob Corker of Tennessee announced plans to introduce legislation that does just that. The idea is that now the war against al-Qaida is nearly won, it may be time to declare war anew, this time against one or more of a score of emerging radical Islamist groups who were “inspired” by some part of al-Qaida’s message. It is not clear exactly which new threat or threats are driving the call for new authority to use military force. In his testimony, former National Counterterrorism Center director Michael Leiter embraced the growing consensus that the al-Qaida that attacked us on 9/11 is, in his words, “a shadow of its former self.” He likewise warned against overreaction to the attack on the U.S. consulate in Benghazi or the threat to the United States posed by al-Qaida in the Islamic Magreb (AQIM), a group far “less tactically proficient and more regionally focused” than the al-Qaida of 9/11. More troubling in his estimate is Jabhat al-Nusra, a militant Syrian group now a magnet for radical Islamists to join the already bloody conflict in that country. Yet Leiter stopped short of calling for the United States to use force against al-Nusra and floated the idea of stepping up aid in the region but not drone strikes against al-Nusra targets in Syria or Iraq. In the meantime, echoing the views of former Defense Department general counsel Jeh Johnson, Leiter indicated that the existing authorization to use force against al-Qaida and its associates—passed by Congress in 2001 and still on the books today—allowed for every use of counterterrorism force that was required during his tenure in government. Despite this, Leiter and others seem convinced that Congress should pass a new law authorizing force. Strangely, these calls for Congress to delegate new power to the executive branch seem animated less by an articulated security strategy or identified target than by a sense that this will actually help constrain the use of presidential power. As the argument goes, the president—any president—will want the option at some point of using force against some terrorist group. If Congress legislates, it can establish limits on the scope of the president’s authority by setting the rules for him to exercise it. The search for meaningful constraints on power is indeed the central challenge of our constitutional system. But Congress has an abysmal track record of successfully reining in presidential uses of force overseas. And there is little cause for hope it will succeed here. Consider the recent history. Congress decided in the days after 9/11 to authorize the use of force against a limited set of targets responsible for the attacks of 9/11, and two presidents have now used that authority to its fullest. But such broad congressional authority has not stopped President Obama, just like his predecessors, from asserting that he retains inherent authority to use force in self-defense under Article II of the Constitution, above and beyond what Congress authorizes. Congress can authorize whatever new wars it wishes; the president can still use force against imminent threats without it. This is hardly to say the president’s decision to use force operates under no constraint at all. Using force is expensive, it is alienating, it is provocative, and it may create greater threats to the American people than it prevents. Presidents have to convince the American public that war is worth fighting. This has even been true when they respond to acts of terror in self-defense. When President Reagan ordered strikes against Libya following the bombing of the civilian airliner over Lockerbie, Scotland, he made a speech from the Oval Office. Ditto for President Clinton when he bombed Sudan in response to al-Qaida’s attacks on the U.S. Embassies in Kenya and Tanzania. Mission details were rightly few, but both presidents explained who we had targeted and why. And the public, if they were displeased, could hold accountable the president or his party. Today, it is this lack of transparency—not Congress’ relative apathy—that has boosted executive power and threatened the legitimacy of current drone operations. If Congress wants to do something about this, it should start by beefing up its own oversight efforts. Current federal laws require the president to notify the intelligence committees of all covert actions carried out by CIA (after the fact if need be). Congress should also require the same degree of notification of the Senate and House Armed Services Committees for operations carried out by the military’s Joint Special Operations Command, an active participant in U.S. targeting operations. The much maligned War Powers Resolution has been modestly effective in requiring the White House to report the introduction of military forces into hostilities. In the age of drones, Congress should explore strengthening that reporting requirement further. If a terrorist group poses a threat to the United States that is truly imminent, the president of course retains his power to respond with force in self-defense. If and when a new terrorist group emerges that poses the kind of profound threat to the American people al-Qaida posed in the years leading up to 9/11, the president should seek authorization from Congress to use force against that group. New authority to use force is unlikely to diminish the president’s power. Neither does it ensure the public will be told who the United States attacks or why. Absent either, the case for new use-of-force legislation is impossibly thin

#### Multiple checks solve accidental war -

#### A. Failsafe’s and CBMS

**ROSENKRANTZ 2005**

(Steven, Foreign Affairs Officer, Office of Strategic and Theater Defenses, Bureau of Arms Control, Weapons of mass destruction: an encyclopedia of worldwide policy, technology, and history, p 1–2)

Since the dawn of the nuclear era, substantial thought and effort have gone into preventing accidental and inadvertent nuclear war. Nuclear powers have attempted to construct the most reliable technology and procedures for command and control of nuclear weapons, including robust, fail–safe early warning systems for verifying attacks. The United States and the Soviet Union also maintained secure second–strike capabilities to reduce their own incentives to launch a preemptive strike against each other during crisis situations or out of fear of a surprise attack. The two nuclear superpowers worked bilaterally to foster strategic stability by means of arms control and confidence–building measures and agreements. Several confidence–building agreements were negotiated between the two–superpowers to reduce the risk of an accidental nuclear war: the 1971 Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War, the 1972 Agreement on the Prevention of Incidents on and over the High Seas, and the 1973 Agreement on the Prevention of Nuclear War. Following the end of the Cold War, the United States and the Russian Federation have continued to offer unilateral initiatives and to negotiate bilateral agreements on dealerting and detargeting some of their nuclear forces to further reduce the likelihood of a catastrophic nuclear accident. They have concluded agreements on providing each other with notifications in the event of ballistic missile launches or other types of military activities that could possibly be misunderstood or misconstrued by the other party.

#### B. Lands in the ocean

Slocombe, ‘09

[Walter, Senior Advisor for the Coalition Provisional Authority and former Undersecretary of Defense for Policy, “De–Alerting: Diagnoses, Prescriptions, and Side–Effects”  [http://www.ewi.info/system/files/Slocombe.pdf](http://www.ewi.info/system/files/Slocombe.pdf" \t "_blank)]

Moreover, in recent years, both the US and Russia, as well as Britain and China, have modified their procedures so that even if a nuclear–armed missile were launched, it would go not to a “real” target in another country but – at least in the US case – to empty ocean. In addition to the basic advantage of insuring against a nuclear detonation in a populated area, the fact that a missile launched in error would be on flight path that diverged from a plausible attacking trajectory should be detectable by either the US or the Russian warning systems, reducing the possibility of the accident being perceived as a deliberate attack. De–targeting, therefore, provides a significant protection against technical error.5

#### No impact to speed

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A key concept in his work is dromology, which is derived from Greek - dromas: running, fast - and may be translated as the science of speed. For Virilio, the one and simple rule of technology development has been that of an ever-increasing speed; and this rule seems to define fundamental aspects of warfare and society. In short, the logic of speed has driven the development of warfare, which on its part has defined the architecture of cities, finally setting the conditions for political regimes. To spell this thesis out. let us focus on the evolution of warfare, which can be characterized by three phases. The first and longest was based on defence and weapons of obstruction, designed to block attackers. In this phase, fortified cities could survive sieges for months (even years), and this created a space for political life, thus centred on a local, geographically defined unit. The phase of defence ended with the invention of artillery, weapons of destruction, against which walls could no longer offer protection. In the second phase, the war of siege was replaced by the offensive war of movement -and the medieval city lost its role as political centre, to be replaced by the nation state. Since then, however, technological development has brought warfare into the third phase: the combination of high-precision bombs and communication satellites (representing a fourth front) to guide them to their target has annihilated the advantage of movement. Arms of interdiction and absolute speed have rendered vulnerable the mechanised forces based on relative speed. And this development has brought new conditions for political regimes, reducing the role of the nation state, and of any form of political debate. Allowing for some degree of simplicity, the causal relations implied by this line of argument may be depicted somewhat like this: Speed/technology —> military and warfare —> architecture of cities —> political regimes/structures This argument - which is neatly summarised by Briigger and Petersen (1994) in their introduction to Virilio. The War, the City, the Political - clearly illustrates the more controversial aspects of Virilio's thinking. For one, the basic technological determinism may raise some critique, i.e. from those arguing the social construction of technology. Furthermore, the idea that society is fundamentally shaped by military considerations is also somewhat unique and incompatible with more common explanations. Finally, some might argue that only an architect would regard the architecture of cities as decisive for political life.

#### No endless warfare

Gray 7—Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute (Colin, July, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, <http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf>)

7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly. Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security. One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means. This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is **not at all convincing**. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option. Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, **must be nothing if not pragmatic**.

#### Automation won’t cause extinction

Nick Stevenson 2 is a Lecturer in the Department of Sociological Studies, University of Sheffield, Understanding Media Cultures: Social Theory and Mass Communication – page 209

Finally, missing from Virilio’s argument is an account of the way in which new media may become linked into the contestation of cultural identity. Virilio’s analysis offers a picture of human subjectivity increasingly limited and crippled by the impact of technology. Here there is a strong family resemblance between Virilio and a host of cultural critics who argue that humanistic sensibilities are currently under attack by a technologically determined present (Roszak, 1986).Such perspectives offer speciﬁc narratives of decline, where more ‘authentic’ cultures are gradually replaced by technologically induced sensibilities. The development of what Postman (1993) calls a technopoly is ushered into place when common cultures are progressively shaped by the requirements of technology. A technopoly displaces questions of cultural value and quality by championing efficiency, objective measurement and quantity. Virilio’s radicalness comes in taking these arguments further by suggesting such is technology’s dominance over culture that it is actually pushing global societies ever closer to their own destruction. Without wishing to dismiss these perspectives out of hand, such viewpoints have a con-servative bent and often underestimate the extent to which popular cultures are capable of sustaining a diverse range of tastes and sensibilities. Indeed, if we follow these critical points we might ask what is the social basis for technophobia? Andrew Ross (1994) argues that technophobia amongst intellectuals and experts can be connected to a fear that the development of technology will erode their traditional status and store of cultural capital. This fear (which is not without basis) is that the knowledge economy requires the creation of an obedient, instrumental and efﬁcient knowledge class. While these are important considerations, Virilio does not demonstrate sufﬁcient reﬂexivity in attempting to position his analysis within a wider social ﬁeld. Put differently, we might argue that because Virilio fails to consider how his concerns can be linked to a traditional knowledge class, he thereby neglects to analyse different identity formations to his own.

#### Their democracy impact is backwards

Grove ‘8

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Chapter 1: A Schmittian Century?: From Nuclear Leviathan to Nuclear-Sovereign-Assemblage – March 17, 2008 – http://becomingwar.blogspot.com/2008/03/chapter-1-schmittian-century-from.html

Initially nuclear weapons seemed to solidify even complete the decisionistic model of sovereignty once and for all. In Virilio’s reading of Schmitt’s the state of emergency became permanent and democracy ended once it became possible for a single individual to decide to got to war and to finish that war in 30 minutes. At first glance Virilio’s apocalyptic diagnosis seems accurate. Nuclear weapons at their current numbers could destroy the entire planet and given the structure of the United States nuclear command any Congressional or popular attempt to stop the war would be in vain. This is the backbone of Virilio’s argument. Politics and a democratic balance of power require time. Time to react, time to respond, time to debate, time to strategize, time to implement and ICBMS nullify time. But Virilio is wrong. The threat of the extreme case has obscured the actual or present case that presents new opportunities for intervention. Politics, whether micro or macro, does not begin and end with the sovereign decision; the sovereign decision (both expressively and in its enactment) emerges from a relay of forces, connections, and other previous decisions, resonances, forces, and actants that are presupposed in each subsequent iteration of the sovereign decision, and layered in multiple streams of time. Even an increasingly automated nuclear arsenal requires the participation of literally millions of people and countless networks, objects, tectonic stability, stable solar flare activity and on and on. The decision only *appears* singular when Virilio truncates time to the moment the president ‘pushes the button.’ We are not as of yet in that moment so other temporal rhythms abound and each part of the nuclear assemblage follows a different temporal course. Certainly the sovereign decision is a powerful, expressive, performative act of individuation for the sovereign and highly affective in mobilizing populations, but it is not self-constituted or self-causal. The process of individuation and mobilization necessitates a field of relations and resonances from which the sovereign decision emerges. The decision is also not decisive. Instead it territorializes the relations *from which it emerges* through its resonant modulation. The enunciation of a sovereign decision (a distinct inquiry from the ‘making of a decision. Certainly no less emeshed but nonetheless ought to remain analytically different) is something like a refrain, the sovereign—in so far as it is constituted by the enunciation of decisions—is a condensation point for national ethos, affect, and institutional identity making. Each decision is constitutive not of the ‘sovereign’ as is the case in Schmitt’s analysis but of a sovereign point of identification or reified, dogmatic consistency which can be recognized but need not remain static or immobile. Again however such a node is only possible because of its attachments whether physical or resonant (both material) to the complex system of tradition, culture, wires, telephones, satellites, nuclear silos, television cameras, previous sovereign decisions, personal affective characteristics, character, etc. This list is not exhaustive by any measure however it gestures in the direction of what I am trying to get at. The sovereign is not an individual, at best it is an iterative series of moments of performative or expressive individuation resulting from a complex interface with machines, networks, affective fields. The assemblage has a life of its own that cannot and should not be reduced to a single point simply because that is most consistent with our common sensibilities. In some sense the sovereign is a prosthesis or interface to be worn by whoever is elected to office. (President as first-person-shooter?) This does in part explain why there is so little transition time between each sovereign and so little variation in war powers. It is reference point or index for a history of actions and events made more complex by the function it is meant or believed to serve. It is the titular focal point of an assemblage that if recognized as such would undermine its own function. An assemblage that function because it can inspire belief in it is unity not its dispersed and multivalent organization. The irony is that the development of miles of fiberoptic networks, new technological interfaces and mobility was supposed to save the centralized and hierarchical sovereign form from its obvious strategic liability—that of being an easy target. However in increasing its ‘survivability’ it has also opened innumerable points of access to the supposed center. Each access point whether it be technological, affective, or economic that can recenter, or reterritorialize the sovereign assemblage. I do not want to make this sound ‘easy’ or ‘painless’ however as this ‘dispersed’ or redundant network system has become ‘everyday’ increasingly the President has been unaware of exactly who is in control or even at how many levels the Nuclear-sovereign-assemblage can be engaged or reterritorialized.

#### Offense capability is key to deterrence – without offensive policy flexibility the US will be vulnerable to attack

Jarno Limnéll October 9 2012 “Offensive Cyber Capabilities Need to be Built and Exposed Because of Deterrence”, http://www.infosecisland.com/blogview/22534-Offensive-Cyber-Capabilities-Need-to-be-Built-and-Exposed-Because-of-Deterrence.html

Within the next couple of years the world will experience more intentionally executed and demonstrated cyberattacks while the development of offensive cyberweapons will become fiercer and publicly more acceptable.¶ Today, cyber capabilities are essential for nation-states and armed forces that want to be treated as credible players. Cyberspace, the fifth dimension of warfare, has already become an important arena of world politics, especially since we are living in a time in which the lines between war and peace have blurred. The digital world has become a domain where strategic advantage can be either lost or won.¶ To succeed in the cyber domain is not merely a question of defense, even if we would like to think of it that way – at least not for the nation-states. Naturally, defense capabilities have to be as preventive as possible in order to reduce the effectiveness of the adversary´s – whoever it might be –cyber attack. However, despite the best defensive efforts, intrusions will occur. In the cyber domain, you must also be resilient, i.e. have the ability to withstand attacks and failures, to mitigate harm, more so than what is needed in other domains. Creating cyber defense capabilities and resilience are fairly easy for the public to accept. But they are not enough. Deterrence is also needed, that is, the capabilities and policies to convince others not to launch a cyber attack against you. Deterrence will only be effective if you can build and demonstrate offensive cyber capabilities. To put it clearly: cyber offensive capabilities are an essential element for nation-states to succeed in the current and future reality of both international and security policies. Defense, resilience, and offense contribute to a country’s overall ability to protect itself. You need them all.¶ From nuclear to cyber deterrence¶ Deterrence theory was developed in the 1950s, primarily to address the new strategic challenges posed by nuclear weapons. During the Cold War, nuclear deterrence was able to keep the United States and the Soviet Union in check. Nuclear deterrence was the art of convincing an enemy not to take a specific action by threatening it with intolerable punishment or unacceptable failure. The theory worked well.¶ Based on that logic, cyber deterrence should play a similar role in the digitalized world. However, the anonymity, the advantage of attacks, and the global reach and interconnectedness greatly reduce the efficiency of cyber deterrence. At the same time, there are suspicion and rumors surrounding the kind of capabilities others have and how they are already using those capabilities.¶ In the kinetic world, it is much simpler to evaluate an opponent’s capabilities. It is typically quite easy to accurately estimate how many tanks, interceptors, or submarines a given country possesses. Countries also openly expose their arsenal, in military parades for example, or their operational skills, by organizing large military exercises. In the logic of deterrence, even more important than having the actual capability is the perception of having that capability.

#### The impact is war with China – preemption key

Gary Scmitt (co-directs the Marilyn War Center for Security Studies at the American Enterprise Institute) June 6 2013 “How to meet the threat from Chinas army of cyber guerillas,” http://www.foxnews.com/opinion/2013/06/06/how-to-meet-threat-from-china-army-cyber-guerrillas/

To stem the tide of harmful cyber attacks by the Chinese there has to be a cyber response on America’s part that deters continued cyber aggression.¶ As one might expect, the Chinese government has denied any complicity in these attacks. And it is doubtful, given how successful Chinese efforts have been, that even “blunt” talk by the president to the new Chinese leader, will have much effect on Chinese practices.¶ The reality is, the Chinese government is engaged in a form of warfare—new to be sure in its technological aspects but not new in the sense that cyber attacks harm our relative military strength and damage the property (intellectual and proprietary) of citizens and companies alike.¶ So far, the American government’s response has largely been defensive, either talking to the Chinese about establishing new, agreed-upon “rules of road” for cyberspace or working assiduously to perfect new security walls to protect government and key private sector computer systems. ¶ Although neither effort should be abandoned, they are no more likely to work than, say, before World War II, the Kellogg-Briand Pact could outlaw war and the Maginot Line could protect France from an invading Germany.¶ This last point is especially important. When it comes to cyberspace, according to Cyber Command head and director of the National Security Agency, General Keith Alexander, those on the offensive side of the computer screen–that is, those hacking into or compromising computer systems–have the advantage over those on the defensive side who are trying to keep systems secure. Walls have always been breached and codes broken.¶ Moreover, attempts to beef up security are complicated by the fact that our own cyber warriors are undoubtedly reluctant to provide those charged with protecting systems here at home with the latest in their own capabilities. ¶ In addition to increasing the chance such information might leak by expanding the number of persons in the know, efforts to use that information to plug our own vulnerabilities can inadvertently alert a potential adversary on the very backdoors American would want to save for using in a future crisis or conflict.¶ All of which leads to the conclusion that to stem the tide of harmful cyber attacks by the Chinese (or, for that matter, Iran, Russia or North Korea), there has to be a cyber response on America’s part that deters continued cyber aggression. ¶ Reprisals that are proportionate, in self-defense and designed to stop others from such behavior falls well within the bounds of international law as traditionally understood.¶ Nor is it the case that such reprisals should be limited to responding to government-on-government cyber attacks. The U.S. government has always understood that it has an affirmative duty to protect the lives and property of its citizens from foreign aggression and, in times both past and current, this has meant using American military might. ¶ That need not be the case here, however. Indeed, one advantage of the cyber realm is the wide variety of options it offers up for reprisal that can inflict economic harm without causing loss of life or limb.¶ The good news is that the U.S. government has been gradually beefing up its offensive cyber capabilities. ¶ Indeed, a little over a month ago in open testimony before the House Armed Services Committee, Gen. Alexander said that he created thirteen new teams that would go on the offensive if the nation were hit by a major cyber attack. And new reports coming out of the Pentagon indicate that the Joint Chiefs would like to empower geographic combatant commanders to counter cyber attacks with offensive cyber operations of their own.¶ These are necessary steps if we hope to create a deterrent to Chinese cyber aggression; however, they are not sufficient. ¶ The threat posed by China’s army of cyber “guerrillas” is constant, is directed at both the U.S. government and the private sector, and ranges from the annoying to the deadly serious. ¶ A truly adequate response would require meeting the Chinese challenge on all these fronts. And no amount of summitry between the American and Chinese leaders is likely to substitute for the cold, hard fact that, when it comes to Chinese misbehavior, upping the cost to Beijing is a necessary first step to reclaiming the peaceful potential of the newest of the “great commons,” cyberspace.

#### Nuke war

**Hunkovic 9---**American Military University [Lee J, 2009, “The Chinese-Taiwanese Conflict Possible Futures of a Confrontation between China, Taiwan and the United States of America”, http://www.lamp-method.org/eCommons/Hunkovic.pdf]

A war between China, Taiwan and the United States has the potential **to escalate into a nuclear conflict and a third world war**, therefore, many countries other than the primary actors could be affected by such a conflict, including Japan, both Koreas, Russia, Australia, India and Great Britain, if they were drawn into the war, as well as all other countries in the world that participate in the global economy, in which the United States and China are the two most dominant members. If China were able to successfully annex Taiwan, the possibility exists that they could then plan to attack Japan and begin a policy of aggressive expansionism in East and Southeast Asia, as well as the Pacific and even into India, which could in turn create an international standoff and deployment of military forces to contain the threat. In any case, if China and the United States engage in a full-scale conflict, there are few countries in the world that will not be economically and/or militarily affected by it. However, China, Taiwan and United States are the primary actors in this scenario, whose actions will determine its eventual outcome, therefore, other countries will not be considered in this study.

#### Flexible OCO key to heg

Claudette Roulo 13, American Forces Press Service, “DOD Must Stay Ahead of Cyber Threat, Dempsey Says,” DOD, June 27, http://www.defense.gov/news/newsarticle.aspx?id=120379

To ensure this force is able to operate quickly, the Defense Department now has a “playbook” for cyber, Dempsey said, noting that a presidential directive codifies how each part of the government will respond in the event of a serious cyberattack. Under this directive, the department has developed emergency procedures to guide its response to imminent, significant cyber threats, the chairman said.¶ The Defense Department is updating its cyber rules of engagement for the first time in seven years, he added, and also is improving mission command for cyber forces.¶ While cyber may be the nation’s greatest vulnerability, Dempsey said, it also presents the military with a tremendous asymmetric advantage. “The military that maintains the most agile and resilient networks will be the most effective in future war,” he told the audience. “This is the kind of force we are building for the future.”¶ Each branch of the military is doing its part, the chairman said, by investing in equipment and personnel that will ensure the joint force can operate in cyberspace as capably as it can on land, sea, air, and space. The next step is the planned Joint Information Environment, he said -- a single, easy to secure, joint network delivering data to the department’s personnel wherever and whenever they need it.

#### Deescelates all conflicts

Brooks, Ikenberry, and Wohlforth 13 Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51

A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers. What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war). Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world’s core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States. Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferation changes as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of “unforeseen crisis dynamics” that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome. The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and “pass the buck” to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century. The problem is that China’s rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, “The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves.” 81 Therefore, unless China’s rise stalls, “the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War.” 82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing. 83 In sum, the argument that U.S. security commitments are unnecessary for peace is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difªcult. Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused enmity” of the United States. 84 All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking. 85

# 2NC

## FW

### General Answer

#### Our arguments address the foundational layer of debate – this comes first

Paul Saurette, PhD Johns Hopkins, 2000 International Journal of Peace Studies 5:1

The problem of concepts -- what they are, where they are located, how we create/discover them -- has always been close to the heart of philosophy and extends deep into the sciences and social sciences.  Within IR, this concern has generally been located in the sphere of methodology and it remains crucial to the various behaviourist - positivist - empiricist - traditionalist debates.  All but the most stubborn empiricists accept that concepts influence our thinking, the validity of studies and the utility of certain perspectives. It is not surprising, then, that some of the most heated debates in the history of IR (and international law) have focused on the proper place, method and definition of certain key concepts such as sovereignty, war, human rights, anarchy, institutions, power, and international. If all concepts are equally created, however, some become represented and treated as more equal than others. There are, in fact, different layers of conceptual understanding and degrees of articulability and these render certain concepts more or less subject to question.[8](http://www.gmu.edu/academic/ijps/vol5_1/saurette.htm#Notes#Notes) In any debate, certain understandings are shared by its participants and certain concepts must be common for communication to occur.  These concepts become the foundational layer of the debate, rarely being raised for consideration, but profoundly shaping the contours of the debate.  There have been two traditionally philosophical responses to this.  The first, more familiar to mainstream IR, might be seen as the empiricist and positivist response in which the importance of this layer is minimized and its concepts represented as 'preliminary assumptions', 'term variables', or 'operative definitions' -- voluntarily accepted concepts that are hypothetically and tentatively accepted for their heuristic value.  Because many empiricists and positivists accept an understanding of language and thought as transparent and instrumental, they generally assume that, with enough effort, all of our fundamental assumptions and concepts can be clarified and their consequences known -- allowing for, if not truthful representation, then at least useful manipulation.  While this has perhaps been the prevalent view within English philosophy since the scientific revolution, a second approach, what has been called the continental tradition of philosophy, has consistently challenged these premises.  From this perspective, Kant's definition of the project of philosophy as the search for the transcendental conditions of thought and morality is the paradigmatic challenge to the English tradition of empiricism. According to Kant (and shifting him into the language of this essay), there exist certain natural preconditions -- transcendental fields -- of thought that allow us to make sense of experience.  And while some of these necessary preconditions (categories and concepts) can be traced and categorized, others, such as the constitutive and regulative Ideas, cannot be known with the same theoretical rigor.  On this view, the concepts (Ideas) of this deep layer of shared understandings (experience) are not  transparent and available to examination.  Even those we can represent cannot be manipulated and reconfigured.  Far from being heuristic devices of our own making, they are the necessary and universal conditions of possibility for any experience and understanding.

### A2 Education OWs Fairness

#### Fairness is a prerequisite to education—if we can’t engage on a level playing field, we can’t engage in the depths of their arguments and test them adequately—high quality clash is the key to understanding arguments.

Zappen 4—James Zappen, Professor of Language and Literature at Rensselaer Polytechnic Institute [“The Rebirth of Dialogue: Bakhtin, Socrates, and the Rhetorical Tradition,” p. 35-36]

Finally, Bakhtin describes the Socratic dialogue as a carnivalesque debate between opposing points of view, with a ritualistic crownings and decrownings of opponents. I call this Socratic form of debate a contesting of ideas to capture the double meaning of the Socratic debate as both a mutual testing of oneself and others and a contesting or challenging of others' ideas and their lives. Brickhouse and Smith explain that Socrates' testing of ideas and people is a mutual testing not only of others but also of himself: Socrates claims that he has been commanded by the god to examine himself as well as others; he claims that the unexamined life is not worth living; and, since he rarely submits to questioning himself, "it must be that in the process of examining others Socrates regards himself as examining his own life, too." Such a mutual testing of ideas provides the only claim to knowledge that Socrates can have: since neither he nor anyone else knows the real definitions of things, he cannot claim to have any knowledge of his own; since, however, he subjects his beliefs to repeated testing, he can claim to have that limited human knowledge supported by the "inductive evidence" of "previous elenctic examinations." This mutual testing of ideas and people is evident in the Laches and also appears in the Gorgias in Socrates' testing of his own belief that courage is inseparable from the other virtues and in his willingness to submit his belief and indeed his life to the ultimate test of divine judgment, in what Bakhtin calls a dialogue on the threshold. The contesting or challenging of others' ideas and their lives and their ritualistic crowning/decrowning is evident in the Gorgias in Soocrates' successive refutations and humiliations of Gorgias, Polus, and Callicles.

#### We solve the terminal impact to education—fairness in a debate context through topicality fosters tolerance of alternative viewpoints which solves dogmatism and bigotry in society.

Muir 93—Star Muir, Professor of Communication at George Mason [“A Defense of the Ethics of Contemporary Debate,” *Philosophy and Rhetoric* 26.4, p. 291-292]

Firm moral commitment to a value system, however, along with a sense of moral identity, is founded in reflexive assessments of multiple perspectives. Switch-side debate is not simply a matter of speaking persuasively or organizing ideas clearly (although it does involve these), but of understanding and mobilizing arguments to make an effective case. Proponents of debating both sides observe that the debaters should prepare the best possible case they can, given the facts and information available to them.52 This process, at its core, involves critical assessment and evaluation of arguments; it is a process of critical thinking not available with many traditional teaching methods.53 We must progressively learn to recognize how often the concepts of others are discredited by the concepts we use to justify ourselves to ourselves. We must come to see how often our claims are compelling only when expressed in our own egocentric view. We can do this if we learn the art of using concepts without living in them. This is possible only when the intellectual act of stepping outside of our own systems of belief has become second nature, a routine and ordinary responsibility of everyday living. Neither academic schooling nor socialization has yet addressed this moral responsibility,54 but switch-side debating fosters this type of role playing and generates reasoned moral positions based in part on values of tolerance and fairness. Yes, there may be a dangerous sense of competitive pride that comes with successfully advocating a position against one's own views, and there are ex-debaters who excuse their deceptive practices by saying "I'm just doing my job." Ultimately, however, sound convictions are distinguishable from emphatic convictions by a consideration of all sides of a moral stance. Moral education is not a guaranteed formula for rectitude, but the central tendencies of switch-side debate are in line with convictions built on empathic appreciation for alternative points of view and a reasoned assessment of arguments both pro and con. Tolerance, as an alternative to dogmatism, is preferable, not because it invites a relativistic view of the world, but because in a framework of equal access to ideas and equal opportunities for expression, the truth that emerges is more defensible and more justifiable. Morality, an emerging focal point of controversy in late twentieth-century American culture, is fostered rather than hampered by empowering students to form their own moral identity.

### A2 Fairness Rigged (Delgado)

#### The argument that our framework is systemically bias is a self-serving assertion to sidestep clash—all of their reasons not to defend the topic can be appropriated by actors with opposite goals

Talisse 2005 – philosophy professor at Vanderbilt (Robert, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges”) \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

My call for a more detailed articulation of the second activist challenge may be met with the radical claim that I have begged the question. It may be said that my analysis of the activist’s challenge and my request for a more rigorous argument presume what the activist denies, namely, that arguments and reasons operate independently of ideology. Here the activist might begin to think that he made a mistake in agreeing to engage in a discussion with a deliberativist – his position throughout the debate being that one should decline to engage in argument with one’s opponents! He may say that of course activism seems lacking to a deliberativist, for the deliberativist measures the strength of a view according to her own standards. But the activist rejects those standards, claiming that they are appropriate only for seminar rooms and faculty meetings, not for real-world politics. Consequently the activist may say that by agreeing to enter into a discussion with the deliberativist, he had unwittingly abandoned a crucial element of his position. He may conclude that the consistent activist avoids arguing altogether, and communicates only with his comrades. Here the discussion ends. However, the deliberativist has a further consideration to raise as his discursive partner departs for the next rally or street demonstration. The foregoing debate had presumed that there is but one kind of activist and but one set of policy objectives that activists may endorse. Yet Young’s activist is opposed not only by deliberative democrats, but also by persons who also call themselves ‘activists’ and who are committed to a set of policy objectives quite different from those endorsed by this one activist. Once these opponents are introduced into the mix, the stance of Young’s activist becomes more evidently problematic, even by his own standards. To explain: although Young’s discussion associates the activist always with politically progressive causes, such as the abolition of the World Trade Organization (109), the expansion of healthcare and welfare programs (113), and certain forms of environmentalism (117), not all activists are progressive in this sense. Activists on the extreme and racist Right claim also to be fighting for justice, fairness, and liberation. They contend that existing processes and institutions are ideologically hegemonic and distorting. Accordingly, they reject the deliberative ideal on the same grounds as Young’s activist. They advocate a program of political action that operates outside of prevailing structures, disrupting their operations and challenging their legitimacy. They claim that such action aims to enlighten, inform, provoke, and excite persons they see as complacent, naïve, excluded, and ignorant. Of course, these activists vehemently oppose the policies endorsed by Young’s activist; they argue that justice requires activism that promotes objectives such as national purity, the disenfranchisement of Jews, racial segregation, and white supremacy. More importantly, they see Young’s activist’s vocabulary of ‘inclusion’, ‘structural inequality’, ‘institutionalized power’, as fully in line with what they claim is a hegemonic ideology that currently dominates and systematically distorts our political discourses.21 The point here is not to imply that Young’s activist is no better than the racist activist. The point rather is that Young’s activist’s arguments are, in fact, adopted by activists of different stripes and put in the service of a wide range of policy objectives, each claiming to be just, liberatory, and properly inclusive.22 In light of this, there is a question the activist must confront. How should he deal with those who share his views about the proper means for bringing about a more just society, but promote a set of ends that he opposes? It seems that Young’s activist has no way to deal with opposing activist programs except to fight them or, if fighting is strategically unsound or otherwise problematic, to accept a Hobbesian truce. This might not seem an unacceptable response in the case of racists; however, the question can be raised in the case of any less extreme but nonetheless opposed activist program, including different styles of politically progressive activism. Hence the deliberativist raises her earlier suspicions that, in practice, activism entails a politics based upon interestbased power struggles amongst adversarial factions.

## Case

### Extending Grove – 1AR

#### Here’s more ev that you should reject their premise:

Kellner ‘99

(Douglas, George F. Kneller Chair in the Philosophy of Education, UCLA – “Virilio, War, and Technology: Some Critical Reflections," Theory, Culture and Society, Vol. 16(5-6), 1999: 103-125, http://pages.gseis.ucla.edu/faculty/kellner/Illumina%20Folder/kell29.htm)

Yet I want to argue in this study that Virilio has a flawed conception of technology that is excessively one-sided and that misses the emancipatory and democratizing aspects of new computer and media technologies. My argument is that his vision of technology is overdetermined by his intense focus on war and military technology and that this optic drives him to predominantly negative and technophobic perspectives on technology per se. However, precisely the one-sidedness and extremely critical discourse on war and military technology, as well as his reflections on war, cinema, technologies of representation and vision machines, constitute some of the most valuable aspects of his work. Consequently, in the following pages I will follow Virilio in pursuing what he calls the "riddle of technology" and interrogate his attempts to elucidate this conundrum. Nowhere, however, does Virilio directly theorize technology in any systematic or sustained way, although reflections on it permeate his analyses. Thus, I want to probe Virilio's perspectives on technology to determine the extent of his insight and use-value, and to indicate what I see as the limitations of his perspectives. In this reading, Virilio emerges as one of the major critics of war, technology, and vision machines in our time, albeit with excessively negative and even technophobic proclivities.

#### Second – they have the politics K backward. Speed doesn’t ruin politics, it saves us from fascism. Here’s more ev:

Stevenson ‘2

Nick Stevenson is a Lecturer in the Department of Sociological Studies, University of Sheffield, Understanding Media Cultures: Social Theory and Mass Communication – page 207-8

The development of the media of mass communications has gradually seen the decline of print as the dominant form of communication and the rise of an audio-visual domain. Virilio links the visualisation of the media into narratives of decline where our perceptions of reality are progressively undermined by a speed culture. As I have indicated, Virilio tends to see progressive political possibilities in reversing this process, with human populations better able to make contact with others through face-to-face communication and print cultures. While there is much that could be said on the superficiality of much visual culture and its progressive underming of literate cultures, such an analysis is too sweeping. The popularisation of the media, which has accompanied the rise of television and its increasingly visual nature of media cultures, has also made public cultures and associated debates open to a greater number of people. While the visualisation of media cultures can indeed be linked into narratives of control and surveillance in the way that Virilio suggests, it can equally be connected into a progressive democra-tisation of everyday life. The visual bias of much media and communication provides social movements with considerable opportunities to interrupt the ﬂow of dominant media messages, by staging dramatic media events and engaging in image manipu-lation. We can make a similar argument in respect of the development of the Net. As Dahlgren (2001) has argued the partial displacement of hierarchical forms of information that the Net makes available confuses the boundaries between who is and who is not a journalist. While these arguments have been carried too far by some Net enthusiasts the possibilities that ‘ordinary’ people have for constructing their own sites of images, information and discourse is greatly enhanced by the arrival of new media. Seemingly these and other democratic possibilities are missed by a critique which offers an overly one-sided view of new media technologies.

### A2 Tech Kills VTL

#### Always Value to Life, because all life has value

L Schwartz, medical ethicist, 2002, Medical ethics: a case based approach, www.fleshandbones.com/readingroom/pdf/399.pdf

Supporters of the sanctity of life ethic dismiss considerations about quality and quantity because, they assert: • all life is worth living under any condition because of • the inherent value of life. The upshot of the theory is that quality of life, although desirable, is irrelevant to assessing the value of a life because all life is inherently valuable. Many supporters of the sanctity of life criterion say this is true only of human life, but there are religious groups who claim sanctity extends to all life. Either way, the sanctity of life principle states that all human life is worthy of preservation and hence eliminates the justifiability of abortion, euthanasia and rational suicide and, at extremes, withdrawal of futile treatment: The sanctity of life ethic holds that every human life is intrinsically good, that no life is more valuable than another, that lives not fully developed (embryonic and fetal stages) and lives with no great potential (the suffering lives of the terminally ill or the pathetic lives of the severely handicapped) are still sacred. The condition of a life does not reduce its value or justify its termination.6 So, whereas to determine the value of a life on its quality asserts that there is a relevant difference between the type of life and the fact of life, this distinction is rejected by sanctity arguments as irrelevant. The sanctity criterion tends to be associated with religious beliefs. The Judeo-Christian rationale is usually that lives are inherently valuable because they are gifts from God and not ours to end as we wish. In a sense, our lives are on loan to us and, as such, must be treated with respect. In Islam, the suffering associated with reduced quality of life is also considered a divine endowment and therefore ought to The value of life: who decides and how? 115 be borne without assistance, as the suffering is said to lead to enlightenment and divine reward. However, religious arguments are not required to defend sanctity beliefs. It is enough simply to say that all human lives are deserving of equal respect not because of what they have to offer or have offered or potentially will offer, but because they exist. The notion of inalienable human rights attributes force to the value of human life with the assertion that it needs no justification. This is the primary merit of the sanctity of life ethic – that a life requires no justification – but justification is required for the premature termination of that life. In this sense, the principle acts as a forceful bulwark against devaluing human life. Article 3 of the United Nations Declaration of Human rights asserts simply that: Everyone has the right to life, liberty and security of person.7 No argument is made to justify this claim because no argument is necessary. However, it will be necessary to justify any violation of this right.

# 1NR

### China

#### Offense capability is key to deterrence – without offensive policy flexibility the US will be vulnerable to attack

Jarno Limnéll October 9 2012 “Offensive Cyber Capabilities Need to be Built and Exposed Because of Deterrence”, http://www.infosecisland.com/blogview/22534-Offensive-Cyber-Capabilities-Need-to-be-Built-and-Exposed-Because-of-Deterrence.html

Within the next couple of years the world will experience more intentionally executed and demonstrated cyberattacks while the development of offensive cyberweapons will become fiercer and publicly more acceptable.¶ Today, cyber capabilities are essential for nation-states and armed forces that want to be treated as credible players. Cyberspace, the fifth dimension of warfare, has already become an important arena of world politics, especially since we are living in a time in which the lines between war and peace have blurred. The digital world has become a domain where strategic advantage can be either lost or won.¶ To succeed in the cyber domain is not merely a question of defense, even if we would like to think of it that way – at least not for the nation-states. Naturally, defense capabilities have to be as preventive as possible in order to reduce the effectiveness of the adversary´s – whoever it might be –cyber attack. However, despite the best defensive efforts, intrusions will occur. In the cyber domain, you must also be resilient, i.e. have the ability to withstand attacks and failures, to mitigate harm, more so than what is needed in other domains. Creating cyber defense capabilities and resilience are fairly easy for the public to accept. But they are not enough. Deterrence is also needed, that is, the capabilities and policies to convince others not to launch a cyber attack against you. Deterrence will only be effective if you can build and demonstrate offensive cyber capabilities. To put it clearly: cyber offensive capabilities are an essential element for nation-states to succeed in the current and future reality of both international and security policies. Defense, resilience, and offense contribute to a country’s overall ability to protect itself. You need them all.¶ From nuclear to cyber deterrence¶ Deterrence theory was developed in the 1950s, primarily to address the new strategic challenges posed by nuclear weapons. During the Cold War, nuclear deterrence was able to keep the United States and the Soviet Union in check. Nuclear deterrence was the art of convincing an enemy not to take a specific action by threatening it with intolerable punishment or unacceptable failure. The theory worked well.¶ Based on that logic, cyber deterrence should play a similar role in the digitalized world. § Marked 14:13 § However, the anonymity, the advantage of attacks, and the global reach and interconnectedness greatly reduce the efficiency of cyber deterrence. At the same time, there are suspicion and rumors surrounding the kind of capabilities others have and how they are already using those capabilities.¶ In the kinetic world, it is much simpler to evaluate an opponent’s capabilities. It is typically quite easy to accurately estimate how many tanks, interceptors, or submarines a given country possesses. Countries also openly expose their arsenal, in military parades for example, or their operational skills, by organizing large military exercises. In the logic of deterrence, even more important than having the actual capability is the perception of having that capability.

#### The impact is war with China – preemption key

Gary Scmitt (co-directs the Marilyn War Center for Security Studies at the American Enterprise Institute) June 6 2013 “How to meet the threat from Chinas army of cyber guerillas,” http://www.foxnews.com/opinion/2013/06/06/how-to-meet-threat-from-china-army-cyber-guerrillas/

To stem the tide of harmful cyber attacks by the Chinese there has to be a cyber response on America’s part that deters continued cyber aggression.¶ As one might expect, the Chinese government has denied any complicity in these attacks. And it is doubtful, given how successful Chinese efforts have been, that even “blunt” talk by the president to the new Chinese leader, will have much effect on Chinese practices.¶ The reality is, the Chinese government is engaged in a form of warfare—new to be sure in its technological aspects but not new in the sense that cyber attacks harm our relative military strength and damage the property (intellectual and proprietary) of citizens and companies alike.¶ So far, the American government’s response has largely been defensive, either talking to the Chinese about establishing new, agreed-upon “rules of road” for cyberspace or working assiduously to perfect new security walls to protect government and key private sector computer systems. ¶ Although neither effort should be abandoned, they are no more likely to work than, say, before World War II, the Kellogg-Briand Pact could outlaw war and the Maginot Line could protect France from an invading Germany.¶ This last point is especially important. When it comes to cyberspace, according to Cyber Command head and director of the National Security Agency, General Keith Alexander, those on the offensive side of the computer screen–that is, those hacking into or compromising computer systems–have the advantage over those on the defensive side who are trying to keep systems secure. Walls have always been breached and codes broken.¶ Moreover, attempts to beef up security are complicated by the fact that our own cyber warriors are undoubtedly reluctant to provide those charged with protecting systems here at home with the latest in their own capabilities. ¶ In addition to increasing the chance such information might leak by expanding the number of persons in the know, efforts to use that information to plug our own vulnerabilities can inadvertently alert a potential adversary on the very backdoors American would want to save for using in a future crisis or conflict.¶ All of which leads to the conclusion that to stem the tide of harmful cyber attacks by the Chinese (or, for that matter, Iran, Russia or North Korea), there has to be a cyber response § Marked 14:13 § on America’s part that deters continued cyber aggression. ¶ Reprisals that are proportionate, in self-defense and designed to stop others from such behavior falls well within the bounds of international law as traditionally understood.¶ Nor is it the case that such reprisals should be limited to responding to government-on-government cyber attacks. The U.S. government has always understood that it has an affirmative duty to protect the lives and property of its citizens from foreign aggression and, in times both past and current, this has meant using American military might. ¶ That need not be the case here, however. Indeed, one advantage of the cyber realm is the wide variety of options it offers up for reprisal that can inflict economic harm without causing loss of life or limb.¶ The good news is that the U.S. government has been gradually beefing up its offensive cyber capabilities. ¶ Indeed, a little over a month ago in open testimony before the House Armed Services Committee, Gen. Alexander said that he created thirteen new teams that would go on the offensive if the nation were hit by a major cyber attack. And new reports coming out of the Pentagon indicate that the Joint Chiefs would like to empower geographic combatant commanders to counter cyber attacks with offensive cyber operations of their own.¶ These are necessary steps if we hope to create a deterrent to Chinese cyber aggression; however, they are not sufficient. ¶ The threat posed by China’s army of cyber “guerrillas” is constant, is directed at both the U.S. government and the private sector, and ranges from the annoying to the deadly serious. ¶ A truly adequate response would require meeting the Chinese challenge on all these fronts. And no amount of summitry between the American and Chinese leaders is likely to substitute for the cold, hard fact that, when it comes to Chinese misbehavior, upping the cost to Beijing is a necessary first step to reclaiming the peaceful potential of the newest of the “great commons,” cyberspace.

#### And that guarantees escalation

**Hunkovic 9---**American Military University [Lee J, 2009, “The Chinese-Taiwanese Conflict Possible Futures of a Confrontation between China, Taiwan and the United States of America”, http://www.lamp-method.org/eCommons/Hunkovic.pdf]

A war between China, Taiwan and the United States has the potential **to escalate into a nuclear conflict and a third world war**, therefore, many countries other than the primary actors could be affected by such a conflict, including Japan, both Koreas, Russia, Australia, India and Great Britain, if they were drawn into the war, as well as all other countries in the world that participate in the global economy, in which the United States and China are the two most dominant members. If China were able to successfully annex Taiwan, the possibility exists that they could then plan to attack Japan and begin a policy of aggressive expansionism in East and Southeast Asia, as well as the Pacific and even into India, which could in turn create an international standoff and deployment of military forces to contain the threat. In any case, if China and the United States engage in a full-scale conflict, there are few countries in the world that will not be economically and/or militarily affected by it. However, China, Taiwan and United States are the primary actors in this scenario, whose actions will determine its eventual outcome, therefore, other countries will not be considered in this study.

#### Attacks coming now – their Defense not take into account cyber conflict

Caplan 2013

(Nathalie Conflict Management and Resolution Graduate Program University of North Carolina Wilmington, “Cyber War: the Challenge to National Security” Global Security Studies, Winter 2013, Volume 4, Issue 1, http://globalsecuritystudies.com/Caplan%20Cyber.pdf, EA)

The People’s Republic of China China has emerged as a cyber threat to the United States. The Report to Congress on Foreign Economic Collection and Industrial Espionage (2009 – 2011) openly blames China for supporting cyber attacks. It reads, "The computer networks of a broad array of U.S. government agencies, private companies, universities, and other institutions -- all holding large volumes of sensitive economic information -- were targeted by cyber espionage; much of this activity appears to have originated in China."31 The theft of sensitive economic information not only threatens U.S. national security, but also impacts the global economy. While these attacks were aimed at stealing data, they required the same skills needed to conduct a destructive network attack.32 Ellen Nakashima argues that the People’s Liberation Army (PLA) would most likely target transportation and logistics networks before a military conflict to disrupt U.S. forces.33 Similarly, the U.S.-China Economic and Security Review Commission told Congress, “Authoritative Chinese military writings advocate attacks on space-to-ground communications links and ground-based satellite control facilities in the event of a conflict.” 34

### Policy Failure

#### It doesn’t happen

**Kurasawa, 04** (Professor of Sociology, York University of Toronto, Fuyuki, Constellations Volume 11, No 4, 2004).

Moreover, keeping in mind the sobering lessons of the past century cannot but make us wary about humankind’s supposedly unlimited ability for problemsolving or discovering solutions in time to avert calamities. In fact, the historical track-record of last-minute, technical ‘quick-fixes’ is hardly reassuring. What’s more, most of the serious perils that we face today (e.g., nuclear waste, climate change, global terrorism, genocide and civil war) demand complex, sustained, long-term strategies of planning, coordination, and execution. On the other hand, an examination of fatalism makes it readily apparent that the idea that humankind is doomed from the outset puts off any attempt to minimize risks for our successors, essentially condemning them to face cataclysms unprepared. An a priori pessimism is also unsustainable given the fact that long-term preventive action has had (and will continue to have) appreciable beneficial effects; the examples of medical research, the welfare state, international humanitarian law, as well as strict environmental regulations in some countries stand out among many others. The evaluative framework proposed above should not be restricted to the critique of misappropriations of farsightedness, since it can equally support public deliberation with a reconstructive intent, that is, democratic discussion and debate about a future that human beings would freely self-determine. Inverting Foucault’s Nietzschean metaphor, we can think of genealogies of the future that could perform a farsighted mapping out of the possible ways of organizing social life. They are, in other words, interventions into the present intended to facilitate global civil society’s participation in shaping the field of possibilities of what is to come. Once competing dystopian visions are filtered out on the basis of their analytical credibility, ethical commitments, and political underpinnings and consequences, groups and individuals can assess the remaining legitimate catastrophic scenarios through the lens of genealogical mappings of the future. Hence, our first duty consists in addressing the present-day causes of eventual perils, ensuring that the paths we decide upon do not contract the range of options available for our posterity.42 Just as importantly, the practice of genealogically inspired farsightedness nurtures the project of an autonomous future, one that is socially self-instituting. In so doing, we can acknowledge that the future is a human creation instead of the product of metaphysical and extra-social forces (god, nature, destiny, etc.), and begin to reflect upon and deliberate about the kind of legacy we want to leave for those who will follow us. Participants in global civil society can then take – and in many instances have already taken – a further step by committing themselves to socio-political struggles forging a world order that, aside from not jeopardizing human and environmental survival, is designed to rectify the sources of transnational injustice that will continue to inflict needless suffering upon future generations if left unchallenged.

### Science Discourse

#### Attempts to reduce the ability of science to inform policy allows the right to coopt the global warming debate

Robin McKie, science editor, 2/18/12, “Attacks paid for by big business are 'driving science into a dark era'”, http://www.guardian.co.uk/science/2012/feb/19/science-scepticism-usdomesticpolicy

Most scientists, on achieving high office, keep their public remarks to the bland and reassuring. Last week Nina Fedoroff, the president of the American Association for the Advancement of Science (AAAS), broke ranks in a spectacular manner.¶ She confessed that she was now "scared to death" by the anti-science movement that was spreading, uncontrolled, across the US and the rest of the western world.¶ "We are sliding back into a dark era," she said. "And there seems little we can do about it. I am profoundly depressed at just how difficult it has become merely to get a realistic conversation started on issues such as climate change or genetically modified organisms."¶ The remarks of Fedoroff, one of the world's most distinguished agricultural scientists, are all the more remarkable given their setting.¶ She made them at the AAAS annual meeting, an event at which scientists normally revel in their latest accomplishments: new insights into marine biology or first results from a recently launched satellite, for example.¶ But this year there has been a palpable chill to proceedings. Yes, good work was reported to the 8,000 who attended the various symposia and lectures at the meeting in Vancouver.¶ However, these pronouncements were set against a background of an entire intellectual discipline that realises that it, and its practitioners, are now under sustained attack.¶ As Fedoroff pointed out, university and government researchers are hounded for arguing that rising carbon dioxide levels in the atmosphere are changing the climate. Their emails are hacked while Facebook campaigns call for their dismissal from their posts, calls that are often backed by rightwing politicians. At the last Republican party debate in Florida, Rick Santorum insisted he should be the presidential nominee simply because he had cottoned on earlier than his rivals Newt Gingrich or Mitt Romney to the "hoax" of global warming.¶ "Those of us who grew up in the sixties, when we put men on the Moon, now have to watch as every Republican candidate for this year's presidential election denies the science behind climate change and evolution. That is a staggering state of affairs and it is very worrying," said Professor Naomi Oreskes, of the University of California, San Diego.¶ Oreskes is co-author, with Erik Conway, of Merchants of Doubt, an investigation into the links between corporate business interests and campaigns in the US aimed at blocking the introduction of environmental and medical measures such as bans on smoking and the use of DDT, laws to limit acid rain, legislation to end the depletion of ozone in the atmosphere and attempts to curb carbon dioxide emissions.¶ In each case, legislation was delayed by years, sometimes decades, thanks to the activities of a variety of foundations – such as the Heartland Institute – which are backed by energy companies such as Exxon and billionaires like Charles Koch.¶ These institutions, acting as covers for major energy corporations, are responsible for the onslaught that has deeply lowered the reputation of science in many people's minds in America. This has come in the form of personal attacks on the reputations of scientists and television adverts that undermine environment laws. The Environmental Protection Agency, which is responsible for blocking mining and drilling proposals that might harm threatened species or habitats, has become a favourite target.¶ "Our present crisis over the rise of anti-science has been coming for a long time and we should have seen it coming," adds Oreskes.¶ This point was backed by Francesca Grifo of the Union of Concerned Scientists (UCS), although she added that one specific event had brought matters to a head this year: the decision by the United States supreme court to overrule the law that allowed the federal government to place limits on independent spending for political purposes by business corporations.¶ "That has opened the gates for corporations – often those associated with coal and oil industries – to flood the market with adverts that support rightwing politicians and which attack government bodies that impose environmental regulations that these companies don't like," she said. "The science that supports these regulations is attacked as well. That has made a terrible difference over the past year and it is now bringing matters to a head."¶ Her remarks are backed by a UCS report, Heads They Win, Tails We Lose: How Corporations Corrupt Science at the Public's Expense, which was published at the Vancouver meeting on Friday. It chronicles the methods used by corporate businesses to attack their targets: harassing individual scientists, ghost-writing scientific articles to raise doubts about government research, and undermining the use of science to form government policy.¶ "People may believe that political interference in science went extinct when George W. Bush left office, but the reality is that the pressure to politicise science is still with us," added Grifo.¶ Most scientists acknowledge that President Barack Obama is sympathetic to science. "The trouble is that he still hasn't been able to do anything to help. He is continually blocked by Congress, and that only adds to our worries and sense of desperation," said Fedoroff. "If the current president is for us, but still cannot do anything to help us, then what will happen if a Republican gets into the White House this year?"¶ In general, the worst excesses of the anti-science lobbies are confined to the US. However, there are signs that their influence is spreading, and that raises worrying issues, said Bob Ward of the Grantham Research Institute on Climate Change, in London.¶ "In coming years, we will have to ask ourselves if public policies should be based on the advice of experts who have carried out robust and rigorous analysis of the evidence, or if they should be guided by lobbyists who appear driven by narrow ideological dogma.

#### Global Warming is happening – most recent and best evidence concludes that it is human induced

Muller 7-28-2012 [Richard, professor of physics at the University of California, Berkeley, and a former MacArthur Foundation fellow, “The Conversion of a Climate-Change Skeptic”, http://www.nytimes.com/2012/07/30/opinion/the-conversion-of-a-climate-change-skeptic.html?pagewanted=all]

CALL me a converted skeptic. Three years ago I identified problems in previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I’m now going a step further: Humans are almost entirely the cause. My total turnaround, in such a short time, is the result of careful and objective analysis by the Berkeley Earth Surface Temperature project, which I founded with my daughter Elizabeth. Our results show that the average temperature of the earth’s land has risen by two and a half degrees Fahrenheit over the past 250 years, including an increase of one and a half degrees over the most recent 50 years. Moreover, it appears likely that essentially all of this increase results from the human emission of greenhouse gases. These findings are stronger than those of the Intergovernmental Panel on Climate Change [IPCC], the United Nations group that defines the scientific and diplomatic consensus on global warming. In its 2007 report, the I.P.C.C. concluded only that most of the warming of the prior 50 years could be attributed to humans. It was possible, according to the I.P.C.C. consensus statement, that the warming before 1956 could be because of changes in solar activity, and that even a substantial part of the more recent warming could be natural. Our Berkeley Earth approach used sophisticated statistical methods developed largely by our lead scientist, Robert Rohde, which allowed us to determine earth land temperature much further back in time. We carefully studied issues raised by skeptics: biases from urban heating (we duplicated our results using rural data alone), from data selection (prior groups selected fewer than 20 percent of the available temperature stations; we used virtually 100 percent), from poor station quality (we separately analyzed good stations and poor ones) and from human intervention and data adjustment (our work is completely automated and hands-off). In our papers we demonstrate that none of these potentially troublesome effects unduly biased our conclusions. The historic temperature pattern we observed has abrupt dips that match the emissions of known explosive volcanic eruptions; the particulates from such events reflect sunlight, make for beautiful sunsets and cool the earth’s surface for a few years. There are small, rapid variations attributable to El Niño and other ocean currents such as the Gulf Stream; because of such oscillations, the “flattening” of the recent temperature rise that some people claim is not, in our view, statistically significant. What has caused the gradual but systematic rise of two and a half degrees? We tried fitting the shape to simple math functions (exponentials, polynomials), to solar activity and even to rising functions like world population. By far the best match was to the record of atmospheric carbon dioxide (CO2), measured from atmospheric samples and air trapped in polar ice.

#### CO2 is the primary driver of climate change – outweighs all alt causes

Vertessy and Clark3-13**-**2012[Rob, Acting Director of Australian Bureau of Meteorology, and Megan, Chief Executive Officer at the Commonwealth Scientific and Industrial Research Organisation, “State of the Climate 2012”, <http://theconversation.edu.au/state-of-the-climate-2012-5831>]

Carbon dioxide (CO2) emissions account for about 60% of the effect from anthropogenic greenhouse gases on the earth’s energy balance over the past 250 years. These global CO2 emissions are mostly from fossil fuels (more than 85%), land use change, mainly associated with tropical deforestation (less than 10%), and cement production and other industrial processes (about 4%). Australia contributes about 1.3% of the global CO2 emissions. Energy generation continues to climb and is dominated by fossil fuels – suggesting emissions will grow for some time yet. CO2 levels are rising in the atmosphere and ocean. About 50% of the amount of CO2 emitted from fossil fuels, industry, and changes in land-use, stays in the atmosphere. The remainder is taken up by the ocean and land vegetation, in roughly equal parts. The extra carbon dioxide absorbed by the oceans is estimated to have caused about a 30% increase in the level of ocean acidity since pre-industrial times. The sources of the CO2 increase in the atmosphere can be identified from studies of the isotopic composition of atmospheric CO2 and from oxygen (O2) concentration trends in the atmosphere. The observed trends in the isotopic (13C, 14C) composition of CO2 in the atmosphere and the decrease in the concentration of atmospheric O2 confirm that the dominant cause of the observed CO2 increase is the combustion of fossil fuels.

### Tech

#### And this promotion of tech is critical – their rejection of technological thought ensures we never solve

Ted Nordhaus 11, chairman – Breakthrough Instiute, and Michael Shellenberger, president – Breakthrough Institute, MA cultural anthropology – University of California, Santa Cruz, 2-25, http://thebreakthrough.org/archive/the\_long\_death\_of\_environmenta)

Tenth, we are going to have to get over our suspicion of technology, especially nuclear power. There is no credible path to reducing global carbon emissions without an enormous expansion of nuclear power. It is the only low carbon technology we have today with the demonstrated capability to generate large quantities of centrally generated electrtic power. It is the low carbon of technology of choice for much of the rest of the world. Even uber-green nations, like Germany and Sweden, have reversed plans to phase out nuclear power as they have begun to reconcile their energy needs with their climate commitments. Eleventh, we will need to embrace again the role of the state as a direct provider of public goods. The modern environmental movement, borne of the new left rejection of social authority of all sorts, has embraced the notion of state regulation and even creation of private markets while largely rejecting the generative role of the state. In the modern environmental imagination, government promotion of technology - whether nuclear power, the green revolution, synfuels, or ethanol - almost always ends badly. Never mind that virtually the entire history of American industrialization and technological innovation is the story of government investments in the development and commercialization of new technologies. Think of a transformative technology over the last century - computers, the Internet, pharmaceutical drugs, jet turbines, cellular telephones, nuclear power - and what you will find is government investing in those technologies at a scale that private firms simply cannot replicate. Twelveth, big is beautiful. The rising economies of the developing world will continue to develop whether we want them to or not. The solution to the ecological crises wrought by modernity, technology, and progress will be more modernity, technology, and progress. The solutions to the ecological challenges faced by a planet of 6 billion going on 9 billion will not be decentralized energy technologies like solar panels, small scale organic agriculture, and a drawing of unenforceable boundaries around what remains of our ecological inheritance, be it the rainforests of the Amazon or the chemical composition of the atmosphere. Rather, these solutions will be: large central station power technologies that can meet the energy needs of billions of people increasingly living in the dense mega-cities of the global south without emitting carbon dioxide, further intensification of industrial scale agriculture to meet the nutritional needs of a population that is not only growing but eating higher up the food chain, and a whole suite of new agricultural, desalinization and other technologies for gardening planet Earth that might allow us not only to pull back from forests and other threatened ecosystems but also to create new ones. The New Ecological Politics The great ecological challenges that our generation faces demands an ecological politics that is generative, not restrictive. An ecological politics capable of addressing global warming will require us to reexamine virtually every prominent strand of post-war green ideology. From Paul Erlich's warnings of a population bomb to The Club of Rome's "Limits to Growth," contemporary ecological politics have consistently embraced green Malthusianism despite the fact that the Malthusian premise has persistently failed for the better part of three centuries. Indeed, the green revolution was exponentially increasing agricultural yields at the very moment that Erlich was predicting mass starvation and the serial predictions of peak oil and various others resource collapses that have followed have continue to fail. This does not mean that Malthusian outcomes are impossible, but neither are they inevitable. We do have a choice in the matter, but it is not the choice that greens have long imagined. The choice that humanity faces is not whether to constrain our growth, development, and aspirations or die. It is whether we will continue to innovate and accelerate technological progress in order to thrive. Human technology and ingenuity have repeatedly confounded Malthusian predictions yet green ideology continues to cast a suspect eye towards the very technologies that have allowed us to avoid resource and ecological catastrophes. But such solutions will require environmentalists to abandon the "small is beautiful" ethic that has also characterized environmental thought since the 1960's. We, the most secure, affluent, and thoroughly modern human beings to have ever lived upon the planet, must abandon both the dark, zero-sum Malthusian visions and the idealized and nostalgic fantasies for a simpler, more bucolic past in which humans lived in harmony with Nature.

#### Technological solutions based on scientific rationality are vital key to progressive environmental solutions – the aff fails

Stephen Eric Bronner, Distinguished Professor of Political Science and a Member of the Graduate Faculty in Comparative Literature and German Studies at Rutgers University, 2004 (Reclaiming the Enlightenment: Toward a Politics of Radical Engagement, Published by Columbia University Press, ISBN 9780231126090, p. 160) CMR

Critics of the Enlightenment may have correctly emphasized the price of progress, the costs of alienation and reification, and the dangers posed by technology and scientific expertise for nature and a democratic society. Even so, however, this does not justify romantic attempts to roll back technology. They conflate far too easily with ideological justifications for rolling back the interventionist state and progressive legislation for cleaning up the environment. Such a stance also pits the Enlightenment against environmentalism: technology, instrumental rationality, and progress are often seen as inimical to preserving the planet. Nevertheless, this is to misconstrue the problem. Technology is crucial for dealing with the ecological devastation brought about by modernity. A redirection of technology will undoubtedly have to take place: but seeking to confront the decay of the environment without it is like using an umbrella to defend against a hurricane. Institutional action informed by instrumental rationality and guided by scientific specialists is unavoidable. Investigations are necessary into the ways government can influence ecologically sound production, provide subsidies or tax-benefits for particular industries, fund particular forms of knowledge creation, and make "risks" a matter of public debate. It is completely correct to note that: "neither controversial social issues nor cultural concerns can be settled simply by scientific fiat, particularly in a world where experts usually disagree and where science can be compromised by institutional sponsors. No laboratory can dictate what industrial practices are tolerable or what degree of industrialization is permissible. These questions transcend the crude categories of technical criteria and slide-rule measurements."7

#### Rejection of science and instrumental rationality is disastrous—it leaves us without grounds to choose between competing theories, it justifies racism, and it conflates the method of science with the context in which it is carried out.

Stephen Eric Bronner, Distinguished Professor of Political Science and a Member of the Graduate Faculty in Comparative Literature and German Studies at Rutgers University, 2004 (Reclaiming the Enlightenment: Toward a Politics of Radical Engagement, Published by Columbia University Press, ISBN 9780231126090, p. 162-163)

Reclaiming the Enlightenment calls for clarifying the aims of an educated sensibility in a disenchanted world. But this requires science. The assault upon its "instrumental" character or its "method" by self-styled radicals trained only in the humanities or social sciences is a self-defeating enterprise. Criticizing "bourgeois" science" is meaningful only with criteria for verification or falsification that are rigorous, demonstrable, and open to public scrutiny. Without such criteria, the critical enterprise turns into a caricature of itself: creationism becomes as "scientific" as evolution, astrology as instructive as astronomy, prayer as legitimate a way of dealing with disease as medicine, and the promise of Krishna to help the righteous a way of justifying the explosion of a nuclear device by India.10 Striking is how the emphasis on "local knowledge"—a stance in which all science is seen as ethno-science with standards rooted in a particular culture11—withdraws objectivity, turns the abdication of judgment into a principle of judgment, [end page 162] and recalls what was once a right-wing preoccupation with "Jewish physics," "Italian mathematics," and the like. Forgotten is that those who do physics or biology or mathematics all do it the same way or, better, allow for open scrutiny of their own way of doing it. The validity of science does not rest on its ability to secure an "absolute" philosophical grounding, but rather on its universality and its salience in dealing with practical problems. There is a difference between the immanent method of science and the external context in which it was forged. The sociology of science is a completely legitimate endeavor. It only makes sense to consider, for example, how an emerging capitalist production process with imperialistic aspirations provided the external context in which modern science arose. But it is illegitimate to reduce science to that context or judge its immanent workings from the standpoint of what externally inspired its development.12