# Cards---Round 5---DRR

## Security K

### 1NC

#### Security K.

#### The 1AC embodies violent security logics, shaping reality and subjectivity. Vote neg for rhetorical critique as revision.

Christopher Morris 25. Writing Department, York University Faculty of Liberal Arts and Professional Studies. “Introduction to Special Issue: Technical Communication In/Against Security Logics.” Journal of Technical Writing and Communication. December 10, 2025. https://journals.sagepub.com/doi/full/10.1177/00472816251384902

This special issue investigates the ways technical communicators employ methods, cultural frameworks, and discourses that depend on the invocation of threats to rationalize policies and procedures. These rationalizations—deployed to manage, diminish, or respond to both real and perceived dangers—are known as “security logics.” Today, such logics are utilized to support institutional and organizational decisions surrounding areas such as immigration, healthcare, law enforcement, national and international security, climate policy, reproductive autonomy, surveillance and privacy, elections, and disaster response. Although framed in the language of safety, these policies often lead to the restriction of civil freedoms, infringement of human rights, and reinforcement of systemic racial and economic disparities. Technical communicators—and the genres they operate within, such as manuals, data visualizations, reports, user experience/user interface (UX/UI) design, proposals, translations, and instructions—frequently serve as vehicles for these logics. In this way, the emphasis on safety and functionality within the field of technical communication may inherently support repressive (alongside protective) modes of securitization. This issue aims to confront how technical communication enables state, corporate, and institutional security initiatives, while also exploring how ethical approaches within the discipline can challenge dominant security narratives to foster greater justice.

Though security is often associated with protecting against threats, the term security logics refers to rhetorical and discursive practices that present and define threats—and thereby legitimize organizational and institutional actions in response. Scholars working within critical security studies examine these logics using tools such as rhetorical analysis, ethnography, and actor–network theory to understand how cultural narratives and justifications influence behavior at all levels (Anwar et al., 2020; Macías-Rojas, 2018; Salter & Mutlu, 2013). Wrange (2022, p. 577) describes security logics as a set of discursive interactions that shape identity, governance, and perceptions of threat, while Stępka (2022, p. 34) defines them as intersubjective meaning-making practices that activate a particular security mindset and influence how problems and their solutions are understood. In this context, technical communication becomes a medium through which threat perceptions and responses are made tangible via the rhetoric, imagery, and design choices that carry both symbolic and functional weight.

Securitization theory was not merely intended to describe security practices, but also to reflect on their political and ethical implications, particularly how “security” is enacted and for whose benefit (Berling et al., 2022). Accordingly, technical communication can meaningfully contribute to security studies by treating security not only as political rhetoric, but as technical labor with real-world impact. Longo (2000) notes that technical writing standards can foster surveillance-like cultures in workplaces, while Scott (2003) shows how health technologies and discourses can monitor marginalized populations. In contrast, Ding (2009) illustrates how informal risk communication during the severe acute respiratory syndrome outbreak revealed new ethical possibilities within the discipline. So far, technical communication scholars have addressed security logics mainly indirectly, through related areas such as ethics, crisis and risk communication, surveillance, and tactical communication.

Ethical concerns explore how rhetoric and documentation affect decisions and outcomes in security contexts. Katz (1992) critiqued Nazi-era technical texts for their “ethic of expediency,” a critique later extended by Stanchevici (2013) to Soviet intelligence documents. Ridolfo and Hart-Davidson (2019) analyzed the relationship between digital rhetoric and securitization in post-9/11 America. Risk and crisis communication further reveal the tension between public accountability and messaging efficacy. Scott (2003) identified harm caused by HIV risk communication, for example, while Youngblood (2012) examined the friction between transparency and safety in local emergency planning. More recently, Young (2021) assessed how flaws in Zoom's UX design contributed to a data privacy failure during COVID-19. In the realm of surveillance, technical communicators may unintentionally support monitoring practices. Young (2023) highlighted the imperialist themes embedded in national security discourse, and Pflugfelder and Reeves (2024) linked surveillance to teaching strategies within artificial intelligence (AI) pedagogy. Finally, tactical technical communication offers resistance to dominant security paradigms: Randall (2022) calls for anti-utilitarian approaches, and Aguilar (2022) highlights marginalized communities’ use of indirect communication as resistance.

As the scope of security logics continues to broaden—particularly across technology, privacy, surveillance, and data use—so does the role of technical communication in these practices. This special issue invites scholars, educators, and practitioners: to critique and revise professional codes and ethical frameworks; to develop strategies for evaluating security practices; to design communication efforts that are both effective and humane during crises; and to better prepare students and colleagues to critically assess the impact of their work in relation to security logics. The goal is to promote a technical communication practice that not only recognizes its complicity in securitization but also seeks out ways to resist and reimagine it toward more equitable outcomes.

#### Their projections of imagined futures are a tactic of anxiety suppression. That turns the case and makes aff solvency impossible.

Eric Van Rythoven 19. PhD in Political Science from Carleton University. Journal of Global Security Studies and the International Studies Association and the Canadian Political Science Association. “The Securitization Dilemma.” https://academic.oup.com/jogss/advance-article/doi/10.1093/jogss/ogz028/5532523#137694797.

The most important result of this reconstruction, however, may be in how taking the tragic element of the dilemma seriously reorders the political role of the analyst. Rather than assessing the validity of a particular security discourse, or exposing its socially constructed nature, this perspective asks the analyst to provoke reflexivity on behalf of powerholders over the risks associated with securitization. While this entails a bias toward deescalation and desecuritization, unlike other approaches this is not achieved through overt references to any liberal, democratic, or emancipatory ideal. Instead, it is packaged for power-holders as a strategy of self-preservation. Here, the analyst presents the move to securitize as a risk-laden and potentially self-defeating strategy. The analyst points to a series of precedents showing how such a strategy can produce perverse consequences: how today's tough talk can become tomorrow's liability; how audiences can interpret threatening messages in unexpected ways; and how today's framing of security can lead to perverse consequences tomorrow. By foregrounding the problem of uncertainty, the analyst works to accentuate and impress upon actors the dilemmatic quality of securitizing moves. Yet, the problem with presenting the move to securitize as a risk is that it may become accepted. Ironically, framing an escalation in enmity as possible but dangerous is precisely what may legitimize such a move in the eyes of risk-insensitive actors. This is Huysmans’ (2002) now familiar normative dilemma of writing security. The indeterminacy of language means that political actors may interpret advice in unpredictable ways. Frustratingly, this may include the precise opposite of the analyst's intention. This situation is likely inescapable, but it may be mitigated. What I suggest is that analysts should strive to cultivate a deeper subjectivity of risk sensitivity, comparable to Booth and Wheeler's security-dilemma sensibility, among political actors. Key to this argument is how visions of the future satisfy the human desire for certainty. As Berenskoetter argues, “visions depicting the self in an imagined future order serve as anxiety controlling mechanisms” (2011, 654). Visions of the future inoculate actors against the anxiety of uncertainty by providing a narrative of where they are going and how to get there. Indeed, normative debates on securitization are already loaded with such visions. The impulse to securitize is underpinned by a utopian future where the security frame can finally mobilize a response to an otherwise intractable problem. Conversely, the impulse to desecuritize is sustained by a dystopian future defined by unrestrained authoritarian politics. A tragic vision of the future does something different: it presents a future where the only thing we can know decisively is that it is indeterminate and attempts to conclusively control it are vulnerable to failure. The very recognition of fundamental limits on human freedom (Steele 2007, 281–82) becomes transformed into a source of ontological security. This tempers the human need for cognitive closure by reconfiguring it into what Herz understood as a “fundamentally humble posture toward the value and precariousness of life” (Sylvest 2008, 442). An actor with a greater sensitivity to indeterminacy may still pursue securitizing moves, but with a cautious awareness that they are volatile acts best pursued sparingly. The analyst does not simply educate political leaders by pointing to the indeterminacy of the world; she seeks to make political subjects more sensitive toward it by crafting visions of a precarious future. Finally, this tragic vision cannot, and should not, escape its own need for reflexivity. Its scholarly proponents need to engage in their own process of self-reflection, focusing on how their knowledge and interests are themselves historically situated. The ethic of restraint is a value, and not necessarily the value for all historical circumstances. A recognition of the social construction of security “facts” must be sobered by a recognition of the social construction of security “values” (Hamati-Ataya 2012, 685).

### Impact---2NC

#### Otherization outweighs.

Ben Fermor 20. Ben Fermor completed his PhD at Leeds and before that undertook a BA in International Politics and MSc in International Relations at the University of Surrey. and Holland, J Security and polarization in Trump’s America: securitization and the domestic politics of threatening others. Global Affairs, 6 (1). pp. 55-70. ISSN 2334-0460 orcid.org/0000-0003-4883-332X (2020)

Conclusion

This article explored US foreign policy discourses under President Trump by situating securitisation theory within the Gramscian concept of a discursive war of position. By embedding securitisation, understood as a repetitive process of articulation opposing a threat to a referent object, within the wider war of position, we have provided a theoretical framework through which to understand structure, change and continuity in US foreign policy during Trump’s presidency. Using this framework in application to our dataset of over 1200 official, opposition and media texts, we have demonstrated three distinct securitising moves by two important groups of actors (or ‘historical blocs’) during this time. The first of these can be seen in the initial period of Trump’s presidency, as the administration framed immigration as a major threat to the nation, and used this framing to legitimate and defend two key policies: the Muslim/Travel Ban and the border ‘wall’ between Mexico and the US. In response to this, opposition figures and critical media voices began articulating a new discursive structure which framed the Trump White House as an existential threat to liberal America and its progressive ‘melting pot’ values. Finally, a third securitising move can be recognised in the sustained attempt by the Trump administration and its supporters in the media to establish the ‘left’ as a threat to Americans, through its imagined obsession with ‘political correctness’ and Trump’s potential wrong-doing, which distract from the crucial battle to protect Americans from (Trump’s identified) ‘real’ threats to America.

By situating these securitising moves within the Gramscian war of position setting, we build on the works of Balzacq (2005), Côté (2016) and Wilhelmsen (2017) to unpack the flow and contestation present in the formation and (re)production of (US) foreign policy, beyond the traditional understanding of securitisation as a singular moment of ‘elevation’ from normal to securitised politics. Furthermore, the Gramscian investigation of distinct coalitions or historical blocs competing for discursive hegemony allows us to unravel the complex and interwoven relationship between ‘domestic politics’ and ‘foreign policy’. In doing this, we have shown how both official and opposition camps have attempted to frame the other as a threat to different imaginations of the national self, and in turn have used this to legitimate their own foreign policy agendas, whilst discrediting those of the other.

#### The link turns case, poisons risk calculus, and cements violent discrimination. Independently, refuse ‘dropped x scenario’ because complexity brackets predictions.

Christopher Morris 25. Writing Department, York University Faculty of Liberal Arts and Professional Studies. “Introduction to Special Issue: Technical Communication In/Against Security Logics.” Journal of Technical Writing and Communication. December 10, 2025. https://journals.sagepub.com/doi/full/10.1177/00472816251384902

My own interest in security logics began in the realm of risk. As a graduate research associate at a large U.S. insurance firm, I wrote documentation for actuarial and investment models meant to protect funds in the event of large losses. In producing such work, I observed that both the risk models and their documentation are always incomplete (i.e., insecure), because there is always an aspect of reality and of future events that analysis cannot capture. Additionally, many of the models relied on financial securitization instruments that are themselves risky. This realization coincided with my research into housing—research that examined technical communication's role in the legitimation of risky mortgage-backed securities that led to the Global Financial Crisis. Later, in a different role at a regional bank, I wrote mortgage policies and procedures. At each of these positions, I perceived a taken-for-grantedness regarding two consequential frameworks embedded in the industry: (1) the incompleteness of risk management theories and (2) the economic and social inequality perpetuated by the instrumentalizations of risk and security. Indeed, despite public regulatory efforts, insurance, financial, and housing markets practice racial and sexual discrimination, charging higher rates on inferior products for populations deemed too risky and too insecure (Chibanda, 2022; Gaulding, 1995). As the Global Financial Crisis—its maligned relationships with subprime mortgage loans and bailouts—laid bare, misappropriating risk from institutional decision-makers onto marginalized stakeholders obscures debilitating flaws in the system. As I went about my work documenting financial products, I often questioned technical writers’ abilities and ethical imperative to confront the double-faced logics upon which material advantage and sociopolitical coherence are achieved. Indeed, working as a technical writer in corporate America crystallized a disorienting aletheia—that security for some always results in insecurity for others.

### Framework---2NC

#### Epistemology is prior. Plan focus is knowledge reductionism that rigs the game by presupposing that the K is wrong.

Navid Pourmokhtari 24. Department of Social Sciences at Concordia University of Edmonton. “Toward a Paradigm Shift in International Relations Studies: (Re)Claiming World Peace.” Springer Nature Switzerland. April 12, 2024. https://www.academia.edu/126906085/Toward\_a\_Paradigm\_Shift\_in\_International\_Relations\_Studies\_Re\_Claiming\_World\_Peace

Under the status quo, one that privileges certain catchphrases, languages, theories, statements, and values, there is no escaping the assumptions and mentalities that inform IR knowledges and practices, and precisely because they are ahistorical/particularistic spatially and temporally, colonial/gendered ideologically and discursively, and West/ Eurocentric ontologically and epistemologically. All this has had the cumulative knowledge effect of “narrowing down the terms of the debate” at the expense of “more open-ended approaches” that “do not prejudge the nature of the dominant units in the system, privilege one sector of activity over another or give precedence to one mode of explanation over another.”2 As a consequence of such knowledge reductionism, “not all knowledge has an equal chance of being selected for an IRtheory curriculum,”3 which hampers any hope of “reconceptualiz[ing] … a world centered upon the fixity of the nation-state and power relations.”4 That all this is the case is due, first and foremost, to the assumptions and rationalities that IR paradigm maintainer theories advance by demarcating the discipline such that alternatives are relegated to the margins where questions of war and military conflict are concerned. This is because, R. B. J. Walker asserts, “[as] a paradigm [, IR is] grounded in the ‘timeless truths’ of politics as presumably expressed by authors such as Thucydides, Machiavelli and Hobbes [who among other Western male political philosophers have shaped, decisively,] the IR discipline.

### Ballot Solves---2NC

#### The ballot solves by refusing to accept the 1AC, but our links meet because ‘securitization bad’ is a causal DA.

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A speech act, however, is merely rhetoric until a relevant audience accepts the issue as existential. This acceptance is the critical and often overlooked step. The administration’s narrative has been consistently reinforced through official statements, executive orders, and the dramatic publication of strike videos. The publication of these videos, for instance, is not merely a message to the enemy; it is a performance of the speech act for the domestic audience. It is designed to prove that the narco-terrorist threat is real and that the elimination policy is necessary and effective. This creates a powerful feedback loop. The audience has accepted this move, not because it was logical, but because the speech act effectively tapped into genuine public concerns about drug-related deaths and national security. This public and political acceptance, from the nodding junior officers to a compliant Congress, is the key that unlocks the next and most dangerous step: legitimizing extraordinary measures.

Because the audience accepted the existential threat framing, the securitizing actor successfully lifted the issue beyond the realm of normal, deliberative politics. This move establishes a zone of exception, a political space where normal rules, legal norms, and democratic procedures no longer apply. This zone of exception is precisely what has enabled the extraordinary measures that define this operation, from the deployment of II MEF and the Ford CSG to the shift from legal interdiction to kinetic elimination. It further allows the campaign to continue without congressional approval.

This significant disconnect between the stated threat and the nature of the U.S. response is the smoking gun. The extraordinary measures are poorly suited for counternarcotics but perfectly aligned with a long-standing, unstated political objective: regime change to a long-standing challenger to U.S. hegemony in the Western Hemisphere. As some institutions have noted, the current administration’s foreign policy focus on Latin America bears a resemblance to the age of the Monroe Doctrine and the Cold War’s spheres of influence, where regional hegemony was synonymous with national security. Operation Southern Spear is a clear embodiment of that very foreign policy.

The High Price of Securitization

The present administration, having made the securitization of Latin America a hallmark foreign policy approach, has embarked on a high-risk policy that is likely to fall short in its stated, unstated, and strategic objectives. The long-term risks of this strategy are profound, inviting historical failure, enabling geopolitical adversaries, and ultimately creating a self-fulfilling prophecy that undermines U.S. security.

The first risk flows directly from the creation of the zone of exception. When an issue is lifted beyond politics, long-term planning, diplomatic considerations, and uncomfortable questions about “what comes after” are dismissed as weak or obstructionist. The administration is myopically focused on toppling a regime while ignoring the clear, disastrous lessons of history. U.S.-led attempts at regime change fail far more often than they succeed. Even “successful” overthrows, such as in Iran in 1953 and Guatemala in 1954, failed to lead to long-term stability and instead produced cycles of repression and violence. By focusing only on toppling the regime, the administration repeats the core error of Iraq and Libya. The securitization process directly causes this risk. Because the threat is existential, the only goal is its elimination, which precludes careful post-conflict planning. Decades of research confirm this: foreign-imposed regime change drastically increases the likelihood of civil war in the target state.

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### Warming Link---2NC

#### That climate-security nexus entrenches a Neo-Malthusian interventions and imperial overstretch.

Kristen Billings 24. Master of Science Thesis, Community and Environmental Sociology; Research Assistant at University of Wisconsin-Madison Kristen R., 8-23-2024, “Resilient Empire: The Coloniality of U.S. Climate Securitization and Abolitionist Countertopographies Of Militarism,” p. 12-18, http://digital.library.wisc.edu/1793/85692

From Environmental Warfare to Environmental Security

In the 1990s, western security analysts adopted neo-Malthusian warnings that ecological stress would damage U.S. national security interests, spurred by a confluence of factors, including the end of Cold War tensions and newly felt criticism of excessive U.S. military presence and spending, as well as growing environmental consciousness and efforts to address ecological exigencies in international forums (McDonald 2021). This signaled an important shift from mid-century military interests in the weaponization of environmental and climate change to late-century interests in their securitization, a discursive process by which security actors articulate the urgency of political issues and remove them from politics to a state of exception, where security actors are the responsible party for defining and responding to threats (Waever 1995; Buzan et al. 1998). Ecological concerns spotlighted by the environmental movement became the purview of military and security planners, lifting them from the realm of civilian influence—as security studies scholar Simon Dalby argues, securitization of the environment “ultimately disenfranchises the majority, stripping environmental ‘speech’ from its more emancipatory projects” (Dalby 2002). The U.S. and its allies, seeking to manage a new unipolar world order and justify peacetime military spending, folded the environment into national security planning; the new focus on environmental security was fueled by the “global managerialist ambitions of some northern planners,” who sought to engage in neo-colonial governance of natural resources and environmental problems (Dalby 1999:26). During the postCold War moment, very legitimate public concerns about the environment, such as ozone depletion and air pollution, were transmogrified into a scarcity-conflict model that built “an image of an overpopulated, environmentally degraded and violent Third world” (Hartmann 1998:114). The void left by the Cold War was quickly filled by an environmental security 13 agenda that offered renewed purpose to the military industrial complex and “mask[ed] the tragic human consequences of US support for military regimes and Duvalier-style dictatorships” (Hartmann 1998:114).

#### Critique IS the alternative which means there is NO permutation---the problem solving paradigm assumes that a series of constraints are “true” e.g. opportunity costs, the exitance of the security state, a strict understanding of international relations, etc. Instead REJECT the rational-choice model that undergirds the failure of existing politics.

Tim Dunne 24. Professor of International Relations and Director of Research of the Asia-Pacifi c Centre for the Responsibility to Protect at the University of Queensland. He is an editor of the European Journal of International Relations and has written and edited nine books, including Worlds in Collision: Terror and the Future of Global Order (co-edited with Ken Booth, 2002) and Foreign Policy: Theories, Actors, Issues (co-edited with Steve Smith and Amelia Hadfi eld, 2008).. Milja Kurki, and Steve Smith. International relations theories: Discipline and diversity. Oxford University Press, 2024 is the most recent version of the book.

This situation raises the question of the grounds on which we make a choice between theories. For many new undergraduate students of IR this is a major worry, since they want to be guided to the ‘right’ answer. And, of course, this is why realism has been so powerful, because it explicitly sees itself as the best account of the persistence of inter-state war and competition. We feel that there is much more at stake in answering this question. In my view, the fi rst criterion involved in making a choice between theories has to be the issues you wish to explain. Thus, if you are interested in the future of the environment, it is likely that green theory will be as good a place to start as any. That does not mean that only green theory can offer explanations, but it does give the reader a place to start their thinking about which is the most appropriate theory. It would be tempting to leave the issue of theory choice here, since I could imply that the theories in this book are all dealing with different, discrete, aspects of the same world of international relations, and that you could adopt a kind of ‘pick and mix’ attitude towards theory. Accordingly you might think it sensible to use, say, green theory when discussing the environment, feminism when discussing global gender inequalities, and structural realism when looking at great power rivalry in the Asia–Pacific. But though this might seem comforting, I do not think that this move is possible. This is because the various theories are not like parts of a jigsaw that can be neatly combined together with each explaining one part of international relations. Rather I think that the theories in this book are like different coloured lenses: if you put one of them in front of your eyes, you will see things differently. Some aspects of the world will look the same in some senses, for example shapes, but many other features, such as light and shade of colour, will look very different, so different in fact that they seem to show alternative worlds.

In thinking about this you might like to visualize Martin Hollis’s excellent example of a mobile hanging over a child’s bed, a metaphor he regularly used in his teaching. The view that the various theories each explain part of the world of international relations is akin to the view that someone standing looking at the child’s mobile will see the same mobile as the child lying on the bed, albeit from different angles. There is nothing incommensurable about their two perspectives; simple geometric analysis can show how their different views of the mobile can be combined together—they are just different views of the same mobile. Yet Hollis always argued, persuasively in my view, that the social world is not like this. The theories we use cannot simply be combined together so as to add up to different views of the same world of international relations; instead, they actually see different worlds. Thus a Marxist writer, though they will focus on power, will see a different form of power (ultimately economic) to that seen by a classical realist (ultimately political). Similarly, a classical liberal will not see cooperation over environmental issues in anything like the same way as a green theorist will see them. Finally, think of, say, a feminist writing about the global power structure, and compare it to a neorealist account. It is not possible simply to add up these various accounts of international relations to get one overarching theory. Theories are part of the social world, they can never be separate from it, and thus they constitute the social world in which we live. Each defi nes the problems to be examined differently, and may well defi ne how we know things about those problems in different ways. Thus the social location of the observer will infl uence which theory they see as most useful, simply because that location will predispose that observer to defi ne some features of international relations as key and others as less relevant.

### Dollar Heg Link + Turns Case---2NC

#### The rhetorical innovation of national security extinguishes the subaltern, turning the case thru cyclical intervention.

Marcus Heiligenthal 26. Professor at Binghamton University. “Imperial Arbitrage: Global Precaritization, Human Rights, and the Financial Logic of Risk Management in the United States Drone Program.” *Human Rights in the Age of Drones*. January 2, 2026. https://link.springer.com/chapter/10.1007/978-3-032-08191-9\_4

Through the vehicle of the “War on Terror,” the United States has engaged in a global project of precaritization in the name of national security. Shifting the risks inherent to the US imperial project from the American center to the global periphery by privileging US rights to safety over global human rights, the “War on Terror” becomes the dehumanizing, justificatory discourse in which securitization—or the transferring and thus off-loading of risk—takes place. While the claim that the “War on Terror” is an effort to proactively secure American interests is well-tread intellectual territory, what remains underdetermined in this conversation is the relationship between the technology of the drone and, bearing in mind Randy Martin’s Empire of Indifference, the “financial logic of risk management” constitutive of American preemptive warfare (Martin, An Empire of Indifference: American War and the Financial Logic of Risk Management, Duke University Press, 2007). Reading the earlier formations of preemptive warfare through the lens of both economic theories of risk, this chapter makes three primary claims: (1) That through the logic of preemption, the United States intervenes into the uncertainty of the future, names these imagined dangers, and intervenes through assassination-by-drone. (2) The technology of the drone is the means par excellence facilitating a strategy I am naming “imperial arbitrage,” one that creates a “zero-risk” scenario for the imperial center where no American bodies can be harmed, US capital expenditures a relatively minimal; and political optics are largely controllable. (3) That the result of the logic of preemptive securitization through the means of the drone, or the “Hellfire Hedge,” is a presumed, normative expansion of strikes ad infinitum as blowback only stabilizes when exponential expansion of interventions is presumed.

## Filings

### Uniqueness---1NC

#### Bankruptcy caseloads are low. The plan reverses that.

Karsten Muller 22. National University of Singapore, Department of Finance. “Busy bankruptcy courts and the cost of credit.” Journal of Financial Economics. February 2022. https://www.sciencedirect.com/science/article/abs/pii/S0304405X21003664

In this paper, I study how bankruptcy court backlog affects ex-ante contracting by exploiting the largest recorded drop in the caseload of US bankruptcy judges in the wake of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). The BAPCPA reform fundamentally changed the bankruptcy code for individual debtors, making it considerably harder and more expensive for them to default. In the two years following its implementation, bankruptcy filings essentially halved—the largest decrease outside of war times since the beginning of records in 1899 (Federal Judicial Center, 2019). This drop in filings permanently reduced the number of cases per bankruptcy court and thus the workload of judges.

Despite its effect on individual debtors, BAPCPA left corporate bankruptcies essentially unaffected. As a result, the drop in judicial workloads after the reform was larger in bankruptcy districts with a higher share of nonbusiness filings before. This generates plausibly exogenous variation in court backlog for firms located in the bankruptcy districts that were particularly exposed to BAPCPA. Building on Iverson (2018), I exploit this variation in a difference-in-differences framework to study the impact of court backlog on publicly listed firms.

To start, I show that a one standard deviation increase in the nonbusiness share in a court’s caseload is associated with a 64-hour drop in the annual workload of judges (around two work weeks). This drop in court backlog causes a 5.5% reduction in the length of bankruptcy cases and a 6%–12% increase in recovery values for creditors. Using contract-level data on syndicated loans from DealScan, I then estimate that this improvement in the functioning of bankruptcy courts leads to a 20 basis point drop in interest rate spreads (a 10% drop) and 9% increase in loan maturities. These results suggest that lower court congestion is priced into firms’ ex-ante financing terms by increasing expected recovery values.

Consistent with the predictions of a simple theoretical framework in the spirit of Hart and Moore (1998), the drop in caseload also reduces the gap in loan terms between risky and safe borrowers. Exploiting heterogeneity in pre-reform borrower characteristics in a triple-difference approach, I find that judicial backlog matters almost exclusively for firms with a higher probability of default and a higher expected loss given default. This also allows me to absorb bankruptcy district time fixed effects, which rules out many potentially confounding factors.

A few additional tests support a causal interpretation of these results. First, loan terms trended similarly for more and less exposed bankruptcy districts before the drop in court caseload, when uncertainty about the impact of BAPCPA lifted. This suggests that creditors interpret observable court backlog as a noisy signal about future recovery values. Initially, interest rate spreads only drop for short-term loans, for which the reduction in backlog in early 2006 is the most informative signal about expected recovery values. By late 2007, however, the effect on shorter and longer loans converges, suggesting that creditors learn over time whether changes in judicial caseload are permanent or transitory.

Second, the share of nonbusiness filings—which I use to measure exposure to BAPCPA—is uncorrelated with firm and loan characteristics before the reform. This also makes it less likely that I am capturing unobserved differences between districts. Third, some borrowers were additionally exposed to changes in credit supply because they had to roll over loans that were issued in the years before BAPCPA passed (also see Almeida et al., 2012). The estimates from using this pre-determined variation suggest that my findings are entirely driven by credit supply, not unobserved shocks to firms.

Next, I estimate the effect of court backlog on firm leverage and default risk, measured by credit ratings and ex-post bankruptcies. Consistent with an expansion of credit supply, book leverage increased by around 2% relative to the mean for a one standard deviation larger drop in court caseload. However, I find a precisely estimated zero effect on credit ratings, the probability of borrowers being rated, and the number of firm bankruptcies. This is likely because—although leverage increased—lower debt service payments decrease default risk. I also find a zero effect on the frequency of bankruptcy filings during the financial crisis. Taken together, this suggests that the drop in court backlog did not change firms’ ex-ante or realized probability of default. Rather, fewer court cases decrease the expected loss given default, which is immediately priced in by creditors.

I conduct a simple back-of-the-envelope calculation to get a sense of the costs judicial backlog imposes on borrowing firms. While it requires a set of strong assumptions, only some of which I can test empirically, changes to interest rate spreads translate naturally into a macroeconomic quantity: the approximately $400 billion per year US non-financial corporations pay to service their debt. My estimates suggest that the costs to firms arising from overburdened bankruptcy judges are around $740 million per year. While this estimate does not necessarily tell us about the welfare effects of busy bankruptcy courts, these magnitudes are large compared to the costs of creating additional judgeships that would lower court congestion. This extrapolation exercise suggests that debt enforcement plays a key role in the ex-ante design of financial contracts. From a policy perspective, it provides some evidence that bankruptcy judges may be relatively “cheap” compared to their value added, at least in terms of the savings to borrowers’ debt service payments.

I also test and reject potential alternative explanations of my findings. A host of robustness checks suggests that the housing boom in the run-up to the 2007-08 financial crisis is unlikely to play a role. Exposure to BAPCPA is not correlated with key housing variables, and excluding securitized loans or the construction and nontradable industries—or adding lender year fixed effects—makes little difference to my point estimates. Event study plots further suggest a discontinuous and permanent effect of court caseload rather than a boom-bust pattern.

My results are also not driven by minor changes the reform made to corporate bankruptcies. I find almost equivalent estimates for firms who were clearly not affected by changes in the applicable bankruptcy framework. “Forum shopping”, that is the leeway the largest US borrowers have over where to file for bankruptcy, is also unlikely to play a role. Theory suggests that this would lead me to understate the effect of court congestion: if anything, less busy courts should increase bankruptcy filings and make judges more debtor friendly (Gennaioli and Rossi, 2010) and thus—all else equal—lead to worse contract terms for borrowers. In contrast, I find that less congested courts improve contract terms and do not change the number of firm bankruptcies. My baseline results also remain unchanged when I exclude the firms most likely to engage in forum shopping.

My paper builds on a large literature on legal frameworks and economic outcomes. First, my work builds on research that focuses on the enforcement of existing law. Djankov et al. (2008) use a representative bankruptcy case for 88 countries and show that better debt enforcement is associated with higher credit market development. Jappelli et al. (2005) show a negative correlation of judicial backlog and interest rate spreads for Italian provinces.4 However, these correlations do not constitute causal effects because court backlog is likely correlated with other factors that also matter for credit provision. For example, areas that lack public funding to hire judges likely have both more congested courts, firms at a higher risk of defaulting, and a higher cost of credit even in the absence of any causal link. My contribution is to provide, to my knowledge, a first causal estimate of how court backlog affects ex-ante contract outcomes.

I build on the insight of Iverson (2018) that BAPCPA constituted a shock to the US bankruptcy courts with the highest pre-reform share of nonbusiness bankruptcies. Iverson shows that the drop in court congestion around the reform reduced repeated bankruptcy filings, decreased the time larger firms spent in court, and lowered banks’ charge-offs for business lending. My contribution is to study whether and how such expected ex-post effects alter the ex-ante contracting environment. I show how banks adjust contracts in a forward-looking manner—usually more associated with equity markets—when news about recovery values arrive. In addition, I provide a back-of-the-envelope estimate of the aggregate costs court backlog imposes on firm borrowers. In other related work, Boehm and Oberfield (2020) study the effect of court congestion on the input choices of Indian manufacturing firms. Brown et al. (2016) study the effect of a 1953 law that imposed external state courts on Native American reservations.5

Second, I add to the literature studying how the effect of major legal reforms depends on pre-existing levels of judicial backlog. Ponticelli and Alencar (2016) and Rodano et al. (2016) show for Brazil and Italy, respectively, that financial reforms interact with legal institutions governing courts. Their work, however, estimates the value of major changes in bankruptcy regimes, not whether judicial backlog matters per se. In other words, these studies do not tell us whether courts have an effect without a contemporaneous legal reform that fundamentally alters bankruptcy law. My contribution is to estimate the effect of the caseload burden of judges on firms’ financing terms while holding the applicable bankruptcy law constant. My results suggest that court congestion also matters for the United States, which has one of the most sophisticated bankruptcy law and court systems in the world.

### Uniqueness---2NC

#### Caseloads are stable now. We’ll insert a chart.

U.S. Courts 25. United States Courts. “Caseload Statistics Data Tables.” *United States Courts*. 06/30/2025. https://www.uscourts.gov/statistics-reports/caseload-statistics-data-tables.

A screenshot of a computer screen

AI-generated content may be incorrect.

#### Filings are declining.

US Courts 24. United States Courts, created under Article III of the Constitution to administer justice. “Federal Judicial Caseload Statistics 2024.” United States Courts. https://www.uscourts.gov/data-news/reports/statistical-reports/federal-judicial-caseload-statistics/federal-judicial-caseload-statistics-2024.

Filings in the 12 regional courts of appeals fell 3 percent to 39,469 (down 1,212 appeals) in 2024. This decrease stemmed from lower filings of criminal appeals, other U.S. civil appeals, U.S. and private prisoner petitions, bankruptcy appeals, and filings of original proceedings and miscellaneous applications. Filings of appeals of administrative agency decisions increased 11 percent (up 491 appeals), and filings of other private civil appeals rose 7 percent (up 648 filings).

### Dollar---1NC

#### Dollar heg is resilient.

Eswar Prasad 24. Senior Professor of Trade Policy in the Dyson School at Cornell University, a Senior Fellow at the Brookings Institution, and the author of The Future of Money: How the Digital Revolution Is Transforming Currencies and Finance. “Top Dollar

Why the Dominance of America’s Currency Is Harder Than Ever to Overturn.” July/August 2024. https://www.foreignaffairs.com/united-states/top-dollar-currency-prasad

It would be no surprise, then, if the dollar were rapidly losing its power. But in fact the opposite is happening: the trends that would be expected to weaken the dollar, many of them driven by U.S. policy, are only strengthening its global dominance. The dollar remains on top in part because of the U.S. economy’s size and dynamism relative to other major economies. But more than that, although American institutions are fraying, those in other parts of the world are in no better shape, with populism and authoritarianism on the rise. Moreover, economic and geopolitical turmoil serves only to intensify the quest for safe investments, usually leading investors back to the dollar, which remains the most trusted currency. The United States’ financial markets are much larger than those of other countries, making dollar assets easier and cheaper to buy and sell.

The dollar is not fully immune to shifts in global economic and geopolitical power. But even as the dollar has lost some ground, the gap between it and any putative rival has only grown and shows no signs of stopping. China and India have become major economic powers, but their currencies have not picked up steam outside their countries. Although the global hierarchy of international currencies is shifting, many of these changes are improving the dollar’s relative standing by hurting its rivals even more. Turbulence in the world economy or global affairs—even if triggered or exacerbated by the United States’ own policy blunders—only enhances the dollar’s strength vis-à-vis alternative currencies. Almost nothing could change this any time soon.

WORTH THE RISK

Since the end of World War II, the dollar has been the leading international currency in every respect—as a unit of account, a medium of exchange, and a store of value. Even by conservative estimates, at least half of all international trade is denominated in dollars, far more than in any other currency and much greater than the U.S. share of world trade, which is roughly 11 percent. It is the main invoicing currency and the top payment currency; roughly half of all international payments are settled in dollars. When a Chinese company imports iron ore from Brazil or a Brazilian firm purchases semiconductors from China, those transactions are almost always invoiced and paid for in dollars rather than in Brazilian reais or Chinese renminbi.

The dollar is also the principal global reserve currency; 59 percent of foreign exchange reserves in the world’s central banks are held in dollar-denominated assets, or assets whose face value and prices are all stated in dollars. There’s a reason the share is so large. Foreign exchange reserves act as a central bank’s rainy-day funds. They can be used to pay for imports or prop up the domestic currency when its value falls. Central banks in emerging-market countries have learned that large stocks of foreign exchange reserves help insulate their economies from volatile capital flows, and they try to keep reserves in assets that are safe and liquid. As a result, they buy dollar-denominated assets, which are available in large quantities and are always in demand and can therefore be bought and sold with minimal transaction costs.

And the greenback remains a key funding currency in global debt markets. When firms or governments in developing countries try to raise money in those markets, they are routinely forced to borrow in foreign currencies. This is usually because foreign investors lack confidence in the value of those countries’ domestic currencies and prefer to be repaid in dollars. Even some European companies and banks prefer to raise capital in dollars because the profusion of dollars makes that cheaper and easier. Two-thirds of securities issued by corporations outside their home countries are denominated in dollars.

These preferences reinforce one another. Foreign central banks’ demand for U.S. Treasury securities helps finance U.S. government borrowing, keeping U.S. interest rates relatively low. This in turn incentivizes foreign governments, corporations, and financial institutions to borrow in dollars. The widespread use of dollars in international trade encourages both developing and developed countries to hold reserves in dollars. During the 2008 global financial crisis, even the Bank of England and the European Central Bank borrowed dollars from the U.S. Federal Reserve.

But since that crisis, dollars have become an increasingly risky asset. The United States remains a dynamic and resilient economy, yet gross federal public debt is likely to exceed $35 trillion—roughly 125 percent of annual GDP—by the end of 2024, and Congress shows little inclination to curb spending or raise taxes. No one expects the U.S. government to walk away from its debt obligations. Still, the threat of even short-lived defaults, on top of the sheer and rising magnitude of debt, has caused rating agencies such as S&P and Fitch to downgrade U.S. government bonds.

The dollar is hostage to politics in more ways than one. During former U.S. President Donald Trump’s term in office, the rule of law and the Federal Reserve’s independence—bulwarks of foreign investors’ belief in the stable long-term value of the dollar—took a beating. The U.S. system of checks and balances proved far too fragile and dependent on unwritten norms to maintain these investors’ confidence, prompting them to reevaluate their trust in the dollar and look for alternatives.

Washington has further jeopardized the dollar’s status by barring Iran, North Korea, and Russia from trading in dollars and thereby from accessing the international financial system. Following Russia’s invasion of Ukraine in 2022, the United States even froze Moscow’s foreign exchange reserves held in dollars. Whether or not this move was justified by Russia’s gross violation of international law, it undoubtedly left other central banks wondering whether their own dollar-denominated rainy-day funds would be locked up should their governments run afoul of Washington.

FALSE PROPHETS

But predictions of the dollar’s demise have greatly exaggerated the currency’s weakness—a fact made clear by its remarkable endurance. Analysts have warned for years that the dollar will lose out to other currencies, and yet none of them has displaced it. Consider the euro, whose inauguration in 1999 seemed to herald the end of the dollar’s unrivaled power. The eurozone was, after all, an economic area that stood toe to toe with the United States in terms of economic and financial market size. It had an independent central bank, and its members generally followed the rule of law.

At first, the euro did bite into the dollar’s shares as a payment and reserve currency. By 2009, the euro’s share of global foreign exchange reserves had risen to 28 percent, up from 18 percent in 2000, and the dollar’s share fell by a corresponding amount. But by the end of that year the euro’s progress had stalled. European governments lacked the political will to transform their monetary union into a broader economic and financial union, which would have required them to cede more power to eurozone institutions and exercise greater discipline in their own policies. The 2009 eurozone debt crisis laid bare the economic and political weaknesses of the monetary union. The euro’s share of global foreign exchange reserves eroded and has now fallen below 20 percent.

The Chinese renminbi has followed a similar trajectory. In 2010, Beijing began to actively promote the “internationalization” of its currency. With China’s rising clout in the world economy, this campaign quickly took off. By 2015, about three percent of global payment transactions were being conducted in renminbi—up from essentially zero just five years earlier. Chinese firms issued renminbi-denominated debt in Hong Kong and other financial markets, establishing it as a major currency on track to one day challenge the dollar.

Then the renminbi, too, stalled. China’s economy and stock market hit a rough patch in 2014 and 2015. Capital flight surged, and the currency lost value. Beijing responded by making it harder to take capital out of the country, spooking foreign investors. Since that period, the use of the renminbi in global trade transactions has increased slightly, but only for trade in which China is directly involved. The share of global foreign exchange reserves held in renminbi has stagnated, staying under three percent. And as China’s economy stumbles, with its leader, Xi Jinping, tightening his control and avoiding significant economic reforms, it is unlikely that foreign central banks and investors will trust renminbi-denominated assets.

Other countries have not even come close to challenging the dollar’s status. Economic and geopolitical forces have in recent years boosted some smaller reserve currencies, such as the Australian dollar, the Swedish kroner, and the Indian rupee, as has been observed by the economist Barry Eichengreen. But these currencies are still bit players in global finance, and their gains have come mainly at the expense of traditional reserve currencies such as the euro, the British pound sterling, and the Japanese yen. The dollar remains firmly on its pedestal, well above the fray.

### Economy---1NC

#### No impact.

#### a) 08 and COVID thump.

**b) Decline doesn’t cause war.**

Stephen Walt 20. International Relations Professor at Harvard University. “Will a Global Depression Trigger Another World War?” Foreign Policy. 5/13/2020. <https://foreignpolicy>.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/

On balance, however, I do **not** think that even the extraordinary **economic conditions** we are witnessing today are going to have much impact on the **likelihood of war**. Why? First of all, if depressions were a powerful cause of war, there would be **a lot more** of the latter. To take one example, the **U**nited **S**tates has suffered **40 or more recessions** since the country was founded, yet it has fought perhaps **20 interstate wars**, most of them **unrelated** to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do **not start wars** unless they believe they will win a **quick** and **relatively cheap** victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders **avoid war** when they are convinced it will be **long**, bloody, **costly**, and **uncertain**. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: **No matter** what a country’s economic condition might be, its leaders will **not go to war** unless they think they can do so **quickly**, **cheaply**, and with a **reasonable probability** of success.

Third, and most important, the **primary motivation** for most wars is the desire for **security**, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a **preventive war**, not as **a war of conquest**,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the **broader** political environment in which decisions for war or peace are made, but they are only **one factor** among many and **rarely the most significant**. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is **not likely to affect** the probability of war very much, especially in the short term.

## Reorganization

### Acid Rain---1NC

**Acid rain is minimized now.**

Hannah **Ritchie 24**. Data Scientist, Senior Research at the University of Oxford, Deputy Editor and Lead Researcher of Our World in Data, Ph.D. in Geoscience from the University of Edinburgh, B.A. in Environmental Geoscience, M.A. in Carbon Management. “Air Pollution: Breathing Clean Air.” 1/9/2024. *Not the End of the World: How We Can Be the First Generation to Build a Sustainable Planet*. ISBN: 9780316536950

How countries tackled acid rain

The dramatic reduction of air pollution in London is an example of a local success. But there are two other big success stories that are worth mentioning: acid rain, which needed countries to collaborate at a regional level, and the ozone layer, which required the world to work together to find a solution.

In the late 20th century, statues and monuments were dissolving. The faces of queens and kings became featureless blobs. Rivers and lakes became acidic, killing off fish. Freshwater insects were disappearing. Many forests were dying, stripped bare of their vegetation.

The culprit was acid rain, which is caused by emissions of sulphur and nitrogen oxides. In the atmosphere, these compounds react with water to form sulphuric and nitric acid. The rain, and everything it then filters into – trees, soils, rivers and lakes – become more acidic. The main sources of sulphur and nitrogen oxide are fossil fuels, industry and some forms of agriculture. Coal, for example, contains lots of sulphur. When it’s burned, it emits sulphur dioxide (SO2), a molecule that dissolves in rainwater and makes it more acidic.

By the 1980s, acid rain had become the environmental problem of the day. What became clear is that individual countries couldn’t tackle the problem on their own. It was an issue that crossed boundaries: emissions of SO2 from the UK drifted over Scandinavia, ruining Norwegian forests, and emissions in the US blew over to Canada where they polluted freshwater lakes. After strong resistance, the United States and much of Europe brought in tight regulations. The impact was almost immediate. SO2 emissions in the US were cut by around 95% from their peak in the 1970s.16 In Europe, they’ve fallen by 84%, and in the UK, by 98%. The solution was quite simple: add a reactant to the smokestack of a coal plant, and the SO2 can be stripped away so that it’s not emitted into the atmosphere.

A graph of a graph showing the growth of a stock market

Description automatically generated

Acid rain has almost disappeared across North America and Europe. Many other countries are making fast progress too. To prove it, look at China. In just over a decade its SO2 emissions have fallen by two-thirds. That’s while the country’s coal use more than doubled.

### Acid Rain---2NC

#### Cribb’s only degree is in Homeric Greek, not a scientist---reject it. Also doesn’t have a PhD… Just a Bachelors

Cribb 21 (Julian Cribb, Homeric Greek Expert, Science Communicator; “ASC Scope Interview: Julian Cribb, Science Communicator, Journalist, Author and Strong Advocate for Earth’s Future,” Australian Science Communicators, 01-11-21, https://www.asc.asn.au/blog/2021/01/11/asc-scope-interview-julian-cribb-science-communicator-journalist-author-and-strong-advocate-for-earths-future/)

Why did you choose to study science?

A: My degree is in Homeric Greek, so I didn’t study science – but having a bit of Greek and Latin is a big help in translating scientific words, and the philosophy of science owes its origins to the Greeks. However, I was always fascinated by science and, in my first career as an agricultural journalist, I found myself reporting a lot of science – animal science, soil science, ecology, agronomy, weather, climate etc. I wrote my first climate change story back in 1976! In the 1990s The Australian asked me to come and work for them (again, I had worked there before) and asked me what I wanted to report on. I said science, because the opportunities for a news journalist in science are limitless (as distinct from politics, economics etc which repeat themselves constantly). I was their science editor for 5 years and thoroughly enjoyed it. While on the Oz, I was the first western journalist into Chernobyl after the disaster – but that is a story in itself. I’m glad I don’t work there today, as the Oz has abandoned any attempt to report science objectively and often seeks to distort it nowadays. But in my days the editors were better and the political agenda was less stark.

#### Regulation solves.

Katz et al 22 - Harrison Katz is a Reporter for Possibly, Ashley Junger is a Managing Producer for Possibly, Megan Hall is the Host/Managing Producer for Possibly, “What happened to acid rain?” January 31, https://thepublicsradio.org/episode/what-happened-to-acid-rain/ Accessed: 9/30/24)

Megan Hall: So, why don’t we talk about acid rain anymore?

Ashley Junger: Meredith Hastings says it’s mostly because it’s not a problem anymore, thanks to the Clean Air Act.

Meredith Hastings: In the United States, Acid Rain became a big problem in the 1980s. As a result, they passed the Clean Air Act. Acid Rain has dramatically decreased, particularly in the northeast United States, because of the Clean Air Act reducing emissions from coal combustion and vehicles.

Megan Hall: So, acid rain doesn’t exist anymore?

Harrison Katz: Well, The Clean Air Act led to the creation of over a hundred rain monitoring stations around the US.

Ashley Junger: And according to data from those stations, acid rain does still happen, just not nearly as much.

Meredith Hastings: The maps are really dramatic if you look at how much the rain has gotten more basic, and less acidic. It’s largely a success story. Has the problem completely gone away? No. But it’s really dramatically decreased.

### Warming---1NC

#### No warming impact---inflation, adaptation, and war turns.

Harry DeAngelo & Judith Curry 25. \*Ph.D. and Chair Emeritus at the Marshall School of Business, University of Southern California. \*\*Ph.D., Professor Emeritus in Earth and Atmospheric Sciences. “A Critique of the Apocalyptic Climate Narrative.” Gorgia Institute of Technology, p. 1-4

Hypothesized damaging consequences of global warming include (i) loss of life from greater intensity and frequency of heat waves, hurricanes, floods, droughts, and wildfires and (ii) economic losses from such extreme-weather events and from sea-level rise due to melting polar ice caps. Assessments of the impact from human-caused warming are complicated by the difficulty of determining the extent to which observed temperature increases are caused by natural climate variability – a difficulty that adds to the uncertainty in estimates of how much human-caused warming to expect over the 21st century.

Warming over the past 120 years

The question of whether global warming is dangerous (whatever its cause) can be addressed by examining the behavior of the climate since before the time human activity generated large amounts of greenhousegas emissions. Human-caused global warming is typically measured with reference to pre-industrial times; for practical reasons in terms of the availability of data, the usual approach employs a baseline period in the late 19th century. Since the late 19th century, Earth’s average temperature has increased by about 1.3o C (2.3o F). During the same period, average global sea level has risen 8-9 inches, and there has been little or no detectable change in most types of extreme weather events when measured against the background of natural weather and climate variability.

Since the late 19th century, with 1.3o C of global warming, humanity has seen unprecedented increases in prosperity and well-being. Global population has increased from about 1.6 billion in 1900 to 8.2 billion people in 2024. In 1900, the global average lifespan was 34 years; in 2024 the global average lifespan more than doubled to 73 years. From 1961 to 2020, global agricultural output nearly quadrupled, with a 53% increase in per capita output despite a 2.6-fold increase in global population.

Since the early 1900s, per capita mortality from hurricanes, floods, droughts, and wildfires has decreased by almost 98% (Koonin (2021, page 170)). These favorable trends in weather- and climate-related mortality rates reveal that the world is now much better at preventing deaths from extreme weather and climate events than it was a century ago. The sharp reduction in death rates has been accomplished through greater wealth (driven by energy derived from fossil fuels), which provides better infrastructure, superior advance-warning technologies, and greater capacity to recover from weather-related disasters.

Although the role of higher temperatures and atmospheric CO2 concentrations in these favorable changes in mortality rates is open to debate, two aspects of the increases are unambiguously beneficial. First, satellite observations since the 1980s indicate widespread greening of the planet. The satellite data show that, over the last two decades, Earth has increased its green leaf area by approximately 5%. This greening reflects increased CO2 fertilization, warmer temperatures, and more rainfall (Chen et al. (2024)).

The second aspect relates to heat and cold extremes. An unambiguous consequence of global warming is more frequent heat extremes, coupled with less frequent cold extremes. It is well known that mortality is substantially greater (almost a factor of 10) for extreme cold than for extreme heat (Zhao et al. (2021). Consequently, rising temperatures are associated with a net saving of lives owing to the reduction of mortality from extreme cold events. Heat-related mortality is also declining over time (O’Neill et al. (2021)), owing to general improvements in health care systems, increasing prevalence of residential air conditioning, and behavioral changes – factors that have dominated any impact of a warmer planet on the risk of heat-related death.

Although the dollar value of damages from extreme weather events is now greater than it was many decades ago, this increase is the result of increasing vulnerability and exposure associated with greater population and concentration of wealth in coastal and other disaster-prone regions. A recent analysis summarizing many studies finds no evidence to support claims that any part of the overall increase in global economic losses from weather and climate disasters can be attributed to global warming (Pielke (2020, 2023)).

Prospective warming over the 21st century

What about warming over the rest of the 21st century? Is there reason to expect dire consequences for humanity going forward in time?

The Apocalyptic climate narrative and the most extreme impacts are driven by extreme emissions scenarios, with 4-5o C of warming by 2100 (above a baseline in the late 19th century). However, since 2021, the UN’s climate negotiators have abandoned extreme emissions scenarios as unrealistic for two reasons. First, they make unrealistic assumptions, especially about coal use. Second, actual emissions have been tracking well below their most extreme emission scenario, and indeed slightly below their medium emissions scenario. The UN is now working with an estimated year 2100 warming of 2.5°C (UNFCCC (2022)), while the IEA Roadmap to NetZero projects 2.4°C of warming by 2100 (IEA (2023)). When plausible scenarios of natural climate variability and values of climate sensitivity on the lower end of the UN’s IPCC likely range are considered, the expected warming could be significantly lower (Lee et al. (2021)).

If we work with 2.5°C projected warming by 2100, more than half (1.3°C) of the predicted increase in temperature has already occurred. There are good reasons to expect continued advances in prosperity and well-being over the remainder of the 21st century – and ample reasons such as AI to expect such advances to accelerate. Moreover, the so-called threshold of danger of 2°C warming since pre-industrial times is not an objective threshold of danger. Rather, 2°C is a politically negotiated target designed to motivate broad-based actions to reduce emissions (Curry (2023, page 9)).

Importantly, there is no credible case that missing the 2°C target would pose an existential risk to humanity. Humans have adapted to (and thrived in) climates extremes far worse than in the pessimistic extreme scenario, as summertime residents of Phoenix and wintertime residents of Minneapolis demonstrate every year.

Two other risk-related points are relevant here. First, a basic assumption in the socioeconomic scenarios used in formulating the UN climate-assessment reports is that vulnerability to weather and climate extremes decreases with greater wealth and economic development, as adaptive capacity increases. All of the Shared Socioeconomic Pathways (SSPs) scenarios constructed for the most recent UN climate assessment entail dramatic growth, with global GDP in 2100 between four and ten times larger than in 2010 (Dellink et al. (2017)). These scenarios do not imply any futures for humanity that are worse than today.

Second, risks from human-caused global warming are difficult to separate credibly from natural weather and climate variability and the risks are dominated by the vulnerabilities of less-developed countries and poorer populations generally. Increasing wealth and productivity will continue to reduce humanity’s vulnerability to weather- and climate-related risks.

Tipping points and surprises

Uncertainty about the impact on humans of continued use of fossil fuels is dominated by the difficulties of estimating the likelihood of catastrophic outcomes from climate tipping points that could cause severe and possibly irreversible damage.

Climate tipping points are defined as abrupt or nonlinear transitions to a different climate state, which are hypothesized to occur once some threshold has been crossed, with regional or global consequences that are largely uncontrollable and beyond our management. In other words, tipping points are points of no return, at least on the century timescale. In recent geologic history, abrupt climate change has been caused by changes in ocean circulation patterns and ice-sheet dynamics, including (i) the Younger Dryas (12,900- 11,700 years ago) when global temperatures dropped by up to 15o C in some regions, (ii) an unnamed sudden cooling event that occurred around 8,200 years ago and that lasted about 150 years, and (iii) the Dansgaard-Oeschger Events (115,000-11,500 years ago) with a series of abrupt warmings and cooling during the last Ice Age with temperature shifts of 5-10o C occurring within decades.

The IPCC Assessment Reports have considered a number of potential tipping points associated with global warming, including ice-sheet collapse, collapse of the Atlantic Overturning Circulation, carbon release from permafrost thawing, and destruction of the Amazon rainforest and coral reefs. There are some preliminary climate model simulations for some of these conjectured tipping points. However, climate models do not include the appropriate physical, chemical, and biological processes to adequately simulate such events. Hence, these hypothesized climate tipping points have been based largely upon the consideration of imperfect analogues from the geologic past, process models, and physically based storylines.

The likelihood of any of the above types of hypothesized tipping points occurring in the 21st century under the medium emissions scenario is generally regarded as low, although there is also low confidence in any conclusions surrounding possible tipping points owing to deep (Knightian) uncertainties in our understanding of the complex climate system.

Could something genuinely catastrophic happen to the climate on the timescale of the 21st century? Yes, although continued use of fossil fuels is not the only possible cause. For example, a climate catastrophe could also be caused by nuclear war, a series of explosive volcanic eruptions, natural shifts in ocean circulation patterns, and/or shifts in ice-sheet dynamics driven by geologic processes.

It is impossible to remove all sources of climate-related risk, and it would be unwise to attempt to try to avert low probability climate catastrophes with policy actions that would themselves surely impose massive near-term costs on humanity. There is no doubt that aggressive near-term suppression of fossil-fuel use would impose significant costs on humans until such time as viable replacements for fossil fuels were found for the roles they play in the production of food, steel, cement, and plastics.

The critical implication: In terms of rational risk management, there is no case for policies that would suppress fossil-fuel use aggressively simply because something bad might happen. For such suppression to be rational, we should have good reason to think that the low probability climate catastrophe we would avoid would be far worse than the catastrophe we would surely induce by moving aggressively to net zero. We have yet to see anyone provide credible support for the latter argument.

### Delaware Solves---1NC/1NR

#### Reversing DExit is key to facilitating tort claims that check corporate externalities

Michael Toth 24. Founding partner of PNT Law Firm. "Why the corporations are fleeing Delaware." The Hill. 06/12/2024. https://thehill.com/opinion/finance/4715117-why-the-corporations-are-fleeing-delaware/

Over the last few years, Delaware courts have also been increasingly receptive to cases alleging breaches of oversight by directors. Investors should beware. Corporate lawfare is an expensive distraction from business growth. And as former Attorney General William Barr and Labor Department official Jonathan Berry have observed, Delaware’s corporate-law elder statesmen “today advocate that the state should adopt a more assertive and explicitly pro-ESG corporate law.” The upshot: executives could be liable for failing to manage so-called “risks” that “correspond to du jour ESG issues like climate change, [diversity, equity and inclusion], and #MeToo — or even the 2020 presidential election.”

Delaware’s courts also affect tort law claims, because plaintiffs can file claims in the state of incorporation. Dominion, for example, filed against Fox News in Delaware. The judge, Eric Davis, imposed burdensome discovery on Fox and rejected the network’s libel defenses. According to Fox’s former general counsel, Viet Dinh, these pretrial rulings “called into question the fundamental fairness and integrity of the Delaware civil justice system.” This left the network with a Hobson’s choice between a trial that would have been “months of utter pain” and a jaw-dropping $787 million settlement.

Other states are offering businesses less regulatory and litigation risk. Tripadvisor recently said sayonara to Delaware and reincorporated in Nevada. The travel platform explained that the move would save about $250,000 a year in taxes and “provide potentially greater protection from unmeritorious litigation for directors and officers.”

It’s not the only company bailing on Delaware’s deal-killing litigation environment. Since April, reports Nevada’s Democratic Secretary of State Francisco Aguilar, “three more publicly traded companies have announced plans to shift to Nevada, and these sort of legal shenanigans are a big reason why.”

Texas shows that states can become more business-friendly through policy choices. As recently as the early 2000s, trial lawyers were one of the most powerful political forces in Texas. This was before Texans for Lawsuit Reform worked with lawmakers from both political parties and pushed through historic tort reform that energized the state’s business climate.

In the time since, Texas has continued to build on its reputation as a place where companies can count on a fair and transparent regulatory system. This September, the state’s dedicated business court, which handles derivative, corporate governance and securities claims to rival Delaware’s Chancery Court, will begin taking cases.

#### That’s key to effective regulation

Melissa Mortazavi 15. Associate Professor of Law, University of Oklahoma College of Law. "Tort as Democracy: Lessons from the Food Wars." Arizona Law Review, 57.1, 929-976.

Rather, in the overall context of the modern American legal landscape, tort law may be best understood as playing a critical balancing role in supporting democratic deliberation.6

[[Begin FN 6]]

Tort pushes law to develop beyond its current framework, representing marginalized groups of people and presenting new arguments to the court, regulators and legislators, and to the public at large. “In a very vague general way, the law of torts reflects current ideas of morality, and when such ideas have changed, the law has tended to keep pace with them.” KEETON ET AL., supra note 1, at 21. This is most clearly the case where juries take an active role in adjudicating disputes. Stephan Landsman, Juries as Regulators of Last Resort, 55 WM. & MARY L. REV. 1061 (2014).

[[End FN 6]]

Tort suits bring forth new ideas, create new forums for debate, force fact-finding, and increase back and forth dialogue amongst the public and private institutional actors to develop sound law and policy. The format of reviewing individual harms and compensating them (or failing to) provides a tangible indication of gaps or malfunctions in existing law.7

Filing a lawsuit is, in this context, an engagement in public deliberation, driving individuals and institutions to respond to one another. Many powerful institutions may not be sanctioned directly through adverse judgments. However, these same lawsuits increase public conversation about what law can and should do. This discussion itself alters the institutional structure where repeat players act. Tort has this value regardless of compensation awarded or the actual legal risk of “losing” a case. As such, the validity of tort cannot be evaluated solely by recovery or direct deterrence achieved in any given case. It also must be considered as a critical force in balancing how the public and lawmakers view legal and policy issues moving forward.

Perhaps nowhere is this more obvious today than with the current boom of food litigation.8 Lawsuits over labeling “evaporated cane juice” as sugar or McDonald’s use of beef fat in french fries or granola bars that are “all natural” often seem futile and even silly.9 But whether these cases are litigated to a verdict or settled, these suits serve important purposes in American civil society; they inform public discourse, spurn administrative and legislative bodies into active (or reactive) action, and push public opinion and private industry to contemplate new and conflicting ideas.

Food litigation, like tobacco before it, started as a battleground for public health reform.10 Over time, however, the vastly more complicated social and political meaning of food has come to play out in nuanced sets of lawsuits. This Article tells that story—a story about food and food policy in modern America— but also the broader story about the role tort plays in securing balanced and effective policymaking in a world increasingly dominated by administrative action.

Part I canvasses tort and deliberative democratic theory to provide an analytical framework for examining emerging considerations of the broader role tort can, does, and should play in the American legal system. Part II discusses how current food litigation is altering the substantive focus of food policy. Such litigation infuses food law with an increasingly wide-ranging agenda that includes: broadening how to legally comprehend food safety; moving beyond food safety to situate food as part of a sustainable social and ecological system; and recognizing the cultural, moral, and dignitary nature of food.11 Part III then explores the dialectic between legislative and administrative institutions and tort suits, drawing from current cases to show how these systems work to inform and react to one another. Finally, Part IV considers how tort actions influence private institutions to engage in forms of voluntary self-regulation. The Article concludes that regardless of its ability to achieve compensation for individuals or deter behaviors, tort litigation is valuable as it plays a critical role in developing legitimate policy through public deliberation.