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## Plan

#### The United States federal government should substantially increase restrictions on the war powers authority of the president of the United States by removing the authority to authorize the preemptive use of large-scale cyber-attacks, except in direct support of authorized United States military operations.

## Adv 1: Arms Race

#### The cyber arms race is accelerating — major attacks are inevitable this year — the best data proves

Goldman 13

CNN Writer, Nations Prepare for Cyberwar, <http://money.cnn.com/2013/01/07/technology/security/cyber-war/index.html>

**Security analysts are predicting** that **2013 is when** nation-sponsored **cyberwarfare goes mainstream** -- and some think such attacks will lead to actual deaths. In 2012**,** large-scale cyberattackstargeted atthe Iranian governmentwere uncovered, and in return, Iran **is believed to have** launched [massive attacks aimed at U.S. banks](http://money.cnn.com/2012/11/05/technology/security/iran-cyberattack/index.html?iid=EL) and Saudi oil companies. At least 12 of the **world's 15** largest military powers are **currently** building cyberwarfare programs**, according to James Lewis, a cybersecurity expert at the Center for Strategic and International Studies.** So **a** [**cyber Cold War**](http://money.cnn.com/2011/07/28/technology/government_hackers/index.htm?iid=EL) **is already in progress.** But some **security companies believe that battle will become even more heated this year. "Nation states and armies will be more frequent actors and victims of cyberthreats," a team of researchers at McAfee Labs,** an Intel ([INTC](http://money.cnn.com/quote/quote.html?symb=INTC&source=story_quote_link), [Fortune 500](http://money.cnn.com/magazines/fortune/fortune500/2012/snapshots/642.html?iid=EL))subsidiary, **wrote in a** [recent report](http://www.mcafee.com/us/resources/reports/rp-threat-predictions-2013.pdf)**. Michael Sutton, head of security research at cloud security company** [Zscaler](http://www.zscaler.com/)**, said he expects governments to spend furiously on building up their cyber arsenals. Some may even outsource attacks to online hackers.** The Obama administration and many in Congress have been [more vocal](http://money.cnn.com/2012/04/27/technology/cispa-cybersecurity/index.htm?iid=EL) about how an enemy nation or a terrorist cell could target the country's critical infrastructure in a cyberattack. **Banks, stock exchanges, nuclear power plants and water purification systems are particularly vulnerable, according to numerous assessments delivered to Congress last year**.

#### Specifically, OCO-driven retaliatory cycles and arms races

Moss 13

Columnist at The Diplomat Trefor Moss is an independent journalist based in Hong Kong. He covers Asian politics, defence and security, and was Asia-Pacific Editor at Jane’s Defence Weekly until 2009, Is Cyber War the New Cold War?, 4/19/13, <http://thediplomat.com/2013/04/19/is-cyber-war-the-new-cold-war/2/>

Although setting up a cybersecurity working group with China, Washington has also signaled it intends to escalate. U.S. Cyber Command and NSA chief General Keith Alexander signaled this shift of policy gears earlier this month when he [told Congress](http://www.nytimes.com/2013/03/13/us/intelligence-official-warns-congress-that-cyberattacks-pose-threat-to-us.html?_r=4&) that of 40 new CYBERCOM teams currently being assembled, 13 would be focused on offensive operations. Gen Alexander also gave new insight into CYBERCOM’s operational structure. The command will consist of three groups, he said: one to protect critical infrastructure; a second to support the military’s regional commands; and a third to conduct national offensive operations. As cyber competition intensifies between the U.S. and China in particular, the international community approaches a crossroads. States might **begin to** rein in **their** cyber op**eration**s before things get further out of hand**, adopt a rules-based system governing cyberspace, and start respecting one another’s virtual sovereignty** much as they do one another’s physical sovereignty. Or, if attacks and counter-attacks are left unchecked, cyberspace may become the venue for a new Cold War for the Internet generation. Much as the old Cold War was characterized by indirect conflict involving proxy forces in third-party states, its 21stcentury reboot might become a story of virtual conflict prosecuted by shadowy actors in the digital realm. And as this undeclared conflict poisons bilateral relations **over time,** the risk of it spilling over into kinetic hostilities will **only** grow.

#### Cyber arms race causes world war

— there are no checks on escalation, deterrence doesn’t apply, and only a certain commitment to the plan solves

CSM 11

(Christian Science Monitor, 3/7, Mark Clayton, The new cyber arms race, www.csmonitor.com/USA/Military/2011/0307/The-new-cyber-arms-race)

The new cyber arms race Tomorrow's wars will be fought not just with guns, but with the click of a mouse half a world away that will unleash weaponized software that could take out everything from the power grid to a chemical plant. Deep inside a glass-and-concrete office building in suburban Washington, Sean McGurk grasps the handle of a vault door, clicks in a secret entry code, and swings the steel slab open. Stepping over the raised lip of a submarinelike bulkhead, he enters a room bristling with some of the most sophisticated technology in the United States. Banks of computers, hard drives humming on desktops, are tied into an electronic filtering system that monitors billions of bits of information flowing into dozens of federal agencies each second. At any given moment, an analyst can pop up information on a wall of five massive television screens that almost makes this feel like Cowboys Stadium in Arlington, Texas, rather than a bland office building in Arlington, Va. The overriding purpose of all of it: to help prevent what could lead to the next world war. Specifically, the "Einstein II" system, as it is called, is intended to detect a large cyberattack against the US. The first signs of such an "~~electronic Pearl Harbor~~" might include a power failure across a vast portion of the nation's electric grid. It might be the crash of a vital military computer network. It could be a sudden poison gas release at a chemical plant or an explosion at an oil refinery. Whatever it is, the scores of analysts staffing this new multimillion-dollar "watch and warn" center would, presumably, be able to see it and respond, says Mr. McGurk, the facility director. The National Cybersecurity and Communications Integration Center (NCCIC, pronounced en-kick) is one of the crown jewels of the Department of Homeland Security (DHS). It is linked to four other key watch centers run by the FBI, the Department of Defense (DOD), and the National Security Agency (NSA) that monitor military and overseas computer networks. They are monuments to what is rapidly becoming a new global arms race. In the future, wars will not just be fought by soldiers with guns or with planes that drop bombs. They will also be fought with the click of a mouse a half a world away that unleashes carefully weaponized computer programs that disrupt or destroy critical industries like utilities, transportation, communications, and energy. Such attacks could also disable military networks that control the movement of troops, the path of jet fighters, the command and control of warships. "The next time we want to go to war, maybe we wouldn't even need to bomb a country," says Liam O'Murchu, manager of operations for Symantec Security Response, a Mountain View, Calif., computer security firm. "We could just, you know, turn off its power." In this detached new warfare, soldiers wouldn't be killing other soldiers on the field of battle. But it doesn't mean there might not be casualties. Knocking out the power alone in a large section of the US could sow chaos. What if there were no heat in New England in January? No refrigeration for food? The leak of a radiation plume or chemical gas in an urban area? A sudden malfunction of the stock market? A disrupted air traffic control system? These are the darkest scenarios, of course – the kind that people spin to sell books and pump up budgets for new cyberwar technology. Interviews with dozens of cyberconflict experts indicate that this kind of strategic, large-scale digital warfare – while possible – is not the most likely to happen. Instead, some see a prolonged period of aggressive cyberespionage, sabotage, and low-level attacks that damage electronic networks. As one recent study done for the Organization for Economic Cooperation and Development put it: "It is unlikely that there will ever be a true cyberwar." Yet others say that conclusion might be too conservative. The fact is, no one knows for sure where digital weaponry is heading. The cyber arms race is still in its infancy, and once a cybershot is fired, it's hard to predict where the fusillade might end. In the seconds or minutes it might take staffers at the NCCIC to detect an attack, it could have already spread to US water supplies, railway networks, and other vital industries. How does the US military respond – or even know whom to retaliate against? If it does hit back, how does it prevent cyberweapons from spreading damage electronically to other nations around the world? Policy experts are just beginning to ask some of these questions as the cyberweapons buildup begins. And make no mistake, it is beginning. By one estimate, more than 100 nations are now amassing cybermilitary capabilities. This doesn't just mean erecting electronic defenses. It also means developing "offensive" weapons. Shrouded in secrecy, the development of these weaponized new software programs is being done outside public view and with little debate about their impact on existing international treaties and on conventional theories of war, like deterrence, that have governed nations for decades. "Here's the problem – it's 1946 in cyber," says James Mulvenon, a founding member of the Cyber Conflict Studies Association, a nonprofit group in Washington. "So we have these potent new weapons, but we don't have all the conceptual and doctrinal thinking that supports those weapons or any kind of deterrence. Worse, it's not just the US and Soviets that have the weapons – it's millions and millions of people around the world that have these weapons." In the new cyber world order, the conventional big powers won't be the only ones carrying the cannons. Virtually any nation – or terrorist group or activist organization – with enough money and technical know-how will be able to develop or purchase software programs that could disrupt distant computer networks. And the US, because it's so wired, is more vulnerable than most big powers to this new form of warfare. It's the price the country may one day pay for being an advanced and open society. "If the nation went to war today, in a cyberwar, we would lose," Mike McConnell, director of national intelligence from 2007 to 2009, told a US Senate committee a year ago. "We're the most vulnerable. We're the most connected. We have the most to lose." Still, none of this means people should immediately run for a digital fallout shelter. Many analysts think the cyberwar threat is overblown, and the US is developing sophisticated defenses, such as the digital ramparts here in Arlington. The question is: Will it be enough, or will it all amount to a Maginot line? ALAMOGORDO REDUX The cyber equivalent of the dropping of the atom bomb on Hiroshima came last fall. That's when the world found out about Stuxnet, the software program that wasn't just another annoying virus. It was a sophisticated digital superweapon. Unlike typical malicious software – Trojans and viruses that lurk hidden in a computer to, say, steal a bank account password or some proprietary corporate information – Stuxnet was designed to inflict damage in the real world. In this case it was apparently intended to destroy machines critical to Iran's nuclear ambitions. The marauding software was introduced into Iranian computers in five locations sometime in 2009, probably, experts believe, by an infected "thumb drive," a portable memory stick, inserted into the network by unwitting Russian engineers who were working on the Iranian nuclear facility. Once inside the system, analysts say, Stuxnet sought out its target, the computer-controlled nuclear centrifuge system, and sabotaged the machinery. Experts believe, in the end, the software may have damaged up to 1,000 of the plant's centrifuges. It did so without any human help – without anyone clicking a mouse or guiding it electronically. Since its emergence, Stuxnet has demonstrated that cyberattacks will not remain just banal attempts to delete or steal information inside computers or on the Internet. It showed that a cyberweapon can destroy actual plants and equipment – strategically important equipment. It is a "game changer," McGurk told Congress last fall. Experts believe that Stuxnet was developed by a nation with a top-notch covert cyberweapons team, probably at a cost of millions of dollars. But now that elements of its software code – its electronic blueprint – are available on the Internet, it could be downloaded and reverse-engineered by organized crime groups, cyberweapons dealers, so-called "hactivist" organizations, rogue nations, and terrorists. The hactivist group Anonymous recently touted that it had acquired a copy of the Stuxnet code. Individual tinkerers are getting it, too. "What Stuxnet represents is a future in which people with the funds will be able to buy a sophisticated attack like this on the black market," says Ralph Langner, a German cyber-security researcher and Stuxnet expert. "Everyone can have their own cyberweapon." He adds that Stuxnet could be modified by someone who isn't even a control-systems expert into a "digital dirty bomb" that could damage or destroy virtually any industrial operating system it targets. Amr Thabet, an engineering student at the University of Alexandria in Egypt, typifies how easy it is to access the new world of cyberweaponry. During recent mass street protests in his country, he found time to post on his blog a portion of the Stuxnet cyberweapon he had reverse-engineered. The blog drew the attention of cybersecurity experts, who were unhappy, but not surprised, by what he had done. "This kid's work makes Stuxnet a lot more accessible and portable to other computer architectures," says Bob Radvanovsky, an industrial control-systems expert at Infracritical, a Chicago-based computer security organization. "It's something a number of people are doing for intellectual exercise – or for malicious purposes. It's not a good trend. If a college student is trying to dabble with this, who else on the dark nets with more nefarious intentions might be [as well]? In an e-mail interview, Mr. Thabet said he did it largely for the thrill. He noted that he spent two months deconstructing a small but crucial part of the code after he saw all the attention surrounding the discovery of Stuxnet last fall. "It's the first time I see a malware becomes like a gun or like a weapon close a whole company in few days," he writes in broken English. "You can say [Stuxnet] makes the malware a harder challenge and more dangerous. That's maybe what inspire me." THE 'WAR' HAS ... ALREADY BEGUN? Definitions of what constitute a "cyberattack" or "cyberwar" vary, but experts roughly agree the US is now immersed in a continuous series of cyberconflicts. These are with state and nonstate actors, from Russia and China to criminal gangs and online protest groups. "Are we in a cyberwar now?" asks John Bumgarner, research director at the US Cyber Consequences Unit, a Washington-based think tank, who once was a cyberwarrior with the US Army. "No, not yet. Are we being targeted and our nation's networks attacked and infiltrated by nations that may be our adversaries in the future? Yes." Melissa Hathaway, former acting senior director for cyberspace at the National Security Council, says the threat is less a military one by nation-states and more about the need to protect US intellectual property from spies and organized crime groups. "We are currently in an economic cyberwar," Ms. Hathaway says. "It is costing our corporations their innovation, costing Americans their jobs, and making us a country economically weaker over the long term. I don't see it emerging as a military conflict, but as an economic war in which malware and our own digital infrastructure is being used to steal our future." Others agree that a strategic cyberwar isn't likely right now. But they do see the potential for escalation beyond the theft of the latest blueprints for an electric car or jet-fighter engine, particularly as the technology of digital warfare advances and becomes a more strategic imperative. "We in the US tend to think of war and peace as an on-off toggle switch – either at full-scale war or enjoying peace," says Joel Brenner, former head of counterintelligence under the US Director of National Intelligence. "The reality is different. We are now in a constant state of conflict among nations that rarely gets to open warfare.... What we have to get used to is that even countries like China, with which we are certainly not at war, are in intensive cyberconflict with us." While he agrees the notion of big-scale cyberwarfare has been over-hyped, he says attacks that move beyond aggressive espionage to strikes at, or sabotage of, industrial processes and military systems "will become a routine reality." ANYTHING YOU CAN DO, WE CAN DO BETTER The attacks were coordinated but relatively unsophisticated: In the spring of 2007, hackers blocked the websites of the Estonian government and clogged the country's Internet network. At one point, bank cards were immobilized. Later, in 2008, similar cyberstrikes preceded the Russian invasion of Georgia. Moscow denied any involvement in the attacks, but Estonia, among others, suspected Russia. Whoever it was may not be as important as what it's done: touched off a mini cyber arms race, accelerated by the Stuxnet revelation. Germany and Britain announced new cybermilitary programs in January. In December, Estonia and Iran unveiled cybermilitias to help defend against digital attack. They join at least 20 nations that now have advanced cyberwar programs, according to McAfee, a Santa Clara, Calif., computer security firm. Yet more than 100 countries have at least some cyberconflict prowess, and multiple nations "have the capability to conduct sustained, high-end cyberattacks against the US," according to a new report by the Cyber Conflict Studies Association. McAfee identifies a handful of countries moving from a defensive to a more offensive posture – including the US, China, Russia, France, and Israel. Experts like Mr. Langner say the US is the world's cyber superpower, with weapons believed to be able to debilitate or destroy targeted computer networks and industrial plants and equipment linked to them. Indeed, China widely assumes that their nation's computer systems have been "thoroughly compromised" by the US, according to Dr. Mulvenon of the Cyber Conflict Studies Association, even as the Chinese penetrate deeper into US industrial and military networks. As well armed as the US is, however, its defenses are porous. The US may have the mightiest military in the world, but it is also the most computerized – everything from smart bombs to avionics to warship controls – making it unusually vulnerable to cyberassault. The DOD's communication system includes some 15,000 computer networks and 7 million computing devices. According to the Pentagon, unknown attackers try to breach its systems 6 million times a day. More than a few attempts have succeeded. Hackers are believed to have stolen key elements of the F-35 jet fighter a few years ago from a defense contractor. In 2008, infiltrators used thumb drives to infect the DOD's classified electronic network, resulting in what Deputy Defense Secretary William Lynn later called the "most significant breach of US military computers ever." Unlike many of its potential adversaries, the Pentagon is heavily reliant on computer networks. Over the past two decades, US industry, along with the military and federal agencies, have linked some networks and elements of the nation's infrastructure – power plants, air traffic control systems, rail lines – to the notoriously insecure Internet. It makes it easier, faster, and cheaper to communicate and conduct business – but at a cost. Almost all electrical power used by US military bases, for instance, comes from commercial utilities, and the power grid is a key target of adversaries. "We're pretty vulnerable today," says a former US national security official. "Our defense is superporous against anything sophisticated." Countries that are less wired are less vulnerable, which represents another danger. Some analysts even suggest that a small power like North Korea could do serious damage to the US in a cyberattack while sustaining relatively little itself. In a report presented at a NATO conference, former NSA expert Charlie Miller estimated that Pyongyang would need only about 600 cyber experts, three years, and $50 million to overtake and defeat America in a digital war. "One of North Korea's biggest advantages is that it has hardly any Internet-connected infrastructure to target," he says. "On the other hand, the US has tons of vulnerabilities a country like North Korea could exploit." The elite group of hackers sit at an oval bank of computers in a second-floor office on the wind-swept plains of Idaho. Their mission: infiltrate the computer network of Acme Products, an American industrial plant. They immediately begin probing for ways around the company's cyberdefenses and fire walls. Within minutes, they tap into the plant's electronic controls, sabotaging the manufacturing process. "They're already inside our system," howls an Acme worker, looking at his unresponsive computer after only 20 minutes. "They've got control of the lights. We can't even control our own lights!" Less than a half-hour later, a plastic vat is overflowing, spraying liquid into an industrial sink. The company's attempts to retake control of the system prove futile. Is the leak a toxic chemical? Something radioactive? Fortunately, in this case it is water, and the company itself is fictitious. This is simply an exercise by members of the DHS's Industrial Control System-Computer Emergency Readiness Team (ICS-CERT), simulating an attack and defense of a company. The message to emerge from the war game is unmistakably clear: Industrial America isn't well prepared for the new era of cyberwar, either. "We conduct these training classes to alert industry to what's really going on and educate them as to vulnerabilities they may not have thought of," says a senior manager at the Idaho National Laboratory (INL) in Idaho Falls, where the readiness team is located. Down the street, in another warehouselike building, high walls and locked doors shroud rooms where commercial vendors bring their industrial-control software to be probed for weaknesses by the cyber teams. Despite all the efforts here, experts say gaping holes exist in America's commercial electronic defenses. One reason is the vast number of people and organizations trying to penetrate the networks of key industries. Some people liken the intensity of the spying to the height of the postwar rivalry between the US and the Soviet Union – only the snooping now isn't just by a few countries. "I personally believe we're in the middle of a kind of cyber cold war," says a senior industrial control systems security expert at INL. "Over the past year our team has visited 30 to 40 companies in critical infrastructure industries – looking for threats on their [networks and industrial-control] systems – to see the level of penetration. In every case, teams of professionals were already there, embedded on every system." If only part of this infiltration turned out to be corporate espionage, that would be bad enough. But there's a more insidious threat lurking underneath. In his book "Cyber War," Richard Clarke, former counterterrorism chief with the National Security Council, writes that foreign nations are "preparing the battlefield" in key US industries and military networks, in part by creating "trapdoors" in electronic industrial-control systems. These trapdoors, in the form of nearly invisible software "rootkits," are designed to give the attacker access and control over industries' computer networks, which could later be used to disrupt or destroy operations – for instance, of the US power grid. "These hackers are invading the grid's control systems right now where it's easiest, getting themselves in position where they could control things if they wanted to," says the senior cybersecurity expert. "But they're not controlling them yet." Michael Assante, a former Navy cyberwarfare specialist and INL industrial-security expert, sees calculated hacking taking place as well. "I agree we have a lot of cyberespionage going on and a lot of preparation of the battlefield," he says in an interview at his home on a butte overlooking Idaho's Snake River Valley. "There's no question the grid is vulnerable." THE GENIE IS OUT OF THE HARD DRIVE Despite their dangers, cyberweapons hold clear appeal to the US and other nations. For one thing, they don't involve shooting people or inflicting casualties in a conventional sense. If fewer people die from bombs and bullets as a result of surreptitious software programs, nations may be more inclined to use them to try to deal with intractable problems. Cyberweapons may also be far cheaper than many conventional weapons. No doubt these are among the reasons President Obama has accelerated the development of US cybersecurity efforts, building on programs begun late in the tenure of President George W. Bush. In 2009, when announcing the new position of cybersecurity coordinator, Mr. Obama called digital infrastructure a "strategic national asset." Then, last spring, the Pentagon unveiled its joint US Cyber Command to accelerate and consolidate its digital warfare capabilities – including the ability to strike preemptively. Cyberspace was added to sea, air, land, and space as the fifth domain in which the US seeks "dominance." "Given the dominance of offense in cyberspace, US defenses need to be dynamic," wrote Mr. Lynn in Foreign Affairs magazine. "Milliseconds can make a difference, so the US military must respond to attacks as they happen or even before they arrive." Yet the digital war buildup could have far-reaching – and unexpected – consequences. Cyberweapons are hardly clinical or benign. They can infect systems globally in minutes that were not the intended target. Experts say Stuxnet, a self-propagating "worm," corrupted more than 100,000 Windows-based computers worldwide. Its damage could have been far more widespread if the digital warhead had been written to activate on any industrial-control system it found instead of just the one it targeted in Iran. Because strikes and counterstrikes can happen in seconds, conflicts could quickly escalate outside the world of computers. What, for instance, would the US do if an adversary knocked out a power plant – would it retaliate with digital soldiers or real ones? NATO and other organizations are already weighing whether to respond militarily against nations that launch or host cyberattacks against member states. "The US cybersecurity strategy since 2003 has stated that we're not just going to respond to cyberattacks with cyber," says Greg Rattray, a former director of cybersecurity for the National Security Council. "If somebody cripples the US electric grid, a nuclear power plant, or starts to kill people with cyberattacks, we have reserved the right to retaliate by the means we deem appropriate." Yet figuring out whom to retaliate against is far more complicated in a cyberwar than a conventional war. It's not just a matter of seeing who dropped the bombs. The Internet and the foggy world of cyberspace provide ample opportunity for anonymity. The US and other countries are working on technical systems that would allow them to reverse-engineer attacks, detecting identifying elements among tiny packets of information that bounce among servers worldwide. Yet even if cybersleuths can trace the source of a strike to an individual computer, it might be located in the US. Foreign governments could send elite hackers into other countries to infiltrate networks, making it harder to follow the electronic trail. "Access is the key thing," says Dr. Brenner, the former counterintelligence chief. "If we ever get to real hostilities, all these attacks are going to be launched from within the US...." All this makes it difficult to apply conventional doctrines of war, such as deterrence and first-strike capability, to the new era of cyberconflict. Does the US retaliate if it's unsure of who the enemy is? Can there be deterrence if retaliation is uncertain? There are more mundane questions, too: When does aggressive espionage cross a threshold and constitute an "attack"? "We live in a glass house so we better be careful about throwing rocks," says Hathaway of America's presumed prowess in offensive cyberwar and espionage tactics. "We don't have the resilience built into our infrastructure today to enter into such an escalated environment." In the face of such ambiguity, many experts say the US needs an overarching policy that governs the use of cyberweapons. On the plus side, multiple cyberattack technologies "greatly expand the range of options available to US policy makers as well as the policy makers of other nations...," the National Academy of Sciences concluded in a landmark 2009 study. On the other hand, "today's policy and legal framework for guiding and regulating the US use of cyberattack is ill-formed, undeveloped, and highly uncertain.”

#### Congressional constraints of OCOs are key to solve

— otherwise nuclear war is inevitable from arms-racing, command and control hacking, crisis instability, and fracturing nuclear agreements

Austin, 8/6

Director of Policy Innovation at the EastWest Institute, Costs of American Cyber Superiority, <http://www.chinausfocus.com/peace-security/costs-of-american-cyber-superiority/>

The United States is racing for the technological frontier in military **and intelligence uses of** cyber space. **It is ahead of all others, and has mobilized massive non-military assets and private contractors in that effort. This constellation of private sector opportunity and deliberate government policy has been aptly labeled** in recent months and years **by** so many **credible observers (in The Economist**, The **Financial Times and** the **MIT Technology Review) as the cyber industrial complex. The U**nited **S**tates **is now in the unusual situation where** the head of a spy agency (NSA) also runs a major military unified command (Cyber Command). This is probably an unprecedented alignment of Praetorian political power in any major democracy in modern political history**. This allocation of such political weight to one military commander is of course for the United States to decide and is a legitimate course of action**. But it has consequences. The Snowden case hints at some of the blow-back effects now visible in public. But there are others, less visible. The NSA Prism program exists because it is technologically possible and there have been no effective restraints on its international targeting. This lack of restraint is especially important because **the** c**ommand** and c**ontrol** of **strategic** nuclear weapons is a **potential** target **both** of **cyber** espionage and o**ffensive** c**yber** o**peration**s. The argument here is not to suggest a similarity between the weapons themselves, but **to identify correctly** the **very** close relationship between cyber op**eration**s and nuclear **weapons** planning**. Thus the** lack of restraint in cyber weapons might **arguably affect (**destabilize**) pre-existing** agreements that constrain nuclear weapons deployment and possible use. The cyber superiority of the United States, while legal and understandable, isnow a cause of strategic instability between nuclear **armed** powers**.** This is similar to the situation that persisted with nuc**lear weapon**s **themselves** until **19**69 when the USSR **first** proposed an end of the race for **the technological frontier of potential** planetary devastation. After achieving initial capability, the U.S. **nuclear missile** build up was not a rational **military** response **to each step increase in Soviet military capability**. It was a race for the technological frontier – by both sides – with insufficient recognition of the consequences. This conclusion was borne out by a remarkable Top Secret study commissioned in 1974 by the U.S. Secretary of Defense, Dr James Schlesinger. By the time it was completed and submitted in 1981, it assessed that the nuclear arms build-up by both sides was driven – not by a supposed tit for tat escalation in capability of deployed military systems – but rather by an unconstrained race for the technological limits of each side’s military potential and by its own military doctrinal preferences. The decisions of each side were not for the most part, according to this now declassified study, a direct response to particular systems that the other side was building. In 1969, the USSR acted first to propose an end to the race for the technological frontier of nuclear weapons because it knew it was losing the contest and because it knew there was political sentiment in the United States and in its Allied countries that supported limitations on the unbridled nuclear fetish. As we ponder the **American** cyber industrial complex of today, we see a **similar** constellation of opposition **to its power** emerging. This **constellation** includes not just **the political** rivals **who see they are** losing **in** cyber space (China and Russia), but nervous allies who see themselves as the likely biggest victims of the American race for cyber superiority, and loyal American military commanders who can see the risks and dangers of that quest. It is time for the United States to take stock of the collateral damage that its quest for cyber military power, including its understandable quest for intelligence superiority over the terrorist enemy, has caused amongst its allies. The loss has not yet been seen at the high political level among allies, in spite of several pro forma requests for information from countries such as Germany. The loss of U.S. credibility has happened more at the popular level. Around the world, once loyal supporters of the United States in its war on terrorism had a reasonable expectation to be treated as faithful allies. They had the expectation, perhaps naïve, that privacy was a value the Americans shared with them. They did not expect to be subject to such a crude distinction (“you are all non-Americans now”). They did not want to know that their entire personal lives in cyber space are now recoverable – should someone so decide – by the running of a bit of software in the NSA. After the Prism revelations, so many of these foreign citizens with an internationalist persuasion and solidarity for the United States now feel a little betrayed. Yet, in the long **run,** the most influential voice to end the **American** quest for cyber military superiority may come from **its own** armed forces**. There are** military figures in the United States who have had responsibility for nuclear **weapons** command and control **systems** and who, in private, counsel caution**. They advocate the need to abandon the quest for cyber dominance and pursue a strategy of “mutual security” in cyber space** – though that has yet to be defined. They cite military exercises where **the** Blue team gets little or no warning of Red team disruptive cyber attack on systems that **might** affect **critical** nuclear command and control **or wider war mobilization functions.** Strategic nuclear stability may be at risk because of uncertainty about innovations in cyber attack capability**. This question is worth much more attention**. U.S. national **security** strategy in cyber space needs to be brought under stronger civilian oversight and subject to **more** rigorous public scrutiny**. The focus on Chinese cyber espionage has totally preempted proper debate about American cyber military power**. Most in the United States Congress have lined up to condemn Snowden. That is understandable. But where are the critical voices looking at the bigger picture of strategic instability in cyberspace that existed before Snowden and has now been aggravated because of him? The Russian and Chinese rejections of reasonable U.S. demands for Snowden’s extradition may be every bit as reasonable given their anxiety about unconstrained American cyber superiority.

#### Cyber war escalates - Speed, scope, and spoofing

Clarke and Knake ‘12

(Richard (former National Coordinator for Security, Infrastructure Protection, and Counter-terrorism for the United States) and Robert (Cybersecurity and homeland security expert at the Council on Foreign Relations), Cyber War: The Next Threat to National Security and What to Do About It, Harper Collins Books, 2012, RSR)

**In our hypothetical exercise, the Chinese response aimed at four U.S. navy facilities** but **spilled**¶ **over into several major cities in four countries**. (The North American Interconnects link electric¶ power systems in the U.S., Canada, and parts of Mexico.)¶ **To hide its tracks, the U.S**., in this scenario, **attacked the Chinese power grid from a computer**¶ **in Estonia**. To get to China from Estonia, the U.S. attack packets would have had to traverse¶ several countries, including Russia. To discover the source of the attacks on them, the Chinese¶ would probably have hacked into the Russian routers sfrom which the last packets came. **In**¶ **response, China hit back at Estonia to make the point that nations that allow cyber attacks to**¶ **originate from their networks may end up getting punished even though they had not intentionally**¶ **originated the attack**.¶ Even in an age of intercontinental missiles and aircraft, cyber war moves faster and crosses¶ borders more easily than any form of hostilities in history. Once a nation-state has initiated cyber¶ war, **there is a high potential that other nations will be drawn in, as the** attackers **try to** hide **both**¶ **their** identities and the routes taken by their attacks. Launching an attack from Estonian sites¶ would be like the U.S. landing attack aircraft in Mongolia without asking for permission, and¶ then, having refueled, taking off and bombing China. Because **some** attack tools, such as worms,¶ once launched into cyberspace can spread globally in minutes, there is **the possibility of** collateral¶ damage **as these malicious programs jump international boundaries and affect unintended targets**.¶ But what about collateral damage in the country that is being targeted?

## Adv 2: Alliances

#### Congressional restrictions necessary for allied cooperation

Dunlap 12

Major General and Former Deputy Judge Advocate General (Lawless Cyberwar? Not If You Want to Win, [www.americanbar.org/groups/public\_services/law\_national\_security/patriot\_debates2/the\_book\_online/ch9/ch9\_ess2.html](http://www.americanbar.org/groups/public_services/law_national_security/patriot_debates2/the_book_online/ch9/ch9_ess2.html))

Military commanders have seen the no-legal-limits movie before and **they** do not like it. In the aftermath of 9/11, civilian lawyers moved in exactly that direction. Former Attorney General Alberto Gonzales, for example, rejected parts of the Geneva Conventions as “quaint.” He then **aligned himself with other civilian government lawyers who** seemed to believe **that** the President’s war**-making** power knew **virtually** no limits. The most egregious example of this mindset was their endorsement of interrogation tecshniques now widely labeled as torture.25 The results **of the no-legal-limits approach** were disastrous. The ill-conceived civilian-sourced interrogation, detention, and military tribunal policies**, implemented over the persistent objections of America’s military lawyers,** caused **an** international uproar that profoundly injured critical relations with indispensable allies.**26 Even more damaging,** they put the armed forces on the road to Abu Ghraib, a catastrophic explosion of criminality that produced **what military leaders like then U.S. commander in Iraq Lieutenant General Ricardo Sanchez labeled as** a “clear defeat.”27 Infused with illegalities, Abu Ghraib became the greatest reversal America has suffered since 9/11. In fact, in purely military terms, it continues to hobble counterterrorism efforts. General David Petraeus observed that “Abu Ghraib and other situations like that are non-biodegradable. They don’t go away.” “The enemy,” Petraeus says, “continues to beat you with them like a stick.”28 In short, military commanders want to adhere to the law because they have hard experience with the consequences of failing to do so. Why, then, is Baker—and others—so troubled? Actually, there are legitimate concerns about America’s cyber capabilities, but the attack on the issues is misdirected. Indeed, if Baker substitutes the term policy maker for lawyer and the term policy for law, he might be closer to the truth in terms of today’s cyberwar challenges. To those with intimate knowledge of the intricacies of cyber war, it is not the “law,” per se, that represents the most daunting issue; to them, it ispolicy. For example, retired Air Force General Michael Hayden, the former head of the National Security Agency (NSA), and later Director of the CIA, told Congress in October of 2011 that America’s cyber defenses were being undermined because cyber information was “horribly overclassified.”29 That issue is not sourced in lawyers, but in policy makers who could solve the classification problem virtually overnight if they wanted to. That same month, General Keith B. Alexander, Commander of U.S. Cyber Command and current NSA Director, said that rules of engagement were being developed that would “help to define conditions in which the military can go on the offensive against cyber threats and what specific actions it can take.” General Alexander readily acknowledges the applicability of the law of armed conflict, but suggests that challenges exist in discerning the facts and circumstances to apply to the law.30 This gets to the “act of war” question Baker complains about. The law does provide a framework;31 it is up to decision makers to discern the facts to apply to that framework. Hard to do? Absolutely. But—frankly—such “fog of war” issues are not much different than those military commanders routinely confront in the other domains of conflict where difficult decisions frequently must be made on imperfect information. The ability (or inability) to determine facts is not a legal issue, but as much a technical problem for the specialists to solve. So if there is a difficulty in that regard, the complaint ought to be directed at cyber scientists or even policy strategists, but not the lawyers. Sure, the law requires an ability to determine the source of an attack before launching a military response, but so does good sense and effective military strategy. The same can be said for the legal requirement to assess the impact on civilians and civilian objects before launching a cyber attack. This is information that decision makers would want for political and policy reasons wholly independent of any legal requirements. As the great strategist Carl von Clausewitz observed, “War is the continuation of policy by other means.”32 Again, if the ability to make the calculations that political leaders and policy makers require as much as lawyers is inadequate, that is a technical, not legal, issue. When—and if—the facts and circumstances are determined, weighing them is what policy makers and military commanders “do.” Lawyers may help them, but ultimately it is the decision maker’s call, not the lawyer’s. Any reluctance of decision makers to make difficult fact determinations—if such reluctance does exist—is not, in any event, a deficiency of law, but ofleadership. Of course, such decisions are never exclusively about legal matters. Policy makers and commanders rightly take into account a variety of factors beyond the law. In actual practice, it appears that such considerations often are more limiting than the law. For example, the Washington Post reported that U.S. cyber weapons “had been considered to disrupt Gaddafi’s air defenses” early in NATO’s UN-sanctioned operations aimed at protecting Libyan civilians.33 However, the effort “was aborted,” the Post said, “when it became clear that there was not enough time for a cyber attack to work.” Conventional weapons, it was said, were “faster, and more potent,” a pure military rationale. None of this reflects even the slightest suggestion that “lawyers” or the law frustrated the execution of a cyber operation in Libya. No doubt there was discussion about cyber-reporting obligations under the War Powers Resolution, but Presidents have almost never seen that as a bar to military actions, so it can hardly be said to be something unique to cyber operations or that operated to actually block a cyber attack, per se. Rather, it is but one of the many political considerations applicable to military actions generally, cyber or otherwise. To be clear, the primary concern about the potential use of cyber weaponry against Libya wasnot anything generated by lawyers as Baker might put it, but rather by “administration officials and even some military officers” who, the New York Times says, “balked, fearing that it might set a precedent for other nations, in particular Russia or China, to carry out such offensives of their own.” Along this line, the Times quoted James Andrew Lewis, a senior fellow at the Center for Strategic and International Studies, as opining that the United States does not want to be the “ones who break the glass on this new kind of warfare.”34 Again, the legitimacy of these concerns aside, they illustrate— regardless—that while there may be unresolved policy questions inhibiting cyber operations, that is altogether different from the legal problems of Baker’s imaginings. The threat of cyberwar is certainly an extremely serious one, but surely not a greater peril than is nuclear war. Yet at least insofar as the U.S. military is concerned, nuclear operations can be made amenable to the law.35 In other words, if our survival does not require abandoning the rule of law with respect to nuclear weapons, there is certainly no reason to do so in the cyber realm. Does Baker nevertheless believe that the United States is so vulnerable to catastrophic cyber attack that the nation must reject any legal limits in its cyber response? If, indeed, the United States were as vulnerable to catastrophic attack as Baker would have us believe, al Qaeda or some extremist group certainly would have launched one by now. In point of fact, although cyber crime may be extensive, militarily significant cyber attacks apparently are not so easy to conduct as Baker seems to think. In reporting the rejection of cyber weaponry as a means of dismantling ibyan air defenses, The New York Times noted that: While popular fiction and films depict cyberattacks as easy to mount—only a few computer keystrokes needed—in reality it takes significant digital snooping to identify potential entry points and susceptible nodes in a linked network of communications systems, radars and missiles like that operated by the Libyan government, and then to write and insert the proper poisonous codes. Obviously, if cyber weaponry is technically difficult for the world’s foremost military to use even against a third-world power such as Libya, one may reasonably infer that it is markedly more difficult to use against a sophisticated first-world power, even for a peer or near peer of that power. Rejection of legal limits carries other, real-world consequences that are not in the United States’ cyber interests. An effective response to cyber threats is not an autarchic enterprise; it requires the cooperation of international allies. Baker’s “damn the law and lawyers” approach would [harm]~~cripple~~ our relations with the law-abiding nations whose cooperation we must have to address cyber threats. We need to keep in mind that the vast majority of adverse cyber incidents are criminal matters, and the resolution of them frequently necessitates the involvement of foreign police and judicial authorities who, by definition, require partners who are themselves committed to faithfulness to the rule of law. The importance of legal legitimacy cannot be overstated. As outlined above, few in uniform who have experienced the vicissitudes of war since 9/11 would underestimate the deleterious impact on coalition support that the mere perception of American lawlessness can have.

#### The plan is key to secure cyberspace

Lord et al 11

Vice President and Director of Studies at the Center for a New American Security (Kristin M., Travis Sharp is the Bacevich Fellow at the Center for a New American Security. Joseph S. Nye, Jr. is University Distinguished Service Professor at the Kennedy School of Government at Harvard University. Mike McConnell is Executive Vice President of Booz Allen Hamilton and former Director of National Intelligence and Director of the National Security Agency. Gary McGraw is Chief Technology Officer of Cigital, Inc., a software security consultancy, and author of eight books on software security. Nathaniel Fick is Chief Executive Officer of the Center for a New American Security. Thomas G. Mahnken is Jerome E. Levy Chair of Economic Geography and National Security at the U.S. Naval War College and a Visiting Scholar at the Johns Hopkins School of Advanced International Studies. Gregory J. Rattray is a Partner at Delta Risk LLC and Senior Vice President for Security at BITS, the technology policy division of The Financial Services Roundtable. Jason Healey is Director of the Cyber Statecraft Initiative at the Atlantic Council and Executive Director of the Cyber Conflict Studies Association. Martha Finnemore is Professor of Political Science and International Affairs at The George Washington University. David A. Gross is a Partner at Wiley Rein LLP and a former Ambassador and Coordinator for International Communications and Information Policy at the State Department. Nova J. Daly is a Public Policy Consultant at Wiley Rein LLP and former Deputy Assistant Secretary for Investment Security in the Office of International Affairs at the Treasury Department. M. Ethan Lucarelli is an Associate at Wiley Rein LLP. Roger H. Miksad is an Associate at Wiley Rein LLP. James A. Lewis is a Senior Fellow and Director of the Technology and Public Policy Program at the Center for Strategic and International Studies. Richard Fontaine is a Senior Fellow at the Center for a New American Security. Will Rogers is a Research Associate at the Center for a New American Security. Christopher M. Schroeder is an Internet entrepreneur, Chief Executive Officer of HealthCentral.com and a member of the Center for a New American Security’s board of advisors. Daniel E. Geer, Jr. is Chief Information Security Officer of In-Q-Tel, the independent investment firm that identifies innovative technologies in support of the missions of the U.S. intelligence community. Robert E. Kahn is President and Chief Executive Officer of the Corporation for National Research Initiatives and co-inventor of the TCP/IP protocol that is the foundation of the modern Internet. Peter Schwartz is Co-Founder and Chairman of Global Business Network and a member of the Center for a New American Security’s board of directors, “America’s Cyber Future Security and Prosperity in the Information Age volume I” June 2011, [http:// www.cnas.org/files/documents/publications/CNAS\_Cyber\_Volume%20I\_0.pdf](http://www.cnas.org/files/documents/publications/CNAS_Cyber_Volume%20I_0.pdf))

The United States should lead a broad, multi-stakeholder international cyber security coalition that supplements U.S. freedom of action in cyberspace with global norms that will help protect its interests. The United States must play a greater leadership role within a range of existing and emerging international coalitions if it wishes to shape the future of cyberspace and how it is governed.35 Exercising leadership may, in some circumstances, require the United States to curtail some freedom of action internationally in order to shape the behavior of others. It does this already by adhering to existing norms and agreements, such as the Law of Armed Conflict and World Trade Organization. As long as such tradeoffs remain consistent with American interests and values, this cooperative leadership model offers the best way for the United States to strengthen its cyber security. Since the United States pursues competing interests and values in cyberspace, it must develop policies that balance those interests and values. An effective cyber security strategy requires American policymakers to balance competing interests and values in a way that defends the nation without subverting what it stands for.

#### Squo offensive cyber policy creates perception of US weakness

Lawson ‘10

[Sean Lawson is an assistant professor in the Department of Communication at the University of Utah. His research focuses on the relationships among science, technology, and the development of military theory and discourse, in particular the intersections of national security and military thought with new media, information, and communication technologies.¶ <http://www.forbes.com/sites/firewall/2010/05/13/offensive-cyberwar-operations-as-communication/> ETB]

What’s more, John Arquilla has advocated taking offensive action against terrorist websites, and a recent operation by the U.S. military that took down a forum allegedly being used by jihadists in Iraq indicates that at least a few folks in the U.S. military are acting in accord with his recommendations. In addition to the concern that some have raised over whether taking down jihadist websites deprives the U.S. of valuable sources of intelligence, we should also be asking what these types of offensive cyber actions communicate to adversaries and allies alike.¶ ADM Mullen has written about U.S. adversaries’ talent for detecting U.S. “say-do gaps” and then driving trucks through those gaps that end up damaging U.S. credibility (p. 4). He uses Abu Ghraib as an example, where what was done there was in sharp contrast to the things that U.S. leadership said about human rights, dignity, etc. Similarly, what kinds of “say-do gaps” might be created by offensive cyber operations meant to silence or disrupt adversary communications online? It might not be difficult for an even moderately observant adversary to point to a contradiction (real or not) between U.S. rhetoric about “Internet freedom” and freedom of speech and expression on the one hand and U.S. actions taken to silence its opponents on the other hand.¶ Keeping Dunlap’s classic essays in mind, might offensive actions like those recommended by Arquilla and potentially witnessed in the jihadist forum takedown case contribute to creating a perception of U.S. weakness, both in the information battle and the kinetic battle? Might U.S. attempts to silence opponents look like weakness in the proverbial “battle for hearts and minds?” A resort to silencing as a result of an inability to effectively engage? Despite all the talk of markets and freedom of expression, the market that the U.S. fears the most is the marketplace of ideas? Etc., etc., etc.

#### Coalition building key to solve extinction – disease, climate change, terrorism, and great power war

Nye 8

Joseph Nye 8 is professor of international relations at Harvard University, “American Power After the Financial Crises,” <http://www.foresightproject.net/publications/articles/article.asp?p=3533>, DOA: 7-23-13, y2k

Power always depends on context, and in today's world, it is distributed in a pattern that resembles a complex three-dimensional chess game. On the top chessboard, military power is largely unipolar and likely to remain so for some time. But on the middle chessboard, economic power is already multi-polar, with the US, Europe, Japan and China as the major players, and others gaining in importance. **The bottom chessboard is the realm of transnational relations that cross borders outside of government control,** and **it includes actors as** **diverse as bankers** electronically **transferring sums larger than most national budgets** at one extreme, **and terrorists transferring weapons** **or hackers disrupting Internet operations** at the other. **It** also **includes new challenges like pandemics and climate change**. On this bottom board, power is widely dispersed, and it makes no sense to speak of unipolarity, multi-polarity or hegemony. **Even in the aftermath of the financial crisis, the giddy pace of technological change is likely to continue to drive globalisation, but the political effects will be quite different for the world of nation states and the world of non-state actors**. In inter-state politics, the most important factor will be the continuing "return of Asia". In 1750, Asia had three-fifths of the world population and three-fifths of the world's product. By 1900, after the industrial revolution in Europe and America, Asia's share shrank to one-fifth of the world product. By 2040, Asia will be well on its way back to its historical share. The "rise" in the power of China and India may create instability, but it is a problem with precedents, and we can learn from history about how our policies can affect the outcome. **A century ago, Britain managed the rise of American power without conflict,** but the world's failure to manage the rise of German power led to two devastating world wars. In transnational politics, **the information revolution is dramatically reducing the costs of computing and communication. Forty years ago, instantaneous global communication was possible but costly, and restricted to governments and corporations**. Today it is virtually free to anyone with the means to enter an internet café. The barriers to entry into world politics have been lowered, and non-state actors now crowd the stage. In 2001, a non-state group killed more Americans than the government of Japan killed at Pearl Harbor. A pandemic spread by birds or travelers on jet aircraft could kill more people than perished in the first or secondworld wars. This is a new world politics with which we have less experience. The problems of power diffusion (away from states) may turn out to be more difficult than power transition among states. The problem **for American power in the 21st century** is that there are more **and more** things outside the control of even the most powerful state. Although the United States does well on the traditional measures, there is increasingly more going on in the world that those measures fail to capture. Under **the influence of** the information revolution and globalisation**, world** politics is changing in a way that means Americans cannot achieve **all** their **international** goals **acting** alone. For example, international financial stability is vital **to the prosperity of Americans,** but the U**nited** S**tates** needs **the** cooperation **of others** to ensure it. Global climate change too **will affect the quality of life, but the United States cannot manage the problem alone**. **And** in a world where borders are becoming more porous **than ever** to everything from **drugs to infectious** diseases to terrorism**, America must** mobilise international coalitions to address shared threats and challenges. As the largest country, American leadership will remain crucial. The problem of American power after this crisis is not one of decline, but realisation that even the largest country cannot achieve its aims without the help of others.

#### Legitimacy is key to band-wagon

Lee 10

Lavina Rajendram Lee 10 is a lecturer in the Department of Modern History, Politics and International Relations at Macquarie University, Australia, and has a PhD in International Relations from the University of Sydney. “US Hegemony and International Legitimacy,” 1-25-10, <http://www.routledge.com/books/details/9780415552363/>, Accessed date: 11-7-12 y2k

This book examines US hegemony and international legitimacy in the post-Cold War era, focusing on its leadership in the two wars on Iraq. **The** preference forunilateral action in foreign policy under the Bush Administration, culminating in the use of force against Iraq in 2003, has **unquestionably** created a crisis in the legitimacy of US global leadership. Of central concern is the ability of the United States to act without regard for the values and interests of its allies or for international law on the use of force, raising the question: does international legitimacy truly matter in an international system dominated by a lone superpower? US Hegemony and International Legitimacy explores the relationship between international legitimacy and hegemonic power through an in depth examination of two case studies – the Gulf Crisis of 1990-91 and the Iraq Crisis of 2002-03 – and examines the extent to which normative beliefs about legitimate behaviour influenced the decisions of states to follow or reject US leadership. The findings of the book demonstrate that **subordinate states play a crucial role in** consenting **to US leadership and endorsing it as legitimate and have a significant impact on the ability of a hegemonic state to maintain order with least cost**. **Understanding of the importance of legitimacy** **will be vital to** any attempt to **rehabilitate the** global leadership credentials of the United States under the Obama Administration.

#### Chinese anti-access capabilities critically depend on cyber — allied cooperation is key to counter them

Kazianis 12

Assistant Editor for The Diplomat and a non-resident fellow at the Pacific Forum (Harry, “A Plea for an Alliance-Based ‘AirSeaCyber’ Joint Operational Concept” July 17, 2012, <http://rpdefense.over-blog.com/article-a-plea-for-an-alliance-based-airseacyber-joint-operational-concept-108240342.html>)

In Pacific Forum’s PacNet #41 issue, Mihoko Matsubara correctly asserts that “countering cyber threats demands cooperation among nations, in particular public-private partnerships.” Cyber war has finally made its way onto the radar, and rightly so. Now **the U**nited **S**tates **military must integrate cyber** considerations **into** its new **AirSea Battle** concept. US Secretary of Defense Leon Panetta warned that the “~~next Pearl Harbor~~ we confront could very well be a cyber-attack that ~~cripples~~ our power systems, our grid, our security systems, our financial systems.” If true, **cyber must be front and center in** any military refocusing to **the Asia-Pacific**. Any **failure to** not correctly **plan** **against this** lethal form of asymmetric warfare **could** **be a catastrophic mistake**. The US seems to be focusing the military component of its widely discussed ‘pivot’ to Asia on China’s growing military capabilities. While neither side seeks confrontation and one hopes none will occur, **China’s development** **of** a highly capable Anti-Access/Area Denial (**A2/AD**) battle **plan to deter,** **slow, or deny** **entry** into a contested geographic area or combat zone **has been detailed** extensively. **Cyber war is clearly** **part of this** strategy, **with** Chinese **planners prepared to wage** ‘local **wars under conditions of informatization**,’ or high-intensity, information-centric regional military operations of short duration. Prudent military planners must be prepared to meet this potential threat. Other nations such as **North Korea and Iran are also developing A2/AD** capabilities with cyber based components that could challenge US or allied interests. In this type of threat environment, the **US**, along **with** its **allies**, **should develop** its own symmetric and asymmetric counter-strategies. A joint operational concept of AirSea Battle that includes a strong cybercomponent would give US forces and their allies the best chance to defeat adversary A2/AD forces. Of course, the current Joint Operational Access Concept does make strong mention of cyber operations. However, **an even stronger emphasis on cyber warfare is needed**. In short, AirSea Battle as an operational concept might already be obsolete and **it should be reconstituted as** an “**AirSeaCyber**” concept. If cyber is to become a full-fledged component of AirSea Battle, its conceptualization and integration are crucial. A simple first step must be the recognition that cyberspace is now one of the most important battlefield domains in which the US and allied militaries operate. It is not enough to exercise battlefield dominance in a physical sense with technologically advanced equipment. With vital but vulnerable computer networks, software, and operating systems a potential adversary may choose an asymmetric cyber ‘first-strike’ to damage its opponent’s networked combat capabilities. Enemy forces could attempt to ‘~~blind’~~ their opponent by ~~crippling~~ computer and network-centric command and control (C2), battlefield intelligence gathering, and combat capabilities by conducting advanced cyber operations. Simply put: **US and allied forces** **must** fully understand and **articulate the severity of the threat they face** before they can map out any national or multinational strategies. Working with potential cyber allies to identify common threats andworking **to** mitigate possible challenges is crucial. **One viable partner** in creating effective cyber capabilities **is South Korea**. Seoul faces a number of problems from a growing North Korean asymmetric threat in a physical sense, as well as multiple challenges in cyberspace. General James Thurman, US Forces Korea Commander, recently noted that “North Korea employs sophisticated computer hackers trained to launch cyber infiltration and cyber-attacks.” Pyongyang utilizes cyber capabilities “against a variety of targets including military, governmental, educational and commercial institutions.” **With the US committed** **to** South **Korea’s defense**, **creating partnerships** in cyberspace **can only enhance such a relationship.** Both sides must look past physical threats and expand their partnership across this new domain of possible conflict. **Japan is another possible cyberspace partner.** As Matsubara accurately points out, “**They [US and Japan] have more to lose**. **If** cyber-**attacks** and espionage **undermine** **their** economies or military **capability**, larger geostrategic balances may be affected and **the** negative **consequences may spill over** to other countries.” Both nations have reported hacking incidents from Chinese-based hackers that have targeted defense-related industries and programs. With Japan and the US partnering on joint projects such as missile defense and F-35 fighter jet, the protection of classified information associated with these programs must be a top priority. As military allies, both must plan for possible regional conflict where cyber warfare could be utilized against them. Sadly, restraints could develop that might hamper such partnerships. One recent example: historical and political tensions have delayed and possibly halted a defense agreement between Japan and South Korea. The pact would have assisted in the direct sharing of sensitive military information concerning North Korea, China, and missile defenses. Presumably, cyber-related information would have been at the center of such sharing. The agreement was supported by Washington, which has been working to reinforce trilateral cooperation with the two countries, as essential Asian allies. With all three nations facing a common challenge from North Korea, such an agreement would have been highly beneficial to all parties. If other nations’ military planners rely heavily on asymmetric warfare strategies, **US planners** and their allies **must** also **utilize** such **capabilities** in developing their response. **Cyber warfare offers** proportionally the **strongest asymmetric capabilities at the lowest possible cost**. Almost **all** military C2 and deployed **weapons systems rely on** **computer** hardware and **software.** **As other nations’** military planners **develop** networked **joint operations** to multi-domain warfare, **they** also **open their systems for exploitation** by cyber-attack. US and allied technology experts must begin or accelerate long-range studies of possible adversaries’ hardware, software, computer networks, and fiber optic communications. **This will allow** US and **allied cyber commands to deploy malware,** viruses, and coordinated strikes on fiber-based communications networks that would launch any enemy offensive or defensive operations. **Cyber warfare,** if conducted in coordination with standard tactical operations, **could be the ultimate cross-domain** asymmetric **weapon** in modern 21st century warfare against any nation that utilizes networked military technologies. Any good operational concept must always attempt to minimize any negative consequences of its implementation. AirSeaCyber presents US policymakers and their allies with a toolkit to deal with the diverse global military challenges of the 21st Century. **The inclusion of cyber** obviously **declares** **that the US** **and** its **allies** **are prepared to enter a new domain** of combat operations. This focus could unnecessarily draw attention to a domain that should be left to ‘fight in the shadows’ to avoid engendering a new battleground with deadly consequences. Some argue that with the use of cyber weapons against Iran to degrade its ability to develop uranium enrichment technology, a dangerous new international norm – operational use of cyber weapons – is upon us. While these arguments have some validity, cyber war, whether against corporations, nation-states, or even individuals, is now part of daily life. To not prepare fully for this eventuality means facing battlefield obsolescence. Any student of history knows the results of preparing for the wars of years past-likely defeat. These are only a sample of capabilities that could be utilized to create a joint operational concept that transition from present AirSea Battle ideas into a more focused AirSeaCyber operational concept. Such notions are compliant with current fiscal realities, utilize modern military technologies, and can leverage existing alliance networks. Any operational concept that will guide US armed forces in the future is obsolete without intense conceptualizations of cyber warfare. Working with allies **to develop ties** in cyberspace in the Asia-Pacific **can only** create a strong force multiplier effect and should be considered a top priority.

#### China’s rapidly modernizing its military for an A2AD strategy — that fuels territorial disputes

RTT 13

China’s Anti-access And Area-denial Capabilities Bolstered: Pentagon Report, <http://www.rttnews.com/2111200/china-s-anti-access-and-area-denial-capabilities-bolstered-pentagon-report.aspx>

**A new report of the** U.S. **Defense Department says** that **China is increasing its rapid military modernization program, and that** the **advanced** technologies bolster **China's** anti-access and area-denial **capabilities**. The annual report -- titled "2013 Military and Security Developments Involving the People's Republic of China" -- was submitted to the Congress on Monday. It covers China's security and military strategies; developments in its military doctrine, force structure and advanced technologies; the security situation in the Taiwan strait; U.S.-China military-to-military contacts and the U.S. strategy for such engagement; and the nature of China's cyber activities directed against the Defense Department. David F. Helvey, Deputy Assistant Secretary of Defense for East Asia, briefed Pentagon reporters on the report. He noted that the report, which DoD coordinates with other agencies, "reflects broadly the views held across the United States government." **The report is factual** **and not speculative**, he noted. Helvey said the trends in **this** year's **report show "a good deal of continuity in terms of the modernization priorities (of China)," despite the 2012 and 2013 turnover to new leadership in that Communist country. The document notes that China has launched its first aircraft carrier in 2012 and has been sustaining investments in advanced short- and medium-range conventional ballistic missiles, land-attack and anti-ship cruise missiles, counter-space weapons and military cyberspace systems**. "The issue here is not one particular weapons system. It's the integration **and overlapping nature** of **these weapons** systems into a regime that can **potentially impede or** restrict **free military** operations in the **Western** Pacific**. So that's something that we monitor and are concerned about,"** Helvey said. The report provided a lot of information, but also raises some questions. "What concerns me is the extent to which **China's military modernization occurs in the absence of the kind of openness and transparency** that others are certainly asking of China," he added. That **lack of transparency has effects on the security calculations of others in the region**, "and that's of greater concern," he noted. Addressing China's cyber capabilities, Helvey said "in 2012, numerous computer systems around the world, including those owned by the United States government, continued to be targeted for intrusions, some of which appear to be attributable directly to [Chinese] government and military organizations." The report noted that **China has "increased assertiveness with respect to its maritime territorial claims**" over the past year. China disputes sovereignty with Japan over islands in the East China Sea, and has other territorial disputes with regional neighbors in the South China Sea.

#### PLA doctrine proves Chinese aggression against Taiwan and the South China Sea are inevitable — A2AD is the linchpin of this capability

Yoshihara 10

(Dr. Toshi Yoshihara, Associate Professor in the Strategy and Policy Department at the Naval War College, former Visiting Professor at the U.S. Air War College, Ph.D. International Relations, The Fletcher School of Law and Diplomacy, Tufts University, M.A. International Relations, School of Advanced International Studies, Johns Hopkins University, B.S. International Relations, School of Foreign Service, Georgetown University, “Chinese Missile Strategy and the U.S. Naval Presence in Japan: The Operational View from Beijing,” Naval War College Review, 7-1-2010, (... denotes non-US-ASCII text omitted) <http://www.faqs.org/periodicals/201007/2046727461.html>)

In recent years, **defense analysts** in the United States have **substantially revised their estimates of China's missile prowess**. A decade ago, most observers rated Beijing's ballistic missiles as inaccurate, blunt weapons limited to terrorizing civilian populations. Today, the **emerging consensus** within the U.S. strategic community **is that China's arsenal can inflict lethal harm with precision on a wide range of military targets, including ports and airfields**. As a consequence, **many observers have jettisoned previously sanguine net assessments that conferred decisive, qualitative advantages to Taiwan in the cross-strait military balance**. Indeed, the **debates on China's coercive power and Taiwan's apparent inability to resist such pressure have taken on a palpably fatalistic tone**. A 2009 RAND monograph warns that China's large, modern missile and air forces are likely to pose a virtually insurmountable challenge to Taiwanese and American efforts to command the air over the strait and the island. The authors of the report believe that massive ballistic-missile salvos launched against Taiwan's air bases would severely hamper Taipei's ability to generate enough fighter sorties to contest air superiority. They state: "As China's ability to deliver accurate fire across the strait grows, it is becoming increasingly difficult and soon may be impossible for the United States and Taiwan to protect the island's military and civilian infrastructures from serious damage."1 As a result, the authors observe, "China's ability to suppress Taiwan and local U.S. air bases with ballistic and cruise missiles seriously threatens the defense's ability to maintain control of the air over the strait."2 They further assert, "The United States can no longer be confident of winning the battle for the air in the air. This represents a dramatic change from the first five-plus decades of the China- Taiwan confrontation."3 An unclassified Defense Intelligence Agency report assessing the state of Taiwan's air defenses raises similar concerns. The study notes that Taiwanese fighter aircraft would be unable to take to the air in the absence of well-protected airfield runways, suggesting a major vulnerability to the island's airpower. The agency further maintains that Taiwan's capacity to endure missile attacks on runways and to repair them rapidly will determine the integrity of the island's air-defense system.4 While the report withholds judgment on whether Taipei can maintain air superiority following Chinese missile strikes in a conflict scenario, a key constituent of the U.S. intelligence community clearly recognizes a growing danger to Taiwan's defense. China's missiles also threaten Taiwan's ability to defend itself at sea. William Murray contends that China could sink or severely damage many of Taiwan's warships docked at naval piers with salvos of ballistic missiles. He argues that "the Second Artillery's [China's strategic missile command's] expanding inventory of increasingly accurate [short-range ballistic missiles] probably allows Beijing to incapacitate much of Taiwan's navy and to ground or destroy large portions of the air force in a surprise missile assault and follow-on barrages."5 These are stark, sobering conclusions. Equally troubling is growing evidence that **China has turned its attention to Japan**, home to some of the largest naval and air bases in the world. Beijing has long worried about Tokyo's potential role in a cross-strait conflagration. In particular, **Chinese analysts chafe at the apparent American freedom to use the Japanese archipelago as a springboard to intervene in a Taiwan contingency. In the past, China kept silent on what the People's Liberation Army (PLA) would do in response to Japanese logistical support of U.S. military operations. Recent PLA publications**, in contrast, **suggest** that **the logic of missile coercion against Taiwan could be readily applied to U.S. forward presence in Japan. The writings convey a high degree of confidence that China's missile forces could compel Tokyo to limit American use of naval bases** while selectively destroying key facilities on those bases. **These doctrinal developments demand close attention from Washington** and Tokyo, lest the transpacific alliance be caught flat-footed in a future crisis with Beijing. This article is a first step toward better understanding how the Chinese evaluate the efficacy of missile coercion against American military targets in Japan. This article focuses narrowly on Chinese assessments of U.S. naval bases in Japan, excluding the literature on such other key locations as the Kadena and Misawa air bases. The writings on the American naval presence are abundant and far more extensive than studies on the land and air components of U.S. basing arrangements. The dispatch of two carrier battle groups to Taiwan's vicinity during the 1996 cross-strait crisis stimulated Beijing's reevaluation of its military strategy toward the island. Not surprisingly, **the Chinese are obsessed with the U.S. aircraft carrier**, including the facilities and bases that support its operations. It is against this rich milieu that this study explores how the Chinese conceive their missile strategy to complicate American use of military bases along the Japanese archipelago. This article first explores the reasons behind Beijing's interest in regional bases and surveys the Chinese literature on the U.S. naval presence in Japan to illustrate the amount of attention being devoted to the structure of American military power in Asia. Chinese analysts see U.S. dependence on a few locations for power projection as a major vulnerability. Second, it turns to Chinese doctrinal publications, which furnish astonishing details as to how the PLA might employ ballistic missiles **to complicate or deny U.S. use of Japanese port facilities. Chinese defense planners place substantial faith in the coercive value of missile tactics**. Third, the article assesses China's conventional theater ballistic missiles that would be employed against U.S. regional bases. Fourth, it critiques the Chinese writings, highlighting some faulty assumptions about the anticipated effects of missile coercion. Finally, the study identifies some key operational dilemmas that the U.S.-Japanese alliance would likely encounter in a PLA missile campaign. EXPLAINING CHINA'S INTEREST IN REGIONAL BASES **Taiwan remains the animating force behind China's strategic calculus with respect to regional bases in Asia. Beijing's inability to respond to the display of U.S. naval power at the height of the 1996 Taiwan Strait crisis proved highly embarrassing**. There is evidence that the PLA had difficulty in monitoring the movement of the two carrier battle groups, much less in offering its civilian leaders credible military options in response to the carrier presence. **This galling experience** steeled Beijing's resolve **to preclude U.S. naval deployments near Taiwan in a future crisis**. Notably, the Yokosuka-based USS Independence (CV 62) was the first carrier to arrive at the scene in March 1996, cementing Chinese expectations that Washington would dispatch a carrier from Japan in a contingency over Taiwan. Beyond Taiwan, other territorial disputes along China's nautical periphery could involve U.S. naval intervention. A military crisis arising from conflicting Sino-Japanese claims over the Senkaku (Diaoyu) islands northwest of Taiwan could compel an American reaction. While doubts linger in some Japanese policy circles as to whether foreign aggression against the islands would trigger Washington's defense commitments as stipulated by the U.S.-Japanese security treaty, joint allied exercises and war games since 2006 suggest that the U.S. military is closely watching events in the East China Sea. **Farther south,** Chinese territorial claims over large swaths of the South China Sea could also be sources of regional tensions. If a local tussle there escalated into a larger conflagration that threatened international shipping, the U.S. Navy might be ordered to maintain freedom of navigation. In both scenarios, the U.S. carrier based in Japan and other strike groups operating near Asian waters would be called upon as first responders. **Concrete territorial disputes that have roiled Asian stability are not the only reasons that American naval power would sortie from regional bases to the detriment of Chinese interests**. More abstract and esoteric dynamics may be at work. For example, Chinese leaders fret about the so-called Malacca dilemma. China's heavy dependence on seaborne energy supplies that transit the Malacca Strait has set off Chinese speculation that the United States might seek to blockade that maritime choke point to coerce Beijing.6 This insecurity stems less from judgments about the possibility or feasibility of such a naval blockade than from the belief that a great power like China should not entrust its energy security to the fickle goodwill of the United States. If the U.S. Navy were ever called upon to fulfill an undertaking of such magnitude, forward basing in Asia would undoubtedly play a pivotal role in sustaining what could deteriorate into a protracted blockade operation. Chinese analysts have also expressed a broader dissatisfaction with America's self-appointed role as the guardian of the seas. Sea-power advocates have vigorously pushed for a more expansive view of China's prerogatives along the maritime periphery of the mainland. They bristle at the U.S. Navy's apparent presumption of the right to command any parcel of the ocean on earth, including areas that China considers its own nautical preserves. Some take issue with the 2007 U.S. maritime strategy, a policy document that baldly states, "We will be able to impose local sea control wherever necessary, ideally in concert with friends and allies, but by ourselves if we must."7 Lu Rude, a former professor at Dalian Naval Academy, cites this passage as evidence of U.S. "hegemonic thinking." He concludes, "Clearly, what is behind 'cooperation' is America's interests, having 'partners or the participation of allies' likewise serves America's global interests."8 Some Chinese, then, object to the very purpose of U.S. sea power in Asia, which relies on a constellation of regional bases for its effects to be felt (see map). Long-standing regional flash points and domestic expectations of a more assertive China as it goes to sea suggest that Beijing's grudging acceptance of U.S. forward presence could be eroding even more quickly than once thought. Against this backdrop of increasing Chinese ambivalence toward American naval power, U.S. basing arrangements in Japan have come into sharper focus. CHINESE VIEWS OF U.S. NAVAL BASES IN JAPAN Some Chinese strategists appraise Washington's military posture in the Asia-Pacific region in stark geopolitical terms. Applying the "defense perimeter of the Pacific" logic elaborated by Secretary of State Dean Acheson in the early Cold War, they see their na - tion enclosed by concentric, layered "island chains." The United States and its allies, they argue, can encircle China or blockade the Chinese mainland from island strongholds, where powerful naval expeditionary forces are based. Analysts who take such a view conceive of the island chains in various ways. Yu Yang and Qi Xiaodong, for example, describe U.S. basing architecture in Asia as a "three line configuration [...]."9 The first line stretches in a sweeping arc from Japan and South Korea to Diego Garcia in the Indian Ocean, forming a "zone of forward bases[...]." This broad notion that the U.S. presence in the western Pacific and the Indian Ocean constitutes a seamless, interlocking set of bases is widely shared in Chinese strategic circles.10 The second line connects Guam and Australia. The last line of bases runs north from Hawaii through Midway to the Aleutians, terminating at Alaska. While these island chains may bear little resemblance to actual U.S. thinking and planning, that the Chinese pay such attention to the geographic structure of American power in Asia is quite notable. These observers discern a cluster of mutually supporting bases, ports, and access points along these island chains. Among the networks of bases in the western Pacific, those located on the Japanese archipelago-the northern anchor of the first island chain-stand out, for the Chinese. Modern Navy, a monthly journal published by the Political Department of the People's Liberation Army Navy, produced a seven-part series on Japan's Maritime Self-Defense Force in 2004 and 2005. Notably, it devoted an entire article to Japan's main naval bases, including Yokosuka, Sasebo, Kure, and Maizuru.11 The depth of the coverage of these bases is rather remarkable, especially when compared to the sparse reporting on similar topics in the United States and in Japan. Perhaps no other place captures the Chinese imagination as much as Yokosuka, which analysts portray as the centerpiece of U.S. basing in Asia.12 One analysis depicts a "Northeast Asian base group [...]" radiating outward from Yokosuka to Sasebo, Pusan, and Chinhae.13 Writers provide a wide range of details about the Yokosuka naval base, including its precise location, the surrounding geography, the number of piers (particularly those suitable for aircraft carriers), the types and number of maintenance facilities, and the storage capacity of munitions, fuel, and other supply depots.14 Wu Jian, for instance, finds the geographic features of Yokosuka comparable to those of Dalian, a major base of the Chinese navy's North Sea Fleet.15 Beyond physical similarities, Yokosuka evokes unpleasant memories for the Chinese. One commentator recalls the U.S. transfer of 203 mm heavy artillery from Yokosuka to Nationalist forces on Jinmen during the 1958 Taiwan Strait crisis.16 Tracking more recent events, another observer notes that the Kitty Hawk Strike Group's deployments from Yokosuka to waters near Taiwan invariably coincided with the presidential elections on the island, in 2000, 2004, and 2008.17 As Pei Huai opines, "Yokosuka has all along irritated the nerves of the Chinese people."18 Moreover, Chinese analysts are keenly aware of Yokosuka's strategic position. As Du Chaoping asserts: **Yokosuka is the U.S. Navy's main strategic point of concentration and deployment in the Far East and is the ideal American stronghold for employing maritime forces in the Western Pacific and the Indian Ocean regions**. A carrier deployed there is akin to the sharpest dagger sheathed in the Western Pacific by the U.S. Navy. It can control the East Asian mainland to the west and it can enter the Indian Ocean to the southwest to secure Malacca, Hormuz, and other important thoroughfares.19 Ma Haiyang concurs: The Yokosuka base controls the three straits of Soya, Tsugaru, Tsushima and the sea and air transit routes in the Indian Ocean. **As the key link in the "island chain," it can support ground operations on the Korean Peninsula and naval operations in the Western Pacific. It can support combat in the Middle East and Persian Gulf regions while monitoring and controlling the wide sea areas of the Indian Ocean. Its strategic position is extremely important.20 It is notable that both Du and Ma conceive of Yokosuka as a central hub that tightly links the Pacific and Indian oceans into an integrated theater of operations. Intriguingly, some Chinese commentators view Yokosuka as the front line of the U.S.-Japanese defense cooperation on missile defense.** They worry that Aegis-equipped destroyers armed with ballistic-missile-defense (BMD) systems based in Yokosuka could erode China's nuclear deterrent. Indeed, analysts see concentrations of sea-based BMD capabilities falling roughly along the three island chains described above. Ren Dexin describes Yokosuka as the first line of defense against ballistic missiles, while Pearl Harbor and San Diego provide additional layers.21 Yokosuka is evocatively portrayed as the "forward battlefield position" (...), the indispensable vanguard for the sea-based BMD architecture.22 For some Chinese, these concentric rings or picket lines of sea power appear tailored specifically to bring down ballistic missiles fired across the Pacific from locations as diverse as the Korean Peninsula, 1mainland China, India, or even Iran.23 Specifically, Aegis ships in Yokosuka, Pearl Harbor, and San Diego would be positioned to shoot down missiles in their boost, midcourse, and terminal phases, respectively.24 Chinese observers pay special attention to Aegis deployments along the first island chain. Some believe that Aegis ships operating in the Yellow, East, and South China seas would be able to monitor the launch of any long-range ballistic missile deployed in China's interior and perhaps to intercept the vehicle in its boost phase. Dai Yanli warns, "Clearly, if Aegis systems are successfully deployed around China's periphery, then there is the possibility that China's ballistic missiles would be destroyed over their launch points."25 Ji Yanli, of the Beijing Aerospace Long March Scientific and Technical Information Institute, concurs: "If such [seabased BMD] systems begin deployment in areas such as Japan or Taiwan, the effectiveness of China's strategic power and theater ballistic-missile capabilities would weaken tremendously, severely threatening national security."26 Somewhat problematically, the authors seemingly assume that Beijing would risk its strategic forces by deploying them closer to shore, and they forecast a far more capable Aegis fleet than is technically possible in the near term. The indispensability of the ship-repair and maintenance facilities at Yokosuka emerges as another common theme in the Chinese literature. Analysts in China often note that Yokosuka is the only base west of Hawaii that possesses the wherewithal to handle major carrier repairs. Some have concluded that Yokosuka is irreplaceable as long as alternative sites for a large repair station remain unavailable. Li Daguang, a professor at China's National Defense University and a frequent commentator on naval affairs, casts doubt on Guam as a potential candidate, observing that the island lacks the basic infrastructure and economies of scale to service carriers.27 China's Jianchuan Zhishi (Naval and Merchant Ships) published a translated article from a Japanese military journal, Gunji Kenkyu (Japan Military Review), to illustrate the physical limits of Guam as a permanent home port for carriers.28 Chinese analysts also closely examine Sasebo, the second-largest naval base in Japan. Various commentators call attention to its strategic position near key sea-lanes and its proximity to China.29 As Yu Fan notes, "This base is a large-scale naval base closest to our country. Positioned at the intersection of the Yellow Sea, the East China Sea, and the Sea of Japan, it guards the southern mouth of the Korea Strait. This has very important implications for controlling the nexus of the Yellow Sea, the East China Sea, and the Sea of Japan and for blockading the Korea Strait."30 It is clear, then, that Chinese strategists recognize the importance of U.S. naval bases in Japan for fulfilling a range of regional and extraregional responsibilities. Indeed, some believe that the American strategic position in Asia hinges entirely on ready military access to bases on the Japanese islands. Tian Wu argues that without bases in Japan, U.S. forces would have to fall back to Guam or Hawaii. Tian bluntly asserts: If the U.S. military was ever forced to withdraw from Okinawa and Japan, then it would be compelled to retreat thousands of kilometers to set up defenses on the second island chain. Not only would it lose tremendous strategic defensive depth, but it would also lose the advantageous conditions for conducting littoral operations along the East Asian mainland while losing an important strategic relay station to support operations in the Indian Ocean and the Middle East through the South China Sea.31 This emerging discourse offers several clues about Beijing's calculus in regard to U.S. naval basing arrangements in Japan. Chinese strategists see these bases as collectively representing both a threat to Chinese interests and a critical vulnerability for the United States. Bases in Japan are the most likely locations from which the United States would sortie sea power in response to a contingency over Taiwan. At the same time, the Chinese are acutely aware of the apparent American dependence on a few bases to project power. Should access to and use of these bases be denied for political or military reasons, they reason, Washington's regional strategy could quickly unravel. While the commentaries documented above are by no means authoritative in the official sense, they are clearly designed to underscore the strategic value and the precariousness of U.S. forward presence in Japan. U.S. BASES IN JAPAN AND CHINESE MISSILE STRATEGY Authoritative PLA documents correlate with this emerging consensus that U.S. bases on the Japanese home islands merit close attention in strategic and operational terms. Indeed, Chinese doctrinal writings clearly indicate that the American presence in Japan would likely be the subject of attack if the United States were to intervene in a cross-strait conflict. The unprecedented public availability of primary sources in China in recent years has opened a window onto Chinese strategic thought, revealing a genuinely competitive intellectual environment that has substantially advanced Chinese debates on military affairs. This growing literature has also improved the West's understanding of the PLA. In an effort to maximize this new openness in China, this article draws upon publications closely affiliated with the PLA, including those of the prestigious Academy of Military Science and the National Defense University, that address coercive campaigns against regional bases in Asia.32 Some are widely cited among Western military analysts as authoritative works that reflect current PLA thinking. Some likely enjoy official sanction as doctrinal guidance or educational material for senior military commanders. The authors of the studies are high-ranking PLA officers who are either leading thinkers in strategic affairs and military operations or boast substantial operational and command experience. These works, then, collectively provide a sound starting point for examining how regional bases in Asia might fit into Chinese war planning. Among this literature, The Science of Military Strategy stands out in Western strategic circles as an authoritative PLA publication. The authors, Peng Guangqian and Yao Youzhi, advocate an indirect approach to fighting and prevailing against a superior adversary in "future local wars under high-technology conditions."33 To win, the PLA must seek to avoid or bypass the powerful field forces of the enemy while attacking directly the vulnerable rear echelons and command structures that support frontline units. Using the human body as an evocative metaphor for the adversary, Peng and Yao argue, "As compared with dismembering the enemy's body step by step, destroying his brain and central nerve system is more meaningful for speeding up the course of the war."34 To them, the brain and the central nervous system of a war machine are those principal directing and coordinating elements without which the fighting forces wither or collapse. The aim, then, is to conduct offensive operations against the primary sources of the enemy's military power, what the authors term the "operational system." They declare, "After launching the war, we should try our best to fight against the enemy as far away as possible, to lead the war to enemy's operational base, even to his source of war, and to actively strike all the effective strength forming the enemy's war system."35 In their view, operational systems that manage command and control and logistics (satellites, bases, etc.), are the primary targets; they relegate tactical platforms that deliver firepower (warships, fighters, etc.) to a secondary status. To illustrate the effects of striking the source of the enemy's fighting power, Peng and Yao further argue: To shake the stability of enemy's war system so as to paralyze his war capabilities has already become the core of the contest between the two sides in the modern hightech local war. So, more attention should be paid to striking crushing blows against the enemy's structure of the operational system . . . especially those vulnerable points which are not easy to be replaced or revived, so as to make the enemy's operational system seriously unbalanced and lose initiative in uncontrollable disorder.36 The authors are remarkably candid about what constitutes the enemy's operational system. Particularly relevant to this study is their assertion that the supply system emerges as a primary target: The future operational center of gravity should not be placed on the direct confrontation with the enemy's assault systems. We should persist in taking the information system and support system as the targets of first choice throughout. . . . In regard to the supply system, we should try our best to strike the enemy on the ground, cut the material flow of his efficacy sources so as to achieve the effect of taking away the firewood from the caldron.37 Destruction of the supply system in effect asphyxiates the adversary. In order to choke off the enemy's capacity to wage war, Peng and Yao contend, a "large part of the supply systems must be destroyed."38 Their prescriptions for winning local high-tech wars suggest that the horizontal escalation of a conflict to U.S. regional bases in Asia is entirely thinkable. Even more troubling, some Chinese appear to envision the application of substantial firepower to pummel the U.S. forward presence. While The Science of Military Strategy should not be treated as official strategic guidance to the PLA, its conceptions of future conflict with a technologically superior adversary provide a useful framework for thinking about what a Chinese missile campaign against regional bases might entail. There is substantial evidence in Chinese doctrinal writings that PLA defense planners anticipate the possibility of a sizable geographic expansion of the target set, to include U.S. forward presence in East Asia. Although the documents do not explicitly refer to naval bases in Japan, they depict scenarios strongly suggesting that Yokosuka is a primary target. In the hypothetical contingencies posited in these writings, U.S. intervention is a critical premise, if not a given. In particular, Chinese planners expect Washington to order the deployment of carrier strike groups near China's coast, a prospect that deeply vexes Beijing. It is in this context of a highly stressful (though by no means inconceivable) scenario that U.S. military bases come into play in Chinese operational thinking. For PLA planners, **the primary aims are to deter, disrupt,** or disable the employment of **carriers at the point of origin, namely, the bases from which carriers would sortie. Given the limited capability, range, and survivability of China's air and sea power,** most **studies foresee the extensive use of long-range** conventional ballistic **missiles** to achieve key operational objectives **against U.S. forward presence**. In Intimidation Warfare, Zhao Xijun proposes several novel missile tactics that could be employed to deter the use of naval bases in times of crisis or war.39 Zhao proposes demonstration shots into sea areas near the enemy state to compel the opponent to back down. Zhao explains, "Close-in (near border) intimidation strikes involve firing ballistic missiles near enemy vessels or enemy states (or in areas and sea areas of enemy-occupied islands). It is a method designed to induce the enemy to feel that it would suffer an unbearable setback if it stubbornly pursues an objective, and thus abandons certain actions."40 One tactic that Zhao calls a "pincer, close-in intimidation strike" is particularly relevant to missile options against U.S. military bases. Zhao elaborates: "Pincer close-in intimidation strikes entail the firing of ballistic missiles into the sea areas (or land areas) near at least two important targets on enemy-occupied islands (or in enemy states). This enveloping attack, striking the enemy's head and tail such that the enemy's attention is pulled in both directions, would generate tremendous psychological shock."41 Zhao also proposes an "island over-flight attack" as a variation of the pincer strike. He states: For high-intensity intimidation against an entrenched enemy on an island, an island over-flight attack employs conventional ballistic missiles with longer range and superior penetration capabilities to pass over the enemy's important cities and other strategic targets to induce the enemy to sense psychologically that a calamity will descend from the sky. This method could produce unexpected effects.42 While these missile tactics are primarily aimed at coercing Taiwan, they could also, in theory, be applied to any island nation. Reminiscent of the 1996 crossstrait crisis, the PLA could splash single or multiple ballistic missiles into waters near Yokosuka (shot across Honshu Island, over major metropolitan cities) in the hopes that an intimidated leadership in Tokyo would stay out of a contingency over Taiwan, deny American access to military facilities, or restrict U.S. use of naval bases in Japan. Should deterrence through intimidation fail, the Chinese may seek to complicate U.S. naval operations originating from bases located in the Japanese home islands. The Science of Second Artillery Campaigns, the most authoritative work on the PLA's strategic rocket forces, furnishes astonishingly vivid details on the conditions under which China might seek to conduct conventional missile operations against outside intervention.43

#### Taiwan crisis is imminent and causes nuclear war

Colby et al 13

Elbridgc A. Colby. cochair, is a principal analyst and drvison lead for global strategic affairs at the Center for Naval Analyses (CNA). where he focuses on strateg deterrence, nuclear weapons, and related issues. Previously, he served as policy adviser to the secretary of defense’s representative for the new Strategic Arms Reduction Treaty, as an expert adviser to the Congressional Strategic Posture Commission, as a staff member on the President’s Commission on the Intdhgcnce Capa biLities of the US. Regarding WMD. and in a number of other government positions. Mr. Colby also serves or has served as a consultant to a number of U.S government bodies. He publishes and speaks regularly on strategic issues in the United States. Europe, and Asia. Mr. Colby is a graduate of Harvard College and Yale Law School and is a member of the Council on Foreign Rdations (term) and of the International Institute of Strategic Studies Abraham M. Denmark. cochair. is vice president for political and security affairs at the National Bure-au of Asian Research (NBR) and is an Asia-Pacific security adviser at the Center for Naval Analyses. He manages NBR research programs, dialogues, projects, and initiatives reLated to po. litical and security issues in the Asia-Pacific region. He has experience both inside and outside of government, having previously worked as a fellow at the Center for a New American Security and as country director for China affairs in the Office of the Secretary of Deknse. Mr. Denmark holds an MA. in international security from the Josef Korbel Schoel of International Studies at the University of Denver and has studied at China’s Foreign Atfairs University and Peking Universit, Nuclear Weapons and U.S.-China Relations, <http://csis.org/files/publication/130307_Colby_USChinaNuclear_Web.pdf>

Taiwan. Taiwan remains the single most plausible and dangerous source of tension and conflict between the United States and China**. Beijing continues to be set on a policy to prevent Taiwan’s independence, and the U**nited **S**tates **maintains** the **capability to come to Taiwan’s defense. Although** the **tensions** across the Taiwan Strait have **subsided** since both Taipei and Beijing embraced a policy of engagement in 2008, the situation remains combustible**, complicated,** by **rapidly-**diverging **cross-strait military** capabilities and persistent political disagreements**.**  Moreover, for the foreseeable future **Taiwan is the contingency in which nuclear weapons would** most likely **become a major factor, because** the fate **of the island** is intertwined **both** with the **legitimacy of the** C**hinese** C**ommunist** P**arty** and **the reliability of** U.S. defense commitments **in the Asia-Pacific region**.

#### So does conflict over the South China Sea

Rehman 13

Stanton Nuclear Security Fellow, Iskander Rehman was an associate in the Nuclear Policy Program at the Carnegie Endowment and a Stanton Nuclear Security Fellow. His research focuses on security and crisis stability in Asia, specifically the geopolitical ramifications of naval nuclearization in the Indian Ocean, 3/9/13, Dragon in a Bathtub: Chinese Nuclear Submarines and the South China Sea, <http://carnegieendowment.org/2013/03/09/dragon-in-bathtub-chinese-nuclear-submarines-and-south-china-sea/fpjl>

**Despite America’s best efforts to construct stronger ties with China, relations in-between both countries have been repeatedly buffeted by a series of tensions and misunderstandings. Many of these frictions appear to have resulted from a more** [assertive Chinese posture](http://nation.time.com/2012/07/15/the-south-china-sea-from-bad-to-worse/) **in the South China Sea. Almost every week, Asian headlines seem to be dominated by reports of jingoistic statements over disputed islets, or of a renewed bout of aggressive maneuvering by boats from one of Beijings numerous maritime agencies**. When **attempting to explain this upsurge in Chinese pugnacity, analysts have pointed to the rising power's selective interpretation of the law of the sea and growing** unwillingness to compromise over what it calls its [“blue national soil”](http://www.washingtonpost.com/opinions/the-blue-national-soil-of-chinas-navy/2011/03/18/AB5AxAs_story.html), particularly when confronted with an increasingly intransigent domestic populace. Others have pointed to the more immediately tangible benefits to be derived from the presence of [numerous offshore oil and gas deposits](http://thediplomat.com/2012/02/04/beijings-south-china-sea-gamble/) within contested waters. Strangely enough, however, one of the principal explanations for China’s increased prickliness towards foreign military presence within its maritime backyard has yet to be clearly articulated. Indeed, not only is the South China Sea one of the world’s busiest trade thoroughfares, it also happens to be the roaming pen of China’s emerging ballistic missile submarine fleet, which is stationed at [Sanya](http://www.fas.org/blog/ssp/2008/04/new-chinese-ssbn-deploys-to-hainan-island-naval-base.php), on the tropical Island of Hainan. The United States, with its array of advanced anti-submarine warfare assets and hydrographic research vessels deployed throughout the region, gives Beijing the unwelcome impression that Uncle Sam can’t stop peering into its nuclear nursery. When Chinese naval strategists discuss their maritime environs, the sentiment they convey is one of [perpetual embattlement](http://www.nytimes.com/2012/09/28/opinion/between-US-and-Asia-the-best-defense-is-dialogue.html?_r=0). Pointing to the US’s extended network of allies in the Indo-Pacific region, and to their own relative isolation, Chinese strategists fear that Beijing’s growing navy could be ensnared within the first island chain-a region which they describe as stretching from Japan all the way to the Indonesian archipelago. Applying this maritime siege mentality to naval planning; they fret that the US Navy could locate and neutralize their fledgling undersea deterrent in the very first phases of conflict, before it even manages to slip through the chinks of first island chain. This concern helps explain China's growing intolerance to foreign military activities in the South China Sea. Tellingly, **some of the most nerve-wracking** standoffs involving US and Chinese forces **have** unfolded in close proximity **to Hainan. The infamous** [Ep-3 crisis](http://news.bbc.co.uk/2/hi/asia-pacific/1260290.stm)**, during which a US spy plane entered into collision with a Chinese fighter jet, occurred while the plane’s crew was attempting to collect intelligence on naval infrastructure development**. Similarly, the [USNS Impeccable incident](http://www.nytimes.com/2009/03/12/washington/12web-china.html), during which a US hydrographic vessel was dangerously harassed by five Chinese ships, took place approximately seventy miles to the south of Hainan. During the confrontation, Chinese sailors reportedly attempted to unhook the Impeccable’s towed acoustic array sonars. In public, China's protests over foreign military activities are couched in territorial terms. In private, however, Chinese policymakers readily acknowledge the centrality of the nuclear dimension. Thus in the course of a discussion with a former Chinese official, I was told that “even though territorial issues are of importance, our major concern is the sanctity of our future sea-based deterrent.” He then went on to describe, with a flicker of amusement, how fishermen off the coast of Hainan regularly snag US sonars in their nets, and are encouraged to sell them back to the local authorities in exchange for financial compensation. Of course, such cat and mouse games are nothing new-and are perfectly legal- provided they occur within international waters or airspace. During the Cold War, American and Soviet ships would frequently conduct forward intelligence gathering missions, sometimes in very close proximity to each others’ shores. At the time, [American thinkers cautioned](http://books.google.com/books?hl=fr&lr=&id=rqnNaG2jL7wC&oi=fnd&pg=PR9&dq=barry+posen+inadvertent+escalation&ots=0esVgPTh4H&sig=maTUiyNXIx2Oo_eJFnvxIzPcf1M) that such risky behavior could **potentially** lead to misinterpretation and nuclear disaster. **Unlike the Soviets, however, who could confine the movements of their boomers to the frigid, lonely waters of the Barents and Okhotsk seas, the Chinese have chosen to erect their nuclear submarine base smack-bang in the middle of one of the world’s busiest maritime highways.** Needless to say, this location is hardly ideal. When it comes to picking strategic real-estate in their near seas, the Chinese have but a limited roster of options. After all, their maritime backyard is girded by a sturdy palisade of states which increasingly view China’s meteoric rise, and attendant truculence at sea, with a mixture of alarm and dismay. Like a dragon caught floundering in a bathtub, China’s naval ambitions are simply too broad and grandiose for its constricted maritime geography. This perceived lack of strategic depth provides a partial explanation to Beijing’s increased obduracy over territorial disputes in the South China Sea. In order to better protect its valuable subsurface assets, China aims to establish a ring of maritime watch towers or bastions around Hainan. Absolute control over the remote [Spratly islands](http://hir.harvard.edu/the-spratly-islands-dispute-order-building-on-china-s-terms), in addition to the more proximate Paracels, would greatly facilitate this concentric defensive configuration. Until not long ago, China’s strategic submarine force wasn’t really taken seriously. Their lone 0-92 Xia class boat was deemed too [antiquated](http://www.globalsecurity.org/wmd/world/china/type_92.htm)-and noisy-to be anything more than a symbol of Beijing’s desire for great power status. Some observers had ventured that China would be content to rely almost exclusively on its rapidly modernizing land-based missile system for its deterrent. Recent developments, however, suggest that this may be about to change. In its [latest report to Congress](http://www.reuters.com/article/2012/11/08/us-china-usa-military-idUSBRE8A705720121108), the US-China Economic and Security Review Commission stated that China could soon equip its new class of Jin submarines with the JL-2 ballistic missile, which has a range of approximately 4 600 miles. This would enable Beijing, the report adds, to establish a “near-continuous at-sea strategic deterrent”.  In all likelihood this force will be berthed at Hainan. **The second Obama Administration will therefore have the unenviable task of dealing with tensions in a region which is not only riddled with territorial divisions, but is also rapidly morphing into one of the world’s most sensitive nuclear hotspots.**

## Solvency

#### First, norm-setting other countries model our use of OCOs

Bradbury 11

Assistant Attorney General for the Office of Legal Counsel(Steven, The Developing Legal Framework for Defensive and Offensive Cyber Operations, <http://harvardnsj.org/wp-content/uploads/2011/02/Vol.-2_Bradbury_Final1.pdf>)

Evolving customary law. This approach also accommodates the reality that **how the U.S. chooses to use its armed forces will significantly influence the development of customary international law.** As the label implies, **customary law can evolve depending on the accepted conduct of major nations like the United States.** The **real-world** practice of the U**nited** S**tates** in adapting the use of its military to **the** new challenges raised by computer warfare will (and should) **help** clarify the accepted customs of war **in areas where the limits are not clearly established today.** And if you just review the literature on cyber war, you quickly see that that’s where we are: precisely how the laws and customs of war should apply to offensive cyber operations is not yet crystallized in key respects. For example, there aren’t always bright lines to tell us when a cyber attack on computer systems constitutes an “armed attack” or a “use of force” that justifies a nation in launching a responsive military strike under Article 51 of the U.N. Charter. Some questions are easy: Hacking into a sensitive government computer system to steal information is an act of espionage, not an armed attack. It’s clearly not prohibited by the laws and customs of war. On the other hand, if the cyber intrusion inflicts significant physical destruction or loss of life by causing the failure of critical infrastructure, like a dam or water supply system, then it obviously would constitute an armed attack under the law of war and would justify a full military response if it could be attributed to a foreign power. Where committed as an offensive act of aggression, such an attack may violate international law. If significant enough, the effect of the attack will determine its treatment, not necessarily whether the attack is delivered through computer lines as opposed to conventional weapons systems. In these cases, the laws and customs of war provide a clear rule to apply. But there will be gray areas in the middle. Thus, it’s far less clear that a computer assault that’s limited to deleting or corrupting data or temporarily disabling or disrupting a computer network or some specific equipment associated with the network in a way that’s not life threatening or widely destructive should be considered a use of force justifying military retaliation, even if the network belongs to the military or another government agency. This was the case with the “distributed denial of service” attacks experienced by Estonia in 2007, which severely disrupted the country’s banking and communications systems. Suspecting that Russia was behind it, Estonia suggested that NATO declare that Estonia’s sovereignty had been attacked, which would have triggered the collective self-defense article of the NATO Treaty, but that suggestion was rebuffed on the ground that a cyber attack is not a clear military action.12 There’s an echo of that reasoning in Article 41 of the U.N. Charter, which says that a “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communications” is not a “measure . . . involving armed force.” And what about Stuxnet? As I understand it from public reports, Stuxnet was a computer worm that found its way into the systems controlling Iran’s nuclear program and gave faulty commands causing the destruction of the centrifuges used for enriching uranium. Suppose President Ahmadinejad claimed that Israel was behind the Stuxnet worm and claimed that Stuxnet constituted an armed attack on Iran that justified a military response against Israel. I suspect the United States would disagree. At the same time, when it comes to a cyber attack directed against U.S. computer systems, I certainly want the President to have leeway in determining whether or not to treat the attack as a use of force that supports military retaliation. Making such judgments is a traditional power exercised by the President, and I think he retains that leeway. Similarly, I submit, it’s not clearly established that a cyber attack aimed at disrupting a server or Web site located in a neutral country or in a country outside a theater of open hostilities would be a violation of that country’s neutrality. The server might be a valid military target because it’s being used for the communications or command and control of the enemy fighters in the area of hostilities (after all, al Qaeda regularly uses the Internet in planning and ordering operations). The server might have no connection to the host country’s military, government, or critical infrastructure, and it might be readily targeted for a computer attack without inflicting widespread damage on unrelated systems used for civilian purposes. Such a focused cyber operation — with little physical impact beyond the destruction of data or the crippling of a server — is very different from the kind of physical violation of territory — such as a conventional troop incursion or a kinetic bombing raid — that we ordinarily think of as constituting an affront to neutrality. Although every server has a physical location, the Internet is not segmented along national borders, and the enemy may gain greater tactical advantage from a server hosted half way around the world than from one located right in the middle of hostilities. The targeting of a server in a third country may well raise significant diplomatic difficulties (and I wouldn’t minimize those), but I don’t think the law-of-war principle of neutrality categorically precludes the President from authorizing such an operation by an execute order to Cyber Command. Conclusion. So here’s my thesis: To my view, the lack of clarity on certain of these issues under international law means that with respect to those issues, the President is free to decide, as a policy matter, where and how the lines should be drawn on the limits of traditional military power in the sphere of cyberspace. For example, that means that within certain parameters, the President could decide when and to what extent military cyber operations may target computers located outside areas of hot fighting that the enemy is using for military advantage. And when a cyber attack is directed at us, the President can decide, as a matter of national policy, whether and when to treat it as an act of war. The corollary to all this is that in situations where the customs of war, in fact, are not crystallized, the lawyers at the State Department and the Justice Department shouldn’t make up new red lines — out of some aspirational sense of what they think international law ought to be — that end up putting dangerous limitations on the options available to the United States. Certainly, the advice of lawyers is always important, especially so where the legal lines are established or firmly suggested. No one would contend that the laws of war have no application to cyber operations or that cyberspace is a law-free zone. But it’s not the role of the lawyers to make up new lines that don’t yet exist in a way that preempts the development of policy.14 **In the face of this lack of clarity on key questions, some advocate for the negotiation of a new international convention on cyberwarfare — perhaps a kind of arms control agreement for cyber weapons.** I believe **there is no foreseeable prospect that that will happen. Instead, the outlines of accepted** norms **and limitations in this area** will develop through the practice of leading nations. And **the policy decisions made by the U**nited **S**tates in response to particular events **will have great influence** in **shaping** those **international norms**. I think that’s the way we should want it to work.

#### Norms are essential to solve — they can’t be created unless OCOs are addressed

Goldsmith 10

, Professor of Law at Harvard, Can we stop the Cyber Arms Race, Jack Goldsmith teaches at Harvard Law School and is on the Hoover Institution's Task Force on National Security and Law. He was a member of a 2009 National Academies committee that issued the report "[Technology, Policy, Law, and Ethics Regarding U.S. Acquisition and Use of Cyberattack Capabilities](http://www.anagram.com/berson/nrcoiw.pdf).", <http://articles.washingtonpost.com/2010-02-01/opinions/36895669_1_botnets-cyber-attacks-computer-attacks>

In a [speech this month on "Internet freedom](http://www.state.gov/secretary/rm/2010/01/135519.htm)," Secretary of State Hillary **Clinton** [**decried the cyberattacks**](http://www.washingtonpost.com/wp-dyn/content/article/2010/01/21/AR2010012101699.html) that threaten U.S. economic and national security interests. "Countries or individuals that engage in cyber attacks should face consequences and international condemnation," she warned, alluding to the China-Google kerfuffle. **We should "create norms of behavior among states and encourage respect for the global networked commons."** Perhaps so. But **the problem with Clinton's call for accountability and norms on the global network** -- a call frequently heard in policy discussions about cybersecurity -- **is the enormous array of cyberattacks originating from the U**nited **S**tates. Until we acknowledge these **attacks** and signal how we might control them, we cannot make progress **on** preventing cyberattacks **emanating** from other countries**.** An important weapon in the cyberattack arsenal is a botnet, a cluster of thousands and sometimes millions of compromised computers under the ultimate remote control of a "master." Botnets were behind last summer's attack on South Korean and American government Web sites, as well as prominent attacks a few years ago on Estonian and Georgian sites. They are also engines of spam that can deliver destructive malware that enables economic espionage or theft. **The U**nited **S**tates **has the most**, or nearly the most, **infected botnet computers and is thus the country from which a good chunk of botnet attacks stem**. The government could crack down on botnets, but doing so would raise the cost of software or Internet access and would be controversial. So it has not acted, and the number of dangerous botnet attacks from America grows. The United States is also a leading source of "hacktivists" who use digital tools to fight oppressive regimes. Scores of individuals and groups in the United States design or employ computer payloads to attack government Web sites, computer systems and censoring tools in Iran and China. These efforts are often supported by U.S. foundations and universities, and by the federal government. Clinton boasted about this support seven paragraphs after complaining about cyberattacks. Finally, the U.S. government has perhaps the world's most powerful and sophisticated offensive cyberattack capability. This capability remains highly classified. But the [New York Times has reported](http://www.nytimes.com/2009/04/28/us/28cyber.html?_r=2) that the Bush administration used cyberattacks on insurgent cellphones and computers in Iraq, and that it approved a plan for attacks on computers related to Iran's nuclear weapons program. And the government is surely doing much more. "We have U.S. warriors in cyberspace that are deployed overseas" and "live in adversary networks," says Bob Gourley, the former chief technology officer for the Defense Intelligence Agency. These warriors are now under the command of Lt. Gen. Keith Alexander, director of the National Security Agency. The NSA, the world's most powerful signals intelligence organization, is also in the business of breaking into and extracting data from offshore enemy computer systems and of engaging in computer attacks that, in the NSA's words, "disrupt, deny, degrade, or destroy the information" found in these systems. When the Obama administration created "cyber command" last year to coordinate U.S. offensive cyber capabilities, it nominated Alexander to be in charge. Simply put, **the U**nited **St**ates **is** in a big way **doing the very things that Clinton criticized. We are not, like the Chinese, stealing intellectual property from U.S. firms or breaking into the accounts of democracy advocates. But we are aggressively using the same or similar computer techniques for ends we deem worthy.** Our potent offensive cyber operations matter for reasons beyond the hypocrisy inherent in undifferentiated condemnation of cyberattacks. Even if we could stop all cyberattacks from our soil, we wouldn't want to. On the private side, hacktivism can be a tool of liberation. On the public side, the best defense of critical computer systems is sometimes a good offense. "My own view is that the only way to counteract both criminal and espionage activity online is to be proactive," [Alexander said last year](http://news.bbc.co.uk/2/hi/8033440.stm), adding that if the Chinese were inside critical U.S. computer systems, he would "want to go and take down the source of those attacks." Our **adversaries are aware of our prodigious and growing offensive cyber capacities and exploits**. In a [survey published Thursday by the security firm McAfee](http://newsroom.mcafee.com/article_display.cfm?article_id=3617), more **i**nformation **t**echnology **experts** from critical infrastructure firms **around the world expressed concern about the U**nited **S**tates **as a source of computer network attacks** than about any other country. **This** awareness, **along with our vulnerability to cyberattacks, fuels a dangerous public and private cyber arms race in an arena where the offense already has a natural advantage**.

#### It’s reverse causal — lack of norms guarantee escalatory conflict — the U.S. is key

Lewis 11

Senior Fellow at CSIS (James Andrew, Confidence-building and international agreement in cybersecurity, citizenlab.org/cybernorms2012/Lewis2011.pdf)

**Alternatives to a formal cyber treaty** began to appear as early as 2008. Rejecting formal treaties, these alternatives **drew upon the experience of global efforts to control proliferation to develop a generalized model applicable to cybersecurity. Instead of a binding legal commitment, they proposed that states develop norms for responsible state behaviour in cyberspace. Non-proliferation provides many examples of non-binding norms that exercise a powerful influence on state behaviour.** Norms shape behaviour and limit the scope of conflict. Norms create expectations and understandings **among states on international behaviour, a framework for relations** that provides **a degree of** predictability **in interactions** in security, trade or politics. In this context, cybersecurity becomes the ability of states to protect their national sovereignty and advance their national interests. Cybersecurity creates new challenges for international security, as states are bound more closely together and as the perception of “transnational” risk increases, but it is largely a still undefined element in this web of relationships among states. **The idea of a norms-based approach has growing international support and, as in the nonproliferation arena, widespread adoption of norms could pave the way for more formal agreements in the future**. In July 2010 a Group of Governmental Experts (GGE) convened by the United Nations Secretary-General was able to produce an agreed report on “Developments in the Field of Information and Telecommunications in the Context of International Security”. This was unprecedented; in addition to the inability of a treaty to win consensus, a previous GGE endeavour in 2004 had failed. But the 2010 report itself is only 1,200 words long. In contrast, the first GGE had reportedly produced lengthy and detailed drafts that failed to win consensus. The brevity of the 2010 report was one element of its success (and this is a useful guidepost for future GGEs on cybersecurity), but brevity is also an indicator of the larger problems that hamper building international consensus. The successful GGE conclusion in 2010 reflected a shared perception among the government experts that **the risk of cyberconflict had become a serious threat to international peace and stability and** that **the** absence of **international** agreement increased the risk of a destabilizing cyber incident **that could spiral into** a **larger and more damaging conflict**. The states represented on the GGE were united by a deep concern over the possibility of **unconstrained cyberwarfare** and how this **might** escalate out of control **into physical violence**. They agreed that discussions of **norms** and rules **for the use of force in cyberspace**, along with other CBMs, **would improve international security and the stability of both cyberspace and the international system.** Winning even limited GGE agreement was difficult. It should be noted however that public accounts from both academic and media sources have largely glossed over significant differences expressed within the 2010 GGE. While the experts agreed on the increasing cyber threat, there was, however, little else where there was common understanding. Some states believe that **existing international norms and laws are inadequate for cyberconflict**. Other states argue that the existing laws of armed conflict are sufficient for cybersecurity, and are deeply apprehensive of doing anything that would appear to constrain freedom of speech. A central issue, as is often the case in multilateral discussion, is the extent to which states might concede a degree of sovereignty in exchange for greater security.

#### Second it solves perception — Congress is necessary to reverse independent presidential authority— now is key

Dycus 10

Professor of National Security Law Stephen is a Professor of national security law at Vermont Law School, former member of the National Academies committee on cyber warfare, LLM, Harvard University, LLB, BA, Southern Methodist University, “Congress’ Role in Cyber Warfare,” Journal of National Security Law & Policy, 4(1), 2010, p.161-164, <http://www.jnslp.com/read/vol4no1/11_Dycus.pdf>

In his celebrated concurring opinion in The Steel Seizure Case, **Justice Jackson cautioned that “**only Congress itself can prevent power from slipping through its fingers**.” Jackson’s warning seems especially pertinent today, as we prepare urgently for cyber warfare** – facing potentially enormous threats from yet unknown enemies, and finding ourselves dependent on staggeringly complex, unproven technology.3 **The executive branch**, which has special expertise and agility in national security matters generally, as well as substantial constitutional authority, **has taken the initiative in these preparations. Yet if Congress is to be faithful to the Framers’ vision of its role in the nation’s defense, it must tighten its grip and play a significant part in the development of policies for war on a digital battlefield.** It also must enact rules to help ensure that these policies are carried out. Congress must work hand in hand with the Executive, however, to confront these evolving threats. The importance of collaborative planning can be seen in a recent exchange of correspondence in which leaders of the Senate Select Committee on Intelligence wrote to the Director of National Intelligence to ask about “the adequacy of the Director of National Intelligence and Intelligence Community authorities over cybersecurity.” The Director answered: This is a very important issue . . . . A judgment regarding the adequacy of DNI authorities and any changes, additions, or clarifications will necessarily depend on the Administration’s strategic plan on cyber, and where the center of gravity will be within the Executive branch. . . . We have more work to do in the Executive Branch before I can give you a good answer.7 The strategic, technological, and political problems described here present challenges of unprecedented complexity. The risks of error both in the formulation of a cyber warfare policy and in its execution are substantial. And despite the importance of developing a coherent, coordinated response to this threat, it seems unlikely that we will find a way to overcome entirely the endless turf battles among federal agencies and congressional committees.8 Still, the need is so pressing and the stakes are so high that we cannot afford not to try. **The very future** of the Republic **may depend on our ability not only to protect ourselves from enemies armed with cyber weapons, but also to use such weapons wisely ourselves.** This article examines some of the relevant legal issues and suggests some possible solutions. I. CONGRESS’S ROLE IN DECIDING WHEN AND HOW TO GO TO WAR There is broad agreement that congressional authorization is needed to start a war. On the other hand, the President may act without Congress’s approval to repel an attack on the United States.10 Between these two extremes, the scope of the President’s unilateral authority to use military force is less well understood.11 Once hostilities are under way, there is a consensus that the President has the tactical powers of a Commander in Chief, although it may not always be clear which of the President’s actions are tactical and which are strategic.12 Before an attack can be launched, of course, Congress must have supplied the President with personnel and weapons.13 Moreover, Congress may regulate the President’s actions as Commander in Chief, except when the nation comes under sudden attack or the President exercises her tactical powers (and perhaps even then). In the Supreme Court’s 1800 decision in Bas v. Tingy, Justice Paterson, one of the Framers, echoed the other Justices in declaring that “[a]s far as congress authorized and tolerated the war on our part, so far may we proceed in hostile operations.”14 Four years later, in Little v. Barreme, the Court reiterated that the President must not exceed limits set forth in Congress’s authorization of hostilities.15 Since then, no court has ruled otherwise.16 In the intervening two centuries, Congress has adopted a number of measures to control the initiation or conduct of warfare. At the end of the Vietnam War, for example, Congress passed the War Powers Resolution (WPR),17 which requires the President to report to Congress within 48 hours the introduction of U.S. armed forces into hostilities or imminent hostilities, and to withdraw those forces within 60 days if Congress does not expressly approve of their continued deployment.18 Lambasted by some as an unconstitutional encroachment on presidential powers, the WPR has been followed (or at least lip service has been paid to it) by each President since the Nixon administration,19 and Congress has repeatedly referred to the WPR approvingly in subsequent legislation.20If Congress now fails to enact guidelines for cyber war**fare,** it might be perceived as inviting **“measures on** independent presidential responsibility.”21 Chief Justice Marshall suggested in Little v. Barreme that **if Congress had remained silent, the President might have been free to conduct the Quasi-War with France as he saw fit**.22 But the national interest in electronic warfare, just as in that early maritime conflict, is so great that the planning and **conduct of such a war should not be left entirely to the Executive. And because a** cyber war might be fought under circumstances that make it impossible for Congress to play a meaningful **contemporaneous** role, Congress ought to get **out** in front of events now **in order to be able to participate in the formulation of national policy.**

#### Congressional restrictions on OCOs send a global signal of cyber leadership

Bastby 12

Chairwoman of the American Bar Association’s Privacy and Computer Crime Committee (Judy, CEO of Global Cyber Risk, “U.S. Administration's Reckless Cyber Policy Puts Nation at Risk” June 4, 2012, <http://www.forbes.com/sites/jodywestby/2012/06/04/u-s-administrations-reckless-cyber-policy-puts-nation-at-risk/2/>)

Perhaps more important **than** being out of the cyber **coordination** loop**,** is **the** how the U.S.’s attitude is **being** perceived by others in the international community. If the U.S. were a member of IMPACT and taking an active role in the investigation, it would be upholding its role as a global cybersecurity power. Instead, the U.S. appears as **the shirking nation** state quietly standing on the sidelines while being accused of engaging in cyberwarfare tactics. “**People look to the U.S., Russia, and China for leadership and when the U.S. is absent, they will turn to the other two**,” observes Dr. Amin. **The** U.S. **Administration’s** **failure** to **develop a strong foreign policy** **with respect to cybersecurity** **reveals** **a** gross **lack of attention at the highest levels of** the U.S. **Government** to one of the country’s most vulnerable areas — the IT systems that underpin the functioning of our society and economy. This **failure begins at basic strategy levels and extends to** reckless **disregard for the consequences of** the risky covert **Stuxnet** operation and failure to secure classified information about the program. For example, in May 2011, government delegations from around the world gathered in Geneva for the World Summit on the Information Society (WSIS), one of the most important communications and technology conferences globally. Noticeably, the U.S. did not have a delegation present. Yet, it was during the WSIS event that the U.S. Administration chose to release its International Strategy for Cyberspace – from Washington, D.C. rather than Geneva. WSIS participants were dumbstruck. For the few private sector Americans who were present, including myself, it was embarrassing. If in fact the Administration did authorize targeting Iranian nuclear systems with Stuxnet and/or Flame, it was a dangerous and reckless decision, especially since the U.S. Government has no idea how many computers in America may be infected with malware capable of being activated by Iran or one of its allies in retaliation. Such “backdoor” malware is capable of having enormous consequences to life and property. A similar CIA covert operation successfully destroyed a Soviet pipeline. In 1982, President Reagan approved a plan to transfer software used to run pipeline pumps, turbines, and valves to the Soviet Union that had embedded features designed to cause pump speeds and valve settings to malfunction. The plot was revealed in a 2004 Washington Post article by David Hoffman in advance of its discussion in former Air Force Secretary Thomas C. Reed’s book, At the Abyss: An Insider’s History of the Cold War. Reed recalled to Hoffman that, “The result was the most monumental non-nuclear explosion and fire ever seen from space.” Unlike Stuxnet, however, the program remained classified for 22 years until the CIA authorized Reed to discuss it in his book. Sanger’s information came from loose-lipped persons involved with the Stuxnet operation. Before pulling a trigger (or launching malware) a nation should assess its strengths and resources and its correlation of vulnerabilities, which, in 2012, includes understanding what an adversary can do when firing back using cyber capabilities. In addition, before launching covert operations, such as Stuxnet, a nation also should ensure that the secrecy of the intelligence operations can be maintained. Conversations with Hill staffers indicate that **Congress believes the State Department’s 2011 appointment of Coordinator for Cyber Issues has sufficiently addressed concerns** about the lack of U.S. involvement in international cybersecurity matters. Clearly, **this is narrow**, wishful **thinking**. **Congress needs to** stop focusing on what it believes it should force businesses to do about cybersecurity and instead focus on what it should **demand that the U.S. Government do to protect our critical infrastructure businesses and avoid** retaliatory cyber attacks. The kind of reckless cyber **diplomacy and foreign** policy **now at work** has put our nation at risk and demonstrates cyber irresponsiblity, not **cyber** leadership.

#### Congress must initiate the restriction — anything else is perceived as abdication

Hansen & Friedman 9

Professors at the New England School of Law, (Victor and Lawrence, The Case for Congress: Separation of Powers and the War on Terror, p.130)

The problem, of course, is that **much of this congressional involvement has come much too late in the process** and only after significant damage to our constitutional values had been inflicted by the Bush administration. If Congress only acts after being goaded **by the courts,** or only after high profile scandals have come to light, or only after the President’s policies have prolonged wars and made us at the same time less secure and less free, **then** we **have** reached **a level of** constitutional brinkmanship which can only be regarded as intolerable. Likewise, members of Congress would be sorely mistaken if they believed that these legislative initiatives have once and for all ended the possibility of executive assertions of dominance in these areas. Put simply, **Congress cannot afford to wait for some crisis to act.** As we have already discussed, the consequences are too dire. As many of the post-September 11 policy decisions of the Bush administration demonstrate, **a President who acts without securing the benefits of the deliberative process established in the Constitution is likely to fail in making us more secure while maintaining basic liberties**. Moreover, when Congress only engages in these issues after the fact, its relevance as an institution is undermined.Unless Congress is **as** proactive **and assertive of its constitutionally appointed responsibilities as the executive is about its authority, the** checks and balances **of our system simply** will not work. Congress will be relegated to a second tier institution **in the realm of national security, and** it will be ever more difficult for Congress to stand up to an **assertive and** aggressive president.

#### Overt action is key – covert prevents coalitions and fuels suspicion

Rishikof 11

Chair of the ABA Standing Committee on Law and National Security. Former professor of law and chair (PROJECTING FORCE IN THE 21ST CENTURY - LEGITIMACY AND THE RULE OF LAWDepartment of National Security Strategy, National War Collegwww.rutgerslawreview.com/wp-content/uploads/archive/vol63/Issue4/Mustin-Rishikof\_Article\_PDF.pdf)

Covert action also **enables unilateral action. The** stealthy nature of covert action means that the Executive would be discouraged from seeking international cooperation. Any international support would likely be limited to notifying host nations of the presence of troops, and those notifications, as a tactical matter, would likely be last minute and very directive in nature. **This type of unilateral action** contrasts the cooperative intent for international law, and, in the words of one legal scholar, ―[u]nilateral action- covert or overt - **generates** particularly high emotions**, because many view it as a litmus test for one‘s commitment to international law. Excessive use of covert action might be deemed** by some nations **as a rebuke of international law or evidence of a** hubristic foreign policy. ///**The** continued and constant **use of this instrument** when lethality is the goal **raises issues of international legitimacy.**

# 2AC

## Immigration DA

#### The GOP is literally laughing at the prospect of immigration – it won’t pass

Benen 10-18

Steve Benen, MSNBC, “GOP already balking at new immigration push,” 10/18/13, <http://www.msnbc.com/rachel-maddow-show/gop-already-balking-new-immigration-push> SJE

CNN’s Dana Bash asked several House GOP lawmakers yesterday about the prospect for passing a reform bill. One sent back an email that read, “Hahahahaha.” Another said the odds of success are “zero.” Dave Weigel added: When I asked South Carolina Sen. Lindsey Graham, one of the “Gang of Eight” behind the bill, what the impasse and resolution meant for immigration reform, he chuckled, then said it didn’t make him optimistic, exactly. Yesterday, when asked by Breitbart.com whether immigration policy might return to the agenda, former House immigration reformer Raul Labrador did more then chuckle. “Absolutely not,” said Labrador. “I think it would be crazy for the House leadership to enter into negotiations with him. He’s trying to destroy the Republican Party, not to get good policies. I don’t see how he would in good faith negotiate with us on immigration.”

#### Budget poisons immigration reform

Tamba Bay Express, 10-17, 13, http://www.tampabay.com/blogs/the-buzz-florida-politics/obama-wants-immigration-reform-back-on-track-but-budget-issues-eat-up-clock/2147766

With the shutdown crisis lifted for now, President Obama urged Congress to get working again and made an appeal for immigration reform.¶ "There's already a broad coalition across America that’s behind this effort of comprehensive immigration reform -- from business leaders to faith leaders to law enforcement," Obama said earlier today, noting the Senate had passed a bill with bipartisan support but that the issue is dormant in the more conservative House. "Now, if the House has ideas on how to improve the Senate bill, let's hear them. Let's start the negotiations. But let's not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of this year."¶ But the deal to end the shutdown could only make that harder. By punting the fight over the budget and the debt ceiling, Congress has ensured those issues will remain dominant.¶ "The biggest threat to getting immigration reform done is time," said Florida Rep. Mario Diaz-Balart, R-Miami, who has tried to get his chamber moving on the issue. "We're still working and that's good. (But) if we have another shutdown or (a Syria like crisis) that takes over for two weeks, all that does is impact us negatively. Time is our biggest problem."¶ The issue could spill over to next year but then election-year politics make it less likely House Republicans will want to do something.

#### Obama will pass immigration reform by XO

Mike Lillis, 2/16/2013 (staff writer, “Dems: Obama can act unilaterally on immigration reform,” <http://thehill.com/blogs/regwatch/administration/283583-dems-recognize-that-obama-can-act-unilaterally-on-immigration-reform>, Accessed 2/21/2013, rwg)

President Obama can – and will – take steps on immigration reform in the event Congress doesn't reach a comprehensive deal this year, according to several House Democratic leaders.¶ While the Democrats are hoping Congress will preclude any executive action by enacting reforms legislatively, they say the administration has the tools to move unilaterally if the bipartisan talks on Capitol Hill break down. Furthermore, they say, Obama stands poised to use them.¶ "I don't think the president will be hands off on immigration for any moment in time," Rep. Xavier Becerra (D-Calif.), the head of the House Democratic Caucus, told reporters this week. "He's ready to move forward if we're not."

#### Forcing controversial fights key to Obama’s agenda—the alt is gridlock

John Dickerson, Slate, 1/18/13, Go for the Throat!, [www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html](http://www.slate.com/articles/news_and_politics/politics/2013/01/barack_obama_s_second_inaugural_address_the_president_should_declare_war.single.html), CMR

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray.

#### No link — the plan’s not controversial

**Perera 6/26**, SACS calls for new oversight of Cyber Command, David Perera is executive editor of the FierceMarkets Government Group, which includes FierceGovernment, FierceGovernmentIT, FierceHomelandSecurity, and FierceMobileGovernment. He has reported on all things federal since January 2004 and is co-author of [Inside Guide to the Federal IT Market](http://store.brightkey.net/mconcepts_ebiz/OnlineStore/ProductDetail.aspx?ProductId=201530), a book published in October 2012., <http://www.fiercegovernmentit.com/story/sasc-calls-new-oversight-cyber-command/2013-06-26>

The Senate Armed Services Committee says it has concerns that oversight of Cyber Command and the cyber mission within the Defense Departments "is fragmented and weak," calling for creation of a Senate-confirmed position within the undersecretary of defense for policy to supervise and manage the funds of offensive cyber forces.

**The Senate committee voted 23-3** on June 14 to report its version of the fiscal 2014 national defense authorization act ([S. 1197](http://hdl.loc.gov/loc.uscongress/legislation.113s1197)), detailing its intentions in a newly released legislative [report](http://www.gpo.gov/fdsys/pkg/CRPT-113srpt44/pdf/CRPT-113srpt44.pdf)(.pdf).

#### Plan’s super popular

**Bradbury 11**, Steven G. Bradbury is an attorney at the Washington, D.C office of [Dechert LLP](http://en.wikipedia.org/wiki/Dechert_LLP).

Bradbury was head of the [Office of Legal Counsel](http://en.wikipedia.org/wiki/Office_of_Legal_Counsel) (OLC) in the [United States Department of Justice](http://en.wikipedia.org/wiki/United_States_Department_of_Justice) during the [George W. Bush administration](http://en.wikipedia.org/wiki/George_W._Bush_administration), 2005-January 2009. Appointed the Principal Deputy Assistant Attorney General for OLC in April 2004, he became the Acting Assistant Attorney General in 2005. He was nominated by President [George W. Bush](http://en.wikipedia.org/wiki/George_W._Bush) to be the Assistant Attorney General for OLC in June 2005. His nomination was approved by the [Senate Judiciary Committee](http://en.wikipedia.org/wiki/Senate_Judiciary_Committee) in November 2005 but was never voted on by the full Senate, The Developing Legal Framework for Defensive and Offensive Cyber Operations, This speech was the Keynote address at the Harvard National Security Journal Symposium, <http://harvardnsj.org/wp-content/uploads/2011/02/Vol.-2_Bradbury_Final1.pdf>

Congressional reporting. The National Security Act also ¶ requires the President and DNI to ensure that the Intelligence Committees ¶ of the House and Senate are fully and currently informed of all intelligence ¶ and counterintelligence activities, to the extent consistent with the ¶ protection of sensitive sources and methods or other exceptionally sensitive ¶ matters.10¶ With respect to covert actions, the Act requires the President to ¶ report presidential findings supporting covert actions to the Intelligence ¶ Committees, but where the President determines that it’s essential because ¶ of “extraordinary circumstances affecting vital interests of the United ¶ States,” the President may limit access to the so-called “Gang of Eight” —¶ the chairs and ranking members of the two Intelligence Committees, the ¶ Speaker and minority leader of the House, and the majority and minority ¶ leaders of the Senate, along with whatever other congressional leaders the ¶ President chooses to include.11¶ The **committee chairs hate when briefings are limited to the Gang of Eight, because they catch hell from the members** of their committees who ¶ are outside the circle. So when former-Senator Obama first became President, there was hope among some in Congress that he would eliminate the Gang of Eight briefings. But when Congress proposed an Intelligence ¶ Authorization bill that would do just that, President **Obama threatened to veto** it. Once he became head of the Executive Branch, he clearly ¶ understood the importance of being able to limit the scope of briefings for ¶ the most sensitive matters. So the statute still allows for Gang of Eight ¶ briefings In contrast to these title 50 intelligence activities, military operations conducted under title 10 authorities are subject to oversight by the Armed Services Committees of Congress. (Title 10 of the U.S. Code governs DoD’s ¶ military authorities and the military command structure; title 50 governs the ¶ Intelligence Community and intelligence activities.)¶ And make no mistake, in the world of Washington, it really does ¶ matter whether an activity is characterized as covert action or a traditional ¶ military action because different Executive Branch departments or agencies ¶ will have ownership of the operation and different committees of Congress ¶ will have oversight jurisdiction, and they all jealously guard their respective ¶ domains.

## Brecher CP

#### Links to politics

Goldsmith ‘13

[Jack, Washington Post, <http://articles.washingtonpost.com/2013-02-05/opinions/36757699_1_government-lawyers-secret-warfare-al-qaeda> ETB]

A new legal and political foundation for stealth warfare cannot succeed without the initiative and support of the president. The chances of such support, however, are dim. The Obama administration prefers to act based on old authorities and not to engage Congress in establishing new authorities for new wartime challenges. This is unfortunate for U.S. constitutional traditions and for the stability of our long-term counterterrorism strategy. And it is unfortunate for the president, not only because he increasingly acts without political cover, and because his secret wars are increasingly criticized and scrutinized abroad, but also because he alone will be bear the legacy of any negative consequences — at home and globally — of unilateral, lethal, secret warfare.

#### The counterplans covert action ensures unilateralism – prevents coalitions and fuels suspicion and cyberwar

**Rishikof 11**, Chair of the ABA Standing Committee on Law and National Security. Former professor of law and chair

(PROJECTING FORCE IN THE 21ST CENTURY - LEGITIMACY AND THE RULE OF LAWDepartment of National Security Strategy, National War Collegwww.rutgerslawreview.com/wp-content/uploads/archive/vol63/Issue4/Mustin-Rishikof\_Article\_PDF.pdf)

**Covert action** also **enables unilateral action. The stealthy nature of covert action means that the Executive would be discouraged from seeking international cooperation**. Any international support would likely be limited to notifying host nations of the presence of troops, and those notifications, as a tactical matter, would likely be last minute and very directive in nature. **This type of unilateral action** contrasts the cooperative intent for international law, and, in the words of one legal scholar, ―[u]nilateral action- covert or overt - **generates particularly high emotions, because many view it as a litmus test for one‘s commitment to international law. Excessive use of covert action might be deemed** by some nations **as a rebuke of international law or evidence of a hubristic foreign policy**. **The** continued and constant **use of this instrument** when lethality is the goal **raises issues of international legitimacy.**

#### Covert designation fuels suspicion and can’t solve cyber war — also removes international pressure from Chinese hacking

**Wright 11**, Executive director of studies at The Chicago Council on Global Affairs

(Thomas, 6/26, America has double standards in fighting cyberwar, [www.ft.com/cms/s/0/c8002f6a-a01b-11e0-a115-00144feabdc0.html#axzz1QYnW3i1w](http://www.ft.com/cms/s/0/c8002f6a-a01b-11e0-a115-00144feabdc0.html#axzz1QYnW3i1w))

While it has several advantages, **treating American cyber-destruction as a covert operation will severely undermine the new cyber-strategy. Suspicion that the US uses cyber­weapons whenever convenient will hamper its attempts to press other states to be transparent about their intentions**. **In particular, it takes the pressure off China, widely believed to be the leading state source of cyberattacks. It may also dissuade the US from developing the technology to trace the source of an attack.**

#### Nuclear war

**Sirota, Best-Selling Author, 11**, David Sirota is a best-selling author of the new book "Back to Our Future: How the 1980s Explain the World We Live In Now.", The Terrorist Threat We’re Ignoring, http://www.salon.com/news/david\_sirota/2011/07/11/trade\_terrorism

All of these threats are, indeed, scary -- and the last one, which sounds like something out of "Saw" movie, is especially creepy. But the fear of individual terrorist acts has diverted attention from a more systemic threat that is taking the implant idea to a much bigger platform. I'm talking about the threat of terrorists or foreign governments exploiting our economy's penchant for job outsourcing/offshoring. How? By using our corresponding reliance on imports to secretly stitch security-compromising technology into our society's central IT nervous system. Sounds far-fetched, right? Sounds like some fringe theory bizarrely melding liberal political complaints about bad trade policies with tinfoil-hat paranoia, right? Yeah, that's what I thought, until last week when -- in an announcement largely ignored by the Washington press corps -- the Department of Homeland Security made a stunning disclosure at a congressional hearing. As the business trade publication Fast Company [reports](http://www.fastcompany.com/1765855/dhs-someones-spiking-our-imported-tech-with-attack-tools) (emphasis added): A top Department of Homeland Security (DHS) official has admitted on the record that electronics sold in the U.S. are being preloaded with spyware, malware, and security-compromising components by unknown foreign parties. In testimony before the House Oversight and Government Reform Committee, acting deputy undersecretary of the DHS National Protection and Programs Directorate Greg Schaffer told Rep. Jason Chaffetz (R-UT) that both Homeland Security and the White House have been aware of the threat for quite some time. When asked by Rep. Chaffetz whether Schaffer was aware of any foreign-manufactured software or hardware components that had been purposely embedded with security risks, the DHS representative stated that "I am aware of instances where that has happened," after some hesitation. This supply chain security issue essentially means that, somewhere along the line, technology being marketed in the United States was either compromised or purposely designed to enable cyberattacks. The process by which this happens is fairly straightforward -- and its connection to our tariff-free trade policies that encourage outsourcing is obvious. First, an American company or governmental agency orders a piece of computer hardware or software from a tech company. Then, because the "free" trade era has economically incentivized those companies to move their production to low-wage countries, much of that order is actually fulfilled at foreign facilities where security and quality standards may be, ahem, lacking. If this still sounds far-fetched, remember that in the offshoring/outsourcing epoch, one of the major exporters of computer hardware -- and increasingly, software -- is China. That is, the country whose government has been at the forefront of aggressively researching, developing and implementing covert technologies that turn computers into stealth weapons of the police state. There is, for example, China's Great Firewall, which prevents computers from accessing content the government deems unacceptable. There's also the [Green Dam initiative](http://online.wsj.com/article/SB124638689078074805.html), which aimed to preload spying and censorship software on PCs. These, of course, are just the cyber-sabotage projects we know about, suggesting that there are far more being engineered by the Chinese regime. And this says nothing of the additional possibility of stateless terrorist groups infiltrating the high-tech supply chain to invisibly weave vulnerabilities into our IT infrastructure. If you think the biggest ramifications of this threat are merely Angry Birds malfunctions, suddenly shitty pictures from Hipstamatic and yet longer wait times when you fire up Microsoft Word -- think again. In an information age that sees [missiles remotely fired via keystrokes](http://news.cnet.com/8301-11386_3-10064231-76.html) and data mined for intelligence gathering, supply chain vulnerabilities in high-tech products are a genuine national security problem. Indeed, they are at least as big a threat to national security as the old concerns about how, say, offshoring steel production could compromises our strength by limiting our ability to unilaterally build tanks and warships. By creating a trade policy that helps offshore high-tech production, we may be inadvertently importing spying or terrorist instruments and then embedding those instruments into our computer-dependent society at large. What might this mean in practice? As the U.S.-China Economic and Security Review Commission [reported](http://www.nextgov.com/nextgov/ng_20110707_5612.php?oref=topstory) a few months ago, it could be "kill switches" implanted in Pentagon systems that **control our arsenal**. It could be new "War Games"-esque back doors that allow Chinese military hackers to punch in their own preprogrammed "Joshua" password and [again](http://www.ft.com/cms/s/0/9dba9ba2-5a3b-11dc-9bcd-0000779fd2ac.html) breach computer networks deep within our national security apparatus.

## Warfighting DA

#### Obama weak now- Syria deal

Maloof 9/13

F. Michael Maloof, senior staff writer for WND and the G2Bulletin, is a former security policy analyst in the Office of the Secretary of Defense¶ Read more at <http://www.wnd.com/2013/09/putin-makes-obama-look-indecisive-weak/#JFIueVqdjRHQa1GD.99> ETB

If Kerry and Lavrov come up with a plan, it will further consolidate Putin’s efforts in the Middle East, at U.S. expense.¶ “If the U.S. administration were to ignore Russian protests and proceed with a (military) strike with at least rhetorical coalition support, Russia would have little to show for its claimed influence in the Middle East,” according to the open intelligence group Stratfor.¶ “However, if Russia could effectively stunt the U.S.-led military campaign through an airy diplomatic proposal, then Russia will have played a hand in directly showcasing U.S. unreliability to its allies,” it said.¶ A proposal could make the U.S. look weak and indecisive while Moscow comes off “as the voice of reason” in a war that no one wants, and it will be all the Obama administration’s doing.

#### Obama is sending global signals of weakness and uncertainty

Forbes 9/1

<http://www.forbes.com/sites/dougschoen/2013/09/01/weak-on-syria-weak-in-the-world/> ETB

Put another way, the President made it clear a year ago that there was a red line that the Syrians should not cross. All evidence suggests that they have surely crossed it and instead of striking, the President lectures the American people, and indeed the world, on American democracy.¶ Indeed, just this morning, a Syrian state state-run newspaper called Obama’s decision to seek Congressional approval before taking military action “the start of the historic American retreat.” It doesn’t get clearer than that.¶ This is not a president who shies away from using his executive power. He has altered ObamaCare, pushed his gun control agenda to strengthen national background checks, delayed the deportation of illegal immigrants when Congress wouldn’t agree amongst many other examples. But he has now suddenly decided that before he takes action, action that is within his purview, he is going to seek Congressional approval that is almost impossible to predict as to whether it will be granted or not.¶ If Obama really wanted to go ahead he would have brought congress back into session immediately and not waited more than 10 days thereby giving the Syrians time to plan for an attack – should one ultimately come. And even then, Obama has made it clear any such attack will be limited in nature and scope and will not involve regime change.¶ It follows that the message Obama’s speech yesterday sends is a muddled one at best.¶ It said to the mullahs in Iran and their Supreme Leader Ali Khamenei that they can continue to pursue their nuclear program by enriching uranium and refining plutonium without having to fear that they will be precipitously attacked by the US.¶ And to Russia’s President Putin, who has been an unbendable ally of Assad, providing him with arms and anti-aircraft weaponry, Obama has shown that the balance of power in the Middle East has almost certainly shifted away from the US. This is all the more alarming as Putin said just yesterday that the idea that the Syrian regime used chemical weapons is “absolute nonsense.”¶ What’s more, with a totally incoherent American policy on Egypt wherein it is unclear who and what we support, the US’s approach to the Syria further paints a bleak picture of American power and potency. Indeed, with our only real achievement in the region being the recent appearance of convincing the Arabs and Israelis to come to the peace table, an image of American uncertainty is radiating across the globe.¶ And although this would be a serious accomplishment if progress is made, our inaction on Syria signals to Israel, one of our strongest allies, that we are not willing to stick our neck out for them, their safety and way of life.¶ To our allies around the world who have said that if we do not stand firm we will send the wrong message to the Syrians, Obama offered not much of a response other than to tell them, in so many words, that they may well have to go it alone.¶ The US has not been sending clear messages. And though it may be apparent to me that the President’s move was calculated to force responsibility on a reluctant Congress and to play to 80% of the American people who have said in polls that they are against intervention in Syria, that does not mean that the US is offering anything but a confused image of our mission in the world to both our allies and foes.¶ Thus, in the short term the President may have managed to escape from the political quandary he faces. But in the longer term, America looks weaker, feckless and more uncertain.¶ President Obama has, if nothing else, compounded the view of a weak leader heading an unsure nation. This is an image we can ill afford to project.

#### Massive alt causes to flex

Rozell 12

(Mark Rozell, Professor of Public Policy, George Mason University, “From Idealism to Power: The Presidency in the Age of Obama” 2012, <http://www.libertylawsite.org/book-review/from-idealism-to-power-the-presidency-in-the-age-of-obama/>, KB)

A substantial portion of Goldsmith’s book presents in detail his case that **various forces** outside of government, and some within, **are responsible for hamstringing the president** in unprecedented fashion: **Aggressive**, often intrusive, **journalism, that at times endangers national security; human rights and other advocacy groups**, some **domestic and** other **cross-national, teamed with big resources and talented, aggressive lawyers, using every legal category and technicality possible to complicate executive action**; **courts** thrust into the mix, **having to decide critical national security law controversies**, even when the judges themselves have little direct knowledge or expertise on the topics brought before them; **attorneys within the executive branch** itself **advising against actions** based on often narrow legal interpretations and with little understanding of the broader implications of tying down the president with legalisms.

#### Stronger statutory checks on Presidential war powers increase credibility

Matthew C. Waxman 13, Professor of Law at Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations, “The Constitutional Power to Threaten War”, Forthcoming in Yale Law Journal, vol. 123 (2014), 8/25/2013, PDF

A second argument, this one advanced by some congressionalists, is that stronger legislative checks on presidential uses of force would improve deterrent and coercive strategies by making them more selective and credible. The most credible U.S. threats, this argument holds, are those that carry formal approval by Congress, which reflects strong public support and willingness to bear the costs of war; requiring express legislative backing to make good on threats might therefore be thought to enhance the potency of threats by encouraging the President to seek congressional authorization before acting.181 A frequently cited instance is President Eisenhower’s request (soon granted) for standing congressional authorization to use force in the Taiwan Straits crises of the mid- and late-1950s – an authorization he claimed at the time was important to bolstering the credibility of U.S. threats to protect Formosa from Chinese aggression.182 (Eisenhower did not go so far as to suggest that congressional authorization ought to be legally required, however.) “It was [Eisenhower’s] seasoned judgment … that a commitment the United States would have much greater impact on allies and enemies alike because it would represent the collective judgment of the President and Congress,” concludes Louis Fisher. “Single-handed actions taken by a President, without the support of Congress and the people, can threaten national prestige and undermine the presidency. Eisenhower’s position was sound then. It is sound now.”183 A critical assumption here is that legal requirements of congressional participation in decisions to use force filters out unpopular uses of force, the threats of which are unlikely to be credible and which, if unsuccessful, undermine the credibility of future U.S. threats. A third view is that legal clarity is important to U.S. coercive and deterrent strategies; that ambiguity as to the President’s powers to use force undermines the credibility of threats. Michael Reisman observed, for example, in 1989: “Lack of clarity in the allocation of competence and the uncertain congressional role will sow uncertainty among those who depend on U.S. effectiveness for security and the maintenance of world order. Some reduction in U.S. credibility and diplomatic effectiveness may result.”184 Such stress on legal clarity is common among lawyers, who usually regard it as important to planning, whereas strategists tend to see possible value in “constructive ambiguity”, or deliberate fudging of drawn lines as a negotiating tactic or for domestic political purposes.185 A critical assumption here is that clarity of constitutional or statutory design with respect to decisions about force exerts significant effects on foreign perceptions of U.S. resolve to make good on threats, if not by affecting the substance of U.S. policy commitments with regard to force then by pointing foreign actors to the appropriate institution or process for reading them.

#### It’s impossible for the president to remain adequately flexible on cyber

Waxman ‘11

[Associate Professor, Columbia Law School; Adjunct Senior Fellow, Council on Foreign

Relations; Member of the Hoover Institution Task Force on National Security and Law. THE YALE JOURNAL OF INTERNATIONAL LAW 36:421. <http://www.yjil.org/docs/pub/36-2-waxman-cyber-attacks-and-the-use-of-force.pdf> ETB]

Such interpretive reorientation raises subsidiary doctrinal issues that¶ might not sit comfortably with extant U.S. legal positions about the resort to¶ force more generally. For example, in recent years the U.S. government has pushed an interpretation of anticipatory self-defense—the doctrinal notion that¶ a state may resort to self-defensive force in advance of an imminent attack,¶ rather than having to wait to suffer the first blow—that permits flexibility in¶ assessing the “imminence” of a threat so as to take account of the difficulty of¶ assessing when contemporary security threats are temporally immediate.72 If cyber-attacks with certain effects give rise to rights of self-defense, could an impending one give rise to such a right in advance as well? Moreover, how would a state even assess imminence in this context?73 Anticipatory selfdefense is especially difficult to evaluate in this context because even if hostile¶ cyber-attack capabilities and intentions are identified, there may be little or no¶ indication of their future timing. It may also be impossible to assess their likely consequences in advance, because modern society’s heavy reliance on¶ interconnected information systems means that the indirect secondary or¶ tertiary effects of cyber-attacks may be much more consequential than the¶ direct and immediate ones.

#### **No impact to prez powers**

Healy 11

Gene Healy is a vice president at the Cato Institute and the author of The Cult of the Presidency, The CATO Institute, June 2011, "Book Review: Hail to the Tyrant", http://www.cato.org/publications/commentary/book-review-hail-tyrant

Legal checks “have been relaxed largely because of the need for centralized, relatively efficient government under the complex conditions of a modern dynamic economy and a highly interrelated international order.” What’s more, the authors insist, America needs the legally unconstrained presidency both at home (given an increasingly complex economy) and abroad (given the shrinking of global distances).

These are disputed points, to say the least. If Friedrich Hayek was at all correct about the knowledge problem, then if anything increasing economic complexity argues for less central direction. Nor does the fact that we face “a highly interrelated international order” suggest that we’re more vulnerable than we were in 1789, as a tiny frontier republic surrounded by hostile tribes and great powers. Economic interdependence — and the rise of other modern industrial democracies — means that other players have a stake in protecting the global trading system.

Posner and Vermuele coin the term “tyrannophobia,” which stands for unjustified fear of executive abuse. That fear is written into the American genetic code: the authors call the Declaration of Independence “the ur-text of tyrannophobia in the United States.” As they see it, that’s a problem because “the risk that the public will fail to trust a well-motivated president is just as serious as the risk that it will trust an ill-motivated one.” They contend that our inherited skepticism toward power exacerbates biases that lead us to overestimate the dangers of unchecked presidential power. Our primate brains exaggerate highly visible risks that fill us with a sense of dread and loss of control, so we may decline to cede more power to the president even when more power is needed.

Fair enough in the abstract — but Posner and Vermuele fail to provide a single compelling example that might lead you to lament our allegedly atavistic “tyrannophobia.” And they seem oblivious to the fact that those same irrational biases drive the perceived need for emergency government at least as much as they do hostility towards it. Highly visible public events like the 9/11 attacks also instill dread and a perceived loss of control, even if all the available evidence shows that such incidents are vanishingly rare. The most recent year for which the U.S. State Department has data, 2009, saw just 25 U.S. noncombatants worldwide die from terrorist strikes. I know of no evidence suggesting that unchecked executive power is what stood between us and a much larger death toll.

Posner and Vermuele argue that only the executive unbound can address modernity’s myriad crises. But they spend little time exploring whether unconstrained power generates the very emergencies that the executive branch uses to justify its lack of constraint. Discussing George H.W. Bush’s difficulties convincing Congress and the public that the 1991 Gulf War’s risks were worth it, they comment, “in retrospect it might seem that he was clearly right.” Had that war been avoided, though, there would have been no mass presence of U.S. troops on Saudi soil — “Osama bin Laden’s principal recruiting device,” according to Paul Wolfowitz — and perhaps no 9/11.

Posner and Vermuele are slightly more perceptive when it comes to the home front, letting drop as an aside the observation that because of the easy-money policy that helped inflate the housing bubble, “the Fed is at least partly responsible for both the financial crisis of 2008-2009 and for its resolution.” Oh, well — I guess we’re even, then.

Sometimes, the authors are so enamored with the elegant economic models they construct that they can’t be bothered to check their work against observable reality. At one point, attempting to show that separation of powers is inefficient, they analogize the Madisonian scheme to “a market in which two firms must act in order to supply a good,” concluding that “the extra transaction costs of cooperation” make “the consumer (taxpayer) no better off and probably worse off than she would be under the unitary system.”

But the government-as-firm metaphor is daffy. In the Madisonian vision, inefficiency isn’t a bug, it’s a feature — a check on “the facility and excess of law-making … the diseases to which our governments are most liable,” per Federalist No. 62. If the “firm” in question also generates public “bads” like unnecessary federal programs and destructive foreign wars — and if the “consumer (taxpayer)” has no choice about whether to “consume” them — he might well favor constraints on production.

From Franklin Roosevelt onward, we’ve had something close to vertical integration under presidential command. Whatever benefits that system has brought, it’s imposed considerable costs — not least over 100,000 U.S. combat deaths in the resulting presidential wars. That system has also encouraged hubristic occupants of the Oval Office to burnish their legacies by engaging in “humanitarian war” — an “oxymoron,” according to Posner. In a sharply argued 2006 Washington Post op-ed, he noted that the Iraq War had killed tens of thousands of innocents and observed archly, “polls do not reveal the opinions of dead Iraqis.”

## Peace K

#### Threats are real

Ravenal ‘9

[Earl C. Ravenal, distinguished senior fellow in foreign policy studies @ Cato, is professor emeritus of the Georgetown University School of Foreign Service. He is an expert on NATO, defense strategy, and the defense budget. He is the author of *Designing Defense for a New World Order.* What's Empire Got to Do with It? The Derivation of America's Foreign Policy.” *Critical Review: An Interdisciplinary Journal of Politics and Society* 21.1 (2009) 21-75]

Quite expectedly, the more doctrinaire of the non-interventionists take pains to deny any straightforward, and therefore legitimate, security motive in American foreign and military policy. In fact, this denial leads to a more sweeping rejection of any recognizably rational basis for American foreign policy, and, even, sometimes (among the more theoretical of the non-interventionists), a preference for non-rational accounts, or “models,” of virtually any nation’s foreign policy-making.4 One could call this tendency among anti-imperialists “motive displacement.” More specifically, in the cases under review here, one notes a receptivity to any reworking of history, and any current analysis of geopolitics, that denigrates “the threat”; and, along with this, a positing of “imperialism” (the almost self-referential and primitive impulse) as a sufficient explanation for the often strenuous and risky actions of great powers such as the United States. Thus, not only is “empire” taken to be a sufficient and, in some cases, a necessary condition in bringing about foreign “threats”; but, by minimizing the extent and seriousness of these threats, the anti-imperialists put themselves into the position of lacking a rational explanation for the derivation of the (pointless at best, counter-productive at worst) policies that they designate as imperialistic. A pungent example of this threat denigration and motive displacement is Eland’s account of American intervention in the Korean and Vietnam wars:¶ After North Korea invaded, the Truman administration intervened merely for the purpose of a demonstration to friends and foes alike. Likewise, according to eminent cold war historians, the United States did not inter- vene in Vietnam because it feared communism, which was fragmented, or the Soviet Union, which wanted détente with the West, or China, which was weak, but because it did not want to appear timid to the world. The behavior of the United States in both Korea and Vietnam is typical of imperial powers, which are always concerned about their reputation, pres- tige, and perceived resolve. (Eland 2004, 64)¶ Of course, the motive of “reputation,” to the extent that it exists in any particular instance, is a part of the complex of motives that characterize a great power that is drawn toward the role of hegemon (not the same thing as “empire”). Reputation is also a component of the power projec- tion that is designed to serve the interest of national security. Rummaging through the concomitants of “imperialism,” Eland (2004, 65) discovers the thesis of “threat inflation” (in this case, virtual threat invention): Obviously, much higher spending for the military, homeland security, and foreign aid are required for a policy of global intervention than for a policy of merely defending the republic. For example, after the cold war, the security bureaucracies began looking for new enemies to justify keeping defense and intelligence budgets high. Similarly, Eland (ibid., 183), in a section entitled “Imperial Wars Spike Corporate Welfare,” attributes a large portion of the U.S. defense budget—particularly the procurement of major weapons systems, such as “Virginia-class submarines . . . aircraft carriers . . . F-22 fighters . . . [and] Osprey tilt-rotor transport aircraft”—not to the systemically derived requirement for certain kinds of military capabilities, but, rather, to the imperatives of corporate pork. He opines that such weapons have no stra- tegic or operational justification; that “the American empire, militarily more dominant than any empire in world history, can fight brushfire wars against terrorists and their ‘rogue’ state sponsors without those gold- plated white elephants.”¶ The underlying notion of “the security bureaucracies . . . looking for new enemies” is a threadbare concept that has somehow taken hold across the political spectrum, from the radical left (viz. Michael Klare [1981], who refers to a “threat bank”), to the liberal center (viz. Robert H. Johnson [1997], who dismisses most alleged “threats” as “improbable dangers”), to libertarians (viz. Ted Galen Carpenter [1992], Vice President for Foreign and Defense Policy of the Cato Institute, who wrote a book entitled A Search for Enemies). What is missing from most analysts’ claims of “threat inflation,” however, is a convincing theory of why, say, the American government significantly (not merely in excusable rhetoric) might magnify and even invent threats (and, more seriously, act on such inflated threat estimates). In a few places, Eland (2004, 185) suggests that such behavior might stem from military or national security bureaucrats’ attempts to enhance their personal status and organizational budgets, or even from the influence and dominance of “the military-industrial complex”; viz.: “Maintaining the empire and retaliating for the blowback from that empire keeps what President Eisenhower called the military-industrial complex fat and happy.” Or, in the same section:¶ In the nation’s capital, vested interests, such as the law enforcement bureaucracies . . . routinely take advantage of “crises”to satisfy parochial desires. Similarly, many corporations use crises to get pet projects— a.k.a. pork—funded by the government. And national security crises, because of people’s fears, are especially ripe opportunities to grab largesse. (Ibid., 182)¶ Thus, “bureaucratic-politics” theory, which once made several reputa- tions (such as those of Richard Neustadt, Morton Halperin, and Graham Allison) in defense-intellectual circles, and spawned an entire sub-industry within the field of international relations,5 is put into the service of dismissing putative security threats as imaginary. So, too, can a surprisingly cognate theory, “public choice,”6 which can be considered the right-wing analog of the “bureaucratic-politics” model, and is a preferred interpretation of governmental decision- making among libertarian observers. As Eland (2004, 203) summarizes:¶ Public-choice theory argues [that] the government itself can develop sepa- rate interests from its citizens. The government reflects the interests of powerful pressure groups and the interests of the bureaucracies and the bureaucrats in them. Although this problem occurs in both foreign and domestic policy, it may be more severe in foreign policy because citizens pay less attention to policies that affect them less directly.¶ There is, in this statement of public-choice theory, a certain ambiguity, and a certain degree of contradiction: Bureaucrats are supposedly, at the same time, subservient to societal interest groups and autonomous from society in general.¶ This journal has pioneered the argument that state autonomy is a likely consequence of the public’s ignorance of most areas of state activity (e.g., Somin 1998; DeCanio 2000a, 2000b, 2006, 2007; Ravenal 2000a). But state autonomy does not necessarily mean that bureaucrats substitute their own interests for those of what could be called the “national society” that they ostensibly serve. I have argued (Ravenal 2000a) that, precisely because of the public-ignorance and elite-expertise factors, and especially because the opportunities—at least for bureaucrats (a few notable post-government lobbyist cases nonwithstanding)—for lucrative self-dealing are stringently fewer in the defense and diplomatic areas of government than they are in some of the contract-dispensing and more under-the-radar-screen agencies of government, the “public-choice” imputation of self-dealing, rather than working toward the national interest (which, however may not be synonymous with the interests, perceived or expressed, of citizens!) is less likely to hold. In short, state autonomy is likely to mean, in the derivation of foreign policy, that “state elites” are using rational judgment, in insulation from self-promoting interest groups—about what strategies, forces, and weapons are required for national defense.¶ Ironically, “public choice”—not even a species of economics, but rather a kind of political interpretation—is not even about “public” choice, since, like the bureaucratic-politics model, it repudiates the very notion that bureaucrats make truly “public” choices; rather, they are held, axiomatically, to exhibit “rent-seeking” behavior, wherein they abuse their public positions in order to amass private gains, or at least to build personal empires within their ostensibly official niches. Such sub- rational models actually explain very little of what they purport to observe. Of course, there is some truth in them, regarding the “behavior” of some people, at some times, in some circumstances, under some conditions of incentive and motivation. But the factors that they posit operate mostly as constraints on the otherwise rational optimization of objectives that, if for no other reason than the playing out of official roles, transcends merely personal or parochial imperatives.¶ My treatment of “role” differs from that of the bureaucratic-politics theorists, whose model of the derivation of foreign policy depends heavily, and acknowledgedly, on a narrow and specific identification of the role- playing of organizationally situated individuals in a partly conflictual “pulling and hauling” process that “results in” some policy outcome. Even here, bureaucratic-politics theorists Graham Allison and Philip Zelikow (1999, 311) allow that “some players are not able to articulate [sic] the governmental politics game because their conception of their job does not legitimate such activity.” This is a crucial admission, and one that points— empirically—to the need for a broader and generic treatment of role.¶ Roles (all theorists state) give rise to “expectations” of performance. My point is that virtually every governmental role, and especially national-security roles, and particularly the roles of the uniformed mili- tary, embody expectations of devotion to the “national interest”; rational- ity in the derivation of policy at every functional level; and objectivity in the treatment of parameters, especially external parameters such as “threats” and the power and capabilities of other nations.¶ Sub-rational models (such as “public choice”) fail to take into account even a partial dedication to the “national” interest (or even the possibility that the national interest may be honestly misconceived in more paro- chial terms). In contrast, an official’s role connects the individual to the (state-level) process, and moderates the (perhaps otherwise) self-seeking impulses of the individual. Role-derived behavior tends to be formalized and codified; relatively transparent and at least peer-reviewed, so as to be consistent with expectations; surviving the particular individual and trans- mitted to successors and ancillaries; measured against a standard and thus corrigible; defined in terms of the performed function and therefore derived from the state function; and uncorrrupt, because personal cheating and even egregious aggrandizement are conspicuously discouraged.¶ My own direct observation suggests that defense decision-makers attempt to “frame” the structure of the problems that they try to solve on the basis of the most accurate intelligence. They make it their business to know where the threats come from. Thus, threats are not “socially constructed” (even though, of course, some values are).¶ A major reason for the rationality, and the objectivity, of the process is that much security planning is done, not in vaguely undefined circum- stances that offer scope for idiosyncratic, subjective behavior, but rather in structured and reviewed organizational frameworks. Non-rationalities (which are bad for understanding and prediction) tend to get filtered out. People are fired for presenting skewed analysis and for making bad predictions. This is because something important is riding on the causal analysis and the contingent prediction. For these reasons, “public choice” does not have the “feel” of reality to many critics who have participated in the structure of defense decision-making. In that structure, obvious, and even not-so-obvious, “rent-seeking” would not only be shameful; it would present a severe risk of career termination. And, as mentioned, the defense bureaucracy is hardly a productive place for truly talented rent-seekers to operate, compared to opportunities for personal profit in the commercial world. A bureaucrat’s very self-placement in these reaches of government testi- fies either to a sincere commitment to the national interest or to a lack of sufficient imagination to exploit opportunities for personal profit.

Perm do plan then alternative

**The world is realist – we need to engage it.**

**Mearsheimer, ‘95**

(Chicago Poli Sci Prof, Winter, International Security, p. 44-5)

Three points are in order regarding the critical theorists’ interpretation of history. First, one cannot help but be struck by the sheer continuity of realist behavior in the critical theorists’ own account of the past. **Seven centuries of security competition and war represents an impressive span of time**, especially when you consider the tremendous political and economic changes that have taken place across the world during that lengthy period. **Realism is obviously a human software package with deep-seated appeal**, although critical theorists do not explain its attraction.Second, a close look at the international politics of the feudal era reveals scant support for the claims of critical theorists. Markus Fischer has done a detailed study of that period, and he finds “that feudal discourse was indeed distinct, prescribing unity, functional cooperation, sharing, and lawfulness.”166 More importantly, however, he also finds “that **while feudal actors observed these norms for the most part on the level of form, they in essence behaved like modern states.” Specifically, they “strove for exclusive territorial control, protected themselves by military means, subjugated each other, balanced against power, formed alliances and spheres of influence, and resolved their conflicts by the use and threat of force.”167 Realism**, not critical theory, **appears best to explain international politics in the five centuries of the feudal era.**

# 1AR

## Alliances

#### Use of the “genie in the bottle” metaphor is racist towards people of Arabic descent--- these stereotypes should be rejected in every instance

Ahmed 12

{Muddasser, Al-Arabiya News, <http://english.alarabiya.net/views/2012/07/25/228286.html>, mg]

**The depiction of Muslims as a singular embodiment of ‘terror’ and ‘menace’ by mainstream media** outlets **has long been a source of outcry for many Muslims**, but the struggle, too often, has been circular, wrapped around debates on ‘Islamophobia.’ Some western commentators dismiss the term, calling it a ‘political ploy’ to stifle freedom of expression. Amidst the importance placed on the sanctity of free expression in the West, these testimonies of distorted facts vis-à-vis Islam and Muslims seem to be a rather sinister breach of ideals.¶ Dr. Ahmed writes that the negative portrayal of Muslims has been largely ‘due to poor journalistic standards in the tabloid press, which sets the wider news agenda in print and broadcasting’ – a statement backed up by the journalists we interviewed. For instance, Brian Cathcart, former deputy editor at the Independent on Sunday, told us that ‘where Muslims are concerned, some of the country’s top-selling newspapers have too often failed... damaging stereotypes have been adopted and repeated by some newspapers... Since these papers enjoy such wide circulation, this cannot fail to disadvantage Muslims in British society.’¶ Notwithstanding the elusiveness of ‘Islamophobia’ as a term, it is worth inquiring about the larger frame of reference at work here now that the facts are out. **In the construction and transmutation of the Muslim or Islamic ‘menace,’** often unifying the left and the right in Europe, the report shows media **narratives regularly conflate the West’s Muslim diaspora communities with external instances of extremism, terrorism, despotism, and sexism.**¶ **Old habits die hard. The depiction of Muslims as the foreign ‘other’ has persisted in literary writings and mainstream media, from the time of** Dante’s Divine Comedy and **Aladdin’s exotic genie in the bottle** to the Iranian revolution, 9/11, 7/7 and the aftermath. Race and Reform represents a thorough investigation of a phenomenon that is, unfortunately, larger than the British context.

## Counterplan

#### Links to politics

Potter ‘96

[Zach Potter. “Princeton in the Nation's Service: A Perspective on Intelligence Reform from Outside the Beltway.” The Final Report of the Snyder Commission. Edited by Edward Cheng and Diane C. Snyder. <https://www.fas.org/irp/eprint/snyder/index.html> ETB]

The inseparability of covert action and clandestine collection is not universally assumed. Covert action tends to be the most controversial element of the intelligence community. Often public hostility toward the entire intelligence community is based solely on the public's anger over covert action.

## Politics

#### Won’t pass – amnesty, border security and visa reform

Moran 10-16

Rick Moran, “Immigration reform on the front burner after debt and budget deal,” 10/16/13,

<http://www.americanthinker.com/blog/2013/10/immigration_reform_on_the_front_burner_after_debt_and_budget_deal.html#ixzz2i7C2KMYv> SJE

The chances of the House passing amnesty are less than zero. This leaves both chambers in exactly the same position they were after the Senate passed comprehensive immigration reform earlier this year. No deal is possible unless Obama and the Democrats are willing to take amnesty off the table. In exchange for more liberal guest worker provisions and the DREAM act, Obama may indeed deep six amnesty. But that's not the only problem with the bill. Fixing inadequate border security provisions in the bill is high on the GOP 's list of revisions. A deal is possible under those circumstances, but not probable. Republicans will want far stronger border security measures than the Democrats are willing to take and Republicans won't give the Democrats everything they want on visa reform and the guest worker program. It just looks like too many moving parts for the two sides to manage.

#### Won’t pass – GOP won’t compromise

UPI 10-15

United Press International, “Opponents of immigration reform sticking to their guns,” 10/15/13, <http://www.upi.com/Top_News/US/2013/10/15/Opponents-of-immigration-reform-sticking-to-their-guns/9541381868463/#ixzz2i5xOPI4V> SJE

At the beginning of 2013, the future for immigration reform seemed assured. After the Senate passed the bill, it stalled in the House and has only continued to stagnate as other issues ranging from Syria to the partial government shutdown grabbed headlines. While supporters are mounting a new effort to push legislation through before the year ends, opponents are sticking their guns. Problems with passage in Congress hinge on the opposition of many members, especially House Republicans, to what they call amnesty -- the question of offering citizenship to those who entered the country illegally. As it is currently laid out in the stalled legislation, an overhaul of the immigration system in the U.S. would create a “pathway to citizenship” for the millions of undocumented people living in the county. This is exactly what Dan Holler, spokesman of the conservative Heritage Action for America, finds issue with. “Any sort of immigration reform plans that includes amnesty is going to be a nonstarter. It’s not a fair thing to do.”