### 1nc 1

**A. Text –In an appropriate test case, the United States Supreme Court should issue a narrow ruling that federal authority over substantially increasing economic engagement towards Cuba commandeers the states’ legislative functions in violation of the 10th and 11th Amendments. The Supreme Court should devolve authority of this narrow ruling to the State Governments and United States Territories. The 50 States and relevant U.S. territories should substantially increase economic engagement towards Cuba.**

**B. Solvency –**

**1. The Court can make this ruling and devolve power to the states – it won’t be rolled back**

**Miller ’98** (Mark A., Attorney at Law – Baker Botts LLP, Cleveland State Law Review, Lexis)

The history of the Tenth Amendment is an appropriate starting point in the development of substantive federalism. For a long period of time, the Tenth Amendment operated as nothing more than a plain statement of the obvious that afforded little protection to the states. [249](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n249" \t "_self) In the aftermath of Garcia, state sovereignty was left to the political processes. [250](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n250" \t "_self) Tenth Amendment power was reborn in New York v. United States when the Court held that Congress could not commandeer the states' legislative function. [251](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n251" \t "_self) This protection is decreed no matter how strong the federal interest in the legislation may be. [252](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n252" \t "_self) Protections over state sovereignty were expanded again in the 1996 Term when the Court invalidated certain portions of the Brady Act. [253](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n253" \t "_self) According to Printz, Congress cannot force the states' executive branches to enact federal regulatory programs regardless of the federal interest involved. [254](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n254" \t "_self) Whenever the structural framework of dual sovereignty is compromised, the Tenth Amendment steps in to prevent a usurpation of federalism. [255](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n255" \t "_self) Printz and New York held that Congress was incapable of commanding the states to take a course of action that it could not undertake directly. [256](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n256" \t "_self) But what happens if Congress breaches the Tenth Amendment through an Article I power like the Spending Clause? Do the Court's enunciated protections extend to Article I? These are the questions that the theory of substantive federalism answers. The restraint on Article I began, to large extent, in Garcia when Justice O'Connor predicted that the Commerce power would be affirmatively limited  [\*191]  by state autonomy. [257](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n257" \t "_self) The door was further opened in New York when the plenary nature of the Commerce Clause was labeled as "subversive" to the interests of state sovereignty. [258](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n258" \t "_self) United States v. Lopez put the first nail in the coffin when it struck down an exercise of the Commerce power as going so far as to approach a "police power of the sort retained by the States." [259](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n259" \t "_self) The Commerce Clause, in other words, authorizes control over interstate commerce, but does not authorize regulation of the states. [260](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n260" \t "_self) Seminole Tribe, however, lends the greatest support to the substantive federalism theory. The Eleventh Amendment -- a core guardian of state sovereign interests [261](http://www.lexis.com/research/retrieve?_m=fcaa10b310f9de337b9938cdd82ef973&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlb-zSkAB&_md5=1ec44602f1f617c819e7467251f43a5a" \l "n261" \t "_self) -- withstands any attempt by Congress to pierce the shield of federalism with Article I.

**2. Currently all 50 states and US territories conduct foreign policy on a wide array of issues especially in the realm of economy and trade – they have acted collectively in these areas and in Latin America**

Daniel **Halberstam**, Assistant Professor of Law, University of Michigan Law School, [46 Vill. L. Rev. 1015] 20**01**

State and local governments have also engaged in foreign policy initiatives with more "political" goals in mind, that is, to promote policies unrelated to their own economic development. n90 Sometimes these "political" activities are difficult to distinguish from the more basic **economic** and cultural **engagement** of which they are a part. At other times, the principal purpose of the action is clearly the "political" goal itself. Here, too, we see prominent instances, particularly of collective state and local action, in which such **engagement** may be considered useful for the Nation as a whole. Cities, Counties, and States, for example, have forged formalized ties across national boundaries, which promote business, professional, cultural, and educational exchanges as well as advancing political engagement more generally. Currently, 1300 U.S. communities have established formal links with 2400 of their counterparts in 137 nations, and all fifty States, as well as American Samoa, Guam, Puerto Rico and Washington, D.C., have formed a total of 201 relationships with subnational units of government in approximately fifty foreign nations. n91 In some instances, these relationships preceded formal diplomatic ties at the national level, as in the case of **Cuba**, where at least six U.S. cities have sister city relationships with Cuban counterparts. n92 In others, sister city relationships were used to bring into focus human rights and social justice issues otherwise neglected by the federal government. n93 Local officials have used visits to [\*1033] highlight political issues, n94 and even trade missions have taken on significant political content, as when Idaho sponsored missions to Libya in the 1970s and hosted Libyan missions in the United States. n95 Trade, development and politics are similarly intertwined when the U.S. Conference of Mayors pursues the creation of an international alliance with counterparts throughout the world, engages Chinese mayors in the form of a cooperative agreement and promotes cooperation in the Middle East. n96 Beyond such hybrid activities, many cities and counties have formally expressed their views on a host of foreign policy matters, including the Vietnam War, the Comprehensive Test Ban Treaty, the status of Taiwan and nuclear disarmament. n97 Others have gone further and limited their investments, much in the way Massachusetts did with its procurement regulations, in order to further political objectives. n98 Yet other state and local officials have obstructed the movement of foreign officials in the United States based on foreign policy considerations. n99 [\*1034] More significantly, state and local governments have in recent history intervened collectively in several foreign policy issues that ultimately became issues of national importance. In these instances, the States dramatically imposed economic and regulatory pressures to make their voices heard at national and international levels. And while federal officials have criticized these actions along the way, the federal government ultimately took up these concerns and in some cases embraced subnational government views in resolving the underlying issue.

**C. Competition – Raich crushed Federalism – extending Lopez is critical to revive it**

Brandon J. **Stoker**, J.D. Candidate 2010, J. Reuben Clark Law School, Brigham Young University, [23 BYU J. Pub. L. 317] 20**09**

When the Supreme Court decided Gonzales v. Raich n2 in 2005, it marked the first occasion in over a decade that the Court broadly construed the Commerce Clause to permit federal regulation of intrastate activity. More importantly, Raich signaled an abrupt end to the Rehnquist Court's "federalism revolution" by circumscribing three recent cases delineating meaningful limits on Congress's Commerce Clause powers. n3 It represents the boldest assertion of congressional power to "regulate commerce ... among the several states" in the history of the Court. n4 Indeed, Raich and its progeny threaten to undermine the delicate balance of federal and state power structurally imbued in our constitutional republic by acquiescing to the unbridled exercise of federal power. Though some have expressed skepticism about the ostensibly broad effect Raich might have on federalism jurisprudence, recent circuit court cases decided pursuant to the standards set forth in Raich demonstrate federal appropriation of "core" state powers, [5](http://www.lexis.com/research/retrieve?_m=e30059ac5d5adcfa2a9c1b95d18cad35&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAl&_md5=91abe5cb878db92dca10c76114c1a8f7" \l "n5" \t "_self) including, in particular, state police powers. This Comment argues that the Supreme Court should limit Raich by reviving the limitation on congressional regulation of noneconomic intrastate activity to circumstances where failure to regulate such activity [\*318] would undermine a broader regulatory program. The Court should also narrowly confine Raich's definition of "economic activity" to prevent lower courts from "piling inference upon inference" to demonstrate otherwise tenuous connections to interstate commerce. This approach would not require the Court to overrule Raich, but merely to enforce the clear standards articulated in United States v. Lopez n6 and United States v. Morrison.

**Federalism is key to prevent federal overstretch – controls** root cause **of general terrorism, economic collapse, and Taliban resurgence in Afghanistan**

**Nivola 10** (Pietro S. Nivola, senior fellow and C. Douglas Dillon Chair in Governance Studies at the Brookings Institution, “Rebalancing American Federalism,” The American Interest, March-April 2010, http://www.the-american-interest.com/article-bd.cfm?piece=787)

Thinking along those lines warrants renewed emphasis today. America’s national government has had its hands full coping with a deep and lingering economic crisis and onerous security challenges around the world. It cannot, or at any rate ought not, keep piling on top of those daunting tasks a second-tier agenda that injudiciously dabbles in too many decisions and duties best consigned to local entities. Turning every imaginable issue into a Federal case, so to speak, diverts and polarizes political leaders at the national level, and erodes recognition of local responsibilities. A kind of attention deficit disorder besets anybody who attempts to do a little of everything rather than a few important things well. Although not a root cause of catastrophes like the submersion of a historic American city by a hurricane in 2005, the terrorist attacks of September 11, 2001, the great financial bust of 2008 or the successful resurgence of the Taliban in Central Asia, an overstretched and distracted government stands less chance of mitigating such tragedies.

**Extinction**

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand – Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects”, Studies in Conflict & Terrorism, 33(7), July)

*A Catalytic Response: Dragging in the Major Nuclear Powers*

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,[40](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0040) and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”[41](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0041) Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents' … long-standing interest in all things nuclear.”[42](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0042) American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide.

### 1nc 2

#### The Embargo has made Cuba the most Bio-diverse nation in the Caribbean-Lifting it will devastate this “Accidental Eden”

“Cuba: The Accidental Eden”- ‘Can Cuba build a bridge to its environmental future? Produced- <http://www.pbs.org/wnet/nature/episodes/cuba-the-accidental-eden/the-causeway-to-cayo-coco/5808/> **PBS** 10/27/**2010**-Educational Broadcast Corporation & Public Broadcasting System

Cuba has been called the “Accidental Eden” for its exceptional biodiversity and unique historical development. The island nation and its archipelagos support thousands of plant and animal species, many of which are endemic, making Cuba the most naturally diverse Caribbean nation and a destination for biological scientists and ecotourists.¶ Cuba’s natural blessings are the result of a manifold historical trajectory. The American trade and tourism embargo and the collapse of the Soviet Union have both made “accidental” contributions to the survival of Cuban wildlife.¶ Cuba’s low population density (about 102 people per square kilometer) and relative land isolation as an island have afforded it moderately low levels of environmental destruction and high levels of endemism. And Cuba remains biologically diverse, but it has seen its share of loss.¶ Spanish colonialism invited new plants, animals, and diseases, and some native lifeforms failed to cope. Species unique to Cuba became extinct, including varieties of sloths and monkeys, among other animals.¶ The expansion of Cuban commercialism and industry, particularly with the influence of European and American capital, continued to threaten Cuban wildlife populations. Tobacco and more significantly sugar transformed the country from a Spanish shipping port to a major agricultural exporter. As sugar demand rose, habitat was destroyed for farming. Today, farmers still compete with wildlife for use of the land. At the same time, heavy industrial development polluted Cuban air, land, and water.¶ Cuba’s 1959 revolution set the country on a path apart from other post-colonial nations.¶ Although revolutionary Cuba instituted policies around agriculture, industry, forests, and water, like most states in the 1960s, its moderate environmental efforts had mixed results. Focusing more heavily on agriculture rather than heavy industry probably did more to save Cuban wildlife in the ‘60s and ‘70s than did any environmentally conscious policies.¶ While global capitalism continued on a general course of thoughtless environmental destruction, the U.S. embargo against Cuba, including a travel ban, freed the country from its most salient environmental threat while putting the nation under great economic strain. Cuba traded and underwent forms of “development,” but in many ways avoided the developments of late century American capitalism. While both “capitalism” and “communism” ultimately undervalued natural resources, American executive and legislative dispositions helped nurture the blossoming of Cuban wildlife.¶ A dramatic shift toward agriculture, industry, and the environment appeared after the collapse of the Soviet Union in 1991. With shortages in fossil fuels and the disappearance of 80% of both imports and exports, Cuba entered the “Special Period,” an economic depression that required new techniques to help the country become more self-sustaining. Although Cuban beaches were opened to international tourism, an environmentally significant aspect of the Special Period was the adoption of permaculture agriculture and land use strategies.¶ Circumstances since the ’90s have led the Cuban government to take a stronger legislative and rhetorical stance toward environmental management. Although initially centered around the human species, Fidel Castro’s 1992 address to the UN Earth Summit in Rio De Janeiro expresses this attitude of environmental awareness and urgency:¶ “An important biological species is in danger of disappearing due to the fast and progressive destruction of its natural living conditions: mankind. We have now become aware of this problem when it is almost too late to stop it.… Tomorrow it will be too late to do what we should have done a long time ago.”¶ Today Cuba exhibits thriving natural diversity, though it may be tenuous. Agricultural pollution, habitat destruction, and significantly tourism all threaten the island’s plants and animals and compete for land and water use.¶ Every moment brings Cuba closer to the possibility of a lifted U.S. embargo, which would dramatically affect Cuba’s economic possibilities and thus its wildlife. One of the many mixed blessing would be increased tourism.¶ Marine conservationist Fernando Bretos notes that “The tourism impact has really been minimal in Cuba, but that’s going to change. When you go from 2 million tourists a year to 4 to 6 to 8, everything will change.”¶ Those with concern for Cuban wildlife but an understanding of the inevitable promote an ecotourism that focuses on enjoying and even actively supporting nature. This practice necessitates natural preservation, though potentially favoring certain species of flora and fauna over others. Mixed messages from officials make it unclear how Cuba’s tourism industry will proceed, but some conservationists see Cuba’s position as an opportunity to set a constructive example.

#### Biodiversity in *specific hotspots* checks extinction. Solves agriculture medicine and ecosystems

Mittermeier ‘11

(et al, Dr. Russell Alan Mittermeier is a primatologist, herpetologist and biological anthropologist. He holds Ph.D. from Harvard in Biological Anthropology and serves as an Adjunct Professor at the State University of New York at Stony Brook. He has conducted fieldwork for over 30 years on three continents and in more than 20 countries in mainly tropical locations. He is the President of Conservation International and he is considered an expert on biological diversity. Mittermeier has formally discovered several monkey species. From Chapter One of the book Biodiversity Hotspots – F.E. Zachos and J.C. Habel (eds.), DOI 10.1007/978-3-642-20992-5\_1, # Springer-Verlag Berlin Heidelberg 2011. This evidence also internally references Norman Myers, a very famous British environmentalist specialising in biodiversity. available at: http://www.academia.edu/1536096/Global\_biodiversity\_conservation\_the\_critical\_role\_of\_hotspots)

Extinction is the gravest consequence of the biodiversity crisis, since it is¶ irreversible. Human activities have elevated the rate of species extinctions to a¶ thousand or more times the natural background rate (Pimm et al. 1995). What are the¶ consequences of this loss? Most obvious among them may be the lost opportunity¶ for future resource use. Scientists have discovered a mere fraction of Earth’s species¶ (perhaps fewer than 10%, or even 1%) and understood the biology of even fewer¶ (Novotny et al. 2002). As species vanish, so too does the health security of every¶ human. Earth’s species are a vast genetic storehouse that may harbor a cure for¶ cancer, malaria, or the next new pathogen – cures waiting to be discovered.¶ Compounds initially derived from wild species account for more than half of all¶ commercial medicines – even more in developing nations (Chivian and Bernstein¶ 2008). Natural forms, processes, and ecosystems provide blueprints and inspiration¶ for a growing array of new materials, energy sources, hi-tech devices, and¶ other innovations (Benyus 2009). The current loss of species has been compared¶ to burning down the world’s libraries without knowing the content of 90% or¶ more of the books. With loss of species, we lose the ultimate source of our crops¶ and the genes we use to improve agricultural resilience, the inspiration for¶ manufactured products, and the basis of the structure and function of the ecosystems¶ that support humans and all life on Earth (McNeely et al. 2009). Above and beyond¶ material welfare and livelihoods, biodiversity contributes to security, resiliency,¶ and freedom of choices and actions (Millennium Ecosystem Assessment 2005).¶ Less tangible, but no less important, are the cultural, spiritual, and moral costs¶ inflicted by species extinctions. All societies value species for their own sake,¶ and wild plants and animals are integral to the fabric of all the world’s cultures¶ (Wilson 1984). The road to extinction is made even more perilous to people by the loss of the broader ecosystems that underpin our livelihoods, communities, and economies(McNeely et al.2009). The loss of coastal wetlands and mangrove forests, for example, greatly exacerbates both human mortality and economic damage from tropical cyclones (Costanza et al.2008; Das and Vincent2009), while disease outbreaks such as the 2003 emergence of Severe Acute Respiratory Syndrome in East Asia have been directly connected to trade in wildlife for human consumption(Guan et al.2003). Other consequences of biodiversity loss, more subtle but equally damaging, include the deterioration of Earth’s natural capital. Loss of biodiversity on land in the past decade alone is estimated to be costing the global economy $500 billion annually (TEEB2009). Reduced diversity may also reduce resilience of ecosystems and the human communities that depend on them. For example, more diverse coral reef communities have been found to suffer less from the diseases that plague degraded reefs elsewhere (Raymundo et al.2009). As Earth’s climate changes, the roles of species and ecosystems will only increase in their importance to humanity (Turner et al.2009).¶ In many respects, conservation is local. People generally care more about the biodiversity in the place in which they live. They also depend upon these ecosystems the most – and, broadly speaking, it is these areas over which they have the most control. Furthermore, we believe that all biodiversity is important and that every nation, every region, and every community should do everything possible to conserve their living resources. So, what is the importance of setting global priorities? Extinction is a global phenomenon, with impacts far beyond nearby administrative borders. More practically, biodiversity, the threats to it, and the ability of countries to pay for its conservation vary around the world. The vast majority of the global conservation budget – perhaps 90% – originates in and is spent in economically wealthy countries (James et al.1999). It is thus critical that those globally ﬂexible funds available – in the hundreds of millions annually – be guided by systematic priorities if we are to move deliberately toward a global goal of reducing biodiversity loss.¶ The establishment of priorities for biodiversity conservation is complex, but can be framed as a single question. Given the choice, where should action toward reducing the loss of biodiversity be implemented ﬁrst? The ﬁeld of conservation planning addresses this question and revolves around a framework of vulnerability and irreplaceability (Margules and Pressey2000). Vulnerability measures the risk to the species present in a region – if the species and ecosystems that are highly threatened are not protected now, we will not get another chance in the future. Irreplaceability measures the extent to which spatial substitutes exist for securing biodiversity. The number of species alone is an inadequate indication of conserva-tion priority because several areas can share the same species. In contrast, areas with high levels of endemism are irreplaceable. We must conserve these places because the unique species they contain cannot be saved elsewhere. Put another way, biodiversity is not evenly distributed on our planet. It is heavily concentrated in certain areas, these areas have exceptionally high concentrations of endemic species found nowhere else, and many (but not all) of these areas are the areas at greatest risk of disappearing because of heavy human impact.¶ Myers’ seminal paper (Myers1988) was the ﬁrst application of the principles of irreplaceability and vulnerability to guide conservation planning on a global scale. Myers described ten tropical forest “hotspots” on the basis of extraordinary plant endemism and high levels of habitat loss, albeit without quantitative criteria for the designation of “hotspot” status. A subsequent analysis added eight additional hotspots, including four from Mediterranean-type ecosystems (Myers 1990).After adopting hotspots as an institutional blueprint in 1989, Conservation Interna-tional worked with Myers in a ﬁrst systematic update of the hotspots. It introduced two strict quantitative criteria: to qualify as a hotspot, a region had to contain at least 1,500 vascular plants as endemics (¶ >¶ 0.5% of the world’s total), and it had to have 30% or less of its original vegetation (extent of historical habitat cover)remaining. These efforts culminated in an extensive global review (Mittermeier et al.1999) and scientiﬁc publication (Myers et al.2000) that introduced seven new hotspots on the basis of both the better-deﬁned criteria and new data. A second systematic update (Mittermeier et al.2004) did not change the criteria, but revisited the set of hotspots based on new data on the distribution of species and threats, as well as genuine changes in the threat status of these regions. That update redeﬁned several hotspots, such as the Eastern Afromontane region, and added several others that were suspected hotspots but for which sufﬁcient data either did not exist or were not accessible to conservation scientists outside of those regions. Sadly, it uncovered another region – the East Melanesian Islands – which rapid habitat destruction had in a short period of time transformed from a biodiverse region that failed to meet the “less than 30% of original vegetation remaining” criterion to a genuine hotspot.

### 1nc 3

#### The affirmative must defend the implementation of a topical plan by the United States federal government as better than the status quo or a competitive alternative

#### a) Resolved – reflects a legislative forum

Webster’sRevised Unabridged Dictionary**,** 98 (dictionary.com)

Resolved: 5. To express, as an opinion or determination, by **resolution and vote;** to declare or decide by a formal vote; -- followed by a clause; as, the house resolved (or, it was resolved by the house) that no money should be apropriated (or, to appropriate no money).

#### b) Substantially – it mandates reality and excludes imagination

Wollman 93 (Circuit Judge, US Court of Appeals – 8th Circuit, Kansas City Power & Light Company, a Missouri corporation, Appellee, v. Ford Motor Credit Company, a Delaware corporation; McDonnell Douglas Finance Corporation, a Delaware corporation; HEI Investment Corp., a Hawaii corporation, Appellants, 995 F.2d 1422; 1993 U.S. App. LEXIS 13755, L/N)

Instruction No. 10 was not given in isolation, however. The district court's instructions also contained a definition of "substantial." Instruction No. 11 defined "substantial" as meaning "true, real or likely to materialize" and as not meaning "imaginary or unlikely to materialize." This instruction properly limited the potential bases for the jury's decision, which is the essential function of jury instructions. When combined with the contract and the verdict-directing instructions, [\*1432] which tracked the operative language of the contract, Instruction No. 11 required the jury to find that KCPL had determined a real risk, not some imaginary hypothetical risk premised solely on a reduction in the DRD. Because the contract provided only one means of creating a risk of making an indemnity payment--a demand notice from an Investor--the jury's discretion was properly channelled into deciding whether KCPL had sufficiently studied and honestly considered the likelihood of receiving such a demand notice. That determination is all that the contract required.

#### c) Should – indicates obligation or duty

Compact Oxford English Dictionary, 8 (“should”, 2008, http://www.askoxford.com/concise\_oed/should?view=uk)

should modal verb (3rd sing. should) 1 used to indicate obligation, duty, or correctness. 2 used to indicate what is probable. 3 formal expressing the conditional mood. 4 used in a clause with ‘that’ after a main clause describing feelings. 5 used in a clause with ‘that’ expressing purpose. 6 (in the first person) expressing a polite request or acceptance. 7 (in the first person) expressing a conjecture or hope.

#### That’s a voting issue- Their interpretation undermines the equitable distribution of predictable ground and switch side debate

#### 1. Unlimits the topic and makes it impossible to be neg because we can never predict nor clash with the aff – we can’t predict all the possible worlds the aff could imagine or all the possible role of the ballot that aren’t based on the consequences of plan passage

#### 2. Clash education outweighs their education – we can’t truth-test the affirmative nor inculcate productive discussion without being prepared –

Impacts**-**

#### 1.) Debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution of debate into competing truth claims, which destroys the decision-making benefits of the activity

Steinberg and Freeley 08 (Steinberg, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, ‘8

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 45)

Debate is a **means of settling differences**, so there **must be a** difference of opinion or a **conflict of interest** before there can be a debate. **If everyone is in agreement** on a tact or value or policy, there is **no need for debate**: **the matter can be settled by unanimous consent**. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, **there is no debate**. In addition, debate **cannot produce effective decisions** without **clear identification of a question or questions to be answered**. For example, **general argument may occur about the broad topic of illegal immigration**. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is **not likely to be productive or useful without focus on a particular question** and identification of a line **demarcating sides in the controversy**. To be discussed and resolved effectively, **controversies must be stated clearly**. **Vague understanding** results in **unfocused deliberation** and **poor decisions**, frustration, and emotional distress, as **evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007**.

Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, **but without a focus for their discussions**, they could easily agree about the sorry state of education **without finding points of clarity or potential solutions.** **A gripe session would follow**. But if a **precise question** is posed—such as "What can be done to improve public education?"—then a more **profitable area of discussion** is opened up **simply by placing a focus on the search** for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

To have a **productive debate, which facilitates effective decision making** by directing and **placing limits on the decision** to be made, **the basis for argument should be clearly defined**. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, **the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation**. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a **general subject**, we have not yet stated a problem. **It is still too broad**, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a **debate proposition** such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. **This is not to say that debates should completely avoid creative interpretation** of the controversy by advocates, or **that good debates cannot occur over competing interpretations of the controversy**; in fact, **these sorts of debates may be very engaging**. The point is that debate is best facilitated by the guidance provided by **focus on a particular point of difference**, which will be outlined in the following discussion.

#### Switch side debate solves their offense

### CAse

Our impacts come first – their moral theorizing fails in the political realm

Ignatieff, 7 (Michael, member of the independent international commission on Kosovo, chaired by Judge Richard Goldstone of South Africa, former fellow at King’s College, “Getting Iraq Wrong,” New York Times, 8/5/07, http://www.nytimes.com/2007/08/05/magazine/05iraq-t.html?ei=5090&en=cb304d04accc6df8&ex=1343966400&partner=rssuserland&emc=rss&pagewanted=all)

The unfolding catastrophe in Iraq has condemned the political judgment of a president. But it has also condemned the judgment of many others, myself included, who as commentators supported the invasion. Many of us believed, as an Iraqi exile friend told me the night the war started, that it was the only chance the members of his generation would have to live in freedom in their own country. How distant a dream that now seems. Having left an academic post at Harvard in 2005 and returned home to Canada to enter political life, I keep revisiting the Iraq debacle, trying to understand exactly how the judgments I now have to make in the political arena need to improve on the ones I used to offer from the sidelines. I’ve learned that acquiring good judgment in politics starts with knowing when to admit your mistakes. The philosopher Isaiah Berlin once said that the trouble with academics and commentators is that they care more about whether ideas are interesting than whether they are true. Politicians live by ideas just as much as professional thinkers do, but they can’t afford the luxury of entertaining ideas that are merely interesting. They have to work with the small number of ideas that happen to be true and the even smaller number that happen to be applicable to real life. In academic life, false ideas are merely false and useless ones can be fun to play with. In political life, false ideas can ruin the lives of millions and useless ones can waste precious resources. **An intellectual’s responsibility** for his ideas **is to follow their consequences** wherever they may lead. A politician’s responsibility is to master those consequences and prevent them from doing harm. I’ve learned that good judgment in politics looks different from good judgment in intellectual life. Among intellectuals, judgment is about generalizing and interpreting particular facts as instances of some big idea. In politics, everything is what it is and not another thing. Specifics matter more than generalities. Theory gets in the way. The attribute that underpins good judgment in politicians is a sense of reality. “What is called wisdom in statesmen,” Berlin wrote, referring to figures like Roosevelt and Churchill, “is understanding rather than knowledge — some kind of acquaintance with relevant facts of such a kind that it enables those who have it to tell what fits with what; what can be done in given circumstances and what cannot, what means will work in what situations and how far, without necessarily being able to explain how they know this or even what they know.” **Politicians** cannot afford to cocoon themselves in the inner world of their own imaginings. They **must not confuse the world as it is with the world as they wish it to be**. They must see Iraq — or anywhere else — as it is.

**Consequentialism is good**

**Greene, 10** (Joshua, Associate Professor of Social science in the Department of Psychology at Harvard University, “The Secret Joke of Kant’s Soul published in Moral Psychology: Historical and Contemporary Readings,” Historical and Contemporary Readings, www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf)

What **turn-of-the-millennium science is telling us is that** human **moral judgment is not a** pristine **rational enterprise**, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstood what Kant and like-minded deontologists are all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b). This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are not distinctively deontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people as mere objects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will get characteristically deontological answers. Some will be tautological: "Because it's murder!" Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about them because they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, **they don't** really **explain** what's distinctive about **the philosophy in question**.

**Util is necessary even if the kritik is correct**

**Cummisky 96** (David, professor of philosophy at Bates College, Kantian Consequentialism, pg. 145)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, we fail to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself” (GMM 429). Rational nature as such is the supreme objective end of all conduct. If one truly believes that all rational beings have an equal value, then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many rational beings as possible (chapter 5). In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non-value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake for others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. Persons may have “dignity, that is, an unconditional and incomparable worth” that transcends any market value ( GMM 436)., but persons also have a fundamental equality that dictates that some must sometimes give way for the sake of others (chapter 5 and 7). The concept of the end-in-itself does not support th view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, the equal consideration suggests that one may have to sacrifice some to save many.