# Future Gens CP

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## 1NC

### 1NC – Future Gens CP

#### The United States, using a strictly limited constitutional convention, should establish an independent, fourth body–comprised of randomly-selected representative samples of the population and experts, and that solicits petitions to challenge government action–of the United States federal government dedicated to protecting the interests of succeeding generations. The body should have exclusive authority to negotiate [plan] and bind the United States to its result. The amendment should be limited exclusively to this issue and no state should ratify proposals for additional constitutional changes on other issues.

#### Imbuing elected branches with authority grants decision-making authority to present populations – that trades off with future generations – only the cp solves

Tremmel 13 [Joerg Chet Tremmel is a Professor for "intergenerationally just policies" at the University of Tuebingen. He is Editor-in-chief of the Intergenerational Justice Review and a visiting lecturer at the Johann-Wolfgang-Goethe-University Frankfurt, the University of Stuttgart and the Heinrich-Heine-University in Dusseldorf, Germany. An extended separation of powers model as the theoretical basis for the representation of future generations. July 26, 2013. https://www.futurejustice.org/wp-content/uploads/2013/11/Paper\_Future-Branch\_Tremmel.pdf]

And rightly so. The absence of representation of future generations means that conflicts of interest are decided by the majority of eligible voters, not the majority of those affected by the decision. Future people that are relevantly affected by a decision don’t have any influence over it. This ‘representation gap’ is fundamentally different from deficiencies in the participatory rights of other social minorities or interest groups for which representation is also lacking (e.g. women, the elderly, or foreigners). These groups are present here and now; they can take part in political discourse, write opinion-editorials, appear on talk-shows and in many cases participate in elections. None of these options are available to future generations. “The future is another country”, states Posner,8 paraphrasing that the welfare of future generations is as low on the agenda of political incumbents as the welfare of a foreign country.

If future citizens could assert their interests in the political decision-making process, majority outcomes in important political decisions of the present would be different. Energy policy is a good example: Energy production of present generations, which relies heavily on fossil fuels, provides a high standard of living today, but at the expense of creating serious disadvantages for the medium-term future of fifty to a hundred years. Post-1990 - the year in which the IPCC’s First Assessment Report assessed a connection between anthropogenic carbon dioxide emissions and climate change with a 90 per cent probability- presently living generations can no longer legitimately claim ignorance of the consequences of their actions. Scientific analyses indicate that current energy policy intensifies the natural greenhouse effect and causes the global average temperature to rise.9 Let’s assume that the future individuals born in the next 200 years could partake in the next general election, in the present. The consequence would be that all parties would rewrite their official party positions on today’s energy policy and implement a much more rapid decline in carbon dioxide emissions. The same effect could be achieved if a future branch were implemented in the set-up of democracies as a fourth power in the separation of powers model.

Especially with regard to environmental matters, the effects of current actions extend far into the future and have the potential to seriously negatively influence the quality of life of numerous future generations, as figure 1 shows.10

In light of these facts, a prolongation of the legislative session seems appropriate. However, election periods cannot even come close to corresponding to the time span in which the effects of political decisions are felt without restricting voters’ influence in such a way that would endanger the very essence of democracy.

Problems posed by the short-sightedness of democracies are not limited to ecological issues. Long before the emergence of modern environmental movements, excessive national debts were considered a prime example of carelessness with regard to the future. As early as 1816 Thomas Jefferson discussed potential solutions to this problem.11 Insufficient investments in education or failing to adjust pay-as-you-go social security systems are further examples of lacking long-term orientation in political systems.

Modern democracies are either direct democracies (prime example: Switzerland) or organised according to the principle of representation. Both democratic forms are legitimate; the principle of representation is therefore neither an essential element of democracy nor does it contradict it. In this respect, democratic principles do not oppose an extension of the principle of representation to cover future people. The representation of future people is thus compatible with democratic principles. As Gohler notes, “In the broadest sense of the term, representation means to make something invisible visible and something absent present’’.12 Thaa adds that representation should be understood as “the visualisation of an absentee".13 Although this phrase may have been coined in a different context, it cannot be better expressed.

Lack of liability for inadequate performance in office

An additional issue amplifies this orientation to the present: In democracies, politicians’ governmental responsibility is for a limited amount of time. Indeed, this is one of the advantages of this system of government. However, it also means that an elected official does not have to assume that his own shortsighted decisions will catch up with [them] him twenty or thirty years later. As soon as a new government comes into power, she is no longer liable.

#### Discounting future generations causes extinction – only formalizing a mechanism to weight their concerns solves

Jones et al 18 [Natalie Jones, Mark O'Brien, and Thomas Ryan, University of Cambridge, United Kingdom. Representation of future generations in United Kingdom policy-making. Futures Volume 102, September 2018, Pages 153-163. https://www.sciencedirect.com/science/article/pii/S0016328717301179#sec0005]

Global catastrophic and existential risks pose central challenges for intergenerational justice and the structure of our current democracy. The Global Challenges Report 2016 defines global catastrophic risk as risk of an ‘event or process that, were it to occur, would end the lives of approximately 10% or more of the global population, or do comparable damage’ (Global Challenges Foundation & Global Priorities Project, 2016). A subset of catastrophic risks are ‘existential’ risks, which would end human civilisation or lead to the extinction of humanity (Global Challenges Foundation & Global Priorities Project, 2016). Catastrophic and existential risks may be categorised in terms of ongoing risks, which could potentially occur in any given year (e.g. nuclear war; pandemics), versus emerging risks which may be unlikely today but will become significantly more likely in the future (e.g. catastrophic climate change; risks stemming from emerging technologies). Ongoing risks have existed for some time now and are generally well-understood. However, emerging risks, particularly those arising from technological developments, are less understood and demand increasing attention from scientists and policymakers. These technological developments include advances in synthetic biology, geoengineering, distributed manufacturing and artificial intelligence (AI) (Global Priorities Project, Future of Humanity Institute, Oxford Martin School, Centre for the Study of Existential Risk, 2014). Although the impact of these technologies is still very uncertain, expert estimates suggest a non-negligible probability of catastrophic harm.

In this article we rely on two main premises. The first is that future generations are under-represented in current political structures partly due to political ‘short-termism’ or ‘presentism’ (Thompson, 2010). Governments primarily focus on short-term concerns, which mean that they may systematically neglect global catastrophic risks and, accordingly, future generations (Global Priorities Project et al., 2014). The problem of presentism transcends political divisions: people across the political spectrum are concerned about its effects, and should care about mitigating global catastrophic risks. This situation is exacerbated in that the good of mitigating global catastrophic and existential risks is typically global. Individual political actors (even whole countries) bear many costs in providing for such goods, whereas the benefits are dispersed globally. In addition to the benefits of mitigating existential risks being global, many of the beneficiaries are future people who do not exist presently and as such have no voice in the political process. There is a clear lack of incentives to mitigate such risks, and market failure should be expected (Beckstead, 2013).

The second key assumption is that we as a society consider the rights and interests of future generations to be important. It is beyond the scope of this paper to present a complete account of the philosophical arguments on this matter. It is sufficient to note that although significant philosophical problems have been pointed out, chiefly due to the fact that the actions of present people have a causal impact on the values, number and identity of future individuals (Parfit, 1984), there are several theories of intergenerational justice that may support this assumption (Gosseries, 2008).

The need to include explicit pathways in governance structures for accountability to the rights and needs of future generations has been noted (Global Priorities Project et al., 2014). Some thought has been put into how future generations may be represented in relation to environmental risks such as climate change, resource depletion and biodiversity loss; this research is reflected in the sustainable development literature (Brown Weiss, 1990). However, this problem has not been explored in relation to society’s burgeoning awareness of technology-related catastrophic and existential risks. In addition, such pathways have not been fully explored in the United Kingdom (UK) context. This policy paper hopes to fill this gap in the literature.

## OV

### 2NC – OV

#### Anything short of existential impacts – Russia war and pandemics – are small missteps

Bostrom 7 [Nick Bostrom -- come on, you didn't think we wouldn't read at least one of these, right? The Future of Humanity. 2007. https://nickbostrom.com/papers/future.html]

Extinction risks constitute an especially severe subset of what could go badly wrong for humanity. There are many possible global catastrophes that would cause immense worldwide damage, maybe even the collapse of modern civilization, yet fall short of terminating the human species. An all-out nuclear war between Russia and the United States might be an example of a global catastrophe that would be unlikely to result in extinction. A terrible pandemic with high virulence and 100% mortality rate among infected individuals might be another example: if some groups of humans could successfully quarantine themselves before being exposed, human extinction could be avoided even if, say, 95% or more of the world’s population succumbed. What distinguishes extinction and other existential catastrophes is that a comeback is impossible. A non-existential disaster causing the breakdown of global civilization is, from the perspective of humanity as a whole, a potentially recoverable setback: a giant massacre for man, a small misstep for mankind.

An existential catastrophe is therefore qualitatively distinct from a “mere” collapse of global civilization, although in terms of our moral and prudential attitudes perhaps we should simply view both as unimaginably bad outcomes.30 One way that civilization collapse could be a significant feature in the larger picture for humanity, however, is if it formed part of a repeating pattern. This takes us to the second family of scenarios: recurrent collapse.

## Perms

### 2NC – AT: PDB

#### The perm doesn’t solve –

#### [1] Authority– Transferring decision rights is key -- powers need to be explicitly chartered for future generations

Boston 14 [Jonathan Boston, Professor of Public Policy, School of Government, Victoria University of Wellington, Fulbright Fellow, American University. Governing for the Future: How to bring the long-term into short-term political focus. November 5, 2014. https://www.american.edu/spa/cep/upload/jonathan-boston-lecture-american-university.pdf]

But one other point deserves highlighting: if there is only a limited capacity to change the structure of political demand to incentivize policy-makers to give adequate weight to long-term considerations, then other options must be considered. These include additional legislative constraints on what policy-makers are able to decide and transferring formal decision-rights on designated policy matters to bodies that are partially insulated from short-term political pressures. In each case, of course, the overall desirability of such options must be carefully weighed. Not all constraints and insulating techniques are democratically acceptable.

#### Quarrels over authority will weaken the new branch

Tremmel 13 [Joerg Chet Tremmel is a Professor for "intergenerationally just policies" at the University of Tuebingen. He is Editor-in-chief of the Intergenerational Justice Review and a visiting lecturer at the Johann-Wolfgang-Goethe-University Frankfurt, the University of Stuttgart and the Heinrich-Heine-University in Dusseldorf, Germany. An extended separation of powers model as the theoretical basis for the representation of future generations. July 26, 2013. https://www.futurejustice.org/wp-content/uploads/2013/11/Paper\_Future-Branch\_Tremmel.pdf]

Let’s deal with the former first. If a new SO (sustainability organization) is granted real force to act, it is already a variant of the extension of the division of powers model, even if it is not named as such. The only two variants are the “power to assert" and “powerless”. If the representatives of the three established branches quarrel over the new SO, or they make concrete attempts to disempower it, the new SO constitutes a new branch of government - even if at first with a weak power base. The disempowerment of the ombudsman as well as the commission was a clear indicator that these two organisations have already acquired the power to assert.

#### [2] INDEPENDENCE – that’s fundamental to success

Smith 15 [Graham Smith, Foundation for Democracy and Sustainable Development. The Democratic Case for an Office for Future Generations. April 2015. [www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf](http://www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf)] **Notes: OFG = Offices for Future Generations**; **Italics in Original**

The democratic credentials of an OFG depend very much on how its role and functions are conceived.

At a 2014 conference on Model Institutions fora Sustainable Future,1 there was some disagreement as to the desirability of an independent body. Critics contend that such institutions should be more formally embedded and connected to power: in other words, be part of the parliamentary (and/or executive) infrastructure. This would also ensure explicit democratic legitimacy for the body. For example, the permanent Finnish Parliamentary Committee for the Future has a specific remit to consider the long-term within the work of the Assembly.2

The Finnish Parliamentary Committee for the Future consists of 17 parliamentarians from all political parties. It deliberates on parliamentary documentation, makes submissions to other committees and engages in futures research modelling on issues that range from the domestic (e.g. health care and social capital) through to the international (e.g. relations with China, Russia and the rest of Europe). It has also actively promoted innovative engagement techniques such as crowdsourcing and held hearings to engage the broader public. The virtue of such a design is that it is embedded in the day-to-day work of parliament and the political parties.

The Finnish Parliamentary Committee is without doubt an important parliamentary innovation, not least because it is a rare opportunity for parliamentarians to engage across party lines within a time frame that extends beyond day-to-day politics and the normal electoral cycle. We can also learn much from its methods of working. The extent to which its impact in other parliamentary contexts is replicable, however, is an open question, especially where party cleavages are more prevalent and public confidence in parliament much lower.

It is also a mistake to underestimate the important democratic case for independent oversight within political systems. OFGs are creations of parliamentary legislation and thus have formal democratic anchorage. But it is their democratic function as an independent actor that is fundamental.

#### It must have veto power over other branches – the perm is just an extension of the advisory system

Tremmel 6 [Joerg Chet Tremmel is a Professor for "intergenerationally just policies" at the University of Tuebingen. He is Editor-in-chief of the Intergenerational Justice Review and a visiting lecturer at the Johann-Wolfgang-Goethe-University Frankfurt, the University of Stuttgart and the Heinrich-Heine-University in Dusseldorf, Germany. Establishing intergenerational justice in national constitutions. Handbook of Intergenerational Justice. 2006. profs-polisci.mcgill.ca/muniz/intergen/Tremmel%20-%20Establishing%20intergenerational%20justice%20in%20national%20constitutions.pdf]

These kinds of new institutions make sense if they really have the competencies to protect future generations. This means, for instance, that these institutions can veto or at least freeze laws or that they can propose laws themselves. Without this responsibility the advisory system is merely extended. In Germany, for instance, there are already four institutions: the German Advisory Council on the Environment (Sachverstandigenrat fur Umweltfragen, www.umweltrat.de), the German Advisory Council on Global Change (Wissenschaftlicher Beirat der Umweltregierung fiir Globale Umweltveranderungen, www.wbgu.de), the German Council for Sustainable Development (Rat fur Nachhaltige Entwicklung, www. nachhaltigkeitsrat.de) and the Parliamentary Advisory Council on Sustainable Development (Parlamentarischer Beirat fiir nachhaltige Entwicklung, www.bundestag.de/parlament/parl\_beirat/) which was appointed in 2004. They all do not have the necessary power to stop laws which threaten the well-being of future generations.

#### [3] COHERENCE– agreement on risk-reduction strategies are key – the perm introduces another veto point which undermines focus on future generations

Boston 14 [Jonathan Boston, Professor of Public Policy, School of Government, Victoria University of Wellington, Fulbright Fellow, American University. Governing for the Future: How to bring the long-term into short-term political focus. November 5, 2014. https://www.american.edu/spa/cep/upload/jonathan-boston-lecture-american-university.pdf]

While the long-term governance challenge arises in all democratic systems, the evidence also suggests that the magnitude and complexity of the challenge varies. Relevant contextual factors affecting this variability include the constitutional rules, the structure of organized interests and party competition, the degree of ideological polarization, the level of societal trust and reciprocity, the characteristics of particular policy problems and the pay-off structure associated with various policy solutions. There can be little doubt, for instance, that securing agreement on how to address major long-term issues, such as fiscal and environmental sustainability, is much harder when there are multiple veto points, when the policy community is deeply divided ideologically and when trust in government is low. Without at least a modest consensus on long-term policy goals and how best to achieve them, governing well for the future will be difficult - as is readily apparent in the United States at present.

### 2NC – AT: Perm through the Process

#### Hard Look Review DA -- Perm gets axed by hard look review

Watts 15, Garvey Schubert Barer Professor of Law, University of Washington School of Law. (Kathryn A., “Rulemaking as Legislating”, 103 Geo. L.J. 1003, pg. 1040-41, <https://digitalcommons.law.uw.edu/faculty-articles/36>)

3. Arbitrary and Capricious Review

Arbitrary and capricious review, which can be found in Section 706(2)(A) of the APA,236 stands as yet another scope of review doctrine. Arbitrary and capricious review is used by courts to review the reasons supporting an agency’s decision. Two different strains of arbitrary and capricious review might be impacted if the Court were to adopt the Candid Approach and repudiate the nondelegation doctrine: (a) hard look review;237 and (b) a more deferential version of arbitrary and capricious review that is used to review agency denials of rulemaking petitions.238 Both are considered here.

a. Hard Look Review. Hard look review is used by courts to ensure that agencies have engaged in reasoned decisionmaking.239 To survive hard look review, agencies must demonstrate that they have taken a hard look at the relevant issues by supporting their rules with adequate justifications and reasons.240

#### The impact is strike down

Chopra & Khan 20, \*Rohit, MBA, Commissioner, Federal Trade Commission; & \*\*Lina M., JD, current chair of the Federal Trade Commission, Counsel of the Subcommittee on Antitrust, Commercial, and Administrative Law, US House Committee on the Judiciary. (2020, "The Case for “Unfair Methods of Competition” Rulemaking," *University of Chicago Law Review*, Vol. 87 Iss. 2, Article 4, pg. 367-370, Accessible at: <https://chicagounbound.uchicago.edu/uclrev/vol87/iss2/4>)

And third, rulemaking would enable the Commission to establish rules through a transparent and participatory process, ensuring that everyone who may be affected by a new rule has the opportunity to weigh in on it, granting the rule greater legitimacy.49 APA procedures require that an agency provide the public with meaningful opportunity to comment on the rule’s content through the submission of written “data, views, or arguments.”50 The agency must then consider and address all submitted comments before issuing the final rule. If an agency adopts a rule without observing these procedures, a court may strike down the rule.51

### 2NC – AT: Perm Create a Branch

#### Transferring decision rights on designated policy matters from existing branches to one explicitly chartered for future generations is key

Boston 14 [Jonathan Boston, Professor of Public Policy, School of Government, Victoria University of Wellington, Fulbright Fellow, American University. Governing for the Future: How to bring the long-term into short-term political focus. November 5, 2014. https://www.american.edu/spa/cep/upload/jonathan-boston-lecture-american-university.pdf]

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#### Only a legitimate body solves

Smith 15 [Graham Smith, Foundation for Democracy and Sustainable Development. The Democratic Case for an Office for Future Generations. April 2015. www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf]

The idea here is that an OFG acts as a champion for systematic public engagement on future-orientated policy assessment, in so doing increasing its legitimacy in the eyes of the public and political decision makers. Enhancing such an agency’s standing is critical for its capacity to effectively challenge the myopic dysfunctionalities of democratic systems.

### 2NC – AT: Invest in Current Congress

#### Doesn’t solve – if the perm just vests authority in existing institutions, that fails – only an explicit mandate for an independent branch dedicated to countering presentism solves – even an amendment that required the current congress to care about future generations wouldn’t be enough

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The cuboid of institutions against presentism

If the term ‘institutions’ is broadly defined, it encompasses organisations, laws, norms and all other sorts of societal arrangements. Such a broad concept enables us to identify all classifications of institutions against presentism. For didactic reasons, a cuboid (cf. fig. 2) displays what is treated and what is not in this article.

a) Constitutional and other legal clauses: Some constitutions mention expressis verbis the 'rights’ of future generations: Norway (Art. 110b); Japan (Art. 11); Iran (Art. 50); Bolivia (Art. 7); and Malawi (Art. 13). Others contain language that relates to ecological or financial sustainability such the "protection of the natural basis of life" in 20a of the constitutional law of the Federal Republic of Germany or the ‘debt brake’ in article 126 of the Swiss constitution.23

b) Codes of conduct, self-commitments, acting morally: One strand of the literature argues that present MPs should impartially consider the interests of future generations rather than ensuring representation of future generations.24 It is very questionable if this will ever happen to the necessary extent.25 Nevertheless, it might be acknowledged that such a moral behavior by present MPs would be (or ‘is’, as it happens to a small extent) an ‘institution’ that benefits future generations.

c) Organisations with a specific mandate for the representation of future generations

All the heterogeneous, informal institutions mentioned above differ in important respects from staffed organisations with by-laws that dedicate them to the aim of countering political presentism. Whereas these organisations/institutions with a well-defined mandate represent future generations, the other institutions consider them. These two variations make up the cuboid’s horizontal axis. This article deals with “institutions that represent future generations” only. The extension-of-powers approach assumes the need for a full-fledged organisation, not only for the insertion of a new generational clause in the constitution.

## Solvency

### 2NC – Future Gens Standard

#### The CP applies the future generations standard – that’s better than trying to decide now whether the plan is beneficial across deep time

Kuroda 21 [Masashi Kuroda, Michinori Uwasu, Xuan-Thanh Bui, Phuoc-Dan Nguyen, and Keishiro Hara, \* Faculty of Social and Environmental Studies, Tokoha University, “Shifting the perception of water environment problems by introducing “imaginary future generations”—Evidence from participatory workshop in Ho Chi Minh City, Vietnam,” 2021, *Futures*, Vol. 126, https://www.sciencedirect.com/science/article/pii/S0016328720301622, EA]

Sustainable water management is essential for sustaining a fruitful and stable living environment. While developed countries, including Japan, have previously experienced serious water contamination due to rapid economic growth, those countries faced the problem by implementing a suitable legal framework and appropriate technology, and today they maintain good water environments (Bai & Imura, 2000; Kuroda, Hara, Takekawa, Uwasu, & Ike, 2018; Okada & Peterson, 2000). Nonetheless, these countries have been recently facing different challenges, such as renewal and maintenance of old water supply and sewage systems, and a myopic perspective cannot aid in properly maintaining and managing this infrastructure. Meanwhile, various Asian cities, including Vietnamese cities, are now undergoing rapid economic and population growth and are facing water quality and quantity problems caused by urbanization and industrialization. Moreover, the long-term environmental impact of various economic activities cannot be ignored. Groundwater is used widely for industrial and agricultural activities, as well as for domestic purposes, because it is relatively cheap compared with surface water treatment, and the water quality is stable. In these regions, due to the expanding use of groundwater triggered by socio-economic growth, some social problems are surfacing, including falling groundwater levels caused by excessive water consumption and the resulting land subsidence and saltwater intrusion (Hara, 2006; Ngo, Lee, Lee, & Woo, 2014). Once such land subsidence occurs, it is irreversible, posing threats and conveying disadvantages to subsequent future generations. Furthermore, the pollution of groundwater is increasing due to industrialization and urbanization. Groundwater is retained for extremely long periods, ranging from several years to several decades, so once such water becomes polluted, it has a lasting impact on future generations as well. These phenomena stand as examples of how unrestrained consumption and use of water resources to fulfill the short-term needs of present generations are making it difficult to realize sustainable management and stable use of groundwater resources. To make full use of limited water resources in a sustainable manner, it is indispensable to address water resources management by accounting for the benefits to future generations and integrating the perspective of intergenerational equity.

Meanwhile, Saijo (2018) argues that it is difficult to make decisions in a long-term context under the given natural human characteristics such as impulse (Sapolsky, 2012) and optimism (Sharot, 2011), as well as the fundamental systems in modern society, such as markets, which function to satisfy the needs of the present. These factors lead to shortsighted decision making that conflicts with the interests of future generations (Saijo, 2019). Therefore, it is important to create a framework and methodology that can be used to practice long-term decision making and implement measures that reflect the perspectives of future generations and their needs, as well as an appropriate intergenerational balance.

Against this backdrop, “future design” attempts to integrate the perspectives of future generations with contemporary decision-making process by designing social systems that allows future generations to inherit a sustainable society (Saijo, 2018, 2020). One promising approach that has been proven to be effective is the creation of an “imaginary future generation” (IFG) in our society as a stakeholder tasked with representing future generations and negotiating with decision making groups in the current generation (Hara & Saijo, 2017; Hara, Kuroda, Yoshioka, Kurimoto, & Saijo, 2019, Hara, Kitakaji et al., 2019; Kamijo, Komiya, Mifune, & Saijo, 2017; Saijo, 2018, 2019). Past studies, including both lab-scale experiments and societal experiments, have demonstrated that placing ourselves in the shoes of future generations (i.e., via the IFG concept) results in avoiding shortsighted decision making and creating new perspectives related to the benefit of future generations. In the first lab-scale experiment, groups that included IFGs increased the capacity and possibility for making decisions that reserved monetary resources for future generations even if that meant reducing remuneration to the groups (Kamijo et al., 2017). Further, future design deliberation practices with IFGs facilitated intergenerational consensus building and the production of proposals that could benefit both current and future generations (Hara & Saijo, 2017; Hara, Kuroda et al., 2019). Moreover, the visions and judgement of IFG groups appeared to be quite different from those of groups representing the current generation. Indeed, IFG groups proposed innovative ideas and long-term perspectives, which have been neglected by the current generation (Hara, Kuroda et al., 2019).

The backcasting approach is also often employed to envision a sustainable future society (Kishita, Hara, Uwasu, & Umeda, 2016). Backcasting is a normative scenario approach that generates future visions assessed in terms of desirability and attainability and explores pathways that may bring about or avoid this future in an incremental fashion (van der Voorn, Pahl-Wostl, & Quist, 2012; van der Voorn, Quist, Pahl-Wostl, & Haasnoot, 2017). Although the participation of and the deliberation among stakeholders are the important factors to develop a robust scenario, an appropriate methodology of scenario design that can build a consensus of a desirable future image by integrating all the opinions from the different standpoints of stakeholders has not well established. In addition, the current method of backcasting hardly includes the needs and preferences of future generations, who are the important stakeholders in the process of designing a sustainable society, in an explicit manner. Uwasu, Kishita, Hara, and Nomaguchi (2020) discussed that the creation of IFG in the deliberation of scenario design could improve such aspect of backcasting. The study reported that current generations agreed with the proposals by IFGs that impose proactive burdens for current generations to facilitate the realization of desirable future even after the workshop of scenario design, which suggests that the future design settings may solve the confrontation between current and future generations by liberating the current generation from their self-righteous behavior (Hara, Kuroda et al., 2019; Hara, Kitakaji et al., 2019).

This future design approach has been applied to themes such as energy issues and urban planning, but none of the studies conducted to date have addressed the issue of the water environment in terms of identifying problems and prioritizing measures to address them. Water-related problems change over time and across countries, and we hypothesize that using the perspective of a future generation could provide new insights into what kinds of water environment problems should be prioritized from a long-term perspective.

### 2NC – AT: 4th Mech Specifics

#### The petition system

Smith 15 [Graham Smith, Foundation for Democracy and Sustainable Development. The Democratic Case for an Office for Future Generations. April 2015. [www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf](http://www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf)] **Note: OFG = Offices for Future Generations**

Third, involving citizens in the work of an OFG builds political capital for the body. Providing evidence that citizens are willing and able to deal with complex issues and to consider broad time horizons, further enhances the democratic legitimacy of the OFG’s activities and actions. Participation - and the broader public support this can engender - is one way for an OFG is to build a strong political profile. If the ‘default’ position of citizens tends to be a positive time preference, then providing evidence that time horizons shift when citizens consider long-term issues collectively is critical: to ensure resonance with the public, counter sectional interests and build pressure on political decision-makers.

Fourth, such a participatory approach provides an avenue for what Scott (2000) terms ‘downward accountability’ - from the agency to citizens - again potentially strengthening the legitimacy of the OFG and its interventions.

OFGs and participatory governance

It is one thing to argue the case for participatory governance in the activities of OFGs, another to specify how it should be organized. OFGs could embed a number of different modes of democratic engagement. Thinking creatively about the design of such engagement is critical. Citizens are not future-orientated *per se*: their attitudes and practices are implicated in the very dysfunctionalities of democratic short-term ism, but under certain institutional conditions long-term thinking is more readily engendered through participatory and deliberative engagement.

The Wales We Want National Conversation helped shape the Well Being of Future Generations (Wales) Bill. In particular it established seven foundations for wellbeing of future generations (Welsh Government 2015)5. One of these foundations is ‘Greater engagement in the democratic process, a stronger citizen voice and active participation in decision making is fundamental for the well-being of future generations'. The new Commissioner for Future Generations thus has the legislative basis to promote citizen engagement, voice and active participation as a fundamental element of its working practices.

A petitioning system would enable those citizens who do hold a concern for future generations -those with ‘life transcending interests’ (Thompson, 2009) - to take up a contestatory stance towards existing policy and practice that they believe undermine the interests of future generations. This is a mode of engagement that mirrors the practices of many currently existing Ombudsmen.

#### Creating explicit policies to protect future generations catalyzes broader support for wider safeguards

Graham 17 [Hilary Graham, J. Martin Bland, Richard Cookson, Mona Kanaan, and Piran White -- Department of Health Sciences and Environment Department at the University of York. Do People Favour Policies that Protect Future Generations? Evidence from a British Survey of Adults. Journal of Social Policy, 2017. https://www.cambridge.org/core/services/aop-cambridge-core/content/view/D722EA2340DB8139FA2476E00E4612EC/S0047279416000945a.pdf/div-class-title-do-people-favour-policies-that-protect-future-generations-evidence-from-a-british-survey-of-adults-div.pdf]

How to represent the interests of future generations in policy decision-making has long been recognised as a central challenge of policy evaluation. The accelerating pace of environmental and climate change is adding urgency to this issue (Steffen et al., 2011; Stern, 2006).

Our study of adults in Britain raises questions about a core assumption underpinning standard policy evaluation: that people prefer policies that most benefit their generation. The study points, instead, to a strong preference for policies bringing greater benefit to the generations that follow. These findings accord with sociological evidence that concern for future generations is among the values that many people hold in common.

An appeal to common values has been identified as important in securing public support for policies to address ‘bigger-than-self challenges like improving health and tackling environmental and climate change (Crompton, 2010). Such an appeal underpins a series of landmark reports on environmental and climate change, including the Brundtland Commission (UN, 1987), the Stern Report (2006) and the Lancet Commission on planetary health (Whitmee et al, 2015). Presenting policy challenges in ways that connect with positive emotions, like hope, care, compassion and pride, is seen to help activate public engagement (Markowitz and Shariff, 2012). Again, a commitment to future generations does this: it is a commitment anchored in these emotions. Understanding more about this commitment could help community organisations and governments build public support for future-oriented policies explicitly designed to protect the lives and environments of future generations.

#### Randomly-selected mini-publics – they encourage citizen deliberation to challenge actions that harm future generations – there’s plenty of evidence that outperforms existing institutions

Smith 15 [Graham Smith, Foundation for Democracy and Sustainable Development. The Democratic Case for an Office for Future Generations. April 2015. [www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf](http://www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf)] **Note: OFG = Offices for Future Generations**

A second form of democratization could be specifically constituted mini-publics that enable citizens to play a deliberative role in investigating and judging the veracity of such civic complaints. Contestatory courts (in the language of Pettit) do not have to be the sole preserve of legal or technical specialists appointed by the OFG. There is plenty of evidence that citizens are capable and willing to deal with complex issues within deliberative forums. Randomly-selected mini-publics in particular typically outperform more traditional political institutions in terms of orientating decision making towards the long-term (Smith, 2003; 2009; Hobson and Neimeyer, 2011; Parkhill etal, 2013; Mackenzie and Warren, 2012).

### 2NC – AT: Certainty

#### INTERNATIONAL SIGNAL -- Basing policy on protections for future generations is unique

MRF 17 [Mary Robinson Foundation, a centre for thought leadership, education and advocacy on the struggle to secure global justice for those people vulnerable to the impacts of climate change who are usually forgotten – the poor, the disempowered and the marginalised across the world. Global Guardians: A voice for future generations. Position Paper | Third Edition – April 2017. https://www.mrfcj.org/wp-content/uploads/2017/08/Global-Guardians-A-Voice-for-Future-Generations-April-2017.pdf]

Intergenerational equity, understood as fairness between generations, is a universal concept across the world and across cultures. It is a principle that informs constitutions, international treaties, economies, religious beliefs, traditions and customs1. Sustainable development is grounded in the concept of fairness between generations, meaning that the needs of present generations are met without compromising the ability of future generations to meet their needs2. Within the UN System, the need to safeguard the wellbeing of future generations is well established and is recognised as a guiding principle in many fora including the Rio Declaration on Environment and Development (1992), the Declaration of the UN Conference on Sustainable Development (2012), the 2030 Agenda for Sustainable Development (2015) and the Paris Agreement on Climate Change (2015). In total, the needs of future generations are recognised in as many as 203 UN General Assembly Resolutions3. Despite these commitments, there is currently no mechanism in the UN system through which the needs of future generations is represented in decision making processes.

#### DURABILITY – only the cp solves solvency in the future – inevitable political pressures down the road causes circumvention and undermine signal of durability

Boston 14 [Jonathan Boston, Professor of Public Policy, School of Government, Victoria University of Wellington, Fulbright Fellow, American University. Governing for the Future: How to bring the long-term into short-term political focus. November 5, 2014. https://www.american.edu/spa/cep/upload/jonathan-boston-lecture-american-university.pdf]

To compound matters, the long-term governance problem has two of the three characteristics associated with ‘super-wicked’ problems, at least as defined by Richard Lazarus (2009). For one thing, those endeavouring to solve the problem are also amongst the very people who are causing it. Hence, they are likely to face contradictory pressures. For another, there is no inter-temporal authority or governance structure enduring across multiple generations that is able to enforce lasting solutions, ensure that costly long-term policy investments are properly implemented or hold recalcitrant governments to account. Accordingly, whatever policy farsightedness the current generation of policy-makers may be able to muster at any given juncture they face two related, ongoing challenges. First, there the long-term assurance or compliance problem: how can policy makers ensure that their successors also exercise farsightedness? Second, there is the problem of‘dynamic inconsistency’ or ‘time inconsistency’ - that is, a person’s preferences in Time 1 may diverge from their preferences in Time 2, and their future actions may undermine their earlier decisions. In terms of policy consistency, how can political leaders bind their future selves to remain committed to a prudent long-term strategy, especially if there are powerful, electorally-driven temptations to defect? If such problems cannot be overcome, there is an obvious risk that prudent, long-term policy investments will not deliver their hoped-for gains. This risk, in turn, poses a further challenge: what is the logic of making costly policy investments today if the long-term payoffs are highly uncertain? After all, there is little point making hard choices in the short-term if there is little prospect of future benefits. The immediate question posed by such a dilemma is whether policy-makers can bind themselves and their successors in order to increase the chances of desirable long-term goals being achieved. Is some kind of commitment device available and, if so, what particular sort of device might be most appropriate and effective? I will return to this matter shortly.

#### States are looking to incorporate future generations in water law now but only the counterplan’s codification legitimizes it and spills over

Spijkers 21 [Otto Spijkers, Professor of International Law at Wuhan University’s China Institute of Boundary and Ocean Studies (CIBOS) as well as its Research Institute of Environmental Law (RIEL) and Founding Staff Member of its International Water Law Academy (IWLA). He is also a member of the Committee on the Role of International Law in Sustainable Natural Resource Management for Development of the International Law Association. “Equity across Generations in Implementing International Law on Water.” Future Trends. (2021). In M. Cordonier Segger, M. Szabó, & A. Harrington (Eds.), Intergenerational Justice in Sustainable Development Treaty Implementation: Advancing Future Generations Rights through National Institutions (Treaty Implementation for Sustainable Development, pp. 703-791). Cambridge: Cambridge University Press.]

This chapter first examined the relationship between the principle of intergenerational equity and the two most fundamental principles of international water law – the no harm rule and the principle of equitable utilization – as reflected in the UN Watercourses Convention. It then looked at how this relationship between intergenerational equity and water law’s foundational principles played out in specific agreements regulating a particular transboundary watercourse. Many of these agreements use the Watercourses Convention’s proclamation of the principles as starting point, but then add more intergenerational elements to them. It appears that States are more and more confident in doing so, and thus the principles slowly evolve into more sustainable, intergenerational versions of themselves.

We also see this evolution in domestic law and policies. All examples referred to above have attempted to find a way to share the burdens and benefits of freshwater resource management and utilization among the present and future generations. The exact formulation of this balance differs. Sometimes the present generation has an obligation to ensure that future generations have at least as many resources and opportunities as the present generation currently has. Sometimes the present generation is asked only to keep the interests of future generations in mind when utilizing the freshwater resources. Very few legal frameworks give a role to representatives of future generations as participants. It is more common for the present generation to simply accept an obligation for itself to take into account the interests of future generations, without giving the latter any means to ensure compliance with this commitment. If we take all these examples together, we find an interesting laboratory of intellectual experiments, most of them of very recent date, which may provide a source of inspiration. The question of how to ensure compliance with these water laws remains beyond the scope of this chapter, but the next step is to faithfully carry out those plans and to respect the commitments that have been made to present and future generations.

#### Amendments solve durable legal change -- they’re superior to legislation– our evidence is also comparative

Jackson 15 (Vicki, Thurgood Marshall Professor of Constitutional Law, Harvard Law School, The (myth of un)amendability of the US Constitution and the democratic component of constitutionalism, International Journal of Constitutional Law, Volume 13, Issue 3, July 2015, Pages 575–605, <https://doi.org/10.1093/icon/mov050> )

3.2. Arguments in favor of amendments as response to judicial decisions I move now to arguments in favor of considering amendment as a response to judicial decisions that seem importantly wrong. While there are reasons to be concerned about too frequent amendment, so, too, are there reasons to be concerned about too infrequent use of the Article V amending power. There are some significant benefits of amendment, as compared to reliance on adjudication (or ordinary legislation), to respond to a perceived need for legal change. First, constitutional amendment focuses more political attention on the object of the amendment once it gains momentum. In its early phases, an amending process focuses proponents’ attention on identifying the constitutional principle at stake. As it moves forward, and positions are articulated, areas of consensus on possible legislative solutions may emerge; greater identification of sources of opposition will also emerge; and—at least in theory—a better deliberative process can result. This process is likely to be more costly than the process of adjudication, or of ordinary legislation. But precisely because of its more diffuse and iterative processes, constitutional change by virtue of the amendment process of Article V may be more likely to be treated as final by those opposed and more likely to endure than contested judicial decisions. 99 (For these reasons, some scholars have suggested that even though the initial decision costs of adjudication are lower than of amendment, over the longer run, amendment may end up being a more efficient way to assure enduring constitutional change. 100 ) To be sure, the more incremental processes of constitutional adjudication—what Heather Gerken refers to as “informal constitutional amendments”—have some countervailing advantages, including their open-ness to continued contestation about meaning. 101 But just as not everything needs to be resolved by an authoritative text, so too not everything needs to be as open-textured as adjudicated constitutionalism may tend to be. Second, amendment in response to judicial error is an important check on the judiciary, particularly given the unlimited tenure for the Article III judiciary and the absence of a mandatory retirement age. Retired Justice John Paul Stevens recently called for six different amendments, each to respond to six lines of judicial decisions he argues are in need of correction. 102 The role of amendment in maintaining the democratic roots of a constitution may be more important in a country like the United States, where great stability in judicial attitude can persist across multiple presidential elections, depending on contingencies of aging, than in countries with more regular turnover in their constitutional courts. And correction by amendment is, arguably, more consistent with the rule of law and with the legitimacy of courts than judicial overruling. 103 Opponents of amendment seem to assume that judicial overruling poses no threat to the rule of law; but I am not sure why this would be so: any authorized changes from existing rules—whether by amendment, statute, or new judicial decisions—holds some threat to stability and rule of law values. 104 Third, as Adrian Vermeule has argued, it is sometimes a benefit that broader ranges of people participate in determining fundamental legal constraints. 105 Legislators, themselves, are likely to be representative of a broader range of views than the nine justices who sit on the US Supreme Court, thereby providing more “public” involvement even in the proposal for amendment. 106 Moreover, the US amending process draws on a much wider range of the public than those who can participate in litigation, and offers different kinds of opportunities for participation than does participation in social movements. Moreover, the proposal of an amendment by Congress and subsequent responses in the states—even if not in the end sufficient to ratify—may influence jurisprudence in directions similar to those of the amendment itself. 107 Adjudicated results may be unstable unless supported by political mobilizations; thus, adjudicatory decisions are likely to work best when they harmonize with more broadly held views. Even unsuccessful amendment proposals can sometimes shift constitutional understandings: the unsuccessful fight for the Equal Rights Amendment (ERA) (first introduced in 1923, but not sent out to the states by Congress until 1972), may have contributed to—or could be seen as of a piece with—social movements leading to changed understandings of gender that underlay the Court’s change in equal protection jurisprudence to provide a substantial part—though probably not the whole—of what the adoption of the ERA would have accomplished. 108 Reva Siegel has drawn attention to the way in which ERA proponents envisaged that the political mobilization for the amendment could have positive effects on adjudicated understandings of gender equality. 109 Thus, focusing only on the difficulty of formal amendment may understate the capacity of those amending procedures to influence constitutional development even when the formal requisites are not met. Finally, some use of the amending process would be consistent with recognizing the idea of constitutional imperfection and the roots of the Constitution in more active forms of democratic consent. 110 The amendment provisions of the Constitution represent an important reminder that instruments made by human beings are imperfect (as may be judicial decisions interpreting those provisions), and of the need for humility about quality of existing law. Thus, “absent flagrant disregard for constitutional language, some amendments will be required as defects become apparent, or changes are desired.” 111 Some use of the amending process should be possible without threatening public attachment or affection towards the Constitution as a whole. 112 Refreshing the Constitution, through resort to amendments to clarify and put into the basic law a fundamental public norm—possibly, for example, towards reducing the role of highly concentrated forms of wealth in elections—might even increase public attachment, especially as those amendments are announced and solemnized through appropriate formalities. 113 This is not to suggest that judicial development and change of constitutional law over time is illegitimate or anti-democratic. The legitimacy of judicial review is beyond question at this point in the United States—legally, morally, and sociologically. But judicial review is connected through much more indirect processes to developing public views about constitutional values, and long time lags may exist depending on accidents of the appointment process and medical histories and life spans of those appointed. And while the standard interpretive approaches of constitutional law have over time looked not only at text, original meaning, and precedent but also at developing values, historic practice, and pragmatic consequences, 114 the application of constitutional law is a place where tradition meets present needs; by virtue of its embeddedness in a common law system of adjudication judicial review is likely to proceed incrementally; the past can thus prevail over present understandings for long periods. It is not an indictment of judicial review to suggest that some direct use of the tools of political democracy—i.e., voting on proposed constitutional changes in Congress and in the states—is valuable in sustaining a healthy balance among institutions and processes in the authoritative articulation of constitutional law. 115 This conclusion is reinforced by considering more generally the elements of constitutional legitimacy.

### 2NC – AT: Delay

#### The most pressing problems are intangible – arguments about the immediacy and certainty of their impact are precisely why you should default to protecting future generations

Boston 14 [Jonathan Boston, Professor of Public Policy, School of Government, Victoria University of Wellington, Fulbright Fellow, American University. Governing for the Future: How to bring the long-term into short-term political focus. November 5, 2014. https://www.american.edu/spa/cep/upload/jonathan-boston-lecture-american-university.pdf]

Similarly, particular kinds of policy problems pose especially serious challenges for prudent long-term governance. The most difficult problems are those exhibiting one or more of the following characteristics: high complexity; low predictability and causal certainty; spatially dispersed effects; impacts that are mostly experienced in the future and/or are largely invisible and intangible (thus reducing the apparent urgency to respond); impacts that fall predominantly on politically weak or marginalized groups; and, as noted earlier, problems which require investment-type solutions (i.e. up-front costs are required in order to secure long-term benefits). Human-induced climate change exhibits most, if not all, of these features, which helps account for the difficulty of securing prudent policy responses. But many policy problems also exhibit investment-type payoff structures, thus creating a temptation for inter-generational buckpassing. Such temptations will be all the greater when the short-term costs are direct, specific, certain, tangible and visible while the long-term benefits are more generalized, less certain and more intangible.

### 2NC – AT: Exec Ignores

#### A fourth body can easily regulate the executive power through binding rules, but requires independence from existing branches

Tushnet 5 [Mark Tushnet, Felix Frankfurter Visiting Professor of Law, Harvard Law School; Carmack Waterhouse Professor of Constitutional Law, Georgetown University Law Center. Controlling Executive Power in the War on Terrorism. Harvard Law Review, 2005. Hein Online]

I confess that I am not particularly creative in imagining alternative institutional designs that would ensure that power be exercised wisely under modern circumstances. Simply to illustrate what I have in mind, though, suppose we engaged in a detailed policy analysis and concluded that it would be helpful to have a new institution to supervise modern exercises of military power, an institution that drew on the different forms of expertise now lodged in Congress, the Executive, and the judiciary. Perhaps we would want to design an institution in which a group of judges, legislators, military officers, and civilians elected by the nation as a whole promulgated legally binding rules for the conduct of military engagements — without the intervention of Congress or the President — and could sometimes issue immediately binding orders to U.S. citizens, enforceable by contempt sanctions imposed by the new institution itself. The constitutional problems associated with such an institution jump off the page: the Incompatibility Clause, Article III, the nondelegation doctrine, and much more. These constitutional problems, of course, would be largely independent of any normative policy arguments regarding such a proposal.

### 2NC – AT: Illegal/Unconstitutional

#### Using an amendment solves debates over constitutionality and legitimacy challenges.

Tushnet 5 [Mark Tushnet, Felix Frankfurter Visiting Professor of Law, Harvard Law School; Carmack Waterhouse Professor of Constitutional Law, Georgetown University Law Center. Controlling Executive Power in the War on Terrorism. Harvard Law Review, 2005. Hein Online]

Perhaps we could be persuaded that this new institution’s design did indeed conform to the constraints on institutional innovation imposed by the existing Constitution. I am sure, though, that the discussion of the proposal’s soundness as a matter of policy would be polluted by discussions of whether the proposal, if enacted, would be constitutional.38 Those in favor of such an institution on policy grounds might find themselves arguing — perhaps somewhat disingenuously — that the innovation is indeed compatible with the Constitution. We could avoid such distractions if the proposal were cast as a constitutional amendment.39

The amendment process is a difficult one, of course, and the problems we face may seem so pressing that they need to be addressed immediately, such as through litigation under the existing Constitution. As I have observed elsewhere, however, at the time of this writing Jos£ Padilla remains incarcerated, uncharged and with only a single trial judge having evaluated the grounds for his detention, nearly three years after he was taken into custody.40 It is not obvious to me that the problems posed by Padilla’s detention would have been solved less promptly had we begun to consider constitutional amendments to deal with his circumstances — and, more generally, with the design of institutions to ensure the responsible exercise of power in the war on terrorism — as soon as he was detained. Waiting for the existing Constitution to solve the problems thrust on the nation, that is, may take more time than amending the Constitution.41

**BEGIN FOOTNOTE 41**

41 Of course, the political conditions that affect assessment of the President’s actions would also affect the amendment process. In that process, though, the politics would affect consideration of a proposal rather than of an action already taken, and it seems to me that the politics surrounding proposals differ from those surrounding completed actions. It seems appropriate to note as well that my advocacy of a constitutional amendment process is designed as much to get our thinking unstuck as to propose a practical political program.

#### [3] Independent oversight is legitimate and constitutional

Smith 15 [Graham Smith, Foundation for Democracy and Sustainable Development. The Democratic Case for an Office for Future Generations. April 2015. [www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf](http://www.fdsd.org/site/wp-content/uploads/2015/04/Office-for-Future-Generations-FDSD-format.81.pdf)] **Note: OFG = Offices for Future Generations**

It is a common refrain that democracies tend to privilege the short-term. Institutional solutions are needed to ameliorate such myopic tendencies. Offices for Future Generations (OFGs) - (quasi) independent bodies charged with promoting long-term thinking and the interests of future generations in the political process - are currently the focus of political interest at different levels of governance.

The Hungarian Ombudsman for Future Generations is the most well known example, the Israeli’s recently decommissioned their equivalent body and a Commissioner for Future Generations has nearly completed its legislative progress at the time of writing in Wales. Such an Office need not be restricted to the level of the nation state: FDSD has itself actively participated in debates about the creation of a UN High Commissioner for Future Generations (FDSD/World Future Council, 2012).

There is something pleasingly counter-intuitive in this particular institutional design. For many, the idea of such independent oversight bodies has the ring of an anti-democratic reform: further advancing the regulatory state and taking power away from traditional democratic institutions such as parliament.

But, without assuming that the establishment of such an Office is the single institutional solution for realizing long-term thinking, there are good democratic reasons for giving this institutional design serious consideration.

One such reason is given by the French political philosopher Pierre Rosanvallon who argues that: ‘democracy can flourish only if it acknowledges the risks of dysfunctionality and equips itself with institutions capable of subjecting its own inner workings to constructive evaluation' (Rosanvallon 2008: 74-5, italics in original). An OFG is one such institutional innovation that acknowledges and responds to the dysfunctionalities generated by short-termism in democratic systems.

An OFG may also have an important role to play in promoting opportunities for participatory engagement; its very legitimacy and institutional sustainability may in fact rest on such a strategy.

### 2NC – Con-Con – AT: Congress Overturns

#### Amendments guarantee enforcement – no chance of circumvention

Denning and Vile 2 (Brannon P., Assistant Professor of Law – Southern Illinois University School of Law, and John R., Political Science Department Chair – Middle Tennessee State University, “The Relevance of Constitutional Amendments: A Response to David Strauss,” Tulane Law Review, November, 77 Tul. L. Rev. 247, Lexis)

D. Legitimization The Article V process is, as the Framers intended, rigorous. The supermajority provisions for both proposal and ratification almost always guarantee that additions will not be made to the Constitution without both deep and broad support. Though some have criticized the necessity of such supermajorities, n127 holding additions to the Constitution in abeyance until it is clear that support is broad generally prevents populous regions from dominating less populous ones. This, in turn, allows the amendment to become part of the Constitution with a near-conclusive presumption of legitimacy. This legitimacy, then, helps free the other branches (courts, for example) to enforce it vigorously; indeed, such enforcement would likely be expected after an amendment makes it through Article V's arduous process. And if, after popular expectations were raised through the debates over proposal and ratification, the amendment is not enforced, institutions responsible for the foot-dragging may again face costs for evasion. This legitimization element is so crucial that the examples Strauss cites of amendments that, he argues, did not do anything immediately (the Reconstruction Amendments) or are not likely to have a significant effect despite their eventual ratification (the Twenty-Seventh Amendment), n128 could be cited as proof of what [\*279] happens when attempts are made to short-circuit (or play games with) Article V's procedural requirements. n129 E. The Publicity Function of Written Amendments Proposals for constitutional amendment inevitably attract publicity. The debates in Congress publicize the change and allow a forum for proponents and opponents of the change to make their case both to members of Congress and to those who will eventually be called upon to ratify the amendment, if passed. Even amendments that Strauss would characterize as "do-nothing" amendments (the Twenty-Seventh Amendment, for example) received the attention of Congress and the press n130 that only the most dramatic informal constitutional changes do. The educative function of the debate aside, if proposed and ratified, a formal amendment undeniably changes the Constitution in one significant respect: it adds language to the Constitution. Thus, to every person who bothers to look at a copy of the Constitution, the change will be noticed. This textual referent, being available and apparent, enables more people to understand the fact that there has been constitutional change and to take note of it than if the change comes informally, as the culmination of doctrinal evolution in the Supreme Court or by accretions that harden into custom in the other branches. The publicity accompanying the change may, in fact, increase public expectations that the change will be honored by the other branches, raising the costs ofevasion or under-enforcement. n131

#### Constitutional convention solves, remains limited, and spurs congressional follow-on.

Thomas H. Neale, 3-29-2016 - Specialist in American National Government at the Congressional Research Service; “The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress,” Congressional Research Service, https://fas.org/sgp/crs/misc/R42589.pdf

The Limited Convention The concept of a limited convention has commanded considerable support in the debate over the Article V alternative. A range of constitutional scholars maintains that, contrary to Charles Black’s assertion, quoted earlier, a convention may be limited to a specific issue or issues contained in state applications; in fact, some observers maintain that it must be so limited. A fundamental assumption from their viewpoint is that the framers did not contemplate a general or large-scale revision of the Constitution when they drafted Article V. The late Senator Sam Ervin, who supported the Article V alternative and championed advance congressional planning for a convention, expounded this point of view: ... there is strong evidence that what the members of the [original constitutional] convention were concerned with ... was the power to make specific amendments.... [The] provision in article V for two exceptions to the amendment power42 underlines the notion that the convention anticipated a specific amendment or amendments rather than general revision.43 Another commentator, championing state authority in the convention issue, asserted that the founders’ intention in establishing the alternative amendment process was to check the ability of Congress to impede proposal of an amendment that enjoyed widespread support. He claimed that a convention limited to an issue specified by the states in their applications would be constitutional, but that a convention could be limited by the states, but not by Congress: Congress may not impose its will on the convention.... The purpose of the Convention Clause is to allow the States to circumvent a recalcitrant Congress. The Convention Clause, therefore, must allow the States [but not Congress] to limit a convention in order to accomplish this purpose.44 The primacy of the states in this viewpoint thus suggests that a convention could be open and general, or limited, depending on the applications of the legislatures. For its part, Congress has historically embraced the limited convention. When considering this question in the past, it has claimed the authority to call the convention, but also asserted a constitutional duty to respect the state application process, and to limit the subject of amendments to the subject areas cited therein. For instance, in 1984, the Senate Judiciary Committee claimed Congress’s power both to set and to enforce limits on the subject or subjects considered by an Article V Convention to those included in the state petitions. The committee’s report on the Constitutional Convention Implementation Act of 1984 (S. 119, 98th Congress), stated: Under this legislation, it is the States themselves, operating through the Congress, which are ultimately responsible for imposing subject-matter limitations upon the Article V Convention.... the States are authorized to apply for a convention “for the purpose of proposing one or more specific amendments.” Indeed, that is the only kind of convention within the scope of the present legislation, although there is no intention to preclude a call for a “general” or “unlimited” convention.45 Twenty-six years later, a 2010 study by the Goldwater Institute reached a similar conclusion. Examining the contemporary documents from the time of the 1787 Constitutional Convention, author Robert Natelson asserted that the founders anticipated the Article V Convention device would serve chiefly as an agent of the states. The states would set a convention’s agenda by specifying the questions it would address, with the convention bound to respect the limits of this mandate.46 Congress, in this viewpoint, facilitates the will of the people acting through their state legislatures: if they call for a convention to consider one or more specific policy proposals, then Congress is obliged to call for an appropriately limited convention. Conversely, if the states were to apply for a general convention, then, by this reasoning, Congress would respect their intentions.

### 2NC – Con-Con – AT: Courts Overturns

#### Amendments guarantee enforcement – no chance of circumvention

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#### Constitutional convention solves, remains limited, and spurs congressional follow-on.

Thomas H. Neale, 3-29-2016 - Specialist in American National Government at the Congressional Research Service; “The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress,” Congressional Research Service, https://fas.org/sgp/crs/misc/R42589.pdf

The Limited Convention The concept of a limited convention has commanded considerable support in the debate over the Article V alternative. A range of constitutional scholars maintains that, contrary to Charles Black’s assertion, quoted earlier, a convention may be limited to a specific issue or issues contained in state applications; in fact, some observers maintain that it must be so limited. A fundamental assumption from their viewpoint is that the framers did not contemplate a general or large-scale revision of the Constitution when they drafted Article V. The late Senator Sam Ervin, who supported the Article V alternative and championed advance congressional planning for a convention, expounded this point of view: ... there is strong evidence that what the members of the [original constitutional] convention were concerned with ... was the power to make specific amendments.... [The] provision in article V for two exceptions to the amendment power42 underlines the notion that the convention anticipated a specific amendment or amendments rather than general revision.43 Another commentator, championing state authority in the convention issue, asserted that the founders’ intention in establishing the alternative amendment process was to check the ability of Congress to impede proposal of an amendment that enjoyed widespread support. He claimed that a convention limited to an issue specified by the states in their applications would be constitutional, but that a convention could be limited by the states, but not by Congress: Congress may not impose its will on the convention.... The purpose of the Convention Clause is to allow the States to circumvent a recalcitrant Congress. The Convention Clause, therefore, must allow the States [but not Congress] to limit a convention in order to accomplish this purpose.44 The primacy of the states in this viewpoint thus suggests that a convention could be open and general, or limited, depending on the applications of the legislatures. For its part, Congress has historically embraced the limited convention. When considering this question in the past, it has claimed the authority to call the convention, but also asserted a constitutional duty to respect the state application process, and to limit the subject of amendments to the subject areas cited therein. For instance, in 1984, the Senate Judiciary Committee claimed Congress’s power both to set and to enforce limits on the subject or subjects considered by an Article V Convention to those included in the state petitions. The committee’s report on the Constitutional Convention Implementation Act of 1984 (S. 119, 98th Congress), stated: Under this legislation, it is the States themselves, operating through the Congress, which are ultimately responsible for imposing subject-matter limitations upon the Article V Convention.... the States are authorized to apply for a convention “for the purpose of proposing one or more specific amendments.” Indeed, that is the only kind of convention within the scope of the present legislation, although there is no intention to preclude a call for a “general” or “unlimited” convention.45 Twenty-six years later, a 2010 study by the Goldwater Institute reached a similar conclusion. Examining the contemporary documents from the time of the 1787 Constitutional Convention, author Robert Natelson asserted that the founders anticipated the Article V Convention device would serve chiefly as an agent of the states. The states would set a convention’s agenda by specifying the questions it would address, with the convention bound to respect the limits of this mandate.46 Congress, in this viewpoint, facilitates the will of the people acting through their state legislatures: if they call for a convention to consider one or more specific policy proposals, then Congress is obliged to call for an appropriately limited convention. Conversely, if the states were to apply for a general convention, then, by this reasoning, Congress would respect their intentions.

#### Amendments are key – judicial action is often incoherent

Vermeule 4 (Adrian, Professor of Law – Harvard Law School, “Constitutional Amendments and the Constitutional Common Law,” Public Law and Legal Theory Working Paper No. 73, University of Chicago Law School, September, <http://www.law.uchicago.edu/files/files/73-av-amendments.pdf>)

I shall not question (iii) here, although there is much to be said in praise of incoherence in law, especially in constitutional law. Good coherence is better than incoherence, but bad coherence is worse than incoherence; coherence raises the stakes of constitutional decisionmaking by propagating either good or bad decisions through the legal system. Nor shall I question the dubious historical premise of the argument—that the framers designed a coherent constitutional scheme, as opposed to aggregating competing values and preferences, through horse-trading, into a patchwork document. Those issues aside, the rationale offered in (ii) exemplifies the nirvana illusion that underpins the generic case against amendments. The comparison between the framers’ globally coherent design, on the one hand, and piecemeal amendment on the other is not the right comparison to make. The principal substitute for formal amendment is not formal constitutional conventions, but judicial updating of constitutional law through flexible interpretation. The question, then, is whether piecemeal amendment produces greater incoherence than piecemeal judicial updating, carried out in particular litigated cases, by judicial institutions whose agenda is partly set by outside actors.

There is little reason to believe the latter process more conducive to coherence than the former, and much evidence to suggest that judicial decisionmaking produces a great deal of doctrinal incoherence. We should disavow any implicit picture of judgemade constitutional law as an intricately crafted web of principles whose extension and weight has been reciprocally adjusted. Precisely because judicial updating requires overrulings, reinterpretations, and other breaks in the web of prior doctrine, a system that relies on judicial updating to supply constitutional change—the system that the generic case tends to produce—generates internal pressures towards incoherent doctrine. Constitutional adjudication in America, let us recall, has produced both Plessy v. Ferguson and Brown v. Board, both Lochner v. New York and West Coast Hotel v. Parrish, both Myers v. United States and Humphrey’s Executor, both Dennis v. United States and Brandenburg v. Ohio, both Wickard v. Filburn and Lopez v. United States, both Bowers v. Hardwick and Lawrence v. Texas. Whatever else can be said about this judicial work-product, and whatever other justifications can be given for judge-made constitutional law, deep inner coherence does not seem either a plausible description of the terrain or even a plausible regulative ideal for the system.

### 2NC – Con-Con – AT: No International Modelling

#### [1] Amending sends a powerful and clear global signal

Sarah P. Herlihy 6, J.D. from Chicago-Kent College of Law, “Amending the Natural Born Citizen Requirement: Globalization as The Impetus and The Obstacle”, Chicago-Kent Law Review, 81 Chi.-Kent L. Rev. 275, Lexis

7. The Signal this Amendment Would Send to the Rest of the World

Americans may oppose a Constitutional amendment because of the international perception that it would create. Even though the increase of globalization dictates that America should amend the natural born citizen requirement, Americans may oppose a Constitutional amendment because this type of change would signal to the rest of the world that America is willing to be one country of many and that Americans are interested in becoming part of a global world culture. Commentators refer to the symbolic nature of the law as the "expressive function of law" and recognize that Constitutional amendments may have a dual effect. For example, a Constitutional amendment to ban flag burning may not only deter people from burning American flags but also signal how important patriotism is to America. Similarly, opponents of a Constitutional amendment to amend the natural born citizen clause may believe that such an amendment would have dual effects. In addition to allowing naturalized citizens to become president, this amendment would signal to the global community that Americans want to become integrated with the rest of the world and that Americans no longer feel the need to be the leading country in the world but are content in being on equal footing with every other country. Although some Americans may believe that the expressive function of a Constitutional amendment is a positive signal to send, United States foreign [\*296] policy indicates otherwise. Specifically, the United States government, led by the President who is elected by the people, takes great care in preserving its position as the world's only superpower. In light of this consistent policy, it is doubtful that Americans will support an amendment to the presidential eligibility clause because this could send the wrong signal to the rest of the world.

#### [2] Empirics prove

Krotoszynski, Director of Faculty Research, and Professor of Law, University of Alabama School of Law, 2009 (Ronald, Arkansas Law Review, 61 Ark. L. Rev. 603)

In the early years of the republic, our ability to go it alone was substantially more limited than in the years following World War I and World War II. Indeed, without French assistance in what amounted to a proxy war between the French and English crowns, it is uncertain whether Cornwallis would have surrendered at Yorktown. n5 By the mid-twentieth century, however, American economic and military created the opportunity for the United States to play a much larger role on the world stage. Instead of simply attempting to maintain our own institutions and political values, the federal government increasingly sought to export these values to others.∂ Lawyers in the United States effectively drafted the post-war constitutions of Germany n6 and Japan, n7 which remain in [\*605] effect to this very day. n8 In fact, the United States model of a written constitution, with a Bill of Rights enumerating particularly important human rights, has become an almost universal norm. As Robert Badinter, former President of the French Constitutional Council, and United States Supreme Court Justice Stephen Breyer have explained, "Today almost all Western democracies have come to believe that independent judiciaries can help to protect fundamental human rights through judicial interpretation and application of written documents containing guarantees of individual freedom." n9∂ Only a few years ago, former Chief Justice Aharon Barak, of the Supreme Court of Israel, tied these developments directly to the contribution of United States constitutional law stating, "United States public law in general, and United States Supreme Court decisions in particular, have always been, to me and to many other judges in modern democracies, shining examples of constitutional thought and constitutional action." n10 He also noted that "the United States is the richest and deepest source of constitutionalism in general and of judicial review in particular." n11 Further, he acknowledged, "We foreign jurists all look to developments in the United States as a source of inspiration." n12

#### [3] It's better than the plan because of the unprecedented nature

Eric Lerum 5, Sheila Moreira, and Rena Scheinkman, JDs from Washington College of Law, “Strengthening America's Foundation: Why Securing the Right to an Education at Home is Fundamental to the United States' Efforts to Spread Democracy Abroad”, Human Rights Brief, 12 Hum. Rts. Br. 13, Spring 2005, Lexis

THE IMPACT OF A CONSTITUTIONAL AMENDMENT

An amendment to the U.S. Constitution guaranteeing a right to education would place the United States in the company of nearly every industrialized nation. Without such a guarantee, the United States stands behind Iran, Iraq, Jordan, Libya, Pakistan, Sierra Leone, Sudan, Syria, and Yemen, each of which has some, although limited, constitutional guarantee to educational opportunity. The United States cannot legitimately lead the world as an example of freedom and democracy when it trails so far behind much of the world with respect to its commitment to a right that is so fundamental to effective participation in any democracy.

A constitutional amendment will also provide the catalyst to reverse our country's history of directly and indirectly linking educational opportunities to race and wealth. In Rodriguez, the Supreme Court not only rejected the argument that education is a fundamental right, it set the stage for resegregation of public schools and triggered the rapid decline of educational opportunities. On the heels of Rodriguez, the Court, in Milliken v. Bradley, declared that inter-district remedies for segregation were unconstitutional, leaving no legal basis to force desegregation across school-district lines. As constitutional law scholar Erwin Chermerinsky has argued, Rodriguez and Milliken reversed much of the progress achieved under Brown and essentially constitutionalized a system that is both separate and unequal. An amendment to the Constitution will begin to undo the damage from the widespread denial of equal educational opportunity that has resulted from those decisions.

Of course, amending the Constitution will not immediately change the state of education in the United States: schools will not simply become better and students will not suddenly succeed overnight. But an amendment will have significant, broad-reaching policy implications. The act of passing an amendment itself will prove to be a unifying rally around the right to education and will turn national attention to the failing state of our public education system. Further, guaranteeing the right to an education will send the message to policymakers, parents, and students that education is as important as the right to speak, the right to worship, and the right to a fair trial. An amendment will be the "sea change" in our society and culture that is necessary for true education reform. Frederick Douglass, speaking about ending the "hypocrisy of American slavery," stated that "it is not light that is needed, but fire; it is not the gentle shower, but thunder. We need the storm, the whirlwind, and the earthquake." Amending the Constitution is the spark for the fire, the thunder for the storm, and the tremor that begins the quake. An amendment guaranteeing a right to education will end the hypocrisy of the American public education system.

## INB

### 2NC – Impact -- AT: Defense

#### You’re biased against future impacts in risk calculus – that makes a litany of unpredictable, catastrophic threats inevitable, which approach us in irrational, non-linear ways

White and Haughton 17 [Iain White, Geography and Environmental Planning, University of Waikato. Graham Haughton, University of Manchester. Risky times: Hazard management and the tyranny of the present. International Journal of Disaster Risk Reduction Volume 22, June 2017, Pages 412-419. https://www.sciencedirect.com/science/article/pii/S2212420916305696]

This paper examines how the processes and practices of hazard management skew decision-making towards current concerns, shaping the treatment of the future in the present. We reveal how norms of science and policy combine to manage the complexity, uncertainty and intangibility inherent in working to long-term time horizons by defining, bounding and codifying how we understand the future. These processes, we argue, frequently but not inevitably, constrain the influence of long-term considerations, resulting in ‘hazardscapes’ where risks become embedded spatially, transferred temporally and difficult for future generations to reverse. We introduce the notion of a ‘tyranny of the present’ as a means to critique the ways in which the future is heard in risk management, that is, how the future is known, bounded, and incorporated, and the legacies that this may create. Overall, we highlight how more effective management of risks is not just a matter of better data or improved policy, rather that discourses of risk are subject to a ‘presentist’ bias, the underpinnings of which need to be better understood in order to make more effective decisions for future generations.

1. Introduction

The impact and the incidence of disasters associated with environmental hazards has been on the rise. In a 2015 study, UNISDR [52] estimated that since 2005 around 1.5 bn people have been affected globally, involving economic costs of around US$1.3 trillion. In response there has been an emphasis on improving risk management by increasing understanding of environmental hazards and their potential impacts, notably when and where they may happen, how damaging they might be, or who and what is most vulnerable. Due to the emphasis on both incidence and impact, risk management is inherently interdisciplinary, situated at the nexus of science and society. The approach has been characterized as ‘evidence-led’, where science assesses risks and enables decisions to take into account multiple scales and time periods [50], [52]. Typical measures focus on understanding the probability of future events, with policy aiming to address future risks, for instance, by delineating areas as inappropriate for development due to high flood risk [49], ‘red-zoning’ properties in areas of high seismic risk [46], or reducing the potential for damage by improving current building standards ([7]).

It is at this juncture of the voices of the present and the future that this paper is positioned. Specifically, we examine how effective current decision-making processes are at considering future hazards. This is a critical and challenging issue if society wants to adapt to future threats, such as those presented by climate change. While we can make the future more knowable and predictable through improved evidence or scientific modelling, risks can be unruly and resist temporal demarcation: hazards do not necessarily advance towards us in a rational, linear, and readily predictable fashion. In the face of global climate change, the risk environment is becoming more dynamic, with patterns of change increasing in speed, uncertainty and complexity. For instance, more frequent extreme weather events may change patterns of coastal erosion and flooding. This move to a more complex risk milieu poses challenges for disciplines that regulate future development, not least planning and legal systems, which rely on clarity and certainty in decision-making, with limited flexibility to address changing risks ([27], [30], [48], [56]). Once development is consented, unless conditions specify otherwise, this tends to be granted in perpetuity in order to provide certainty for developers. This system however, whilst reducing private or developer risks, can create new societal risks by locking-in land uses that may be difficult to transform, resulting in higher remedial costs and exposure to risks that could have been potentially avoided ([4], [44]).

We use New Zealand as a case study to explore the way that the future, and future risks in particular, are understood and considered in land use planning. Risk from this perspective is usually defined as consisting of three other variables: hazard, exposure and vulnerability, but it should be noted that these are also dependent variables. As Oliver-Smith et al. ([38]: 5) explain: ‘Most hazard is a reflection of both socially constructed as well as physical processes; exposure is a reflection of how social relations of production unfold in territory and geography; while vulnerability characterizes a range of social, economic, political and cultural conditions.’ New Zealand is one of the most exposed countries in the world to environmental hazards [20], being subject to a wide range of perils, such as tsunamis, flooding, coastal erosion, wildfires, earthquakes and volcanic eruptions. It is also one of the most hazard aware countries globally, particularly after experiencing the devastating 2010–2011 Canterbury earthquakes, which had a significant impact upon the thinking of citizens, government, and scientists alike [29], [43]. Selecting one country also enables a multi-hazard approach to be taken, which allows more general messages to be taken for other countries similarly grappling with the effective management of hazards. The data collection was qualitative and interpretive to effectively unpack the expert views and privileged knowledge that exists at the science-policy interface. It consisted of in-depth interviews with 24 key people connected with hazard planning. These were selected to provide a wide-ranging overview of perspectives from critical actors and agencies across multiple scales, sectors, locations and risks. Interviewees included central government officials, regional and district council officials who have been active in this field, researchers and scientific advisors to government on climate change and hazard management, politicians, and representatives from planning, local government, and the insurance industry.

This article has a number of key messages. Firstly, that the future brings three main challenges for decision-making: complexity, uncertainty and intangibility, and that science and policy norms in risk management struggle to deal with these. Compared to immediate policy concerns, hazards in the distant future appear more phantasmagoric—far off and insubstantial—in comparison to the ‘facts’ provided by historic data sets, or the expediency and materiality of short-term political concerns. This brings us to our second point: the broad structures of risk management foster a ‘tyranny of the present’ that needs to be recognised and mitigated in policy in order to allow future risks to have a stronger voice in current decision making.

#### Future crises can erupt from anywhere – breaking down presentism is key to reslience -- precisely predicting causes and consequences is impossible

West 16 [Darrell West is an American author, political scientist, and political commentator. West is the vice president and director of governance studies and director of the center for technology innovation at the Brookings Institution. Megachange: Economic Disruption, Political Upheaval, and Social Strife in the 21st Century -- Chapter 1, Overcoming Presentism. 2016. https://www.brookings.edu/wp-content/uploads/2016/07/chapter-one-\_-megachange.pdf]

It is no accident that large-scale change is taking place in the contemporary period. Many of the beliefs and institutions that once anchored international and domestic affairs have grown weak. Political tidal waves have occurred in many parts of the world. We live in an era where major events occur on a seemingly regular basis.6 Megachange refers to dramatic shifts in social, economic, or political phenomena. These alter-ations can include economic disruptions, political upheaval, or social strife, among other things. Any one of these can generate ramifications that go beyond the small-scale, incremental shifts that historically typified many societal developments.

While the extent and pace of change today seems exceptionally dramatic, the current period is not the first to show evidence of large-scale change. Throughout history, empires and civilizations came and went with regularity. Nations rose in prominence and then collapsed due to economic challenges, foreign invasion, internal conflicts, or natural disasters. Dramatic scientific discoveries disrupted business practices, or new societal orders such as the Reformation and the Industrial Revolution fundamentally altered people’s lives.

In more recent times, there also have been major shifts. For example, the United States faced substantial transformations in the 1860s during and after the Civil War, again in the 1930s due to the Great Depression, and in the 1960s with the rise of the civil rights, women’s liberation, and environmental movements. In a relatively short time, large-scale disruptions altered society and politics and left a lasting imprint on those eras.

In various epochs, there have been significant fluctuations in public policies or citizen attitudes associated with social, political, or economic change. For example, following a period of social and religious turmoil, an American prohibition on the production and sale of alcohol was adopted nationally in 1920 and remained in effect until 1933. After women began organizing politically in the late 1800s, Western countries gradually adopted female suffrage, including the United States in 1920 through a constitutional amendment. Reflecting the shifting cultural mores of a later period, a dramatic 1973 U. S. Supreme Court decision legalized abortion across the country.7

It never is easy to disentangle causes and consequences of large-scale transformations. As I describe in this volume, change is chaotic and multifaceted and therefore hard to pin down precisely. One has to look over a period of time to see what is shifting and what forces are generating the most substantial alterations.

Yet through case studies, it is possible to elucidate the megachanges that have affected global affairs and American politics in recent decades. Domestically, we see megachange in shifting attitudes toward same-sex marriage, tobacco smoking, marijuana legalization, income inequality, terrorism, and border security. Globally, we have witnessed the rise and collapse of the “Arab Spring,” the reemergence of religious zealotry, the violence of nonstate actors, and challenges to the open flow of people, goods, and services long associated with globalization.

Sometimes, what happens internationally influences domestic politics, or vice versa. Extremism in one locale can provoke tensions far from the original site. In an era of global communications and speedy information transmission, seemingly small events can reverberate elsewhere and become a catalyst for dramatic change in domestic or international affairs.

The term “quantum leap,” borrowed from physicists, has come to popularly mean large-scale changes that leap-frog existing knowledge and introduce new ways of thinking. Philosophers talk about “paradigm shifts” where theoretical frameworks change dramatically. Biologists refer to models of “punctuated equilibrium” in which there is a time of great change followed by periods of equilibrium.8 Digital experts emphasize “disruptive technology” that challenges old ways of doing things and leads to the rise of companies that take advantage of, or even help create, new market realities.9

Unusual developments also periodically take place in politics. As pointed out by commentator Jeff Greenfield, “There are times in politics when the Black Swan shows up; when a highly unlikely, highly improbable event shatters years’ worth of assumptions.”10 Political earthquakes no longer seem very rare, as demonstrated by the unlikely emergence of Donald Trump in 2016.

In the area of economics, Tyler Cowen argues that “average is over.”11 Because of the great stagnation after 2008, he now believes it is going to be difficult to generate robust and sustained economic growth. The past is not prologue to the future. Rather, a number of factors will restrict prosperity unless substantial action is taken to reverse the current tide.

Extending that notion is a book by economist James K. Galbraith. He has written about the “end of normal.” Analyzing macroeconomic performance, he says that people should not project economic growth from the 1950s through 2000 into the future. Many of the conditions that gave rise to strong performance have disappeared, and it is going to be difficult to maintain past trends in the near-future.12

Economist Robert Gordon argues that we are seeing a major change in growth patterns. In his recent volume, The Rise and Fall of American Growth, he claims the dramatic growth that marked the period from 1870 to 1970 has ended and there no longer are major advances in labor productivity or societal innovation. With an aging population and high inequality, the U.S. standard of living is likely to stagnate or even fall.15

Running through each of these notions is the idea that something big is happening in the current period. Social, economic, and political patterns no longer are fixed but are generating rapid and transformative shifts. People need to be prepared for a scope of change that is grander than typically envisioned. Until we better understand these tectonic movements, it will be difficult for individuals and societies as a whole to deal with their extraordinary impact.

Big Moves Abroad

Internationally, there are numerous signs of major developments and shifting alignments. For most of the past seven decades, strong international norms seemed to guarantee the sanctity of national borders. Given the widespread aggression leading up to and during World War II and the great loss of life that resulted, modern nations generally have refrained from foreign invasions. They do not want to risk international conflagrations and the high human costs that result. Global organizations make many efforts to discourage countries from violating sovereign rights of other countries—all in hopes of keeping the peace and maintaining friendly relations across the international order.

Yet that long-held norm is breaking down. Western leaders were unprepared in 2014 when Russia invaded and annexed Crimea and then moved into the eastern part of Ukraine with the stated goal of protecting Russian interests. Crimea had been ceded to Ukraine in 1954 by the Soviet Union and had become a vital part of that country. The peninsula on the Black Sea used Ukrainian currency and had representation in the national parliament.

Despite international condemnation of the annexation, Russia refused to reverse course. Western leaders used impassioned rhetoric against the takeover, imposed trade and banking sanctions on the invader, and increased aid to Ukraine. Yet for more than two years the world has not figured out how to change the on-ground reality. Few leaders wanted to send troops to counter what they considered blatant Russian aggression.

Along with its rapidly increasing economic power, China has become much more active in regional and global affairs, and it has imposed limits on foreign organizations and multinational corporations that operate within its borders. It has challenged Japanese sovereignty over the Senkaku Islands in the East China Sea. Although these spots have been controlled by Japan for a long period of time, China asserted its territorial rights after oil reserves were discovered. It said that its geographical prerogatives pre-date those of Japan. The Chinese military sent boats and planes to the region in order to protect its own geographic claims and has installed surface-to-air missiles on one disputed island.14

In addition, China has built seven artificial islands on reefs in the South China Sea and declared Chinese sovereignty over the twelve miles surrounding each construction.15 This expansion in territorial claims has complicated U.S. military operations in the region and threatened the ability of some commercial ships to travel freely through those passages. These fears were heightened when China began installing long runways, military barracks, and missiles on the Paracel Islands. Neighboring countries—most of them U.S. allies and trading partners—worried that these moves were a sign of bald geopolitical ambitions on the part of China.16

In one encounter with an American military jet in the South China Sea, Chinese sailors sought to force the pilot away from the area. “Foreign military aircraft. This is Chinese navy. You are approaching our military alert zone. Leave immediately,” the unnamed person warned.17 Even though the plane was in international airspace, China claimed territorial rights in this encounter and sought to extend those rights to nearly 80 percent of the South China Sea. This put China in direct conflict with nations such as Vietnam, Malaysia, the Philippines, and Taiwan, all of which had sovereignty over parts of this waterway.

The Arab Spring uprisings caught nearly all governments and political commentators flat-footed. Most were surprised in 2010 when street protests erupted in Tunisia and sparked demonstrations in several Middle Eastern countries.18 Grievances against incompetence and corruption by authoritarian regimes throughout the Arab world resonated with ordinary people, thousands of whom surged into the region’s streets in an extraordinary series of protests. As they had done in other periods, governments moved to suppress the complaints and arrest protestors.

But the political movements toppled several authoritarian leaders who had seemed entrenched in power, notably President Hosni Mubarak in Egypt. Hardly any knowledgeable analyst anticipated the series of revolutions that quickly swept through North Africa and the Middle East. In short order, there were provisional governments in Tunisia, Libya, and Egypt. Syria and Yemen fell into devastating civil wars as rival factions jockeyed for political and economic power, and Libya has faced similar turmoil after the ouster and execution of Muammar Qaddafi.

Through these and other examples, I argue that many of the social, economic, and political forces that once constrained large-scale international change have grown weak. Old alignments have broken down and new ones are emerging—or in some cases new alignments are not even apparent as yet. Great power conflict, which seemed unimaginable in the nuclear era, has returned as a possible danger. The idea that nations would limit their territorial claims has given way to extensive jockeying among nations, testing geographic boundaries and violating traditional norms.

### 2NC – AT: No Spillover

#### Spills over to broader support for future generations

Graham 17 [Hilary Graham, J. Martin Bland, Richard Cookson, Mona Kanaan, and Piran White -- Department of Health Sciences and Environment Department at the University of York. Do People Favour Policies that Protect Future Generations? Evidence from a British Survey of Adults. Journal of Social Policy, 2017. https://www.cambridge.org/core/services/aop-cambridge-core/content/view/D722EA2340DB8139FA2476E00E4612EC/S0047279416000945a.pdf/div-class-title-do-people-favour-policies-that-protect-future-generations-evidence-from-a-british-survey-of-adults-div.pdf]

How to represent the interests of future generations in policy decision-making has long been recognised as a central challenge of policy evaluation. The accelerating pace of environmental and climate change is adding urgency to this issue (Steffen et al., 2011; Stern, 2006).

Our study of adults in Britain raises questions about a core assumption underpinning standard policy evaluation: that people prefer policies that most benefit their generation. The study points, instead, to a strong preference for policies bringing greater benefit to the generations that follow. These findings accord with sociological evidence that concern for future generations is among the values that many people hold in common.

An appeal to common values has been identified as important in securing public support for policies to address ‘bigger-than-self challenges like improving health and tackling environmental and climate change (Crompton, 2010). Such an appeal underpins a series of landmark reports on environmental and climate change, including the Brundtland Commission (UN, 1987), the Stern Report (2006) and the Lancet Commission on planetary health (Whitmee et al, 2015). Presenting policy challenges in ways that connect with positive emotions, like hope, care, compassion and pride, is seen to help activate public engagement (Markowitz and Shariff, 2012). Again, a commitment to future generations does this: it is a commitment anchored in these emotions. Understanding more about this commitment could help community organisations and governments build public support for future-oriented policies explicitly designed to protect the lives and environments of future generations.

#### States are looking to incorporate future generations in water law now but only the counterplan’s codification legitimizes it and spills over

Spijkers 21 [Otto Spijkers, Professor of International Law at Wuhan University’s China Institute of Boundary and Ocean Studies (CIBOS) as well as its Research Institute of Environmental Law (RIEL) and Founding Staff Member of its International Water Law Academy (IWLA). He is also a member of the Committee on the Role of International Law in Sustainable Natural Resource Management for Development of the International Law Association. “Equity across Generations in Implementing International Law on Water.” Future Trends. (2021). In M. Cordonier Segger, M. Szabó, & A. Harrington (Eds.), Intergenerational Justice in Sustainable Development Treaty Implementation: Advancing Future Generations Rights through National Institutions (Treaty Implementation for Sustainable Development, pp. 703-791). Cambridge: Cambridge University Press.]

This chapter first examined the relationship between the principle of intergenerational equity and the two most fundamental principles of international water law – the no harm rule and the principle of equitable utilization – as reflected in the UN Watercourses Convention. It then looked at how this relationship between intergenerational equity and water law’s foundational principles played out in specific agreements regulating a particular transboundary watercourse. Many of these agreements use the Watercourses Convention’s proclamation of the principles as starting point, but then add more intergenerational elements to them. It appears that States are more and more confident in doing so, and thus the principles slowly evolve into more sustainable, intergenerational versions of themselves.

We also see this evolution in domestic law and policies. All examples referred to above have attempted to find a way to share the burdens and benefits of freshwater resource management and utilization among the present and future generations. The exact formulation of this balance differs. Sometimes the present generation has an obligation to ensure that future generations have at least as many resources and opportunities as the present generation currently has. Sometimes the present generation is asked only to keep the interests of future generations in mind when utilizing the freshwater resources. Very few legal frameworks give a role to representatives of future generations as participants. It is more common for the present generation to simply accept an obligation for itself to take into account the interests of future generations, without giving the latter any means to ensure compliance with this commitment. If we take all these examples together, we find an interesting laboratory of intellectual experiments, most of them of very recent date, which may provide a source of inspiration. The question of how to ensure compliance with these water laws remains beyond the scope of this chapter, but the next step is to faithfully carry out those plans and to respect the commitments that have been made to present and future generations.

#### Even if no spillover, intergenerational governance challenges can arise from any policy area – err neg to build resilience to black swan events, because the aff’s concrete approach prevents future adaptation

Boston 14 [Jonathan Boston, Professor of Public Policy, School of Government, Victoria University of Wellington, Fulbright Fellow, American University. Governing for the Future: How to bring the long-term into short-term political focus. November 5, 2014. https://www.american.edu/spa/cep/upload/jonathan-boston-lecture-american-university.pdf]

Further, the problem under consideration is fundamentally one of ‘governance’ and how it can be improved. It is about societal steering and prioritization, especially steering and prioritization over extended periods of time. It is about how democratic societies can shape, ‘weave’ or ‘navigate’ the future in desirable directions (Dror, 2003), implement coherent and sustained efforts to address long-term challenges (Lempert, 2007a), minimize foreseeable, yet avoidable, damages, and prepare for the unexpected - such as ‘wild cards’ (Fukuyama, 2007) and ‘black swan’ events (Taleb, 2007). Accordingly, it is not a narrow policy problem; nor is it limited to a particular policy domain or even a specific category or class of policy issues; and nor is it primarily about finding once-and-for-all solutions to major long-term policy problems. Such problems, after all, are frequently highly complex and require a never-ending series of efforts to address. And even if complete and durable solutions can be found, new and equally difficult problems are constantly emerging. The dilemma of how to govern well for the long-term, therefore, is enduring and relentless; it confronts each and every generation of policy-makers; it is not limited to one particular epoch. To be sure, the precise contours and the specific manifestations will be constantly evolving, thereby posing fresh, novel and distinctive challenges for each successive generation. But the broad structure of the problem - namely, of how best to encourage prudent intertemporal decision-making - remains the same.

## Theory

### 2NC – AT: Con Con Theory

#### Negation theory---if we win the counterplan is competitive then it’s worth considering---any other standard results in incomplete policy analysis---competition debates are good because they force strategic thinking and an in-depth understanding of cost-benefit analysis---outweighs any other value for debate

**Strait and Wallace ’7** [L. Paul, USC and Brett, George Mason U., The Scope of Negative Fiat and the Logic of Decision Making, Policy Cures? Health Assistance to Africa, Debaters Research Guide, p. A2]

More to the point, debate certainly helps teach a lot of skills, yet we believe that the way policy debate participation encourages you to think is the most valuable educational benefit, because how someone makes decisions determines how they will employ the rest of their abilities, including the research and communication skills that debate builds. Plenty of debate theory articles have explained either the value of debate, or the way in which alternate actor strategies are detrimental to real-world education, but none so far have attempted to tie these concepts together. We will now explain how decision-making skill development is the foremost value of policy debate and how this benefit is the decision-rule to resolving all theoretical discussions about negative fiat. Why debate? Some do it for scholarships, some do it for social purposes, and many just believe it is fun. These are certainly all relevant considerations when making the decision to join the debate team, but as debate theorists they aren’t the focus of our concern. Our concern is finding a framework for debate that educates the largest quantity of students with the highest quality of skills, while at the same time preserving competitive equity. The ability to make decisions deriving from discussions, argumentation or debate, is the key skill. It is the one thing every single one of us will do every day of our lives besides breathing. Decision-making transcends boundaries between categories of learning learning like “policy education” and “kritik education,” it makes irrelevant considerations of whether we will eventually be policymakers, and it transcends questions of what substantive content a debate round should contain. The implication for this analysis is that the critical thinking and argumentative skills offered by real-world decision-making are comparatively greater than any educational disadvantage weighed against them. It is the skills we learn, not the content of our arguments, that can best improve all of our lives. While policy comparison skills are going to be learned through debate in one way or another, those skills are useless if they are not grounded in the kind of logic actually used to make decisions.

#### Education – this is an incredibly important debate – the precise institutional structure, including whether to choose a fourth body or one connected to existing branches is key – additionally, proves tons of points of offense for the aff

Tremmel 13 [Joerg Chet Tremmel is a Professor for "intergenerationally just policies" at the University of Tuebingen. He is Editor-in-chief of the Intergenerational Justice Review and a visiting lecturer at the Johann-Wolfgang-Goethe-University Frankfurt, the University of Stuttgart and the Heinrich-Heine-University in Dusseldorf, Germany. An extended separation of powers model as the theoretical basis for the representation of future generations. July 26, 2013. https://www.futurejustice.org/wp-content/uploads/2013/11/Paper\_Future-Branch\_Tremmel.pdf]

The aim of this paper was to identify the right questions, not provide answers. The basic idea was that in order to institutionalise sustainability, the division of powers between the legislative, executive and judicial branches should be extended to include a new institutional level. But the devil lies in the details. He who demands for a new representation for future generations must find solutions to the following question:

• Should the fourth branch be able to suggest laws, stop them, or consider laws with veto power? Should it have a rather proactive or reactive role? Put differently: Should such a body be connected to the legislature in order to formulate sustainable laws? Or is its responsibility to review whether laws meet the criterion of sustainability, which would seem to suggest that it should be conceptualised similarly to the judiciary?

• Should the sphere of competence of the new fourth branch limit itself only to specific policy areas? If so, which?

• How many members should the fourth branch have and which resources? How long should the terms of office be for members of? Who determines the salaries of the members of the fourth branch? Could members be forced to resign if they are guilty of misconduct?116

• Who could convene and how often? What should an assertive fourth branch - also mapped onto the constitutional level - for a specific country look like?

• To what extent should a fourth branch be conceptualised differently for each country?

• Independent of the formal and legal design of the fourth branch, with its competencies and instruments of power, is there anything else about its general framework which could benefit or a hinder its success? What are they?

Important questions are posed above, which researchers (esp. political scientists, philosophers and law scholars) should consider in the coming years. Its subdiscipline, ‘political theory’, which is considered by many empiricists to be superfluous, is able to fulfil an important function in this regard. This is because it is only partly possible to answer the above questions through empirical and comparative methods - a theoretical and historical approach also offers important orientation, the importance of which should not be discounted.

#### Predictability and real-world education

Lessig ’14 [Lawrence; May 30; Professor of Law and Leadership at Harvard University, Director of Harvard’s Edmond J. Safra Center for Ethics; The Atlantic, “A Real Step to Fix Democracy,” https://www.theatlantic.com/politics/archive/2014/05/a-real-step-to-fix-democracy/371898/]

In the 225 years since the Constitution was drafted, we’ve never had a federal convention. But the idea is familiar within the states. There have been more than 230 state constitutional conventions. Across our history, conventions to revise a constitution are more common than presidential and congressional elections—combined.

## Aff

### Alliances Deficit

#### Can’t solve alliances.

Howell & Pevehouse 11 [William G. Howell and Jon C. Pevehouse, both associate professors at the University of Chicago's Irving B. Harris School of Public Policy, “Chapter 1: Possibilities of Congressional Influence,” in *While Dangers Gather: Congressional Checks on Presidential War Powers*, Princeton University Press, 6-27-2011, p.27-29]

The Importance of Congressional Appeals/Dissent Because they are legally binding, legislation and appropriations passed by Congress directly impinge on a president’s discretion to wage war. Not surprisingly, then, opponents of a president’s war typically call on Congress to pass laws and cut appropriations. But the public debates that precede military actions also have important consequences for presidential power. Two stand out. By expressing dissent, members of Congress can weaken the presidents ability to credibly convey resolve to foreign allies and adversaries, and they can turn public opinion against him.73 Here, we briefly summarize both of these avenues of congressional influence. SIGNALING RESOLVE To the extent that congressional discontent signals domestic irresolution to other nations, the job of resolving a foreign crisis is made all the more difficult. As Kenneth Schultz shows, an “opposition party can under- mine the credibility of some challenges by publicly opposing them. Since this strategy threatens to increase the probability of resistance from the rival state, it forces the government to be more selective about making threats”—and, concomitantly, more cautious about actually using military force.74 When members of Congress openly object to a planned military operation, would-be adversaries of the United States may feel emboldened, believing that the president lacks the domestic support required to see a military venture through. Such nations, it stands to reason, will be more willing to enter conflict, and if convinced that the United States will back down once the costs of conflict are revealed, they may fight longer and make fewer concessions. Domestic political strife, as it were, weakens the ability of presidents to bargain effectively with foreign states, while increasing the chances that military entanglements abroad will become protracted and unwieldy. A large body of work within the field of international relations supports the contention that a nation’s ability to achieve strategic military objec- tives in short order depends, in part, on the head of states credibility in conveying political resolve. Indeed, a substantial game theoretic literature underscores the importance of domestic political institutions and public opinion as state leaders attempt to credibly commit to war.75 Confront- ing widespread and vocal domestic opposition, the president may have a difficult time signaling his willingness to see a military campaign to its end. While congressional opposition may embolden foreign enemies, the perception on the part of allies that the president lacks support may make them wary of committing any troops at all. The dangers of domestic political dissent are not lost on presidents and members of Congress. Indeed, for Bush (43) it constituted an important reason for seeking congressional authorization to use force against Iraq in the fall of 2002. In a Rose Garden ceremony on October 2, the presi- dent noted, “The statement of support from the Congress will show to friend and enemy alike the resolve of the United States. In Baghdad, the regime will know that full compliance with all U.N. security demands is the only choice and that time remaining for that choice is limited.”76 Then, in remarks eight days later on the House’s vote to authorize the use of force, the president proclaimed, “The House of Representatives has spoken clearly to the world and to the United Nations Security Council: The gathering threat of Iraq must be confronted fully and finally. Today’s vote also sends a clear message to the Iraqi regime: It must disarm and comply with all existing U.N. resolutions, or it will be forced to comply. There are no other options for the Iraqi regime. There can be no negoti- ations. The days of Iraq acting as an outlaw state are coming to an end.”77 By securing congressional authorization, it was supposed, the president could communicate his views and intentions more effectively to the international community that Iraq’s defiance of United Nations resolutions would no longer pass unnoticed.'8 In doing so, it was hoped, Saddam Hussein would finally relent to Bush's demands. Imagine what might have happened during the lead-up to and execu- tion of the Iraq War had Congress not authorized the use of force. Two outcomes seem plausible, even likely. First, the president would have had an even more difficult time assembling an international coalition in sup- port of military action. Recall, after all, that the president expressly sought congressional authorization in the hopes that it would improve the chances of later securing a UN Resolution in support of military action. Second, and in a more speculative vein, had Congress not authorized the use of force, the military operation itself might not have gone so smoothly. Dur- ing the early stages of the Iraq War, the U.S. military took pains to per- suade the enemy to lay down its arms and surrender, rather than fight and face certain death. Accompanying these claims were regular assurances that the United States would see this war through to the end, that it would not stop until the entire Hussein regime was dismantled. To substantiate these claims, Congress’s authorization was critical. For a moment, put yourself in the place of an Iraqi field officer in the spring of 2003. On the one hand, the United States military is bearing down upon you, threatening to kill you and every one of your comrades unless you abandon the fight. On the other hand, should you surrender prematurely, and should the United States fail to depose the Hussein regime, then you can expect to face the wrath of a spurned and spiteful ruler—as the southern Shi’a did a decade prior, after they had risen up in defiance of the Hussein regime only to be persecuted the moment that U.S. troops withdrew. Which option seems preferable critically depends on the likelihood that the United States will see the campaign to its end. For if you have reason to doubt the nation’s resolve, and Congress's refusal to authorize the use of force would buoy this concern, then the latter op- tion might be the right one—producing a longer, bloodier military conflict and raising the cost to an invading army. Similar concerns arose in subsequent years when the United States con- templated troop withdrawals from Iraq. Though the insurgency contin- ued to take its toll on U.S. forces, the president’s popularity waned, and calls for the Iraqi government to police its own state intensified. Bush nonetheless refused to set a firm timetable for troops to leave. And his rea- sons for doing so were plain enough. The president insisted that insurgents were watching U.S. politics closely and that a timetable would encourage the insurgents to “just go ahead and wait us out." Setting a fixed with- drawal date, Bush concluded, simply “concedes too much to the enemy.”79 Whether this prediction was accurate or not, its logic relied on the realization that others monitor U.S. politics generally, and Congress in particular, to gauge the nation’s resolve.

### Veto

#### Congress vetoes instantly

Michael B. Rappaport, 10, director of USD’s Center for the Study of Constitutional Originalism, November, 2010, “REFORMING ARTICLE V: THE PROBLEMS CREATED BY THE NATIONAL CONVENTION AMENDMENT METHOD AND HOW TO FIX THEM”, http://www.jstor.org/stable/pdf/20788836.pdf?acceptTC=true

Now, consider a different amendment provision. This provision allows Congress to amend the Constitution, subject to ratification by state legislatures or conventions, but it provides no other amendment method. Thus, it gives Congress a veto on any amendments. This provision would also make the Constitution less reflective of popular views and less desirable. Given the desire of political entities to maintain and expand their power, Congress is unlikely to allow the Constitution to be amended to limit its power. Moreover, because Congress tends to adopt the perspective of the federal government generally, Congress might not be quick to limit the power of the other branches of the federal government.62 Thus, if a change in values or circumstances were to require additional limitations on Congress or even on the federal government, it is unlikely that an amendment adopting those changes would be passed. Moreover, if Congress were to abuse its power, no constitutional reform would be forthcoming. Over time, then, one would expect the Constitution to become increasingly distorted normatively. The Constitution would fail to add needed checks on Congress and the federal government, but would grow to include additional limitations on the states (and perhaps the President). Finally, consider the existing Article V provisions. We can see that it ~~is~~ [are] largely the same as the one described immediately above that permits only the congressional amendment process. Given the defects in the convention process, it is as if that process does not exist. Thus, the same normative distortions that apply to a constitution with only the congressional amendment procedure--a bias in favor of Congress and the national government, and against the states--apply to the existing Constitution. The one exception to this claim is that the national convention process would be available if matters ever turned catastrophic. At that point, the state legislatures might be willing to risk a runaway convention and the other costs to address genuinely overriding problems. But absent this extraordinary situation, the national convention process would not be employed and the Constitution would exhibit serious normative problems. My argument that the failure of the national convention method undermines the constitutional amendment process by preventing certain amendments from being enacted is confirmed by our constitutional history. The dominant pattern of constitutional amendments reveals an amendment process that has neither placed checks on Congress or the federal government, nor provided protections to the states. Instead, it has often expanded the federal government's power or taken actions that have been largely orthogonal to the federal government's interests.

### Delay DA

#### Delay DA of 203 years

Chism 5 [Chism, National Archives education specialist, 2005, The constitutional amendment process.(teaching content). Kahlil Social Education 69.7 (Nov-Dec 2005): p373(9)]

Even though the steps can be described briefly, actual ratification can take much longer. Some amendments, such as the 27th (Congressional pay increases), took many years to complete the ratification process. It was proposed by James Madison in 1789, but not ratified until 203 years later. This amendment required that any change in the salary of members of Congress only take effect after the next general election (so lawmakers were not voting to increase their own salaries). Congress ratified other amendments in short order, such as the 18th (Prohibition), which took little more than a year. The length of time depends upon the gravity of the issue the amendment is intended to address, the intensity of public sentiment concerning the issue, and whether or not a time limit for ratification was written into the amendment during the proposal stage.

#### There are too many question marks – SCOTUS would take years to determine if it’s legitimate

Olson, 16 – senior fellow at the Cato Institute’s Robert A. Levy Center for Constitutional Studies and is known for his writing on the American legal system (Walter, “An Article V Constitutional Convention? Wrong Idea, Wrong Time”, CATO Institute, 1/5/2016, https://www.cato.org/publications/commentary/article-v-constitutional-convention)//RCU

Some of these ideas are better than others—Gov. Abbott’s 92-page report ([PDF](http://gov.texas.gov/files/press-office/Restoring_The_Rule_Of_Law_01082016.pdf)) is rather erudite, and lays out its arguments skillfully even if I do not find all of them sound—but every such scheme to stage an Article V convention should come with a giant ACME brand stenciled on its side. If it doesn’t just sit there doing nothing, it’s apt to blow up on the spot. The detonation that skeptics most fear is what’s called a runaway convention, in which the delegates called together to, say, install term limits or revamp campaign finance decide to venture into other areas as well, and perhaps start proposing whatever new amendments they think might be a good idea. Hence Justice Antonin Scalia’s brusque dismissal: “I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?” Some respected scholars who favor a convention argue that strict instructions would deter the assembled delegates from venturing beyond the velvet rope. But if that cannot be made a legal requirement, it winds up more like an honor code. “Congress might try to limit the agenda to one amendment or to one issue, but there is no way to assure that the Convention would obey,” wrote the late Chief Justice Warren Burger. Don’t believe Scalia or Burger? Go ahead and read the instruction kit for a convention, such as it is, in Article V of the U.S. Constitution. It’s quite brief. Here’s the full relevant text: The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress… Note what this does \*not\* say. It says not a word expressly authorizing the states, Congress, or some combination of the two to confine the subject matter of a convention. It says not a word about whether Congress, in calculating whether the requisite 34 states have called for a convention, must (or must not) aggregate calls for a convention on, say, a balanced budget, with differently worded calls arising from related or perhaps even unrelated topics. It says not a word prescribing that the make-up of a convention, as many conservatives imagine, will be one-state-one-vote (as Alaska and Wyoming might hope) or whether states with larger populations should be given larger delegations (as California and New York would surely argue). Does Congress, or perhaps the Supreme Court, get to resolve these questions—the same Congress and Supreme Court that the process is aimed at doing an end run around? If the Supreme Court resolves them, does it do so only at the very end of the process, after years of national debate have been spent in devising amendments that we find out after the fact were not generated in proper form? Justice Burger described the whole process as “a grand waste of time.” One reason is that after advocates get the process rolling by convincing two-thirds of states, or 34, itself a fairly demanding number, the amendments that emerge from a convention do not get ratified unless three-quarters of states ratify, or 38, a quite demanding number. Put differently, it takes only 13 states to refuse to act to kill any of these ideas, bad or good, in the end. Sorry, Cenk and Marco, but so long as we have a nation fairly closely divided between Blue and Red sentiment, there will be at least 13 states skeptical of some systemic change so big that you had to go around the backs of both Congress and the Supreme Court to pull it off. If you’re a progressive who thinks the populist winds blow only in your favor, reflect for a moment on the success of Donald Trump. If you’re a conservative to whom radio call-ins resound as the voice of the people, consider that state legislatures confronted with the hard legal issues a convention would raise might turn for advice and assistance to elite lawyers (yikes) or even law professors (double yikes).

**CP takes forever – Delay is an impact for lives.**

**Chism, National Archives education specialist, 2005** (

The constitutional amendment process.(teaching content). Kahlil *Social Education* 69.7 (Nov-Dec 2005): p373(9). )

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### Constitution DA

#### Wrecks the constitution

Lucas 16 – James W. Lucas is an attorney in New York City and member of the New York Bar., June 2nd 2016, "To Originate the Amendment of Errors: Reforming Article V to Facilitate State and Popular Engagement in Constitutional Amendment by James Lucas :: SSRN," No Publication

Madison was right – a convention is procedurally unworkable. In its time the Philadelphia convention of 1787 was not unusual. Many states had then recently held conventions and other assemblies to write state constitutions and address other matters, and the convention at Philadelphia had seemed to come off well.109 Of the framers, only Madison sensed that another national convention would be a far more difficult matter when left as procedurally vague as in Article V. Scholars and advocates have spilt much ink confidently announcing their numerous and contradictory solutions to these multitudinous issues. However, state legislators who are charged with the constitutional duty to actually decide whether to summon a second convention have time and time again emerged from the jungle of unresolved procedural questions to find themselves, not in the promised land of constitutional reform, but rather at the edge of a dangerous precipice whose base is shrouded in clouds of uncertainty. These legislators have repeatedly shied away from taking the leap into the unknown. No one can really assure these state legislators what constitutes a proper application for a convention, whether, how or to what extent Congress would count their applications, whether the convention could be limited as to subject matter, or who would go to the convention, how they would be selected and, most critically, how their votes would be counted. There can be no assurance that the federal Congress and/or courts will not control how these issues are decided or, conversely, if there is any predictable mechanism with certain authority to sort out all of these fundamental issues. Instead, there is a real possibility of the kind of constitutional confrontations predicted by Professor Tribe in testimony before the California state legislature. (Here “constitutional” does not mean technically legal under the Constitution, but rather fundamental political conflicts which could tear the very fabric of the governmental system created in 1787.) These are confrontations between Congress and the Supreme Court, the Supreme Court and the states, and the Congress and the convention itself if it ever came into being.110 After surveying these issues during the first great convention drive of recent years in the 1960s, Professor Robert Dixon concluded that even “without exhausting here all of the possible complexities, the state petition and federal convention route to constitutional amendment emerges as a veritable can of worms, and seems unlikely to be used successfully.”111 Experience since then has proven him right, as well as Madison. There has been no Article V convention, nor is there any realistic prospect of one. However, Professor Dixon went on to observe that “situations can be imagined even in this age where the disposition of congressional forces, including a Senate filibuster, could block the initiation of an amendment which, if submitted, would receive adequate popular support for ratification.”112 This brings us to our next question.

#### Constitution prevents nuclear war

Hemesath 00 (Paul A., Georgetown Law Journal, August, 88 Geo. L.J. 2473, Lexis)

In the case of an offensive nuclear attack, the importance of a coherent and legitimate decision cannot be overestimated. Even with the force of a congressional declaration of war, Harry Truman still faced critics that questioned the sagacity of his atomic decision in World War II. 183 Although the wisdom of any nuclear use may always remain open to criticism, the legality of such a decision should be beyond reproach. As previously noted, the potentially "unlimited costs" of a nuclear war are extremely difficult to fathom, both physically and politically. 184 A legitimate decision to utilize a nuclear weapon thus requires a high level of legality and consensus--two qualities that cannot be attained with a Congress plausibly asserting the nonexistence of the Executive's very constitutional authority to carry out the act.   Finding a resolution to nuclear war powers uncertainty is not an obvious endeavor. However, the harms associated with an unprepared and contentious "on-the-fly" decisionmaking process are serious enough to demand a principled solution based on the Constitution and not on improvised convenience. To reach such a solution, Congress must cohere in an attempt to draft an unambiguous War Powers Act and proceed to pursue remedies in the courts well in advance of a nuclear crisis. In return, the courts must either deign to decide the issue on its merits, or provide a definitive jurisdictional holding upon which the courts and the President may come to rely.

### Fourth Branch Fails

#### Fourth branch fails

**Dyck & Lascher 19** [[Joshua J. Dyck](https://theconversation.com/profiles/joshua-j-dyck-495390), Associate Professor of Political Science; Director of the Center for Public Opinion, University of Massachusetts Lowell, [Edward L. Lascher, Jr,](https://theconversation.com/profiles/edward-l-lascher-jr-769387) Professor and Chair, Department of Public Policy and Administration, California State University, Sacramento, “Expanding direct democracy won’t make Americans feel better about politics”, <https://theconversation.com/expanding-direct-democracy-wont-make-americans-feel-better-about-politics-119799>, 9/17/19, imp]

As Americans watch the Brexit-related [political turmoil in the United Kingdom](https://uk.reuters.com/article/uk-britain-eu-backstop-nireland-explaine/explainer-focus-back-on-northern-ireland-only-backstop-as-johnsons-options-narrow-idUKKCN1VV17C), it is important to remember that the chaos there began in a form of direct democracy. When U.K. voters set in motion their exit from the European Union, [they did so by voting directly on the so-called “Brexit” initiative](https://www.bbc.com/news/uk-politics-32810887).

Normally, such major policy would have been initiated, deliberated and voted on by their elected officials in Parliament.

The Brexit mess is an example of the disruptive potential of direct democracy, a practice that Americans [have long believed](https://news.gallup.com/poll/163433/americans-favor-national-referenda-key-issues.aspx) leads to a healthier democratic society.

Recent polls show Americans are increasingly dissatisfied with their system of representative democracy. [Many](https://www.vox.com/mischiefs-of-faction/2018/10/31/18042060/poll-dissatisfaction-american-democracy-young) see sharp and unhealthy partisan divisions and lack confidence that the system will produce the results they desire.

Against this backdrop, some advocate for greater use of direct democracy. This includes [ballot initiatives, such as those practiced in 24 states](https://ballotpedia.org/States_with_initiative_or_referendum), including California, Massachusetts and Michigan.

[Ballot initiatives](https://ballotpedia.org/Ballot_initiative) bypass the normal legislative process. They can be written by anyone and receive a public vote without input from lawmakers, provided enough petition signatures are obtained to get the initiative on the ballot.

Well-known initiatives have dealt with issues like [same-sex marriage](https://ballotpedia.org/Maine_Same-Sex_Marriage_Question,_Question_1_(2012)), [tax reform](https://ballotpedia.org/California_Proposition_24,_Repeal_of_Corporate_Tax_Breaks_(2010)) and [marijuana legalization](https://ballotpedia.org/Alaska_Marijuana_Legalization,_Ballot_Measure_2_(2014)). Advocates say [greater use of such measures](https://www.youtube.com/watch?v=qwRHJn3rQP0) could help address citizen disengagement from – and cynicism about – politics. **Based on 15 years of** [our](https://link.springer.com/article/10.1007/s11109-014-9273-5) [own](https://journals.sagepub.com/doi/10.1177/1532673X08330635) [**research**](https://link.springer.com/article/10.1007/s11109-008-9081-x), [we believe that the commonly held view of the initiative process – that it’s good for democracy – is wrong](https://doi.org/10.3998/mpub.9993024).

Progressives’ unfulfilled hope Claims promoting the positive benefits of direct democracy on voter turnout and engagement have appeared periodically since the wave of [Progressive Era reforms during the early 20th century](http://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/timeline/progress/). Those reforms led to the establishment of the [state ballot initiative process](https://ballotpedia.org/History_of_initiative_and_referendum_in_the_U.S.). Americans practice a form of [representative democracy](https://www.historyonthenet.com/what-is-a-representative-democracy) by choosing among candidates for office. [Advocates for direct democracy](https://journals.openedition.org/siecles/1109?lang=en) maintain that by voting directly on policy proposals, people become more knowledgeable about government, confident of their own abilities and positive about the capabilities of others. As political theorist [Ben Barber asserted](https://www.ucpress.edu/book/9780520242333/strong-democracy), the “initiative and referendum can increase popular participation in and responsibility for government, provide a permanent instrument of civic education, and give popular talk the reality and discipline that it needs to be effective.” Beginning about two decades ago, some [political scientists](https://www.cambridge.org/core/journals/british-journal-of-political-science/article/democracy-institutions-and-attitudes-about-citizen-influence-on-government/F6DFDF0A30CE0D9E7A38EA0465D31FBB) [claimed to find support](https://www.press.umich.edu/11463/educated_by_initiative) for the idea that greater use of direct democracy tools, especially the state ballot initiative, helps people get more interested in and engaged with politics and spurs more trust in government. Direct democracy has been popular with both political parties, and liberals as well as conservatives. Modern-day progressives often claim the ballot initiative can fix problems like gerrymandering, campaign finance abuses or growing income inequality. The Ballot Initiative Strategy Center [states that](https://ballot.org/why-were-here/) “[W]e envision a future in which progressives have harnessed the power of ballot measures as proactive tools for success – to increase civic engagement, enact forward-looking policies, and strengthen progressive infrastructure in key states.” Yet not so long ago, [conventional wisdom held](https://ballot.org/why-were-here/) that ballot initiatives and referendums were the [tools of conservatives](https://www.press.uchicago.edu/ucp/books/book/chicago/F/bo3615566.html), at least in the last 40 years. [In 1978, California passed Proposition 13](https://ballotpedia.org/California_Proposition_13,_Tax_Limitations_Initiative_(1978)), sparking tax-cutting measures across the country. [Before the Supreme Court ruled that same-sex marriage was legal](https://guides.ll.georgetown.edu/c.php?g=592919&p=4182201), states with ballot initiatives and voter-approved constitutional amendments passed laws defining marriage as between a man in a woman in more than 30 statewide votes between 1998 and 2011. Conflict and polarization

Drawing on a wide variety of data, we conclude in our book [“Initiatives without Engagement”](https://www.press.umich.edu/9993024/initiatives_without_engagement) that the initiative process mainly encourages greater conflict rather than produces political and social benefits.

Ballot initiatives can increase voter turnout, which seems like positive news. But they do so through [mobilization of occasional voters](https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1540-6237.2010.00688.x) and encourage voting commonly based on fear [without making people more generally knowledgeable or engaged](https://doi.org/10.3998/mpub.9993024).

Initiatives can also be a tool for ideological extremists and opportunists. They use the process to circumvent the American legislative process, long noted for its incrementalism and premium on compromise.

[Our research](https://doi.org/10.3998/mpub.9993024) finds that the relationship between party identification and polarized issue attitudes – where Democrats increasingly take the more liberal position and Republicans take the more conservative position – is about 25%-45% bigger in states that frequently use the initiative than in noninitiative states.

Tyranny of the majority

Our research also confirms that initiatives often inflame occasional majority group voters. They do this with measures targeting the rights of minority group members.

This has been the case with attempts to [limit the rights of immigrants, curb affirmative action](https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1540-5907.2006.00175.x) and [define marriage as between a man and a woman](https://academic.oup.com/poq/article-abstract/72/3/399/1836972).

Examining all post-World War II ballot measures in California, we found numerous examples of votes that sought to curtail the rights of minority groups, including the LGBT community, racial/ethnic minorities and immigrants. Only [one initiative was aimed at expanding them](https://ballotpedia.org/California_Proposition_11,_Fair_Employment_Practices_Act_(1946)).

The 1946 ballot initiative, Proposition 11, was called the “Fair Employment Practices Act” and [would have barred employers from discriminating](https://ballotpedia.org/California_1946_ballot_propositions) on the basis of race, religion, color, national origin or ancestry. It received only 28% yes votes to 72% no.

This is exactly the “majority tyranny” that worried the American founders. [James Madison famously argued](https://avalon.law.yale.edu/18th_century/fed10.asp) that pure democracies were incompatible with “personal security” and “property rights.” Given the opportunity, he believed, the masses might vote away the rights and wealth of the elite. His ultimate point, that majorities can be myopic, has proven prescient.

Distrust in government

In the wake of all this conflict [our research](https://doi.org/10.3998/mpub.9993024) shows that frequent use of ballot initiatives makes citizens trust government less, not more. This is because initiative campaigns often stress that government is broken. Voters then conclude that we would have fewer direct democracy campaigns if government was more competent.

**SOP DA**

**The CP kills separation of powers**

**Schaffner 5**, (Joan, Associate Professor of Law, George Washington University Law School. 54 Am. U.L. Rev. 1487. Lexis)

[\*1525] Through amendment, the legislative branch has the power to enact laws that establish societal standards only so long as the laws enacted do not violate the constitutional rights of individuals. 222 The legislature is not empowered to draft laws to enshrine illegitimate prejudices of the majority. Allowing the legislature, with the endorsement of the executive, to amend the Constitution to expressly overrule a decision of the judiciary, which acted consistently with democratic principles by protecting the rights of a minority of the people, **destroys the delicate balance of power among the branches.**

**SOP prevents nuke war**

**Forrester 89** (Ray, Professor, Hastings College of the Law, University of California. 57 Geo. Wash. L. Rev. 1636. Lexis)

On the basis of this report, the startling fact is that one [man] [person] alone has the ability to start a nuclear war.

A basic theory--if not the basic theory of our Constitution--is that concentration of power in any one person, or one group, is dangerous to mankind. The Constitution, therefore, contains a strong system of checks and balances, starting with the separation of powers between the President, Congress, and the Supreme Court. The message is that no one of them is safe with unchecked power. Yet, in what is probably the most dangerous governmental power ever possessed, **we find the potential for world destruction lodged in the discretion of one person.**

**Civil War DA**

CP causes civil war

**Cooper 18** (Ryan Cooper is a national correspondent at TheWeek.com. His work has appeared in the Washington Monthly, The New Republic, and the Washington Post., America's Constitution is terrible. Let's throw it out and start over., https://theweek.com/articles/750816/americas-constitution-terrible-lets-throw-start-over)

5. Throw the entire Constitution in the garbage. One of the biggest problems with the Constitution as written is it makes changing anything nearly impossible. Other countries regularly ditch or overhaul their constitutions to deal with new problems — and even America has done so in the distant past. When the first stab at a U.S. Constitution proved totally unworkable, Americans of the day didn't fuss around with stipulations that "the Union shall be perpetual." Instead they threw the whole thing out and started from scratch. When it comes to major reform, I reckon this is the most likely actual possibility. One of these days, a standoff will come to a head, and will lead to some kind of total breakdown. Legal mechanisms like a constitutional convention are completely untested and would probably create such explosive controversy that we'd effectively end up with a new constitution anyway. Make no mistake, a constitutional collapse would be a tremendously destabilizing and dangerous event, and raise a significant chance of **insurrection, civil war, or a military dictatorship.** But if and when it comes, it won't be by choice — it will be because the ancient, janky mechanisms of the American Constitution simply failed. If we wish to avoid such a breakdown, moderating reforms like the ones mentioned above must be considered and adopted, posthaste.

**Extinction**

James **Pinkerton 03**, fellow at the New America Foundation, "Freedom and Survival,” 2-4-2003, http://abob.libs.uga.edu/bobk/ccc/cc020403.html

Historically, the only way that the slow bureaucratic creep of government is reversed is through revolution or war. And that could happen. But there's a problem: the **next American revolution** won't be fought with muskets. It could well be waged with **proliferated wonder-weapons**. That is, about the time that American yeopersons decide to resist the encroachment of the United Nations, or the European Union—or the United States government—the level of destructive power in a future conflict could remove the choice expressed by Patrick Henry in his ringing cry, "Give me liberty, or give me death." The next big war could **kill everybody**, free and unfree alike. Which leads to the second argument. Spaceship earth may not be as fragile as a space shuttle, but it's still fragile. By all means, let's have homeland defense and missile defense. But let's also get real. If the weapons get bigger, and the planet stays the same size, then prospects for **human survival** shrink accordingly. For the time being, North Korea seems to have gotten away with breaking out of the nuclear Non-Proliferation Treaty. Kim Jong Il's arsenal could be eliminated in the future, of course, but in the meantime, the atomic cat is out of the nuclear bag. Writing in the February 3 Weekly Standard, Henry Sokolski, director of the Nonproliferation Policy Education Center in Washington D.C., offers up scenarios for the spread of nuclear weapons that are much more compelling than the scenarios for their unspreading. Countries such as Iran, Syria, Egypt, Turkey, Algeria, Taiwan, South Korea, and Japan, he writes, have all flirted with the idea of building atomic weapons. And one could add to Sokolski's list other countries, such as Brazil, where the new president, Lula da Silva, seems to be forming an axis of anti-Americanism with the likes of Venezuela and Cuba. Meanwhile, every one of those potential proliferators could be brought into line, and we'd still face the problem of "**super-empowered individuals**." Yup, the prospect of Moore's Law-computer power doubles every 18 months-affects cyber-geek and terror-creep alike. Such computational capacity is inherently "dual use" -the ultimate double-edged sword, hanging over all of us, to be wielded by some of us. As technofuturist Ray Kurzweil predicts, "We'll see 1,000 times more technological progress in the 21st century than we saw in the 20th." Most of that progress will be to the good, but not all. What could a hacker-terrorist alliance come up with, weapon-wise? There's only one way to find out. Sooner or later, Moore's Law will meet Murphy's Law, and we'll realize just how vulnerable we all are, six billion souls, crowded into a narrow band of soil, stone, air and water, hugging the flimsy, filmy, easy-to-rub-off surface of the earth. Let's hope that before we have that rendezvous with deathly destiny, we've had the foresight to build an escape ladder for ourselves.

**School Prayer DA**

**Amendment process ensures exceptions get written in – independent scenarios for our impacts – AND school prayer rides – AND ensures delay**

Thomas **Berg 98**. Professor of Law, Cumberland Law School, Samford University, “The Constitutional Future of Religious Freedom Legislation,” University of Arkansas at Little Rock Law Review, 20(3), 1998, 20 U. Ark. Little Rock L. Rev. 715, http://lawrepository.ualr.edu/cgi/viewcontent.cgi?article=1623&context=lawreview

Of course, there are other ways to reinstitute a general legal rule that accommodations should be afforded except in cases of overriding government necessity. Advocates of religious freedom could seek to convince the Court to abandon Smith and return to the rule requiring accommodations; failing that, they could seek to amend the Constitution to reverse Smith. Or they could work at the level of individual states, pushing for such a general standard through state statutes or constitutional amendments. The **constitutional amendment** process is obviously **long** and arduous, and nothing would happen unless the required three-fourths of the states ratified the amendment. The constitutional amendment process illustrates the power that can be exercised by a few interest groups who are opposed to religious freedom in the cases that concern them. Groups from **prison** wardens to the architectural preservation lobby to **public educators** to **animal rights activists** could **force exceptions to be written into the amendment** at the front end--or more likely, they could **defeat it entirely** at the back end by blocking passage in just a few states. The experience could be similar to that of the Equal Rights Amendment, which shot out of the starting gate in 1972 but ran into insurmountable difficulties getting the last few states to ratify.39 The amendment process would also tend to **sweep in other issues** in the contentious area of church and state, such as various forms of **prayer in public schools** and **financial aid to religious schools**-a concern expressed by a number of members of Congress at hearings held last year in the wake of Boerne.'° The state legislative or amendment process is more likely to produce tangible results, but it too would move very slowly. It also is practically guaranteed to produce uneven results, with lobbies that are powerful in particular states enjoying greater ability to force exceptions to the religious freedom law. Already some states have proposed to exempt prisoner claims;4 in other states, lobbyists for groups on the other side of particular disputes may be able to demand exceptions.

**School prayer risks extinction**

Stephen D. **Mumford 17**. Expert on fertility and population growth, Ph.D., M.A. University of Texas School of Public Health, B.A. agriculture, University of Kentucky, “The Catholic Church and Divisiveness in America,” 5-27-2017, http://churchandstate.org.uk/2017/05/the-catholic-church-and-divisiveness-in-america/

The Church and Divisiveness in America Because the Catholic Church ignores the principle of separation of church and state, it is the most divisive force in America. The March 19, 1984, issue of U.S. News and World Report examined two secret Catholic elite religious societies in this country: the Knights of Malta with one thousand U.S. members who are prominent in government, business, or professional life and Opus Dei with three thousand members of widely varied backgrounds. The Knights of Malta organiza­tion dates back to the time of the Crusades; its members include some of our nation’s most prominent Catholics: CIA Director William Casey; William Wilson; Vernon Walters; Senators Denton and Domenici; Alexander Haig; William Sloan; and William F. Buckley, creator and leader of Young Americans for Freedom, from which a large proportion of the Reagan administration team were drawn. Because many Knights and recipients of the Order’s honors have worked in or around the CIA, critics sometimes suggest a link between the two. The CIA has been dominated by the Catholic hierarchy. According to members, the order serves “as an international defend­er of the Church.”[7] In June of each year a ceremony is held in Rome for Knights of Malta which includes the “swearing of allegiance to the defense of the Holy Mother Church.”[8] Herein lies the problem for population growth control and its recognition as a national security issue. Population growth control seriously threatens the survival of the Vatican, as discussed in chapters one and four. Knights are committed to defending the Church. Only the most devout and obedient are invited to join the Knights and Opus Dei (which its detractors have compared to mind-controlling cults).[9] If the Vatican has determined that population growth control threatens the Holy Mother Church, the members of these societies are obliged to counter this threat by thwarting the development of population growth control government policies and their execution. It is inevitable that the best interests of the Vatican and those of the United States are not always going to be the same. For this reason, no one can possibly swear complete alle­giance to both and mean it. The acts and attitudes of the Knights of Malta in the Reagan administration seem to reflect this complete allegiance to the Catholic Church rather than to our country. This deep conflict has serious ramifications for **population growth control**. As long as it exists, it is not possible to effectively deal with the population problem. The real population problem is not convincing people that they must have small families or delivering the family planning services to them. This we can most certainly achieve in just ten years for 95 percent of the world’s population and at a price we can afford. The real population problem is this conflict between the needs of the Church and the desperate needs of humanity to control its proliferation. Consider the intensity of the commitment of these secret society members as “international defenders of the Church.” It is hardly a secret that one of the most important American advances in “defend­ing the Church” by Catholic elitists was the creation of the Central Intelligence Agency (CIA). The activities of the CIA go far beyond intelligence gathering of an international nature.[10] The CIA serves as an agency through which secret “assistance” to the Holy Mother Church can be provided by secret American society members acting as her defenders: During the CIA’s formative years, Protestants predominated…. Somehow, however, Catholics wrested control of the CIA’s covert-action section. It was no coincidence that some of the agency’s more grandiose operations were in Catholic countries of Latin America and the Catholic regime of South Vietnam.[11] For creating the Office of Strategic Services (OSS), the wartime predecessor to the CIA, and this special arrangement with the Vatican, General William “Wild Bill” Donovan was decorated in July 1944 by Pope Pius XII with the Grand Cross of the Order of Saint Sylvester, the oldest and most prestigious of papal knighthoods. This award has been given to only one hundred other men in history, who, “by feat of arms or writings or outstanding deeds have spread the faith and have safeguarded and championed the Church.”[12] Donovan did more to safeguard and champion the Church than any other American, and he was rewarded for his services with the highest Catholic award ever received by an American. No doubt, thousands of others have striven with their deeds for similar recognition. What has this meant in terms of the issues cited in Table I? Communism is the greatest threat faced by the Church. The Catholic Church and communism cannot coexist. They are both rival absolut­ists. Both indoctrinate their children so as to ensure complete rejec­tion of the other. Columnist Robert Blair Kaiser who covered the Vati­can for Time magazine had a conversation with Pope John XXIII in August 1962. “For too long, he [the pope] said, the Church had been waging a so-called holy war against the forces of communism. That was getting us nowhere.”[13] This holy war continues in Central America today! [ Table1 OMITTED ] It is believed by some historians that the reason the Vatican aided Hitler in his rise to power was so that he could destroy Russian commu­nism. When this failed, the Vatican through its defenders called upon the United States to stop the spread of Russian communism in Europe and elsewhere. A Vatican-inspired hate campaign against the Rus­sians, the greatest hate campaign ever endured by Americans, was launched. To this day, like most other Americans, I am a victim of this campaign launched during my childhood. In August 1984, President Reagan showed his intense hatred of the Russian people in his infamous radio microphone test, “My fellow Americans, I’m pleased to tell you today that I’ve signed legislation that would outlaw Russia forever. We begin bombing in five minutes.” No doubt, this Vatican-inspired hate campaign has influenced Mr. Reagan. By this theory, at a cost of hundreds of billions of American dollars, we built a war machine for the protection of Catholicism. For this same reason have we built a nuclear arsenal powerful enough to destroy the world five times over and have we seen the Russians match it? This is, I feel, in great part the origin of the other great **threat to civilization**—**nuclear war**. Hundreds of millions of dollars were spent to protect Catholicism from communism, and one can only conjecture about the ways in which the world would have been different if this money had been spent differently and if the first requests to the World Health Organization by India for population growth control assistance had not been blocked by the Vatican thirty-four years ago. Our commitment to saving the Catholic government in South Vietnam from communism (only 5 percent of the people of South Vietnam were Catholic, [14] causing some observers to refer to it as a Vatican colony) can be thought of as a result of the activities of the “U.S. Catholic defenders of the Church,” largely members of the CIA. The French provided this same service to the Vatican for eighty years before they gave up on the holy war in Vietnam.[15] A number of issues cited in Table I, including U.S. military sup­port for El Salvador and other Central American governments, the Grenada invasion, and maintaining the status quo in Latin America can be seen as Vatican-inspired actions to prop up Catholic (Vatican-dominated) governments against popular uprisings. They are the “holy wars against communism” mentioned by Pope John XXIII. During a May 1984 fundraising visit to New York, the archbishop of Managua, Nicaragua, Miguel Obando y Bravo, said his campaign represented the best-organized opposition in Nicaragua to popular Sandinista govern­ment efforts.[16] Another example is Lebanon. Most Americans are not aware of the closeness of the Gemayel government to the Vatican. “Maronite Christians,” a minority group in Lebanon, are the Eastern Catholic Church. “The Maronites are in communion with Rome and have a college for the education of their clergy in Rome. In the year 1181, at the time of the Crusades, the Maronites…made peace with Rome and became attached to the Holy See.”[17] Gemayel, like his politician father, was Jesuit trained in a Catholic university.[18] The Vatican wishes to see the Maronites continue to be the dominant power in Lebanon so that the only country in the Middle East in the Vatican sphere of influence will remain so. In all of these cases the Vatican, to maintain and expand its geographical control, seems to be calling upon the services of the U.S. Defense Department to serve as an instrument of Vatican foreign policy in much the same way it has in Cold War Europe. My purpose in presenting this brief discussion of selected foreign policy initiatives of the Vatican is to show the lengths to which “defenders of the Church” in the Reagan administration are willing to go in order to “safeguard” the Church. To these “defenders,” Viet­nam, El Salvador, Grenada, and Lebanon are viewed in part as “holy wars for the preservation of the Church.” They are unquestionably willing to go to similar lengths to protect the Church from population growth control activities. Population scientists, field workers, and, more importantly, journalists must acknowledge the magnitude of this obstacle to solving the population problem and deal with this problem in its entirety—and without delay. In the meantime, the Vatican is enhancing its political power through generating domestic divisiveness. The abortion issue is clearly the most important to the Church and one of the most contentious issues in American history. It has allowed the Church to mobilize (under the guise of an emotional or “moral” issue) many Catholics, though a minority of those in this country, for political purposes. But it has also given the Church the opportunity to mobilize a large number of non-Catholics, mostly Protestant fundamentalists, to serve the needs of the Vatican. Just after the Reagan administration announced the radical change in U.S. population assistance policy, Senator Bradley of New Jersey sent out a press release dated August 8, 1984. He sharply con­demned the Reagan administration policy change in the name of abor­tion restriction. “I cannot comprehend the logic of this new policy. It is not about abortion. What the policy is about is denying support for family planning services…. The administration’s new policy will do a great deal to suppress family planning efforts . . .”[19] (emphasis added). The Vatican’s real target here was family planning, and it expects Americans to be fooled by its strategy. Most Protestant fundamentalists have no problem with family planning, but they have been used here by the Vatican to accomplish Vatican goals. Few fundamentalists are opposed to family planning, international population assistance, or illegal immigration control. Yet the Vatican uses its “Moral Majority” and the political force of the fundamentalists to undermine family planning, international population assistance, and illegal immigration control through this organization of lobbyists. Federal aid to public education has always been opposed by the Church. Between 1925 and 1945, it was blocked by the Catholic lobby[20] because it enhances the disparity between Catholic education and public education and shifts some decision-making to the federal level where it is less susceptible to Church influence than at the local level. The Vatican is opposed to the United Nations and its agencies because it sees them as a competitor for the role of international arbitrator and peacemaker. **Parochial school aid** is viewed by the Church as vitally important. Only 30 percent[21] (about three million[22]) of Catholic children attend Catholic schools. While these schools produce enough obedient Catholics to advance the Vatican agenda, tripling this proportion would substantially enhance the power of the Church. **School prayer** is important because, the more religious the public schools are made, the easier it is to justify government assistance to parochial schools. Other issues appearing in Table I have been discussed elsewhere in this text and need not be dealt with here. What is important is that the Church **picks up non-Catholic support** on each of these issues. For example, non-Catholic private school parents who send their children to nonreligious schools support the Church’s political initiatives because they stand to gain from them. The Vatican has elevated fundamentalist leader Jerry Falwell to a posi­tion of power and status of which he never dreamed. He is enabled to have frequent meetings with President Reagan and given an oppor­tunity to be one of the nation’s foremost “moral leaders,” delivering “Moral State of the Union” speeches on nationwide prime-time telecasts. In return, Falwell provides the Church with a constituency of millions of fundamentalists to mask as a “Christian” effort the Vatican’s lobbying effort against abortion, the Equal Rights Amend­ment, family planning, and population assistance issues. The Vatican’s extensive intrusion into American policy-making is causing considerable national divisiveness. The Vatican gains considerable political advantage from its allies among non-Catholics and uses it to heavily influence government policy (or to thwart the making of policy altogether in some areas). Their manipulation has frustrated mobilization in this country to deal with the nation’s most pressing problems, such as **population growth control**, **nuclear disarmament**, illegal immigration control, **environmental degradation**, including the pollution of our nation’s waters and soil, **soil erosion**, and the “**greenhouse effect**.” Our country is finding itself in a position similar to those in Latin America which are literally being buried under their problems because their national interests sometimes differ from Vatican interests.

**Runaway con-con DA**

**CP causes runaway convention**

**Condray and Conlan 19** (Patrick, MA from George Mason, Public Policy PhD student with the Schar School (George Mason University), Timothy J. Conlan is University Professor of Government at George Mason University. He holds a Ph.D. in Government from Harvard University and an undergraduate degree in Political Science from the University of Chicago, Article V Conventions and American Federalism: Contemporary Politics in Historical Perspective, Publius: The Journal of Federalism, Volume 49, Issue 3, Summer 2019, Pages 515–539, <https://doi-org.ezproxy.library.unlv.edu/10.1093/publius/pjz009> )

In 2013, a group called Citizens for Self-Governance (CSG) initiated the Convention of States (CoS) Project, which seeks to amend the U.S. Constitution through an Article V Convention. With funding and support from conservative entities such as the Koch Brothers and the American Legislative Exchange Council, the Project promotes amendments designed to “impose fiscal restraints on the federal government,” “limit the power and jurisdiction of the federal government,” and “limit the terms of office for federal officials” (Guldenschuh 2015). As of early 2019, fourteen states had issued calls for a convention to consider these amendments. Another conservative effort bringing new life into state calls promoting a convention to adopt a Balanced Budget Amendment has generated a total of twenty-eight applications as of 2018. Meanwhile, on the left, a smaller and less well-funded effort has led to six states issuing calls for an Article V Convention focused on campaign finance. They seek to amend the Constitution in order to overturn the Supreme Court decision overturning various campaign-finance limits in Citizens United v. FEC, 558 U.S. 310 (2010). Active state Article V Convention calls continue to be debated in multiple state legislatures. For example, as of March 2019 the Convention of States call (pushed by CSG, which modestly describes itself as the “largest Article V grassroots organization in the country”) has been the subject of active legislation in fourteen state legislatures in 2019 (Convention of States 2019). Arkansas and Utah passed the CoS call in 2019. Efforts such as these have drawn renewed attention to the state convention method of amending the U.S. Constitution. Article V of the Constitution allows two-thirds of the states to call for a convention of states for proposing Constitutional amendments. Unlike the alternative and more familiar process of advancing Constitutional amendments by a two-thirds vote of the Congress, followed by state ratification, the power to call for a Constitutional convention rests with the states. As Article V states, in part: “The Congress … on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments…” Because the convention method has never been employed under the U.S. Constitution, the prospect of a convention raises many questions and alternative assessments. Must all of the state calls be expressed in identical language? Can such a convention be limited in scope or would it constitute an entity **immune from preconditions?** What role (if any) do the courts play in deciding such questions? Uncertainty about these and other issues has long posed a political hurdle to utilizing the convention approach, with many observers raising the prospect of a “**runaway” convention** that might trample on the Bill of Rights or other provisions (Goldberg 1983). Accordingly, these and other aspects of an Article V convention have prompted **considerable discussion and analysis** by lawyers, scholars, and public officials (Caplan 1988; Vile 1993). Less is known, however, about why and how states have articulated Article V applications over time and how contemporary movements to call a convention may align with or differ from historical patterns. Over the course of American history, states have issued at least 354 distinct calls for an Article V convention. Some, such as the efforts to provide for the direct election of Senators or to require a balanced federal budget, have come **close enough to garnering support from two-thirds of the states that they provoked a preemptory response from Congress**. Others have prompted momentary interest and then faded away. Many have been motivated by states’ interest in enhancing their power relative to the national government, but others have been focused on important policy issues of the day. Can these and other patterns from the past inform our understanding of today’s efforts to amend the Constitution through a convention of the states, or are there features of contemporary calls for an Article V convention that are different and unique?

**Destroys the entire legal system**

**Pulignano ‘16** Vincent Pulignano: Managing Editor, Florida Law Review; J.D. 2016, University of Florida Fredric G. Levin College of Law “A KNOWN UNKNOWN: THE CALL FOR AN ARTICLE V CONVENTION” FLORIDA LAW REVIEW FORUM [Vol. 67] 2016 http://www.floridalawreview.com/wp-content/uploads/Pulignano.pdf

A. The Fear of a Runaway Convention The threat of a runaway convention is the primary reason why the People are hesitant to call a convention of states. A runaway convention is a convention that begins proposing other policies that were not supposed to be considered, and authority for such consideration was not granted to the convention at the outset. Hence, the fear is a runaway convention ultimately could throw out the U.S. Constitution and replace it with a new one. However, commentator Michael Stern notes that when one is evaluating the risk of a runaway convention, one must also consider the risks that may be reduced with the use of a convention and its prevention of a “runaway Congress.” 29 Advocates for a convention think that a runaway convention is really not a threat at all for three reasons: (1) the convention can only be called for a limited purpose, (2) the Supreme Court would be able to weigh in on any violations of specific rules and procedures the convention creates for itself, and (3) more states are needed to ratify the proposals than are needed to call the convention. There are several perspectives on whether the convention can be limited in scope to prevent a runaway convention.30 First, some advocates believe that Congress can limit the scope of the convention and propose rules for it under the political question doctrine.31 However, most believe this is untrue and hold that Congress’s calling of the convention is merely ministerial because the entire purpose of the convention is to circumvent a corrupt Congress.32 Since limiting the scope of the convention is not constitutionally committed to Congress, it falls outside the political question doctrine.33 Furthermore, Alexander Hamilton’s Federalist No. 85 specifically mentions Congress’s inability to limit the convention.34 Because Federalist No. 85 never mentions a restriction on the states to place limits on the convention,35 the states are the ones most likely to implement the limits. Under another perspective, opponents of a convention believe that, based on the original text and meaning of Article V, there are no limits that can be placed on a convention that would hold any legal force.36 They conclude the states have no authority to limit the scope of the convention for two reasons. First, the original text of Article V provides for making “amendments” plural, therefore precluding any attempt by the states to limit the convention to proposing one amendment.37 This argument fails, however, because the use of “amendments” only gives discretion to the convention to propose more than one amendment that will achieve its explicit goal.38 Second, opponents hold that states have no constitutional grant of power beyond initiating the convention.39 This argument at least partially fails because in order to give states the ability to circumvent a corrupt Congress, states must be able to limit the convention to achieve this purpose.40 Therefore, the inability of states to limit the scope of the convention would frustrate the purpose of the Convention Clause. Instead, while they may not have direct, explicit authority to limit the procedures of a convention themselves, states can curtail the convention’s scope by limiting the purpose for which it is formed. A third perspective reveals the debate over whether the convention can propose anything it so decides or whether it can only propose amendments covering the subject matter detailed in the states’ applications.41 If, once the convention is convened, it can propose anything outside of the subject matter discussed in the applications, then there is a chance—albeit remote—that the convention could claim ultimate authority and create a separate governing body.42 However, this fear can be checked by the requirement that three-fourths of the states must ratify any convention amendments.43 The ratification process can also place a check on the possibility the convention would exceed its scope.44 Additionally, the history of the Convention Clause suggests that the convention is only supposed to act as an aid to the states rather than as a separate entity in and of itself.45 But again, questions swirl as to whether the delegates can change the ratification process and require ratification by a majority of states in the convention (or something to that effect).46 This idea appears unfounded. Any convention-made “rule” like this that would affect the Constitution as it stands today would still require ratification to have any legal effect on the current U.S. government.47 Another check on the convention process is that Congress would have the right to not propose to the states for ratification any amendment that surpassed the convention’s scope.48 This reasoning falls in line with Congress’s—and even state legislatures’—responsibility to uphold the Constitution if the convention entered the process having limited itself to a single subject.49 B. The Supreme Court’s Potential Role Another area of primary concern is whether there is any body of government that can enforce any rules and procedures a convention would make for itself. If the Supreme Court can rule on issues regarding a convention’s rules and procedures, would this upset the purpose of the convention because a government branch, which the convention is trying to bypass, is interpreting its rules and procedures?50 There is no good answer to this question, but it appears the Supreme Court weighing in on violations of convention rules would not upset the convention’s purpose, as the Supreme Court’s duty is “to say what the law is.” 51 C. Threats to the Convention Process and the Constitution In addition to the concerns already discussed, there are others worth noting. First, the convention could be open to special-interest lobbying from groups that deal with issues over which the convention would be deliberating.52 This could threaten the integrity of the negotiations and the proposal of amendments.53 Also, a more apocalyptic concern is that a convention of states could result in a complete overhaul of the Constitution.54 This is unlikely for the reasons explained above, but some commentators still hold this belief based on the only other convention in American history, the Philadelphia Convention of 1787.55 There is a debate over whether that convention stayed within its scope when revising the Articles of Confederation and producing the current Constitution.56 However, in any case it would seem all convention “proposals would be subject to the checks and balances written into the Constitution.” 57

**Constitutional amendments are a key mechanism of democratic backsliding- they’re off the table now but reviving them kills democracy**

**Huq and Ginsburg 18** (Aziz and Thomas, Professors of Law, University of Chicago Law School, "How to Lose a Constitutional Democracy," 65 UCLA Law Review 78 (2018), https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=13666&context=journal\_articles )

1. Constitutional Amendment Imagine that a political party had disciplined majorities in both houses of Congress and the thirty-eight states necessary to utilize Article V. Or alternatively, suppose that the growing chorus of calls for a new constitutional convention yielded fruit.281 **It would then be feasible to reform core elements of the American Constitution**. The content of such reforms is not hard to imagine. Perhaps, following patterns in other illiberal democracies, a first target might be the Twenty-Second Amendment, which constitutionalized term limits in the wake of Franklin Roosevelt’s presidency. Or simply examine the various liberty-restricting constitutional amendments that have been proposed in Congress over the years, mainly to overturn court decisions.282 To be sure, there are other amendments that have been proposed that would enhance liberty. But the point is that there is nothing structural in Article V that prevents this disciplined national majority with sufficient political support at the state level from using constitutional amendment to entrench its power and restrict liberty. Nevertheless, we do not think that constitutional amendment will play a significant role in promoting the retrogression of constitutional liberal democracy for two reasons. First, American political parties have historically lacked discipline relative to their counterparts in other democracies—a complex result of history, geography, and our electoral system. And the very veneration of the Constitution suggests that amendments are likely to receive a good deal of attention, working as focal points for constitutional resistance by regime opponents.283 As a strategic matter, more subtle mechanisms are likely to be more effective and hence more likely to be deployed.284 Second, Article V of the Constitution establishes “some of the most onerous hurdles in the world for the ratification of amendments.”285 Indeed, it has been so rarely used that some scholars have argued that it has fallen into desuetude.286 In most other contexts in which amendment has played a large role in facilitating backsliding from democratic practices, by contrast, the amendment rule has been less demanding.287 There is an irony here: Article V has been condemned roundly by commentators, especially on the political left.288 Yet the **rigidity** of the formal constitutional procedure largely takes off the table at least one potent instrument of constitutional retrogression at a moment when liberal commentators might well feel their priorities most imperiled.

**2AC---deficit---ignored**

**The counterplan is ignored**

**Strauss 1** [David, Harry N. Wyatt Professor of Law at University of Chicago, Harvard Law Review, “THE IRRELEVANCE OF CONSTITUTIONAL AMENDMENTS”, 114 Harv. L. Rev. 1457, lexis]

One final implication is the most practical of all. If amendments are in fact a sidelight, then it will usually be a mistake for people concerned about an issue to try to address it by amending the Constitution. Their resources are generally better spent on legislation, litigation, or private-sector activities. It is true that the effort to obtain a constitutional amendment may serve very effectively as a rallying point for political activity. A constitutional amendment may be an especially powerful symbol, and it may be worthwhile for a group to seek an amendment for just that reason. But in this respect constitutional amendments are comparable to congressional resolutions, presidential proclamations, or declarations of national holidays. If they bring about change, they do so because of their symbolic value, not because of their operative legal effect.

**2AC---deficit---rollback---courts**

**Courts backlash causes rollback and lack of enforcement**

**Strauss 1** — (David A. – Harry N. Wyatt Professor of Law at the University of Chicago, “The Irrelevance of Constitutional Amendments,” 114 Harv. L. Rev. 1457, http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2986&context=journal\_articles)

In this respect, a mature society might be compared to a long-term contractual agreement. n10 The parties to such contracts often do not rely solely, or even substantially, on the text of the contract to govern their day-to-day relationship; they have developed extratextual understandings. Similarly, in a mature society, **people accept the acts of** legislatures, **courts**, and executive agencies - and the political and nonpolitical acts of their fellow citizens - **even when those acts augment or arguably conflict with the foundational text. In a newly formed political society, any apparent deviation from the words of a constitution might be seen as revolutionary** and might cause the society to break apart; **in a mature society, relationships and patterns of trust are so well developed that that does not happen.** As a result, by the time an Article V supermajority is galvanized into action, chances are good that much of society has already changed by one of these other means. And if a formal amendment process were unavailable, society would find another way to enforce the change it has determined to make - by legislation and judicial interpretation, or by alterations in social understandings and private sector behavior. The change might not be accomplished as neatly or as decisively; outliers might not be brought into line as quickly, for example. But relatively speaking, that is a detail. Those other institutions - not supermajoritarian constitutional amendments - will be the truly important means of constitutional change. This explains why, when [\*1463] society has changed enough to produce a supermajority in favor of a formal amendment, the amendment is probably unnecessary. One cannot, however, just say simplistically that any set of political forces strong enough to bring about a constitutional amendment is strong enough to change society in some other way, because that is not always true. **A supermajority might act, and adopt an amendment, even if society has not fundamentally changed. An amendment might represent** a momentary high-water mark of popular sentiment on a question, or **an effective effort by an interest group** at the height of its power to secure its position. n11 **At a later time, many people, even a majority, might decide that the amendment was a mistake - but there it is, entrenched in the Constitution**. **On these occasions the formal amendment will be relatively insignificant** for a different reason. **When there is no lasting social consensus behind a textual amendment, the change in the text of the Constitution is unlikely to make a lasting difference** - at least if it seeks to affect society in an important way - unless society changes in the way that the amendment envisions. Until that happens, **the amendment is likely to be evaded, or interpreted in a way that blunts its effectiveness.** This is, in a sense, the other side of the fact that **a mature society has a variety of institutions, in addition to the text of the Constitution, that can affect how the society operates. Those institutions can change society without changing the Constitution;** but they can also keep society basically the same - perhaps with some struggle, but still basically the same - even if the text of the Constitution changes. This was, most notoriously, the story of the Fourteenth and, especially, the Fifteenth Amendment. The Fifteenth Amendment was somewhat effective in the short run, but within a generation it had been reduced to a nullity in the South. n12

**2AC---deficit---rollback---congress**

**Congress vetoes instantly**

Michael B. **Rappaport, 10,** director of USD’s Center for the Study of Constitutional Originalism, November, 2010, “REFORMING ARTICLE V: THE PROBLEMS CREATED BY THE NATIONAL CONVENTION AMENDMENT METHOD AND HOW TO FIX THEM”, http://www.jstor.org/stable/pdf/20788836.pdf?acceptTC=true

Now, consider a different amendment provision. This provision allows Congress to amend the Constitution, subject to ratification by state legislatures or conventions, but it provides no other amendment method. Thus, it gives Congress a veto on any amendments. This provision would also make the Constitution less reflective of popular views and less desirable. Given the desire of political entities to maintain and expand their power, **Congress is unlikely** to allow the Constitution to be amended **to limit its power**. Moreover, because Congress tends to adopt the perspective of the federal government generally, Congress might not be quick to limit the power of the other branches of the federal government.62 Thus, if a change in values or circumstances were to require additional limitations on Congress or even on the federal government, it is unlikely that an amendment adopting those changes would be passed. Moreover, if Congress were to abuse its power, no constitutional reform would be forthcoming. Over time, then, one would expect the Constitution to become increasingly distorted normatively. The Constitution would fail to add needed checks on Congress and the federal government, but would grow to include additional limitations on the states (and perhaps the President). Finally, consider the existing Article V provisions. We can see that it ~~is~~ [are] largely the same as the one described immediately above that permits only the congressional amendment process. Given the defects in the convention process, it is as if that process does not exist. Thus, the same **normative distortions** that apply to a constitution with only **the congressional amendment procedure**--a bias **in favor of Congress and the national government**, and against the states--apply to the existing Constitution. The one exception to this claim is that the national convention process would be available if matters ever turned catastrophic. At that point, the state legislatures might be willing to risk a runaway convention and the other costs to address genuinely overriding problems. But absent this extraordinary situation, the national convention process would not be employed and the Constitution would exhibit **serious normative problems**. My argument that the failure of the national convention method undermines the constitutional amendment process by preventing certain amendments from being enacted is confirmed by our constitutional history. The dominant pattern of constitutional amendments reveals an amendment process that has neither placed checks on Congress or the federal government, nor provided protections to the states.

**1AR---AT: doesn’t link to politics**

**Congressional approval of logistics results in debate over the plan – ALSO ensures delay**

Lawrence **Schlam 94**. Professor of Law, Northern Illinois University College of Law, State Constitutional Amending, Independent Interpretation, and Political Culture: A Case Study in Constitutional Stagnation, Winter 1994, 43 DePaul L. Rev. 269

Bills have been proposed in Congress setting out procedures that Congress must follow when calling and conducting a convention upon general application of the states. See, for example, S. 817, introduced by Senator Orrin Hatch, and S. 600, introduced by Senator Jesse Helms in 1981. A similar bill was proposed by Senator Sam Ervin in 1967. It passed the Senate in 1971, but died in the House Judiciary Committee. Most commentators believe such a law would be helpful in resolving conflicts in advance. See Article V and the Proposed Federal Constitutional Convention Procedures Bill, Report and Recommendation to the New York State Bar Association by the Committee on Federal Constitution, 3 CARDOZO L. REV. 529 (1982) [hereinafter N.Y. Bar Report]; Note, Proposed Legislation on the Convention Method of Amending the United States Constitution, 85 HARV. L. REV. 1612, 1615-29 (1972). Such "legislation would . . . help avoid the **chaos** and **substantial delay** which might result if **Congress had to make**, on an ad hoc basis following receipt of thirty-four applications, **all decisions concerning** the sufficiency of applications, the convening of the convention, and the procedures to be followed by it." Id. at 1617. As Senator Sam Ervin said in support of his bill: "The Constitution made the amendment process difficult, and properly so. It certainly was not the intention of the original Convention to make it impossible . . . . My bill seeks to preserve the symmetry of article V by implementing the convention alternative so as to make it a practicable but not easy method of constitutional amendment." Sam J. Ervin, Jr., Proposed Legislation to Implement the Convention Method of Amending the Constitution, 66 MICH. L. REV. 875, 895 (1968). But cf. Charles L. Black, Jr., Amending the Constitution: A Letter to a Congressman, 82 YALE L.J. 189, 193 (1972) (stating that the Ervin bill is unconstitutional, unwise, and could not bind Congress in the future).

**That draws in Biden**

**Weber 86** - Professor of Political Science @ University of Louisville [Paul J. Weber, “The Constitutional Convention: A Safe Political Option,” Journal of Law & Politics, 3 J.L. & Pol. 51 1986]

The President **will** also most likely **become involved if the amendment affects presidential** **prerogatives** or powers. While there is some discussion about the formal role of a President in the amending process, there is little question but that presidents may use their immense informal powers to influence Congress and the public at large. Pg. 68-69

**President will try to exert influence**

**Brown 36** - Professor of political science @ University of Michigan [Everett S. Brown, “The Procedure of Amendment,” Annals of the American Academy of Political and Social Science, Vol. 185, (May, 1936), pp. 85-91]

As the political leader of his party and as the President of the United States, the President may exert a great deal of influence in the proposal of amendments, but there his participation ends. Pg. 87

**The process of the counterplan alone links which makes link defense to ptx offense against the counterplan**

**Kay ’19** Richard S. Kay: Oliver Ellsworth Research Professor and Wallace Stevens Professor Emeritus, University of Connecticut School of Law “UPDATING THE CONSTITUTION: AMENDING, TINKERING, INTERPRETING” 67 Drake L. Rev. 887 (2019), HeinOnline

III. THE DANGERS OF "TINKERING**"** Even if the intrinsic difficulty of amendment were less challenging than it is usually agreed to be, it would still, in our current situation, face formidable obstacles. That is because any proposed constitutional change confronts a presumption that it poses serious legal and political risks.44 Studies of relative amendment flexibility have increasingly recognized the importance of these qualitative factors under the caption of "amendment culture. ' 45 The evaluation of such a culture presents obvious problems of measurement. Tom Ginsburg and James Melton have attempted to "operationalize amendment culture as the rate at which a country's previous constitution was amended" and concluded that, so measured, it was a better predictor of subsequent amendment rates than the formal attributes of the procedure.46 There is good reason to think that the current amendment culture in the United States exhibits a decided reluctance to change the Constitution. The clearest evidence of this attitude is the pronounced anxiety that appears whenever we get close to reaching the number of state legislatures necessary to approve a national constitutional convention 47 in light of worries about the extent of the changes such a convention might propose.48 The fear that any constitutional reform is likely to make things worse has a long history. The original ratification of the Constitution was closely contested and spawned "bitter disagreement of great ideological depth. 49 Despite this inauspicious beginning, the Constitution's authority was promptly accepted on all sides.50 Its former Anti-Federalist opponents, in fact, were soon citing "the strict words of this frail Constitution, insisting on a literal interpretation of a document that many of them had vilified on fundamental grounds. ' 51 The historian, Lance Banning, explained that the generation of the Constitution makers, steeped in classical republican thought, held a deep attachment to a mixed or balanced government. Maintaining such a government demanded an "unremitting attention to the stability of the state. ' 52 "According to their favorite histories of England and of Rome, constitutional change, like water, always flowed downhill."53 In light of these fears, the Constitution began to look better, even to those who had been its vigorous opponents. These beliefs set the stage for what Banning described as "constitutional apotheosis. '54 Even the disagreements that led to the great crisis of disunion in the mid-nineteenth century were not about the merits of the Constitution. Southern statespersons on the brink of secession continued to cite the Constitution in their defense.55 The prospects of amendment cannot be evaluated without taking into account the continued existence of U.S. "Constitution worship.”5 6 This attitude naturally discourages any attempts to improve or replace the original text.57 When the National Constitution Center's website posted the video of a debate on the propriety of a national amendment convention, it introduced the subject by noting, "[I]t is always tempting to invoke Article V to amend the Constitution-to 'fix' it, or 'restore' it, or 'improve' it. But, on the other hand, there is a substantial risk to tinkering with the Constitution: many amendments seem to have unintended consequences. '58 Worries about "tinkering with the Constitution" come up whenever constitutional revision is suggested. 59 That description connotes something trivial, something to be contrasted with the solemn majesty of the Constitution. In 1915, an article with that title, by Joseph R. Long, was published in the Yale Law Journal. 6° Long criticized a proposal to amend Article V to make the adoption of new amendments easier.61 The recent approval of the Sixteenth and Seventeenth Amendments, he argued, belied the claim that amendment was near impossible.62 But mainly, like Madison, he worried that too many revisions would "impair the dignity of a constitution. ' 63 The substantive reforms motivating many proposed amendments would be better accomplished by federal or state legislation. 64 The Constitution, he conceded, "is not perfect," but a careful and deliberate process was essential before altering a document that "is justly regarded as the greatest instrument of government ever ordained by man. 65 A more recent illustration of the same phenomenon is the response to efforts to procure a constitutional amendment giving Congress the power to punish desecration of the United States' flag. These proposals were seriously mooted in the wake of decisions by the Supreme Court, holding that prosecutions for flag defilement were prohibited by the First and Fourteenth Amendments. 66 Many people considered disrespect for the flag to be a grave offense, and opinion polls showed a fairly consistent majority favoring criminal prosecution. 67 Opponents of such a constitutional amendment, however, were able to mount effective arguments exactly along the lines discussed. 68 That is, they did not stress the rightness of constitutional protection for flag burners. Instead, they emphasized the dangers of toying with the Constitution and especially with the Bill of Rights.

**It’s more controversial than the aff**

John A. **Eidsmoe 92**. 1992, Prof of Law @ Thomas Goode Jones School of Law, United States Air Force Academy Journal of Legal Studies, “A New Constitutional Convention? Critical Look at Questions Answered, and Not Answered, by Article Five of the United States Constitution”, Lexis.

It is no wonder, then, that Lawrence tribe, Professor of constitutional Law at Harvard, warns that a new **con**stitutional **con**vention could lead to domestic **political confrontations** of “**nightmarish dimension**” between Congress and the Convention, between Congress and the Supreme Court, and between Congress and the states-not to mention between the Supreme Court and the Convention. Tribe continues, Particularly in a period of recovery form a decade ruptured by war, political assassination, near impeachment and economic upheaval, and particularly in a time when such recovery has already been interrupted by new domestic and international crises, it is vital that the means we choose fro amending the Constitution be generally understood and, above all, widely understood as legitimate. An Article V convention, however, would today provoke **controversy** and **debate** **unparalleled** in recent constitutional history. For the device is shrouded in legal mysteries of the most fundamental sort, mysteries yielding to no ready mechanism of solution. Given the significance of the United States Constitution both for our nation and for others, it would not be surprising if a convention of this magnitude were to result in **serious** economic **instability** at home and abroad, as well as substantial **disrupt**ion of America’s **relations** abroad.

#### Links to politics.

Jay Riestenberg 18, M.A. in Political Management from George Washington University, citing three Supreme Court Justices, two U.S. Solicitor Generals, one U.S. Attorney General, and thirty-one Professors of Law, 3/21/2018, “U.S. Constitution Threatened as Article V Convention Movement Nears Success,” <https://www.commoncause.org/resource/u-s-constitution-threatened-as-article-v-convention-movement-nears-success/>

“But no rule or law limits the scope of a state-called constitutional convention. Without established legal procedures, the entire document would be laid bare for wholesale revision. Article V itself sheds no light on the most basic procedures for such a convention. How many delegates does each state get at the convention? Is it one state, one vote, or do states with larger populations, like California, get a larger share of the votes? The Supreme Court has made at least one thing clear — it will not intervene in the process or the result of a constitutional convention. The game has neither rules nor referees.” – McKay Cunningham, professor of law at Concordia University “The result will be a disaster. I hate to think of the worst-case scenario. At best, the fight over every step along the way would consume our country’s political oxygen for years.” – David Marcus, professor of law at the University of Arizona

**1AR---DA---school prayer---OV**

**probability – overpop makes multiple nonlinear existential risks inevitable**

*Chancellor 15* ***(Britton Chancellor, Chancellor Post, “Overpopulation – The root of many global crises,” Church and State, 9-28-2015, http://churchandstate.org.uk/2016/09/overpopulation-the-root-of-many-global-crisis/)***

***If stopped on the street and asked “What do you think would be the most likely thing to cause human’s extinction?” Most of us would likely reply with something concerning asteroids crashing down to earth and causing mass extinctions. But, in truth, one of the symptoms of our race’s*** *overpopulation* ***causing the*** *extinction* ***of our race (and most other species upon this planet along with us) is a profusely*** *higher probability****. The subject of overpopulation is a very controversial issue. The controversy is mainly left untouched due to the fact of religious and political standings and of course, peoples’ nonsensical fear of what the ‘fix’ for the issue that might be implied. But there is a universal law that applies to every single thing on this planet: Everything in moderation. Too much of anything can be self-destructive. It applies on every scale; on a personal level, economically, nationally, globally, and even in microscopic ecosystems. It is the universal law of moderation. Humans, animals, bacteria, and viruses alike are genetically designed to reproduce as much as possible, it is simple biology. It is the manner in which species carry on their race for millennia. It is technology and modern medicine that has permitted us to go far beyond previous population ceilings, therefore, in combination of these circumstantial events, we are breaking the universe’s ostensible law of moderation. Ensuing self-destruction of the human race is*** *imminent* ***with our current course and figures. WE have to be the ones to intervene. No radical action is necessary, but public awareness is. The growing gravity of this situation requires the awareness of all of the populaces living upon the earth. Earth is being run dry; non-reusable resources are being depleted at a previously unconceivable rate; and many reusable resources are being used at a faster rate than they naturally can replenish themselves. This is not a new problem, but an evolving one. Martin Luther King in 1966 recognized and addressed the issue, profoundly saying “Unlike plagues of the dark ages or contemporary diseases we do not yet understand, the modern plague of overpopulation is soluble by means we have discovered and with resources we possess.” Even back in 1966, when the world held a mere three billion people, overpopulation was a serious issue. The human population is now at more than double that number in less than 50 years later, and the growing strain upon the earth is palpable. The global crises such as*** *pollution****,*** *water shortages****,*** *desertification****,*** *rising sea levels****,*** *global warming****, animal*** *species extinction****, and*** *economic failures* ***and recessions are reactive issues*** *precipitating from overpopulation* ***itself. Overpopulation of any species has proven to kill any environment holding it. The entire earth is the human environment. The Earth itself is at risk of*** *turning into Mars****. The people’s collective decisions and those of the next handful of generations will decide the fate of Earth. Without Earth the Human species goes extinct. “What is lacking is not sufficient knowledge of the solution but universal consciousness of the gravity of the problem and education of the billions who are its victim.” – Martin Luther King, Jr. The general populace isn’t notified that it is an issue. It isn’t shown as an issue in the media. Schools do not teach about it. It is the issue that stays in the closet of secrecy. Why? The only way to fix the issue in a moral manner is to make the public aware of the gravity of the situation, and how they can do their part. “Nobody’s working on a real solution. No one has the courage. Not U.N. leaders, scientists or billionaires. No one. It’s taboo. All part of a conspiracy of silence. But denial is killing us. The human race is in a suicidal run to self-destruction. We can’t blame it on the great American conspiracy of climate-science deniers, Big Oil, the Koch Bros, U.S. Chamber of Commerce and Congress. It’s us.”(Farrell) The human rate of reproduction is the problem. “Overpopulation” means more goods or resources are required than can be supplied to them. Humans have always had the power to reproduce, to create life. They now have to have the resolve to not over-use that power. “The U.N.’s 2,000 scientists know overpopulation is Earth’s only real problem… Your scientific method makes this clear, we are making too many babies. Population’s out of control. And that’s the world’s No. 1 problem. But we’re all in denial.”(Farrell) Though one has to ask… ‘who is in denial?’. The issue is never brought to light, so the average person never sees it for being an issue, they simply believe that all the world’s crises are independent of one another and are not related to a root cause. The effects of human over-population can be seen everywhere, pollution, desertification, water shortages, contagion outbreaks, global warming, animal extinction, and the hole in our ozone layer over Antarctica. “U.N.’s Intergovernmental Panel on Climate Change… they’re solving the wrong problems.”(Farrell) This goes for more than just climate change, of course. But the U.N. is focusing on band-aiding the symptoms instead of addressing what they all too well know is the issue. Pollutants from big oil doing their best to keep electric and hybrid cars off the roads so they can continue to make many billions per year, at the cost of earth’s atmosphere and future. And overpopulation, which increases the output of pollutants and over-draws on resources causing desertification. “The world population is currently growing by 74 million people per year – the equivalent of a city the size of San Francisco every three days.” (Saracino) What is the environmental effect of overpopulation? Every person on the planet takes up space. Not just the small, physical space we take as people, or that our homes and yard does. Space is needed for farmland, and forests. People excrete wastes and cause pollution that flow into water systems and animal habitats, contaminating water, and killing wildlife. Many individuals cannot wash themselves or brush their teeth due to the caustic condition of the water in their neighboring land. Climates are changing, we can see a pattern in this table from the UN Population division. [[ FGURE OMITTED ]] There is an obvious correlation here. The rising average temperatures are also causing the ice caps to melt at the poles, which in turn raises the sea level. The rising sea level causes flooding. A long chain of natural disaster cause and effect. Forests are being exhausted as more wood and land is required to support our ever-growing population. The loss of these forests leads to extinction of plants and animals. These plants could contain cures for diseases that will never be found. Water usage is expected to increase by 50% in developing nations between 2015 and 2025, and 18% in developed nations. With freshwater supply already being strained, this demographic is causing a stir in many countries’ governments, whom are scrambling to figure out ways to supply their people’s rising water needs. Being that 97% of the earth’s water is salt water, unfit for consumption, and 67% of the remaining three percent is frozen, there isn’t very much remaining to go around. The wide-ranging loss of biodiversity, deforestation, extinction of species, and the pollution of the ocean and other water sources worldwide ought to be of chief concern to all of humanity, as the devastation and disregard of the environment will cause insurmountable difficulties for our perpetually multiplying human population in the not so far future. This, even currently, is putting colossal pressure on our natural resources and environment. Regrettably, as long as the disproportionate world population carries on growing as it is, proportionate economic growth will be needed to compensate for that population growth. In turn, that economy requires more consumption of resources. Oil will be the first to run dry and*** *exhaustion of resources will cease growth****, both*** *population growth* ***and*** *economic growth****. This will almost definitely lead to*** *wars****, embargos, and political and economical mayhem. Size of population and the fluctuations thereof, have a definite effect on an economy. Overpopulation means more demand in general. The main issue in developing countries is they are unable to compensate increasing supply for mass growth and as a result people starve. First of all, when countries are overpopulated, the people hardly have enough sustenance to support themselves, never mind the hope of having an excess to trade to other countries for the purpose of economic growth. This can cause a low GDP per Capita which is an effect overpopulation has on the economy. This causes the gap between upper-class and poverty to widen greatly, causing the vast majority to be within poverty status and all but eliminating any type of “middle-class”. In an endeavour to save the people from the starvation, the government will most likely have to depend on foreign debt. This puts the country in debt at stretches the government’s already inadequate resources. Furthermore, when a nation is overpopulated, there is a high rate of unemployment because there aren’t enough occupations to support the population. This consequences in a high level of crime because the people will need to steal things in order to subsist. Which in turn puts more stress on the economy. Overpopulation can also cause*** *viruses* ***to become*** *major epidemics****. Every person that a virus comes in contact with there is a fair chance the virus will mutate, change, and improve itself. This, in turn, can cause the virus to turn lethal, or become more lethal than it already is. Compound this over few million individuals and the virus could be an apocalyptic one. Ebola infected many countries recently. It also came to the US. This was most likely due to overpopulation. If there weren’t so many people in Africa it wouldn’t have spread to that degree, which also means that maybe the person that brought Ebola to the U.S, might have not contracted Ebola. Possibly because the overpopulation in Africa caused it to spread to the location the individual that came to the US was. In that case overpopulation does cause calamities to spread faster. With human populations being focused in urban centers, if there was a particularly deadly strand of virus or other contractible contagion, then it would spread as rapidly as a wild fire does in a forest with dense dead kindling littering the forest floor. People would contract it quickly on public transit, hospitals would become quickly overpopulated, and would cause the disease to spread there also; many people would begin dying. Overpopulation has always demonstrated to be abysmal for contagions when we look at times past. Such as the Black Plague, where people were all residing in a diminutive area of a city. There is also a social and psychological repercussion to overpopulation. The detrimental psychological effects of overcrowding due to overpopulation are made apparent in a common biology labs. Two rats were put into a cage and allowed to reproduce freely. At first, they got along well. That soon was no longer the case. The quantity of rats swelled but they remained in the original enclosure. As their numbers grew, they began to display anti-social behavior. The conclusion of overcrowding is the equivalent with human beings. The lesser amount of space people have to live in, the more difficult it is for them to get along. As humans compete, not simply for space but also for food, water and air, the more antagonistic their conduct becomes. Crime, and a lack of reverence for other people, turns out to be more commonplace as personal space is decreased. Violence is most predominant in highly populated regions, as are additional forms of criminal behavior. This is, in all probability, due to hostility and anxiety brought on by a deficiency of personal space. “Worldwide only 57.4% of women aged 15-49 who are married or in a union are using modern contraception”(WOA). And for a majority of that statistic, it is completely unavailable to them. The world’s population grows the most in the areas that are least able to be accommodated. “Growth is expected to be most rapid in the 49 least developed countries, which are projected to double in size from around 900 million inhabitants in 2013 to 1.8 billion in 2050”(WOA). The solution to human population is not as complicated as one might think. There is no need for radical action,*** *no necessity for ‘population control’****. “It is the job of the population activists of today to stick to the*** *reproductive justice* ***plan – every woman should have control over her own reproductive capacity. This plan has been*** *proven to work****. There is no need for ‘population control’”(WOA). A vast majority of conceptions are accidental, if all the women of the world were to be educated and given the affordable or free option of contraception a very noticeable result would ensue. In conclusion, the earth is in danger of being overconsumed past the point of no return. The best solution to this growing issue is multi-faceted. Awareness for the billions who are plagued by it, whom, currently are unaware. Free contraceptives in areas of the globe having the worst issues with this matter. Education of the women of the world, making it more likely they would have fewer children and later in their lives. And of course, individuals who could represent the issue without fearing political or religious ramifications.***

**2 – Makes War Inevitable and turns LIO**

***Bruce D.*** *Jones 17****, vice president and director of the Foreign Policy program at Brookings and a senior fellow in the Institution's Project on International Order; and Stephen John Stedman, Fall 2017, “Civil Wars & the Post–Cold War International Order,” Daedalus, Vol. 146, No. 4, p. 33-44***

***The effects of civil wars on international orders also differ across historical eras.*** *Civil wars may be fought over principles that undermine* ***the*** *norms* ***and rules*** *that undergird an international order. Civil wars may tempt intervention by great powers, who must learn prudence lest their involvement lead to direct military confrontation****. The*** *spillover of civil wars can ripple across borders and undermine regional balances of power. When those regions are of great-power interest****, the*** *containment of civil wars becomes an imperative for international order****. Much has been asserted about the relationship between civil war and the post–Cold War international order. During the last twenty-five years, pundits have repeatedly argued that the mere occurrence of particular wars, such as Somalia and Bosnia in the 1990s or Libya and Syria more recently, prove that international order is weak and tenuous. Civil wars have played an outsized role in a popular narrative of international disorder. According to this narrative, civil violence, terrorism, failed states, and the number of refugees are at unprecedentedly high levels. The world is falling apart, most people are worse off than they were thirty years ago, and globalization is to blame. By almost every measure, this narrative is empirically incorrect. Over the last thirty years, there has been more creation of wealth and a greater reduction of poverty, disease, and food insecurity than in all of previous history.1 During the same period, the numbers and lethality of wars have decreased.2 The success of the post–Cold War era in managing civil wars–bringing multiple wars to an end and ameliorating several others–has contributed to a more peaceful world. Great-power confrontations have been few and great-power war a distant memory. As measured by increased trade and reductions of arms expenditures as a percentage of gdp, international cooperation has risen to unprecedented levels.3 Indeed, international cooperation has been a fundamental characteristic of the international order since the collapse of the Soviet Union. Nonetheless,*** *the post–Cold War international order is currently under substantial pressure****, and in some areas, progress has reversed. The Russian annexation of Crimea and invasion of Ukraine signals a return to a militaristic approach to its border with Eastern Europe, while China's aggressive policies in the South China Sea promise that its relations with its neighbors will be tense and dangerous. And after a fifteen-year historic reduction in the numbers of civil wars, there has been a recent, major spike, mostly centered in the Middle East. Russian intervention in Syria and Saudi Arabian intervention in Yemen, and their indiscriminate use of force, run counter to the way the United Nations and its member states have managed civil wars over the past twenty-five years. The paralysis[****stasis] of the UN Security Council in responding to* ***the conflicts in*** *Ukraine and Syria conjures up memories of* ***the Cold War,*** *when proxy competition was the predominant response to civil wars****.***

**Accessible family planning prevents global nuclear war and civilizational collapse from population pressure**

***Paul*** *Ehrlich 3-24****, President, Center for Conservation Biology, Bing Professor of Population Studies, Stanford University, 3/24/18, quoted by Sputnik News, “Overconsumption, Inequity 'Lower Chances of Avoiding Global Collapse' – Scholar,” https://sputniknews.com/analysis/201803241062865525-overconsumption-inequity-global-collapse/***

*The collapse of civilization in the next few decades is imminent****, and it could be triggered by a variety of factors, Paul Ehrlich told Sputnik.  "It could be caused by a*** *nuclear war, droughts* ***and floods leading to*** *mass starvation****, a bursting of the debt bubble,*** *political unrest* ***from refugee flows or increasing economic inequity,*** *trade wars, terrorism or synergizing combinations* ***of these and other factors," the researcher said.*** *The main reasons* ***behind all these negative predictions are, according to the scientist,*** *overpopulation* ***and overconsumption. He is confident that these two factors*** *will drive our civilization over the edge.* ***"****The basic problem is the wrecking of human life-support systems* ***by growth in aggregate consumption — and that is*** *a product of growth in population size* ***and growth in per capita consumption. Various forms of inequity — gender, racial, religious could contribute by making it less likely that people will provide the cooperation required to give the chance of avoiding a collapse," the analyst argued.  In Ehrlich's view, the situation has significantly worsened since he released a corresponding warning in his book "The Population Bomb" 50 years ago.  "The population has doubled in size, climate disruption is now much more thoroughly understood and is already causing problems, there soon will be more weight of plastics in the oceans than fish; hormone-mimicking synthetic chemicals are now toxifying earth from pole to pole and are the likely cause of plunging sperm counts around the world;*** *almost half of wildlife has been exterminated in the greatest mass extinction episode* ***in the last 66 million years," the analyst said.  According to him,*** *the chances of a global nuclear war wiping out civilization are* ***now also "****higher than* ***at any time during*** *the Cold War* ***except for the Cuban missile crisis."  Although, there have been numerous warnings about the way humans are threatening life on earth, governments and the international community have so far failed to reduce this threat, and Ehrlich believes that there are several reasons for this.  Among them are "the lack of education in basic science, especially among economists and politicians, who think economic growth is the cure for everything rather than what it is — the basic disease," the analyst said, adding that a key role is also being played by such negative traits if a human character as "greed, stupidity and arrogance."  Answering the question about which*** *measures* ***he considers*** *essential to change the situation for the better****, the scientist said that, among other things,*** *it's important to "supply everyone with modern contraception* ***and backup abortion," "give women equal rights and opportunities with men," "end racial and religious discrimination so that all people are free to help solve the human dilemmas" and "redistribute wealth." number of sex workers.***

**Accessible family planning’s key to avert irreversible warming tipping points---benefits are short-term and huge**

***John*** *Guillebaud 16****, emeritus professor of family planning and reproductive health at University College London, 5/20/16, “Voluntary family planning to minimise and mitigate climate change,” BMJ, http://www.bmj.com/content/353/bmj.i2102***

***Simply put,*** *climate change is caused by excessive* ***production of*** *g****reen****h****ouse*** *g****ase****s****. As highlighted by the late Professor Tony McMichael,*** *the “cause(s) of the causes” should not be overlooked****.1*** *With climate change* ***already*** *close to an irreversible tipping point, urgent action is needed to reduce not only our mean (carbon) footprints but also the “number of feet****”—that is,*** *the growing population* ***either already*** *creating large footprints or aspiring to* ***do so. Wise and*** *compassionate promotion of contraceptive care* ***and education in a rights based, culturally appropriate framework*** *offers a cost effective strategy to reduce g****reen****h****ouse*** *g****ase****s. This* ***article*** *outlines the evidence for voluntary accessible family planning as a strategy to reduce* ***greenhouse gas*** *emissions and mitigate climate change****. What is the relation between population and environmental impact? During 1971-72, Ehrlich and Holdren identified three factors that create humanity’s environmental (including climatic) impact, related by a simple equation2: Environmental impact, I =P×A×T in which A is affluence (material consumption and the concomitant “effluence” of pollutants such as carbon dioxide (CO2) per person); T is technology impact per person (in which fossil fuels measure more highly than solar based energy); and P is population (the number of people).*** *Population’s effect on the other* ***two*** *factors is multiplicative. Reducing P can reduce environmental impact if the other factors are constant****. In fig 1⇓, for example,*** *fewer people requiring food would manifestly reduce the startling 30% of greenhouse gas emissions from agriculture and meat production combined* ***(including CO2 from deforestation, methane from livestock, and nitrous oxide from fertilisers).3 That said, other contributory factors, including the worldwide trend towards higher meat consumption, must also be reversed. Population trends Since 1850, substantial lowering of death rates, first through public health and later through antibiotics, along with slow falls in birth rates, have led to a global population of more than 7400 million people by June 2016, a sevenfold increase. The total fertility rate is the projected mean number of children born to an average woman in her lifetime on current demographic assumptions or, in shorthand, the “average family size.” Given world average mortality, countries achieving total fertility rates of 2.1 have replacement fertility, yet their populations continue to increase for roughly 60 years because of demographic momentum (see below). Since the mid-20th century the world’s mean fertility rate has reduced from 5.2 to 2.5, and 46% of people live where the mean family size is equal to or below parental replacement fertility.4 In 2013 an influential film by Hans Rosling, Don’t Panic—The Facts About Population,5 suggested that the population problem was essentially solved. However, there is some “bad news.” Firstly, fertility patterns vary by country: 45% of the world lives in areas where total fertility rates range from 2.1 to 5, and 9% where they exceed 5. In the 48 countries designated by the United Nations as least developed, population is projected to triple by 2100.4 In much of sub-Saharan Africa fertility reduction has stalled.6 7 The UN’s latest median world population projection of 11.2 billion by 2100 is predicated on continuing reductions in fertility rate; without them, the constant fertility variant projects to roughly 28 billion by 2100.3 A second problem is “inexorable demographic momentum” as a result of*** *the population “bulge****” of young people who were born when fertility rates were higher and are yet to start their families. That phrase was used in*** *a* ***widely publicised*** *scenario based report Human Population Reduction is not a Quick Fix for Environmental Problems****.8 However, the*** *scenarios have been criticised for* ***ignoring country-to-country variability and hence*** *understating the “enormous* ***social and economic*** *benefits* ***that*** *family planning adopting nations have experienced in one generation* ***compared with their non-adopting neighbours”—that is, the*** *benefits are not long delayed****.9 10 Voluntary family planning omitted in climate change coverage As already noted, three factors affect environmental impact,*** *yet most climate change discussions focus only on technology and consumption****. Even if unremitting*** *population growth* ***is recognised (as, for example, in the Living Planet Report by the World Wide Fund for Nature with the Global Footprint Network)11 it*** *is usually treated as a “given****,” something to be measured and (hopefully) adapted to,*** *not as something that is sensitive to policy intervention****.*** *This is analogous to monitoring a bucket that is filled from a running tap and, when it’s close to overflowing, discussing complex measures to make the only available bucket larger, rather than turning off the tap****. Doctors can have an important role in putting family planning on to the agenda (box 1).***

**Unchecked warming causes extinction**

***Robert A.*** *Schultz 16****, retired Professor and Chair of Computer Information Systems at Woodbury University, 2016, “Modern Technology and Human Extinction,” http://proceedings.informingscience.org/InSITE2016/InSITE16p131-145Schultz2307.pdf***

*There is consensus that there is a* ***relatively*** *short window to reduce carbon emissions before drastic effects occur****.*** *Recent credible projections of the result of lack of rapid drastic action is an average* ***temperature increase of about*** *10****o*** *F by 2050. This* ***change*** *alone will be incredibly disruptive to all life****, but will also cause great weather and climate change. For comparison purposes, a 10 degree (Fahrenheit) decrease was enough to cause an ice layer 4000 feet thick over Wisconsin (Co2gether, 2012). Recently relevant information has surfaced about a massive previous extinction. This is the Permian extinction, which happened 252 million years ago, during which 95% of all species on earth, both terrestrial and aquatic, vanished. The ocean temperature after almost all life had disappeared was 15 degrees (Fahrenheit) above current ocean temperatures. Recent information about*** *the Permian extinction* ***indicates it*** *was caused by a rapid increase in land and ocean temperatures****, caused by the sudden appearance of stupendous amounts of carbon in the form of greenhouse gases (Kolbert, 2014, pp. 102-144). The origin of the carbon in these enormous quantities is not yet known, but one possibility is the*** *sudden release of methane gases stored in permafrost****. This*** *is also a possibility in our current situation. If so,**extinction would be a natural side effect of human processes****. There is also a real but smaller possibility of what is called “runaway greenhouse,” in which the earth’s temperature becomes like Venus’ surface temperature of 800o*** *The threat of extinction* ***here*** *is not entirely sudden.**The threat is, if anything, worse. Changes in the atmosphere****--mainly increases in the concentration of greenhouse gases in the atmosphere--*** *can start processes that can’t be reversed but which take long periods of time to manifest****. “Runaway greenhouse” may be the worst. Once again, suggestions of technological solutions to this situation should be treated with some skepticism. These proposals are often made by technophiles ignoring all the evidence that technology is very much subject to unanticipated side effects and unanticipated failures. What has happened concerning the depletion of the ozone layer should be a clear warning against the facile uses of technology through geoengineering to alter the makeup of the entire planet and its atmosphere.*** *The complicating factor in assessing extinction likelihood from climate change is* ***corporations, especially American*** *fossil fuel corporations* ***such as Exxon-Mobil and Shell. Through their contributions,*** *they have been able to delay legislation ameliorating* ***global warming and*** *climate change****. As mentioned before, recently released papers from Exxon-Mobil show that the corporation did accept the scientific findings about global warming and climate change. But they concluded that maintaining their profits was more important than acting to ameliorate climate change.*** *Since it is not a matter of getting corporations to appreciate scientific facts, the chances of extinction from climate change are good. To ameliorate climate change, it is important to leave* ***a high percentage of*** *fossil fuel reserves in the ground****. But this is exactly what a profit-seeking fossil fuel corporation cannot do. One can still hope that because fossil fuel corporations are made up of individuals, increasingly bad consequences of global warming and climate change will change their minds about profits. But because of the lag in effects, this mind change will probably be too late. So I conclude*** *we will probably see something like the effects of the Permian extinction* ***perhaps some time*** *around 2050****. (The Permian extinction was 95% extinction of all species.) This assumes the release of methane from the arctic will take place around then.***

**1AR---DA---school prayer---link**

**The aff revitalizes US “amendment culture”- overcomes Article V barriers**

**Ginsburg and Melton 14** (Tom Ginsburg & James Melton, Leo Spitz Professor of International Law, University of Chicago Law School; Lecturer in Comparative Politics, University College London, Does the Constitutional Amendment Rule Matter at All? Amendment Cultures and the Challenges of Measuring Amendment Difficulty, (Coase-Sandor Institute for Law & Economics Working Paper No. 682, 2014), <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2348&context=law_and_economics> )

IV. Results: Amendment Difficulty or Culture? How well do amendment culture and amendment institutions predict observed amendment rates?43 We answer this question by estimating a series of ordinary least squares regression models, in which the unit of analysis is the constitutional system. Table 3 presents the results. The dependent variable is the unweighted amendment rate in columns 1-4 and the weighted measure of amendment rate in columns 5-9. For each measure of the amendment rate, two models are estimated on two different samples, for a total of four regressions. The two samples are the full sample of countries and a smaller sample of democratic constitutions only, following the convention adopted by Lutz and Lorenz.44 For each dependent variable and sample, we estimate one model with covariates and one without. Recall that the measures of amendment difficulty are expected to have a negative, statistically significant effect on the measures of amendment rate, and amendment culture is expected to have a positive effect. --Table 3 here-- The results are intriguing and consistent with our expectations. **The best predictor of constitutional amendment rates**, it turns out, **is** what we have called an **amendment culture**, as measured by the **frequency of amendment** in the country’s previous constitution. This is particularly true of the first four models; in each, amendment culture has a large effect. When we use weighted amendment rate as the dependent variable, though, amendment culture is only significantly related to the amendment rate in democratic constitutions. Notably, the coefficient estimates are quite large for the amendment rate, indicating both their **statistical and substantive significance**. The institutional variables are **never statistically significant**, and often, they **do not even have the sign one would expect**. For instance, large vote thresholds are positively correlated with the amendment rate, suggesting that higher vote thresholds actually yield higher amendment rates. Similarly, requiring votes in multiple parliamentary sessions is associated with higher amendment rates. The only procedural variable with the correct sign is the one indicating the number of approving actors. More approvers decrease the amendment rate, but the magnitude of the coefficient is not large enough to achieve statistical significance. Some of the control variables in the model are also interesting. First, as expected, the length of the constitution is positively correlated with the amendment rate. Length is a significant predictor in model 3, where the unweighted amendment measure is used. In that model there is expected to be about 1 additional amendment every 10 years a constitution survives for every additional 1,000 words in the constitution. Scope is statistically significant in the same model. For an increase from minimum to maximum scope, the expected number of constitutional amendments is expected to decrease by 2.5 for each 10 years of a constitutions life span. The effect of judicial review is also interesting. Surprisingly, the presence of judicial review actually increases the amendment rate. Although the effect is only statistically significant in model 4, the sign of the variable is consistent across models. This suggests that de jure judicial review may not substitute for constitutional amendments, a finding that should be explored further in future research. From a constitutional design perspective, this result is a bit depressing. The results suggest, quite strongly, that constitutional designers have little influence over the observed flexibility of their product. V. Conclusion: Whither Amendment Culture? This article has spent a good deal of time on technical issues of measurement, showing that existing measures of amendment difficulty are poorly correlated and may not be valid. But even more critically, we have suggested that a perfectly valid measure may not matter at all in terms of constraining or facilitating amendment. Our argument is that institutions are not the primary determinant of amendment rates. At the end of the day, it is hard to disagree with Rasch, who summarizes the situation by noting that the “empirical relationship between rigidity and amendment is however not very robust.”46 Instead, we argue, **attitudes about amendments matter**. Our main claim is that something we are calling amendment culture exists and is important. There have been other efforts to tie particular constitutional amendments to cultural concerns, even concerns about the nature of writing and change.47 But to our knowledge no one has articulated the idea of an amendment culture at the level of a constitutional system.

**One amendment spurs others**

**Versteeg and Zackin 14** (Mila, Associate Professor of Law, University of Virginia School of Law; Emily, Assistant Professor of Political Science, Johns Hopkins University. American Constitutional Exceptionalism Revisited , The University of Chicago Law Review 81:1641, SSRN)

In fact, flexible and detailed constitutions may actually become more specific over time. The possibility of frequent constitutional updating may encourage a **variety of issue-oriented groups to pursue constitutional change** in advancing their **particular** policy goals. As constitutions begin to respond to these groups’ demands, **other groups may follow suit**, insisting on the inclusion of new or countervailing instructions. Thus, the frequent addition of detailed instructions on a wide range of policy choices may be a long-term mechanism through which constitutions require government to abide by the will of the governed.

**One amendment spurs others- history proves that it overcomes procedural barriers**

**Jackson 15** (Vicki, Thurgood Marshall Professor of Constitutional Law, Harvard Law School, The (myth of un)amendability of the US Constitution and the democratic component of constitutionalism, International Journal of Constitutional Law, Volume 13, Issue 3, July 2015, Pages 575–605, <https://doi.org/10.1093/icon/mov050> )

Under existing procedures, it is **not at all clear** that the US amendment process should be regarded as “**impossible**” or even “close to impossible.” According to John R. Vile, a leading scholar of the US amendment process, of the thirty-three amendments that have been proposed by a two-thirds vote of both Houses of Congress, only six have failed to be enacted. 13 This record might be read to suggest that the major hurdle for amendments is the Congress, since the great majority of proposals that emerge are passed. How difficult is it to obtain agreement of two-thirds of both houses on proposals? It is not easy, to be sure. But if we consider the other situation in which the Constitution requires action by two-thirds of both Houses of Congress, the two-thirds of both houses requirement does not appear to be an “impermeable” barrier. To propose an amendment to the states requires two-thirds of both houses; to override a presidential veto also requires two-thirds of both houses. There have been approximately 110 congressional overrides of presidential vetoes since 1789 (including 15 during the highly confrontational presidency of Andrew Johnson). 14 Although this number is under 5 percent of the total number of presidential vetoes, even this data suggests that it is far from impossible to obtain agreement from the two houses by a two-thirds vote on substantive issues. Moreover, more meaningful figures focus on only those “regular” vetoes that were not “pocket vetoes” (which do not go back to Congress for possible override), 15 and on public (rather than private) bills. 16 Focusing on these categories of presidential vetoes of legislation likely to be of consequence and capable of being overridden by Congress, one finds that a significantly higher percentage have been overridden. For example, a 2013 study finds that looking only at “regular vetoes” since 1961, thirty-seven out of 233 vetoes were overridden—for a rate of 15.9 percent. 17 If two-thirds of both Houses of Congress can join together to override Presidential vetoes at these rates, then perhaps the requirement that two-thirds of each House join in proposing amendments may not, by itself, be quite so large an obstacle to proposing amendments as might be thought; and as noted, most amendments proposed by Congress have been ratified by the states. On the other hand, there are differences between veto overrides and proposals for amendment relating to ease of formulation, 18 and prior congressional investment, 19 that may make it more difficult for Congress to propose amendments than to override vetoes. The most recent proposal for an amendment from Congress—the Equal Rights Amendment proposed in 1972—failed to be ratified; although garnering ratifications in 35 states, it fell three states short of the 38 needed, illustrating that the requirement of ratification by three-fourths of the states poses an additional and real obstacle. Moreover, the first 12 amendments occurred very early in US history—by 1804. There may, then, be political phenomena that exist now, that did not exist before, that make amendment particularly difficult. 20 Indeed, to the extent that an amendment becomes a highly partisan issue, under conditions of relatively even partisan divide, the amending formula will pose a very substantial obstacle. 21 Whether in the long run that is a good or bad effect is debatable; slowing down amendment in times of intense partisan divides is not necessarily a bad thing. 22 Overriding presidential vetoes also appears to have varied in rate over time; the first override of a presidential veto was not until 1845 (Tyler’s administration), and the pace of overrides has varied with the political makeup of the Congress and the President (with thirty overrides, for example, from the beginning of President Nixon’s term until the end of President Reagan’s). 23 A different way of looking at things is to introduce the possibility of variation in **amendment pace** over different time periods. 24 The United States has had several long periods without amendments: from 1804 to 1865; from 1870 to 1913; and from 1971 to the present (with the bizarre exception of the 27th Amendment). 25 Between 1865 and 1870, there were three important amendments in the wake of the Civil War; and between 1913 and 1971 there were eleven amendments. We may not, then, know the extent to which the Article V process is “dead,” or simply **quiescent**, as it has been in the past. There is at least a possibility that **enacting amendments makes enacting other amendments** somewhat **more likely**—and conversely, that disuse of the amending procedures may increase the political or cultural resistance to their use. 26

**Reaction to Citizens United proves amendments aren’t happening now because they’re seen as impossible- the aff reverses that and revitalizes them as a means of change**

**Jackson 15** (Vicki, Thurgood Marshall Professor of Constitutional Law, Harvard Law School, The (myth of un)amendability of the US Constitution and the democratic component of constitutionalism, International Journal of Constitutional Law, Volume 13, Issue 3, July 2015, Pages 575–605, <https://doi.org/10.1093/icon/mov050> )

2.3. Predictions of failure and normative objections may both contribute to disuse of amendment What may increase the difficulty of formal amendment in the United States is a seemingly widespread view that constitutional change **cannot , as a practical matter, be sought through amendment**, and that as a normative matter amendments should not be the vehicle for legal change (but rather changes in judicial interpretation should be sought). Taking account of these aspects of political culture in assessing the effects of the different amendment procedures is consistent with some recent studies indicating that the **formal rigidity of amending formula has**, at best, **limited value in predicting rates of amendment**. 37 Although I cannot offer conclusive proof in this paper that empirical beliefs in impossibility and normative attitudes of constitutional veneration contribute to disuse of the Article V amendment process, the suggestion that they may be **causal factors** is consistent with emerging work on the significance of culture as a factor influencing amendment rates. 38 On the first of these—overstatements of the difficulty of using the amendment process—as already noted, Levinson entitled a chapter in his book, “The Impermeable Article V,” and refers to Article V as making it “practically impossible” to enact constitutional change. 39 He is by no means alone in doing so. Professor William Eskridge describes the failure of the Equal Rights Amendment as having apparently been the “death” of the Article V amendment process. 40 Joel Colón-Ríos describes Article V as “creat[ing] almost insuperable constraints on constitutional change.” 41 These statements are widely echoed in the scholarly literature. Predictions of impossibility often combine with asserted reverence for the Constitution, related normative resistance to proposing changes in its text, and, sometimes, fears that any resort to the amendment process will invite populist movements to amend in undesirable ways; these all may cause hesitation to resort to the amendment process even when it would seem a logical response. Consider the reactions from groups that disagreed with the Court’s decision in Citizens United v. Federal Election Comm’n . 42 Public opinion polls after the decision indicated that public sentiment, among both Republican and Democratic voters, was running strongly against the decision. 43 One might have thought this was an opportune moment to go the people, through the amendment process, to obtain constitutional authorization for regulation of campaign expenditures and contributions. Yet some combination of reasons—which may include concerns for overriding the Supreme Court through amendment, reluctance to amend in any way the First Amendment, as well as a belief in the futility of the amendment process, and support for the decision by influential minorities—prevented any groundswell of support for a responsive amendment in the first years after the decision came down. Yet an immediate response through constitutional amendment (as occurred, for example, after Oregon v. Mitchell ) had some compelling reasons behind it, including the benefits of acting before spending and fundraising patterns adjusted to the new regime under Citizens United and expectations by politicians and corporations became entrenched. 44 A leading public interest group that opposed the Citizens United decision was the Brennan Center for Justice at New York University School of Law. The Brennan Center devoted considerable effort to developing strategies for responding to the decision, including hosting conferences and preparation of research/policy papers. The nature of the organization’s early response is illustrated by a paper, Renewing Democracy After Citizens United, which proposed three strategies toward renewing democracy: enacting legislation for small donor public financing; increasing voter registration; and developing new jurisprudence, that is, new doctrinal arguments to persuade future courts of a different view. 45 In 2011, the Brennan Center held a conference, Accountability After Citizens United , also on responses to Citizens United , that focused on statutory approaches through securities and corporate law; activating administrative agencies, like the Federal Election Commission (FEC), Federal Communications Commission (FCC), and Internal Revenue Service (IRS); and, again, developing new jurisprudence around the issue. 46 The Brennan Center’s failure in those responses to devote any attention to the possibility of an amendment as a form of “democratic renewal,” or “accountability,” speaks volumes about its belief in the possibility, and/or desirability, of amendment. Similarly, an issue analysis prepared for another public interest group, the American Constitution Society (ACS), soon after the Citizens United decision, addressed several issues. 47 They included the need to have better factual records for “strict scrutiny” review to support the claimed need for regulation; increasing disclosure requirements; addressing disclosures and expenditure issues through corporate law and requirements of shareholder approval; moving towards public funding of campaigns; modernizing voter registration; and appointing as Supreme Court justices those with a “voter-centric” view of the First Amendment. 48 Despite its thoughtfulness and seemingly comprehensive overview of possible responses (including the constitutional politics of appointments to the Court), this memo for ACS did not mention the possibility of constitutional amendment. 49 To be sure, some critics of Citizens United have tried, and with some success, to promote a constitutional amendment in response. At least fourteen proposals were introduced in Congress within two years of the decision; these range from amendments sweeping broadly to say that corporations do not hold rights under the Constitution, to those authorizing legislatures to regulate corporate, or all, campaign contributions and expenditures, to those excluding campaign expenditures from First Amendment protections, to those establishing a substantive rule, for example, banning corporate contributions or expenditures. 50 An organization called “Move to Amend” seeks petition signatures for a proposed amendment to “our Constitution to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights”; they reportedly had about 300,000 signatures in mid-2013. 51 Another organization, “Free Speech for People,” supports amendments to “(1) enable Congress and the states to limit campaign spending and (2) to make it clear that corporations do not have constitutional rights;” in 2013 it claimed to be “one-third” of the way to succeeding with a constitutional amendment. 52 In 2014, the “Democracy for All” amendment, Senate Joint Resolution 19, 113th Congress, did not receive the necessary two-thirds vote, notwithstanding majority support in the Senate. 53 Some well-established public interest groups, including People for the American Way, 54 and Public Citizen, 55 have supported amendment as an approach, as have some legal scholars. 56 But other influential non-governmental organizations (NGOs) and political actors who disagreed with the decision in Citizens United nonetheless **ruled out seeking an amendment**, either because they believed it is so **unlikely to succeed** and/or because they believe other approaches have normative advantages. It is possible that those groups that did not include amendment as a possible response to Citizens United did so because they believed a constitutional amendment is a bad idea for reasons other than its unlikelihood of enactment. 57 They might believe that an amendment would be too hard to craft to achieve its goals in the hands of an uncertain Supreme Court; or that entrenching provisions relating to the subject is a bad idea for democratic politics; or even that “progressives” who oppose Citizens United should not seek amendment lest it encourage “conservatives” to seek amendments that progressives disagree with. 58 But a significant part of the opposition to amendment—among those who would like to overturn the effects of Citizens United —has to do with a belief that it would be impossible. For example, Mark Schmitt, Senior Fellow of the Roosevelt Institute, advanced a series of arguments, which appear mostly bottomed on the unlikelihood of an amendment passing. 59 In one debate with proponents of amendment, he stated that proceeding with an amendment would imply to those working on other approaches that “we can’t do anything until we have a constitutional amendment,” and argued that “under the current circumstances, ‘We can’t do anything until we have a constitutional amendment’ is exactly the same as saying, ‘We can’t do anything.’” 60 Later remarks made clear he was not substantively opposed to amendment insofar as it related to campaign finances, and that he agreed that Citizens United was wrongly decided, 61 though he also raised questions about the capacity to draft an adequate amendment. 62 Thus evidence suggests that opposition to amendment is based in part on **concerns that it would be impossible** and in part on normative worries about amendment as opposed to other mechanisms of change.

**Even single amendments spill over**

**Kay ‘19**

Richard S. Kay: Oliver Ellsworth Research Professor and Wallace Stevens Professor Emeritus, University of Connecticut School of Law “UPDATING THE CONSTITUTION: AMENDING, TINKERING, INTERPRETING, SYMPOSIUM DISCUSSION: KAY” APRIL 13, 2019, 67 Drake L. Rev. 909 (2019), HeinOnline

**Audience Member**: I think it's safe to say, or at least a consensus or a soft majority of the academic community would agree, that the Constitution should be amended in certain places. But the problem with that being that you need a pretty strong majority to accomplish that. I'm going to harken back to something Professor Levinson hit on. In this country where the Constitution is viewed as this absolute, almost biblical, document in its original sense, is there a way to repackage the republican view that it is important to amend the Constitution but alternatively that maybe the Constitution has served as sort of a baseline**?**

**Kay**: I can't say that it's impossible. **Nothing lasts forever**. This Constitution has lasted a long time and things in this country are really different now. Different in a way that I've never experienced in my unfortunately very long life. So, yes, it's possible. I think what you need is a crisis though that's kind of a tough thing to wish for. But, we may not see it. I won't see it.

Lisa Miller: Thank you very much, Richard. That was really interesting. I was intrigued by your comment about the amendments that were passed in the 19-teens at a moment you know when it looked like they weren't going to happen again. And it put me in mind me of a quote that I think is attributed to Winston Churchill, "That the Americans always do the right thing, but only after they've tried everything else first." And I think it's true that there have been moments where just enough people have said we've had it. Right, we're just going to think about the Twenty-Fourth Amendment, the poll tax, let's just be done with this. That's somewhat encouraging to me. I'm wondering if you have any thoughts on what issue or, issues or features of the Constitution might be, you know, close to in the next decade or so bubbling up.

**Kay**: There have been these periods; the progressive era in the 19-teens is not the only time it's happened. My colleagues will know better than I do. In the '60s, there were a whole bunch of amendments too, mainly about representation and voting. So, **once you get one amendment through, and the world doesn't fall apart, then maybe there's room for another** one if they are modest.

**Just like “horse-trading” could be the link to an agenda politics DA- it could also work for amendments**

**Gilbert 17** (Michael, Sullivan & Cromwell Professor of Law, University of Virginia, Virginia Law Review, Vol. 103, No. 4 (June 2017), pp. 631-671, <https://www.jstor.org/stable/26400253> )

In addition to constitutional failure, these ideas cast light on an important question of constitutional evolution: When to amend and when to convene? Article V authorizes two methods for changing the text of the Constitution: amendments and conventions.146 Other constitutions offer the same basic choice.147 Amendments are more likely to fit the spatial models, which assume decisions happen on one issue at a time. Thus, changing law through amendment will more likely produce the incrementalism and instability described above. Conventions, on the other hand, often involve bargaining across **multiple issues**. Such bargaining can generate meaningful change. Returning to Figure 5, voter l will not, without more, approve replacing SQ with a law at m. She might, however, support such a change if she gets a change on another issue in ex change. Suppose the dimension in Figure 5 reflects rights for religious minorities, and another unpictured dimension reflects the right to educa tion. Voter l opposes moving rights for religious minorities further from her ideal point—which going from SQ to m would do—but she would nevertheless support it as part of a deal that simultaneously moves the right to education closer to her ideal point. Thus, bargaining can produce large change even when law is entrenched and the incrementalism and pace principles operate. In short, the solution to the constitutional predicament described above is a convention. Voters or their representatives must **bargain across issues, not vote individually on each one**. Returning to the case of France, after the constitution collapsed in 1958, General de Gaulle's government drafted a new one. Voters cast one vote on the **complete package**; they did not vote on each provision. According to a key parliamentarian, the new constitution "embodied] the reforms envisaged earlier," meaning the amendments considered but rejected during the Fourth Republic.148 Revision accomplished what amendment could not. France's Fifth Republic endures to this day

**1AR---DA---school prayer---i/l**

**Specifically supreme court precedent creates a framework that gets modelled**

**Elster 16** (Naomi, writer and scientist with a PhD in cancer medicine at the Royal College of Surgeons, Ireland, supported by the Irish Cancer Society, "How U.S. Policies Shape Abortion Rights Around The World," http://www.theestablishment.co/2016/09/19/how-u-s-policies-shape-abortion-rights-around-the-world/)

It’s no secret that the United States has a massive global influence on politics—but too often, we forget how this influence extends to women’s rights. Around the world, **countries make decisions on abortion and reproductive health that can be traced**, at least in part, **to precedents set in the U.S**. “The U.S. can be quite isolationist; it doesn’t often look outside of its borders. But a lot of other countries do look to the U.S. and will cite U.S. Supreme Court proceedings in their own court proceedings,” explains Grace Wilentz, a human rights activist and policy expert based in Dublin, Ireland, who has over 10 years of experience working in the sexual and reproductive rights arena and consulting for multiple international NGOs and UN agencies on these issues. With the election approaching, it’s a particularly valuable time to look at the ways that U.S. policies shape those around the world—and how **this affects even** more than the crucial issue of **abortion access**. Roe v. Wade Not surprisingly, one of the most influential U.S. decisions on other countries has been Roe v. Wade. Decided in 1973, the ruling was of its time, heavily influenced by abortion liberalization happening globally, particularly in Western Europe. And it, in turn, has had significant global significance. By grounding the right to choose in a solid constitutional argument about privacy and individual liberty, the United States created a framework that could be applied by other countries. And applied it has been; **since Roe was decided, more than 40 countries have adopted laws to permit abortion under certain circumstances**.

**Now’s key---countries are setting up their own insurance systems---the signal of the plan would be a devastate worldwide access to family planning**

***Lethia*** *Bernard 18****, Research and Policy Analyst at PAI, a global organization advancing the right to affordable, quality contraception and reproductive health care for every woman, everywhere, 2/6/18, “Part of the Same Equation: Universal Health Coverage and Sexual and Reproductive Health and Rights,”*** [***https://pai.org/newsletters/part-equation-universal-health-coverage-sexual-reproductive-health-rights/***](https://pai.org/newsletters/part-equation-universal-health-coverage-sexual-reproductive-health-rights/)

*SRH services = sexual and reproductive health*

Yet, in most low-income countries, family planning is donor-dependent and heavily subsidized by users themselves. However, donor funding is insufficient and stagnant. At the same time, **many low-income countries are graduating to middle-income status and losing eligibility for donor funds. As a result, public financing is necessary to ensure** sustainability of sexual **and reproductive health and rights** (SRHR) investments.  In response, many sexual and reproductive health advocates have focused on domestic resource mobilization (DRM) from the perspective of creating budget lines and tracking associated allocations and expenditures at the national and subnational levels. Fewer, however, have been engaged in DRM with respect to health financing strategies under the umbrella of achieving universal health coverage (UHC). Yet, not only are the principles behind these strategies consistent with the achievement of sexual and reproductive health and rights; they perhaps represent the next best opportunity to shore up funding for sexual and reproductive health in the current funding and political environment.  A large part of UHC will involve establishing or reforming countries’ insurance schemes. These discussions will dictate whether insurance systems are pro-poor, include SRH services in benefits packages, or pay for certain or all portions of services. To ensure financial sustainability and equitable access, insurance schemes and respective packages of services must include SRH information and services including family planning, safe abortion and post-abortion care, pregnancy-related services and STI prevention and treatment—and **now is the time to advocate** for **their inclusion**. This environment represents an opportunity for SRHR priorities that champions of SRH cannot afford to miss.  The Opportunity **Universal health coverage is gaining momentum at the global and national levels** as one of the key health Sustainable Development Goals. Many **countries are** therefore **embarking on large-scale policy reforms and restructuring their health system priorities and national health financing strategies to achieve universal health coverage** by, or near, the 2030 SDG target date. They are either proposing major reforms to the existing health insurance schemes or creating them for the first time with the specific goal of using them as a mechanism to achieve UHC. **Benefits packages may or may not include family planning** and SRH services. Though the timeframe is 2030 achievement, these reforms take time to construct, implement, and yield results. That means **governments are defining the structure of insurance systems and benefits packages that will implicate women’s access to family planning and SRH services right now**.

**(Don’t Read) Yes modelling & it disproportionately impacts the most marginalized**

***--SRHR = sexual and reproductive health and rights***

*Pugh 19* ***– PhD in International Development and Political Science, Research Fellow with the Centre for International and Comparative Politics at Stellenbosch University. Based in Cape Town, South Africa, Sarah comes from a background of international development, migration, gender and health (Sarah, “Politics, power, and sexual and reproductive health and rights: impacts and opportunities,” Sexual and Reproductive Health Matters, 2)***

***The capacity of people to access and realise their sexual and reproductive health and rights (SRHR) has long been influenced by the shifting tides of politics and the various configurations of political power that hold sway in specific times and specific places. As the articles in this issue make clear, pronounced shifts towards far*** *right-wing* ***and*** *conservative politics* ***are threatening hard-won progress in SRHR [sexual and reproductive health and rights]. This is happening*** *globally****, regionally, nationally and locally, affecting progress in many areas, such as access to safe abortion, access to contraception, the protection of the sexual and reproductive rights of migrants and refugees including those in humanitarian settings, and the advancement of the rights of LGBTI+ individuals. Taken together, the articles paint a compelling picture of how governments, political leaders, activists, non-governmental organisations (NGOs), lawyers, and others are all engaging in the politics of SRHR, with profound impacts, both positive and negative, on the everyday lived realities of people around the world. As these articles illustrate, the impacts of politics on SRHR are often the greatest for the most vulnerable or marginalised populations, who themselves may have limited opportunity to influence political outcomes on their own behalf. The embodied consequences of SRHR politics Political decisions have embodied consequences. Decisions made in the corridors of power in one part of the world can*** *reverberate across the globe****, with very real implications for the lives and health of individuals in other parts of the world. It is the bodies and lives of women and girls that are most often impacted by domestic and international political decisions related to SRHR. For example, in the 2017 reinstatement and expansion of the Mexico City Policy, or Global Gag Rule, under US President Trump, we are witness to the devastating international impacts of a political decision taken*** *in the US* ***to prohibit any foreign NGO that receives US global health funds from engaging in “certain abortion-related activities, including providing abortion services, information, counselling and referrals, and advocating to expand access to safe abortion services.”1 Against public health evidence, such politics and politically-driven decisions restrict the life choices and undermine the fundamental human rights of some of the*** *most marginalised people in the world****. For many women, such as those forced in the circumstances to seek unsafe abortions, they are also a*** *matter of life and death****.***

**That plan sends a global signal against reproductive freedom**

***Anushay*** *Hossain 14****, Bangladeshi journalist based in Washington, DC, writer for The New York Times/Women In The World, Forbes, CNN, The Huffington Post, 7/1/14, “Could Hobby Lobby Affect Women Around The World?,”*** [***https://www.forbes.com/sites/anushayhossain/2014/07/01/could-hobby-lobby-affect-women-around-the-world/2/#277b9ac6cf03***](https://www.forbes.com/sites/anushayhossain/2014/07/01/could-hobby-lobby-affect-women-around-the-world/2/#277b9ac6cf03)

***America has a history of promoting comprehensive reproductive healthcare around the world, so why are American women still fighting for birth control? Yesterday, the Supreme Court of the United States (SCOTUS) ruled 5-4 that "closely held corporations cannot be required to provide contraception coverage for their employees." In the case of Burwell v. Hobby Lobby, the Supreme Court voted that privately owned for-profit corporations, like Hobby Lobby and Conestoga Woods, can refuse to cover birth control in their company's insurance plans because of religious beliefs. Despite the anti-contraception movement in the US being separate from the anti-abortion movement, the Hobby Lobby ruling relates to both because it demonstrates how women's health and rights are continuously compromised in the US. Just last week, the Supreme Court voted against a law allowing abortion clinics to have a buffer zones. Yesterday the highest court in America told women that our bodies do not belong to us. But*** *this ruling is not just about American women. It has implications for women around the world* ***mainly*** *because policies made in Washington impact the health and rights of women around the world****.*** *The US is one of the largest donors* ***of global health programs,*** *and* ***often*** *what it promotes at home it advocates for abroad as well****, as we saw with abstinence only sex education that skyrocketed during the Bush-era in domestic and overseas programs. It is also not uncommon for the US to implement policies that would be ruled unconstitutional in the US in its foreign aid programs, one of the best examples being the Global Gag Rule, a deeply partisan policy (Republican Presidents traditionally implement it, while Democratic Presidents repeal it) which prohibits overseas non-profits that receive US funding from doing any kind of abortion related work. Feminist writer, Soraya Chemaly states that*** *the court's decision* ***on Hobby Lobby*** *proves* ***that*** *patriarchy is alive and well in one of the most powerful democracies in the world****:*** *...The Court’s decision displays the profound depth of patriarchal norms that deny women autonomy and the right to control our own reproduction****—norms that privilege people’s “religious consciences” over women’s choices about our own bodies, the welfare of our families, our financial security and our equal right to freedom from the imposition of our employers’ religious beliefs...SCOTUS’ decision is shameful for its segregation of women’s health issues and its denial that what should be valued as “closely held” in our society is a woman’s right to make her own reproductive decisions.*** *If women's health and rights are being rolled back in America, it is just a matter of time before the ripple effects are felt around the world****. Worse,*** *rulings like this could make its way into programs the US implements abroad****. In a nutshell,*** *bad news for American women is bad news for all women****.*** *How can the US be considered a beacon for democracy****, or even pretend to be,*** *when women are still fighting for contraceptives* ***in 2014? What is the difference between the five men who voted in favor of denying women contraception coverage, and the mullahs in the villages of Bangladesh who refuse women the same right?***