### Plan Flaw

#### The plan is uneforcable. And/or is a meaningless abomination of the English language. It means that the executive could choose to do any of the three things listed in the plan text.



### 1NC Resolve

#### Congressional restrictions cause adversaries to doubt the resolve of U.S. deterrence – causes crisis escalation.

Waxman 8/25 [Matthew Waxman 8/25/13, Professor of Law – Columbia and Adjunct Senior Fellow for Law and Foreign Policy – CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it **establishes easily-visible impediments to the President’s authority** to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that **any serious restrictions** on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off **explosive confrontations.”**178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the most important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation **which might escalate.**179

#### Credible conventional deterrence checks nuclear aggression

Gerson 09

MICHAEL S. GERSON, research analyst at the Center for Naval Analyses, Policy Fellow with the ONE Campaign, a visiting fellow with the Center for Public Justice, and a former senior fellow at the Council on Foreign Relations,“Conventional Deterrence in the Second Nuclear Age”, Strategic Studies Institute, Autumn 2009 //jchen

Although implicit or explicit nuclear threats may lack credibili- ty against non-WMD regimes, many potential adversaries believe that the United States will use conventional firepower, especially because America has conventional superiority and a demonstrated willingness to use it. Consequently, when dealing with non-WMD-related threats, conventional deterrence will be the most likely mechanism for deterring hostile actions.

According to Admiral Michael Mullen, the current Chairman of the Joint Chiefs of Staff, “A big part of credibility, of course, lies in our convention- al capability. The capability to project power globally and conduct effective theater-level operations . . . remains essential to deterrence effectiveness.”14

Conventional deterrence also plays an important role in preventing nonnuclear aggression by nuclear-armed regimes. Regional nuclear pro- liferation may not only increase the chances for the use of nuclear weap- ons, but, equally important, the possibility of conventional aggression. The potential for conventional conflict under the shadow of mutual nucle- ar deterrence was a perennial concern throughout the Cold War, and that scenario is still relevant. A nuclear-armed adversary may be emboldened to use conventional force against US friends and allies, or to sponsor ter- rorism, in the belief that its nuclear capabilities give it an effective deter- rent against US retaliation or intervention.15 For example, a regime might calculate that it could undertake conventional aggression against a neigh- bor and, after achieving a relatively quick victory, issue implicit or explicit nuclear threats in the expectation that the United States (and perhaps coali- tion partners) would choose not to get involved.

In this context, conventional deterrence can be an important mech- anism to limit options for regional aggression below the nuclear threshold. By deploying robust conventional forces in and around the theater of potential conflict, the United States can credibly signal that it can respond to conventional aggression at the outset, and therefore the opponent can- not hope to simultaneously achieve a quick conventional victory and use nuclear threats to deter US involvement. Moreover, if the United States can convince an opponent that US forces will be engaged at the beginning of hostilities—and will therefore incur the human and financial costs of war from the start—it can help persuade opponents that the United States would be highly resolved to fight even in the face of nuclear threats be- cause American blood and treasure would have already been expended.16 Similar to the Cold War, the deployment of conventional power in the re- gion, combined with significant nuclear capabilities and escalation dom- inance, can help prevent regimes from believing that nuclear possession provides opportunities for conventional aggression and coercion.

#### Foreign policy resolve key to prevent multiple global conflicts

Chapin and Hanson 9 – Bernard Chapin- interviewer, and Victor Davis Hanson, the Martin and Illie Anderson senior fellow at the Hoover Institution, December 7, 2009, “Change, weakness, disaster,” online: http://pajamasmedia.com/blog/change-weakness-disaster-obama-answers-from-victor-davis-hanson/

BC: Are we currently sending a message of weakness to our foes and allies? Can anything good result from President Obama’s marked submissiveness before the world? Dr. Hanson: Obama is one bow and one apology away from a circus. The world can understand a kowtow gaffe to some Saudi royals, but not as part of a deliberate pattern. Ditto the mea culpas. Much of diplomacy rests on public perceptions, however trivial. We are now in a great waiting game, as regional hegemons, wishing to redraw the existing landscape — whether China, Venezuela, Iran, North Korea, Pakistan, Syria, etc. — are just waiting to see who’s going to be the first to try Obama — and whether Obama really will be as tenuous as they expect. If he slips once, it will be 1979 redux, when we saw the rise of radical Islam, the Iranian hostage mess, the communist inroads in Central America, the Soviet invasion of Afghanistan, etc. BC: With what country then — Venezuela, Russia, Iran, etc. — do you believe his global repositioning will cause the most damage? Dr. Hanson: I think all three. I would expect, in the next three years, Iran to get the bomb and begin to threaten ever so insidiously its Gulf neighborhood; Venezuela will probably cook up some scheme to do a punitive border raid into Colombia to apprise South America that U.S. friendship and values are liabilities; and Russia will continue its energy bullying of Eastern Europe, while insidiously pressuring autonomous former republics to get back in line with some sort of new Russian autocratic commonwealth. There’s an outside shot that North Korea might do something really stupid near the 38th parallel and China will ratchet up the pressure on Taiwan. India’s borders with both Pakistan and China will heat up. I think we got off the back of the tiger and now no one quite knows whom it will bite or when.

### **1NC Kritik**

#### Fears of cyberwar are threat inflation – causes us to create imaginary enemies

Severs 13 [Henry holds 1st (Hons) in Criminology & Social Policy from the University of Sheffield, further awarded the Vaughan Bevan Prize by the Faculty of Law. Currently a postgraduate of War Studies at King's College London, reading Terrorism, Security, & Society as a Stapley Trust Scholar. Primary focus includes; domestic counter-terrorism and security policy, geopolitical risk, and cyber-security. He acts as Development Manager for The Risky Shift. Explore his personal portfolio or follow Henry on Twitter. The Cyber-Industrial-Complex MARCH 26, 2013 http://theriskyshift.com/2013/03/the-cyber-industrial-complex-2/#ixzz2bRZiyoUK]

The drumbeat of “cyber-doom”[66] scenarios, replayed in the media echo-chamber, has provided a steady and constant cadence for the oratory emanating from Westminster and especially Washington[67]. Prophetical disaster rhetoric evoked by ‘expert’ commentators envisage a cataclysmic cyber event, in which the financial sector collapses, planes collide midair, trains derail, military defences disintegrate, industrial control systems fail, “lethal clouds of chlorine gas” leak from chemical plants, gas pipelines and refineries explode, dams breach, reactors meltdown, power blackouts engulf the country, satellites spin into the obis, and “thousands of people” die… but authorities are paralysed in the face of crumbling communications and digital devastation[68]. This tone continues elsewhere: Secretary of Defense, Leon Panetta’s ominous forecast of a looming “cyber Pearl Harbour”, former head of the National Cyber Security Division, Amit Yoran’s claims “cyber-9/11 has happened”, Vanity Fair’s portrayal of Stuxnet as the “Hiroshima of cyber-war”, and Director of the International Telecommunications Union, Hamadoun Touré’s claims that “cyber-war will be worse than a tsunami”, are the most infamous, vacuous, and distasteful examples of this apocalyptic theme[69]. Although the most revealing doomsday framing[70] comes from former Senate Armed Services Committee Chairman, Carl Levin, when he stated; “cyberweapons and cyberattacks… approach weapons of mass destruction in their effects”[71]. Yet, nothing remotely resembling ‘cyber-doom’ has come to pass, and no fatality nor building destruction has even been attributable to a cyber-attack[72]. Despite Estonian politicians claiming that DDoS attacks and “a nuclear explosion…[are] the same thing”[73], NATO’s Cyber Defence Centre of Excellence described the impact of the attacks as “minimal” or “nonexistent”[74] This solipsistic introjection – assigning imagined behaviours and character traits onto an invisible enemy[75] – combined with a technological malaise characteristic of late-modernity[76], has seen the development of societal pessimism, dystopian fears, and a sense of political impotence regarding the prevalence of modern technologies[77]. These fears are reminiscent of bygone anxieties regarding earlier communicative mediums and reflective of broader, tenuous concerns about societal fragility[78]. Previous 20th Century moral panics over increased radio, telegraph, and telephone use, ultimately proved unfounded and transient, soon to be surpassed by the latest technological trepidation[79] The WMD parallel does, however, provide an illuminating comparison in one regard. In the run up the Iraq war the Bush administration described a “bullet-proof”[80] link between Sadaam Hussein and 9/11 – purportedly providing refuge and training to al-Qaeda[81]. Controlled Whitehouse leaks implied Iraq held WMDs, successfully conflating the very different threats and consequences of chemical, biological, and nuclear weapons[82]. Although allegations — including the purchase of ‘yellowcake’ for uranium enrichment — were ultimately proved fallacious, 40% of Americans still believed Saddam Hussein was “personally involved” in 9/11 as late as 2006[83]. Although no evidence substantiated these alarmist claims, the media relayed the government line without scrutiny and the administration was essentially able to cite news articles written speculating upon their own fictitious leaks[84]. It is this amplification of risk, or ‘threat inflation’, that Cramer and Thrall[85] describe. Speculative commentary about Iranian or North Korean cyber capabilities, unsubstantiated suppositions of the Chinese “lac[ing] US infrastructure with logic bombs”[86], and unverifiable assertions from the Center for Strategic and International Studies (CSIS) that cyber threats represent “a strategic issue on par with weapons of mass destruction and global jihad!”[87], fuel cyber-doom advocacy, and conflate sabotage, espionage, and subversion, under the banner of ‘cyber-war’ in a manner eerily redolent of Iraq WMD threat inflation[88].

#### Securitization and its Mediation Ensures Total War and Genocide – Their Representations of [cyberwar] Ensure Astonishing Violence.

Karsten **Friis**, UN Sector @ the Norwegian Institute of International Affairs, **2k** [*Peace and Conflict Studies* 7.2, “From Liminars to Others: Securitization Through Myths,” http://shss.nova.edu/pcs/journalsPDF/V7N2.pdf#page=2]

The problem with societal securitization is **one of representation**. It is rarely clear in advance who it is that speaks for a community. There is no system of representation as in a state. Since literately anyone can stand up as representatives, there is room for entrepreneurs. It is not surprising if we experience a struggle between different representatives and also their different representations of the society. What they do share, however, is a conviction that they are best at providing (a new) order. If they can do this convincingly, they gain legitimacy. What must be done is to make the uncertain certain and make the unknown an object of knowledge. To present a discernable Other is a way of doing this. The Other is represented as an Other -- as an unified single actor with a similar unquestionable set of core values (i.e. the capital “O”). They are objectified, made into an object of knowledge, by re-presentation of their identity and values. In other words, the representation of the Other is depoliticized in the sense that its inner qualities are treated as given and non-negotiable. In Jef Huysmans (1998:241) words, there is both a need for a mediation of chaosas well as of threat. A mediation of chaos is more basic than a mediation of threat, as it implies making chaos into a meaningful order by a convincing representation of the Self and its surroundings. It is a mediation of “ontological security”, which means “...a strategy of managing the limits of reflexivity ... by fixing social relations into a symbolic and institutional order” (Huysmans 1998:242). As he and others (like Hansen 1998:240) have pointed out, the importance of a threat construction for political identification, is often overstated. The mediation of chaos, of being the provider of order in general, is just as important. This may imply naming an Other but not necessarily as a threat. Such a dichotomization implies a **necessity** to get rid of all the liminars (what Huysmans calls “strangers”). This is because they “...connote a challenge to categorizing practices through the impossibility of being categorized”, and does not threaten the community, “...but the possibility of ordering itself” (Huysmans 1998:241). They are a challenge to the entrepreneur by their very existence. They confuse the dichotomy of Self and Other and thereby the entrepreneur’s mediation of chaos. As mentioned, a liminar can for instance be people of mixed ethnical ancestry but also representations of competing world-pictures. As Eide (1998:76) notes: “Over and over again we see that the “liberals” within a group undergoing a mobilisation process for group conflict are the first ones to go”. The liminars threaten the ontological order of the entrepreneur by challenging his representation of Self and Other and his mediation of chaos, which ultimately undermines the legitimacy of his policy. The liminars may be securitized by some sort of disciplination, from suppression of cultural symbols to ethnic cleansing and expatriation. This is a threat to the ontological order of the entrepreneur, stemming from inside and thus repoliticizing the inside/outside dichotomy. Therefore the liminar must disappear. It must be made into a Self, as several minority groups throughout the world have experienced, or it must be forced out of the territory. A liminar may also become an Other, as its connection to the Self is cut and their former common culture is renounced and made insignificant. In Anne Norton’s (1988:55) words, “The presence of difference in the ambiguous other leads to its classification as wholly unlike and identifies it unqualifiedly with the archetypal other, denying the resemblance to the self.” Then the liminar is no longer an ontological danger (chaos), but what Huysmans (1998:242) calls a mediation of “daily security”. This is not challenging the order or the system as such but has become a visible, clear-cut Other. In places like Bosnia, this naming and replacement of an Other, has been regarded by the securitizing actors as the solution to the ontological problem they have posed. Securitization was not considered a political move, in the sense that there were any choices. It was a necessity: Securitization was a solution based on a depoliticized ontology.10 This way the world-picture of the securitizing actor is not only a representation but also made into reality. The mythical second-order language is made into first-order language, and its “innocent” reality is forced upon the world. To the entrepreneurs and other actors involved it has become a **“natural” necessity** with a need to make order, even if it implies making the world match the map. Maybe that is why war against liminars are so often total; it attempts a **total expatriation** or a total “solution” (like the Holocaust) and not only a victory on the battlefield. If the enemy is not even considered a legitimate Other, the door may be more open to a kind of violence that is way beyond any war conventions, any jus in bello. This way, securitizing is legitimized: The entrepreneur has succeeded both in launching his world-view and in prescribing the necessary measures taken against it. This is possible by using the myths, by speaking on behalf of the natural and eternal, where truth is never questioned.

#### Alternative – Reject The Affirmative’s Security Logic – This Allows for *Actual Political Thought* – Accepting Their Descriptions and Responses Colonizes the Debate.

Mark Neocleous, Prof. of Government @ Brunel, 2008 [*Critique of Security*, 185-6]

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether - to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that can not be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain 'this is an insecure world' and reiteration of one fear, anxiety and insecurity after another will also make it hard to do. But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security. This impasse exists because security has now become so all-encompassing that it marginalises all else, most notably the constructive conflicts, debates and discussions that animate political life. The constant prioritising of a mythical security as a political end - as the political end constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles that arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible - that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it remoeves it while purportedly addressing it. In so doing it suppresses all issues of power and turns political questions into debates about the most efficient way to achieve 'security', despite the fact that we are never quite told - never could be told - what might count as having achieved it. Security politics is, in this sense, an anti-politics,"' dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to get beyond security politics, not add yet more 'sectors' to it in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text Critical Security Studies, in which the latter asks: if you take away security, what do you put in the hole that's left behind? But I'm inclined to agree with Dalby: maybe there is no hole."' The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centred on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and 'insecurities' that come with being human; it requires accepting that 'securitizing' an issue does not mean dealing with it politically, but bracketing it out and handing it to the state; it requires us to be brave enough to return the gift."'

### 1NC EO CP

#### Text: The President of the United States should issue an executive order requiring that offensive cyber operations be funded, conducted, and directed in a manner consistent with Title 50 United States Code § 413b.

#### XO incorporation of covert action regime solves – THEIR SOLVENCY AUTHOR

Brecher 13 Aaron Brecher, JD candidate at the UMich Law School, May 2013, “Toward a Domestic Legal Framework for ¶ Offensive Cyberoperations,“ http://www.michiganlawreview.org/assets/pdfs/111/3/Brecher.pdf

Cyberattacks present a challenge for U.S. policymakers: they are difficult to locate within a clear legal category and there is a significant risk of ¶ uncontrollable consequences associated with their use. As a result, policymakers must choose a paradigm to govern their use that will ensure that the ¶ executive branch is held accountable and shares information with legislators. ¶ This Part argues that the federal government should adopt the presumption that cyberattacks will be carried out under the covert action statute, and ¶ that the best way forward is for the president to issue an executive order ¶ making the covert action regime the presumptive framework for cyberattacks. It includes a brief discussion of why a president might willingly ¶ constrain her discretion by issuing the proposed executive order. It also ¶ shows that while the internal executive processes associated with both military and intelligence legal frameworks help mitigate the risk of ¶ cyberattacks’ misuse by the executive, only the covert action regime provides an adequate role for Congress. Finally, this Part argues that the ¶ executive order option is preferable to one alternative proposed by scholars—enacting legislation—because of the practical difficulties of passing ¶ new legislation. ¶ The covert action regime is the best approach for committing cyberattacks under the current law, as it would facilitate cooperation among ¶ executive agencies. The debate over which agency and set of legal authorities govern cyberattacks has caused no small amount of confusion.145¶ Apparently, an Office of Legal Counsel (“OLC”) memorandum declined to ¶ decide which legal regime should govern the use of cyberattacks, and the ¶ uncertainty has led to interagency squabbles, as well as confusion over how ¶ cyberattacks are to be regulated.146 Establishing a presumptive answer would ¶ go far toward resolving this dispute. ¶ Most importantly, adopting the covert action framework as the presumptive legal regime would be a principled way to help ensure constitutional ¶ legitimacy when the president orders a cyberattack.147 There is also reason to ¶ believe that presidential power is intimately bound up in credibility, which in ¶ turn is largely dependent on the perception of presidential compliance with ¶ applicable domestic law.148 A practice of complying with the covert action regime for cyberattacks, both when they do not constitute a use of force and ¶ when it is unclear whether they do, is most likely to be in compliance with ¶ the law. Compliance with the covert action regime would also encourage ¶ covert action procedures in close cases without unduly restricting the executive’s choice to use military authorities in appropriate circumstances. ¶ The executive might also issue the proposed order, even though it would ¶ limit her freedom in some ways, because of the possible benefits of constraining future administrations or preempting legislative intervention.149 For ¶ example, in this context, an administration may choose to follow the finding ¶ and reporting requirements in order to convince Congress that legislative ¶ intervention is unnecessary for proper oversight. This is acceptable if the ¶ covert action regime is in fact adequate on its own. Moreover, if greater ¶ statutory control over cyberattacks is needed, the information shared with ¶ Congress may give Congress the tools and knowledge of the issue necessary ¶ to craft related legislation.150 Additionally, while executive orders are hardly ¶ binding, the inertia following adoption of an order may help constrain future ¶ administrations, which may be more or less trustworthy than the current ¶ one. Creating a presumption through an executive order also establishes a ¶ stable legal framework for cyberattacks that allows law to follow policy in ¶ this new field, and permits decisionmakers to learn more about the nature of ¶ cyberoperations before passing detailed statutes that may result in unintended consequences.

### 1NC Debt Ceiling DA

#### Debt ceiling battle is coming now – resolution of Syria cleared the agenda

Bohan 9/11 [Caren, “Delay in Syria vote frees Obama to shift to hefty domestic agenda”, http://carnegieeurope.eu/strategiceurope/?fa=52932]

(Reuters) - Putting off a decision on military strikes on Syria allows President Barack Obama to shift his attention back to a weighty domestic agenda for the fall that includes budget fights, immigration and selecting a new chairman of the Federal Reserve.¶ Obama and his aides have immersed themselves for a week and a half in an intensive effort to win support in Congress for U.S. military action in Syria after a suspected chemical weapons attack last month killed more than 1,400 people.¶ But the effort, which included meetings by Obama on Capitol Hill on Tuesday followed by his televised speech to Americans, seemed headed for an embarrassing defeat, with large numbers of both Democrats and Republicans expressing opposition.¶ The push for a vote on Syria - which has now been delayed - had threatened to crowd out the busy legislative agenda for the final three months of 2013 and drain Obama's political clout, making it harder for him to press his priorities.¶ But analysts said a proposal floated by Russia, which the Obama administration is now exploring, to place Syria's weapons under international control may allow Obama to emerge from a difficult dilemma with minimal political damage.¶ "He dodges a tough political situation this way," said John Pitney, professor of politics at Claremont McKenna College in California.¶ Pitney said the delay in the Syria vote removes a big burden for Obama, given that Americans, who overwhelmingly opposed military intervention in Syria, will now be able to shift their attention to other matters.¶ He said Obama could suffer some weakening of his leverage with Congress. The administration's "full court press" to try to persuade lawmakers to approve military force on Syria was heavily criticized and did not yield much success.¶ "He probably has suffered some damage in Congress because there are probably many people on (Capitol Hill) who have increasing doubts about the basic competence of the administration and that's a disadvantage in any kind of negotiation," Pitney said.¶ BUDGET BATTLES¶ Among Obama's most immediate challenges are two looming budget fights. By September 30, Congress and the president must agree on legislation to keep federal agencies funded or face a government shutdown.¶ Two weeks later, Congress must raise the limit on the country's ability to borrow or risk a possible debt default that could cause chaos in financial markets.¶ On the first budget showdown, Obama may be at a strategic advantage because of divisions among opposition Republicans about whether to use the spending bill to provoke a fight over Obama's signature health care law, known as Obamacare.¶ House Republican leaders are trying to rally the party around a temporary spending measure that would keep the government funded until December 15 but are facing resistance within their own caucus from some conservatives who want to cut off funding for Obamacare, even if it means a government shutdown.¶ The debt limit fight could end up going down to the wire and unnerving financial markets. Republicans want to use that standoff to extract concessions from the Democratic president, such as spending cuts and a delay in the health law. But Obama has said he has no intention of negotiating over the borrowing limit.

#### Negotiating power is finite – plan trades off with domestic economic priorities.

Moore 9/10 [Heidi, Guardian's US finance and economics editor, “Syria: the great distraction; Obama is focused on a conflict abroad, but the fight he should be gearing up for is with Congress on America's economic security,” http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester]

Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor. It's fair to say that congressional Republicans, particularly in the House, have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.

#### Failure to life the ceiling collapses the global economy.

Davidson 9/10 [Adam, co-founder of NPR’s "Planet Money," Our Debt to Society, New York Times, 9/10/13, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all]

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history. Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency. Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years. Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar. While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy. The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### Economic collapse causes global nuclear war.

Merlini, Senior Fellow – Brookings, 11

 [Cesare Merlini, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? DOI: 10.1080/00396338.2011.571015 Article Requests: Order Reprints : Request Permissions Published in: journal Survival, Volume 53, Issue 2 April 2011 , pages 117 - 130 Publication Frequency: 6 issues per year Download PDF Download PDF (~357 KB) View Related Articles To cite this Article: Merlini, Cesare 'A Post-Secular World?', Survival, 53:2, 117 – 130]

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.

### International Law

#### No cyber war – deterrence.

Lewis 11 [Project Director James A. Lewis January 2011 a report of the csis commission on cybersecurity for the 44th presidency Cybersecurity Two Years Later Commission Cochairs Representative James R. Langevin Representative Michael T. McCaul Scott Charney Lt. General Harry Raduege, USAF (ret.) <http://csis.org/files/publication/110128_Lewis_CybersecurityTwoYearsLater_Web.pdf>]

However, we are not engaged in a cyber war. Short of armed conflict, nation-states are unlikely to launch cyber attacks against the United States. **The political risk is too high.** Just as with missiles and aircraft, countries can strike the United States using cyber attack, but they know this would trigger a violent if not devastating response. The risks are too high for frivolous engagement.

#### China won’t comply with norms – won’t even admit they’re hacking now

Fox News 13 May 8, http://www.foxnews.com/tech/2013/05/08/cyberattacks-growing-irritant-in-us-china-ties/

Signs are growing that the sustained surge in cyberattacks emanating from China is imperiling its relations with the U.S., lending urgency to fledgling efforts by both governments to engage on the issue.¶ The Pentagon this week said China appeared to be cyberspying against the U.S. government, the first time it has made such an assertion in its annual report on Chinese military power. A bill introduced in the Senate on Tuesday would require the president to block imports of products using stolen U.S. technology or made by companies implicated in computer theft.¶ Washington's sudden focus on Chinese hacking comes after rising complaints from U.S. businesses about theft of trade secrets. Amid growing evidence that the People's Liberation Army and other state-backed groups are behind the infiltrations, Beijing's statements that the cyberhacking allegations are groundless -- repeated anew Wednesday by the Chinese Defense Ministry -- are being broadly dismissed.¶ "Hacking has become a significant sore spot in the U.S.-China relationship," said Abe Denmark, senior director of the National Bureau of Asian Research, an independent U.S.-based think tank. "It encompasses security, trade and intellectual property rights, and has become an issue of strategic significance to Washington."¶ Thus far, President Barack Obama's administration has mostly sought to apply pressure and avoid a confrontation that could set off a Chinese backlash at a time when Washington wants to keep the economy afloat. The issue was raised on recent visits by U.S. officials, including Secretary of State John Kerry and Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey, although Dempsey said that no specific measures to discourage such activity were discussed.¶ The sides also agreed to form a joint working group to address the matter, adding it to the other disputes that bedevil ties, including trade, North Korea, Iran, Chinese territorial claims and human rights.¶ There are scant signs of progress so far, with State Department spokesman Patrick Ventrell saying only that "we look forward to engaging in that dialogue."¶ Chinese hacking and cyberspying are described by experts to be so widespread and persistent that it has caused billions of dollars in economic losses and become an issue of U.S. national security by possibly placing critical infrastructure at risk. Washington is trying to beef up defenses by working with Internet companies and security firms.¶ The Pentagon report released Monday said China is using its cyber capabilities to collect intelligence against U.S. diplomatic, economic and defense programs. And the report warned that the skills needed for such espionage are similar to those needed to conduct more aggressive cyberattacks.¶ Though the Pentagon did not pinpoint sources of the hacking, U.S.-based Internet security firm Mandiant said in a February report that it traced years of cyberattacks against 140 mostly American companies to a People's Liberation Army unit in Shanghai. Mandiant executives say attacks originating in China have continued since then, with the exception of those from Shanghai-based Unit 61398 that had been highlighted in its earlier report.¶ China has called the accusations groundless, saying it's impossible to tell the origin of cyber-intrusions, and complained that it too is a target of hacking, with many attacks coming from the U.S.¶ "As everyone knows, it's America that is the real 'hackers empire,' People's Daily, the Communist Party's flagship newspaper, wrote in a commentary.¶ Though China has provided scant specifics, the National Security Agency was tasked in 1997 with developing ways to attack foreign computer networks, according to recently declassified information released last month by the National Security Archive of George Washington University. One of the most successful acts of cyber-sabotage -- the insertion of the Stuxnet virus into computer systems for Iran's nuclear program in 2010 -- is believed to have been the work of the U.S. and Israel.¶ China's Defense Ministry dismissed the Pentagon report, calling it an attempt to "turn black into white and mislead international public opinion," in a statement that did not directly address the assertions about cyberspying and the overall rising capabilities of the PLA.¶

#### **China sees cyberattack as key asymmetric deterrence – crucial to national security strategy**

Spade 11 Jason M. Space, Colonel, US Army War College, “China’s Cyber Power and America’s National Security,” http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB424/docs/Cyber-072.pdf

IN TERMS OF MILITARY CAPABILITIES, the United States has ¶ been the world’s only superpower since 1991. In future conflicts, ¶ adversaries who cannot match U.S. military capabilities will ¶ necessarily look for asymmetric means to counter America’s strength.2¶ As demonstrated in the 1991 Gulf War and the 2003 invasion of Iraq, ¶ information technology is critical to America’s military superiority in ¶ areas such as command, control, and communications; intelligence ¶ gathering, surveillance, and reconnaissance; logistics, transportation, ¶ and administration. This reliance on information technology might ¶ prove to be America’s asymmetric Achilles’ heel. ¶ Cyber power, the employment of computer network attack and computer ¶ network exploitation, is a relatively inexpensive but potentially effective ¶ means by which an adversary might counter U.S. military power. And ¶ the potential for cyber power is not limited to use in a direct fight ¶ with America’s military. Military power is one facet of national power, ¶ which also includes the economy as well as political and national will. ¶ The United States as a whole – the government and civil sector – is ¶ dependent on cyberspace and information systems for many routine ¶ and daily functions. America’s highly networked society, using an Internet designed for open and easy information exchange, could be ¶ subject to cyber attack in 21st century cyber warfare.3¶ Since 1991, the People’s Republic of China has increasingly funded, ¶ developed, acquired, and fielded advanced cyber technology in its ¶ government, military and civil sectors. This is a holistic effort to build ¶ China’s political and economic power. It is also a deliberate attempt ¶ to develop a cyber warfare capability as an asymmetric means to fight ¶ and defeat the United States’ superior military power. The Chinese ¶ recognize that cyberspace can be a war fighting domain and that cyber ¶ power now ranks with land, sea, and air power in terms of military ¶ strength, victory or defeat.4¶ The People’s Liberation Army (PLA) is preparing for total cyber warfare. ¶ They are conducting cyberspace reconnaissance; creating the ability to ¶ do economic harm and damage critical infrastructure; preparing to ¶ disrupt communications and information systems necessary to support ¶ conventional armed conflict; and readying to conduct psychological ¶ operations to influence the will of the American people.5¶ The People’s ¶ Republic of China is one of the world’s leading cyber powers and is ¶ working steadily with the intent to develop the capacity to deter or ¶ defeat the United States fighting in and through cyberspace. Given ¶ these facts, how should the United States’ national security structure ¶ change to address the evolving strength of China in cyberspace? This ¶ paper examines the growth of Chinese cyber power; their known and ¶ demonstrated cyber capabilities; and how they might use cyber power ¶ in support of Chinese national security objectives. By comparing ¶ China’s cyber capacity and potential to the United States’ cyber security ¶ capabilities, this paper examines the degree to which China’s cyber ¶ power threatens American national security and then offers proposals ¶ to improve U.S. policy for cyber security and defense.

#### No war – China will maintain the squo.

Renic 12 [Neil, University of Queensland, ‘Rising China’: A Threat to International Security?, April 13, 2012 http://www.e-ir.info/2012/04/13/rising-china-a-threat-to-international-security/]

Despite alarmist claims to the contrary, the growth of China is unlikely to jeopardise the security of other regional states. When describing the rise of continental powers, Napoleon famously said, ‘the policies of such states are inherent in their geography’ (cited in Kaplan 2010: 23). This is certainly true regarding the rise of contemporary China. Whatever China’s true regional ambitions are, an observation of the East Asian alliance system indicates the improbability of a Chinese “Monroe Doctrine” in the near future. With direct economic and political contestation from both India and Japan, both key allies to the U.S. (Power 2006: 32), any attempt to supplant the U.S. as a regional hegemon, **seems increasingly unlikely.** Nye states that a more probable scenario for East Asia is one in which the U.S., Japan, Australia, India, and others, from a position of strength, engage China and incentivise it to engage more responsibly with the regional community. By again contrasting the rise of China with that of the Soviet Union, likely regional developments are better able to be ascertained. While the Soviet Union was believed to be a ‘highly revisionist state bent on radically overturning the status quo’ (Glaser 2011: 85), virtually **no evidence** suggests China shares these qualities. This highlights the reasonable probability of avoiding war within East Asia, as China continues to rise. Finally, the maintenance of the regional status quo seems increasingly likely, given the direct advantage to China of a significant U.S. naval presence in East Asia. Strategic analyst Khalid R. Al-Rodhan argues that the U.S. naval dominance of East Asia serves China strategically by providing security against terrorism and smuggling, maintaining the balance of power by preventing Japanese militarisation, and contributing to general stability (2007: 52). The fact that the U.S. East Asian naval presence allows China to better focus on domestic matters, strongly suggests that peace can be maintained regionally, as China continues to strengthen. Despite these positive developments, virtual unanimity can be found among those concerned with China’s rise, when focus is placed on the volatility that exists between China and Taiwan.

#### Norms already exist in international law – enough to restrict cyber escalation

Schmitt 13 Michael N Schmitt, Chairman of the International Law Department at the United States Naval War College, “Cyberspace and International Law: The Penumbral Mist of Uncertainty,” http://www.harvardlawreview.org/issues/126/march13/forum\_1000.php

It has become de rigueur to characterize cyberspace as a new dimension of warfare, one devoid of international law and subject to catastrophic abuse. In fact, malevolent states, cyberterrorists, or malicious hackers will likely exploit cyberspace to strike at global critical infrastructure and other essential cyberassets. The ensuing consequences of such operations could range from the disruption of government functions and economic loss to massive physical destruction and widespread death. The prominent place cyberspace occupied in the Director of National Intelligence’s 2013 worldwide threat assessment was therefore neither hype nor hyperbole.¶ History may help place the concerns regarding cyberoperations in perspective. The appearance of new weaponry has often been accompanied by assertions that such weapons exist beyond the reach of extant principles and rules of international law. In the last century, for instance, such claims arose with respect to, inter alia, machine guns, aircraft, submarines, and nuclear weapons. And in the last few months, controversy has erupted over autonomous weapon systems, following seemingly contradictory arguments from human rights quarters that they are both unlawful per se and should be banned by treaty.¶ Yet, cyberspace is not a lawless firmament. As with the aforementioned weapons, the established norms of the jus pacis, jus ad bellum, and jus in bello govern cyberweapons and their use. Although international law sporadically addresses specific weapons through arms control treaties or express prohibitions on their use, it typically controls them through general principles and rules applicable to all weapons. In the jus ad bellum context, for instance, the International Court of Justice (ICJ) has confirmed in the Nuclear Weapons advisory opinion that the U.N. Charter’s use of force provisions, all of which reflect customary law, apply “regardless of the weapons employed.” And the jus in bello’s customary and treaty law requirement of a legal review of new weapons makes no sense unless the weapons are subject to the preexisting rules of international humanitarian law. Accordingly, the full applicability of the existing international legal regime to cyberspace has been accepted by the U.S. government, as evidenced by former State Department Legal Adviser Harold Koh’s comments at the 2012 Cyber Command Legal Conference. The International Group of Experts who prepared the 2013 Tallinn Manual on the International Law Applicable to Cyber Warfare (Tallinn Manual) took an identical stance.¶ In fact, a thick web of international law norms suffuses cyberspace. These norms both outlaw many malevolent cyberoperations and allow states to mount robust responses. States have a sovereign right to exercise control over cyberinfrastructure and activities on their territory, as well as to protect them from harmful actions. In a principle confirmed in the first ICJ case, Corfu Channel, international law also obligates states to ensure that cyberinfrastructure on their territory is not used for acts that unlawfully affect other states. Most importantly, international law codified in the U.N. Charter’s Article 2(4) prohibits states from directly or indirectly using cyberforce against other states. This rule is the most fundamental legal prohibition governing international relations, one that is often characterized as jus cogens.

#### OR, Adversaries won’t comply with rules – too strategic and cheap to break

Baker 11 Stewart Baker is a former official at the U.S. Department of Homeland Security and the National Security Agency, 9/30/11, http://www.foreignpolicy.com/articles/2011/09/30/denial\_of\_service?page=0,0&page=full

American lawyers' attempts to limit the scope of cyberwar are just as certain to fail as FDR's limits on air war -- and perhaps more so.¶ It's true that half a century of limited war has taught U.S. soldiers to operate under strict restraints, in part because winning hearts and minds has been a higher priority than destroying the enemy's infrastructure. But it's unwise to put too much faith in the notion that this change is permanent. Those wars were limited because the stakes were limited, at least for the United States. Observing limits had a cost, but one the country could afford. In a way, that was true for the Luftwaffe, too, at least at the start. They were on offense, and winning, after all. But when the British struck Berlin, the cost was suddenly too high. Germans didn't want law and diplomatic restraint; they wanted retribution -- an eye for an eye. When cyberwar comes to America and citizens start to die for lack of power, gas, and money, it's likely that they'll want the same.¶ More likely, really, because Roosevelt's bargain was far stronger than any legal restraints we're likely to see on cyberwar. Roosevelt could count on a shared European horror at the aerial destruction of cities. The modern world has no such understanding -- indeed, no such shared horror -- regarding cyberwar. Quite the contrary. For some of America's potential adversaries, the idea that both sides in a conflict could lose their networked infrastructure holds no horror. For some, a conflict that reduces both countries to eating grass sounds like a contest they might be able to win.¶ What's more, cheating is easy and strategically profitable. America's compliance will be enforced by all those lawyers. Its adversaries' compliance will be enforced by, well, by no one. It will be difficult, if not impossible, to find a return address on their cyberattacks. They can ignore the rules and say -- hell, they are saying -- "We're not carrying out cyberattacks. We're victims too. Maybe you're the attacker. Or maybe it's Anonymous. Where's your proof?"¶ Even if all sides were genuinely committed to limiting cyberwar, as they were in 1939, history shows that it only takes a single error to break the legal limits forever. And error is inevitable. Bombs dropped by desperate pilots under fire go astray -- and so do cyberweapons. Stuxnet infected thousands of networks as it searched blindly for Iran's uranium-enrichment centrifuges. The infections lasted far longer than intended. Should we expect fewer errors from code drafted in the heat of battle and flung at hazard toward the enemy?¶ Of course not. But the lesson of all this for the lawyers and the diplomats is stark: Their effort to impose limits on cyberwar is almost certainly doomed.¶ No one can welcome this conclusion, at least not in the United States. The country has advantages in traditional war that it lacks in cyberwar. Americans are not used to the idea that launching even small wars on distant continents may cause death and suffering at home. That is what drives the lawyers -- they hope to maintain the old world. But they're being driven down a dead end.¶ If America wants to defend against the horrors of cyberwar, it needs first to face them, with the candor of a Stanley Baldwin. Then the country needs to charge its military strategists, not its lawyers, with constructing a cyberwar strategy for the world we live in, not the world we'd like to live in.¶ That strategy needs both an offense and a defense. The offense must be powerful enough to deter every adversary with something to lose in cyberspace, so it must include a way to identify attackers with certainty. The defense, too, must be realistic, making successful cyberattacks more difficult and less effective because resilience and redundancy has been built into U.S. infrastructure.¶ Once the United States has a strategy for winning a cyberwar, it can ask the lawyers for their thoughts. But it can't be done the other way around.

#### Single issues not key to soft power– perceptions change slowly.

Gray, International Politics at Reading, 11 [COLIN S. GRAY is Professor of International Poli- tics and Strategic Studies at the University of Reading, England. He worked at the International Institute for Strategic Studies (London), and at Hudson Institute (Croton-on-Hudson, NY) before founding the Na- tional Institute for Public Policy, a defense-oriented think tank in the Washington, DC, area. Dr. Gray served for 5 years in the Reagan administration on the President’s General Advisory Committee on Arms SSI Monograph HARD POWER AND SOFT POWER: THE UTILITY OF MILITARY FORCE AS AN INSTRUMENT OF POLICY IN THE 21ST CENTURY Colin S. Gray April 2011]

The error lies in the search for, and inevitable finding of, “golden keys” and “silver bullets” to resolve current versions of **en- during problems.** Soft-power salesmen have a potent product-mix to sell, but they fail to appreciate the real- ity that **American soft power is a product essentially unalterable over a short span of years.** As a country with a cultural or civilizational brand that is unique and mainly rooted in deep historical, geographical, and ideational roots, America is not at liberty to emu- late a major car manufacturer and advertise an exten- sive and varied model range of persuasive soft-power profiles. Of course, some elements of soft power can be emphasized purposefully in tailored word and deed. However, foreign perceptions of the United States are no more developed from a blank page than the American past can be retooled and fine-tuned for contemporary advantage. Frustrating though it may be, a country cannot easily escape legacies from its past.

#### No war – China won’t risk it all and no flashpoints.

Bremmer 10 [Ian, president of Eurasia Group and the author, most recently, of The End of the Free Market: Who Wins the War between States and Corporations?, Gathering Storm: America and China in 2020 July/August 2010 http://www.worldaffairsjournal.org/articles/2010-JulyAugust/full-Bremmer-JA-2010.html]

In addition, **Beijing has no incentive to** mount a global military **challenge** to **U.S. power**. China will one day possess a much more substantial military capacity than it has today, but its economy has **grown so quickly** over the past two decades, and its living standards improved so dramatically, that it is difficult to imagine the kind of catastrophic, game-changing event that would push Beijing to risk it all by posing the West a large-scale military challenge. It has **no incentive** to allow anything less than the most serious threat to its sovereignty to trigger a military conflict that might sever its expanding network of commercial ties with countries all over the world—and with the United States, the European Union, and Japan, in particular. The more familiar flash points are **especially unlikely** to spark a hot war: Beijing is well aware that no U.S. government will support a Taiwanese bid for independence, and China need not invade an island that it has largely co-opted already, via an offer to much of Taiwan’s business elite of privileged access to investment opportunities on the mainland.

in Figure 19

### Turf Wars

#### No impact to grid – Critical systems have sufficient backup power

Bruch 11 Michael Bruch, et al CRO Forum November 2011Power Blackout Risks

http://www thecroforum org/assets/files/publications/CRO-Position%20Paper%20-%20Power%20Blackout%20Risks- pdf

Most critical systems such as hospitals, first responder facilities, water and sewage systems and stock

exchanges have backup power generation in place However, these typically have only enough fuel for several

hours to a maximum of a few days

Immediately after a blackout, it is not possible to purchase any goods without cash as no electronic payment

is possible The 2003 blackout illustrated that after 3 to 6 hours without power most fuel stations and the

refineries had to close down, leaving the public without fuel for cars or backup generators as the pumps did

not operate Aluminium melting furnaces will already sustain irreversible physical damage after 4-5 hours without

electricity

Governments have typically, however, implemented emergency fuel storages to keep most critical facilities

alive for several weeks up to a month

#### Business are resilient – they can offset losses from grid; for example producing more after the blackout

Rose 7 Adam Z Rose, USC; Shu-Yi Liao, National Chung Hsing University; Gbadebo Oladosu, Oak Ridge National Laboratory,

*Risk Analysis, Vol 27, No 3, 2007* Business Interruption Impacts of a Terrorist Attack on the Electric Power System of Los Angeles:

Customer Resilience to a Total Blackout research create usc edu/cgi/viewcontent cgi?article=1022 papers

One of the major factors in evaluating the economic impacts of utility lifeline outages is resilience, or the ability of an individual, organization (e g , business), or institution (e g , market) to cushion itself against maximum losses (see, e g , Rose, 2004b; Rose & Liao, 2005) This is done by implementing various inherent or adaptive coping measures for adjustment or adjustments, rather than passively carrying out business as usual Some examples of resilient responses for dealing with electricity disruptions include:

 Conservation—utilizing less electricity per unit of output

 Fuel substitution—utilizing some other fuel

 Backup power—utilizing an alternative source of generation

 Production rescheduling—making up lost production at a later date

 Electricity importance—utilizing the portion of a business that has no need for electricity

 For the case of electricity disruptions, conservation is a limited option because of the all-or-nothing nature of the situation However, it does pertain to examples of operating an office (or even a factory with backup equipment) without the usual amount of heat or air-conditioning Fuel substitution can be implemented by using a standby boiler to generate heat Other input substitution involves using capital, labor, or materials instead of energy This is also relevant to households, as in the substitution of brawn for household appliances such as electric can openers While such examples might at first appear trivial, it is important to note the important role of households as consumers of this product In Los Angeles County in 2002, for example, households represented 33% of total demand for electricity Moreover, lost time or inconvenience for households does have a value and can be measured (see, e g , Rose & Oladosu, 2006) 9 Backup power refers to the use of on-site (decentralized) generation It includes both self-contained (often emergency) generators or dedicated small power plants The former are rather ubiquitous in L A County because of experiences with earthquakes and regulatory dislocations, while the latter are confined to large factories or institutions Production rescheduling is one of the most powerful options, even for an outage as long as two weeks, and is applicable to all sectors whose output is not time sensitive and who are not operating 24/7 at full capacity “Electricity importance” (ATC, 1991) is an adjustment for those aspects of production that do not require electricity (e g , crop growing and delivery services), and is thus a limited option for outages of short duration All of these factors are important in designing simulations for the regional economic impact of a major power outage caused by a terrorist attack

#### No nuclear meltdown – Redundant cooling backups solve

Davis 12

Will Davis, American Nuclear Society, 10/29/12, “Spent Fuel Pool at Oyster Creek,” <http://ansnuclearcafe.org/2012/10/29/spent-fuel-pool-at-oyster-creek/>

Oyster Creek, like all other operating U.S. nuclear plants, was built to design considerations (10 CFR 50 Appendix A) that set limits on design that includes the protection of spent fuel pool from events both man-made (operational) and natural. The plant has been designed to handle the full heat load of the spent fuel placed in the pool—even with a loss of offsite power. Spent fuel pool cooling has received greater attention since the Fukushima Daiichi accident; during that accident and for some time after, many had wrongly assumed and asserted that the spent fuel pools were in dire condition. In fact, some even claimed that Fukushima Daiichi Unit 4 was going to collapse and that the spent fuel was going to trigger a cataclysm. Those allegations were refuted at the time, multiple times, and have been proven false. Even though early post-Fukushima assumptions about spent fuel pools were overly unrealistic, the NRC has emphasized SFP cooling and level measurement as a part of its post-Fukushima action plan. Many experts and the Nuclear Energy Institute consider this approach sensible. NEI points out, however, via NEI Nuclear Notes that moving SFP actions to Tier 1 in no way implies that operating U.S. nuclear plants aren’t already safe. Read that post here. The Safety Evaluation Report related to license renewal of Oyster Creek at the NRC contains the following information about Oyster Creek’s spent fuel cooling system: The SFPCS (Spent Fuel Pool Cooling System) is designed for both normal and accident conditions of loss of offsite power coincident with a single active component failure. The augmented SFPCS is designed to provide a seismically qualified cooling loop capable of providing cooling during such conditions.

#### No meltdown impact – distinct from nuclear weapons.

Janesville 11 [Amy Koch, Katherine Conover and Jane Thompson Kayla Babler, Mark Brady, Alina Campanna, Hailey Hinze, Vinny Shadrick, Yoiser Mauleon, T. J. Patt Janesville Academy for International Studies Critical Issues Forum Nuclear Energy and Nuclear Weapons in the Middle East Benchmark I – Background March 7, 2011 <http://www.criticalissuesforum.org/PROJECTS2011/US_Janesville/benchmark_1.pdf>]

People fear another Chernobyl incident, since after a reactor melts down it stays in an area for many years and that radioactivity also remains. People also fear that the plant could explode like a bomb. Communities often don’t want to live by power plants because of these fears despite the inexpensive electricity, employment opportunities, and tax incentives. However, a Chernobyl type accident could not have happened outside of the Soviet Union. This is because they used a different type of reactor, that type of reactor was never built or operated here in America. The U.S. also has too many safety regulations and precautions guarding us from a nuclear meltdown. Also, it is impossible for a reactor to explode like a nuclear weapon. These weapons contain very special materials in very particular configurations and neither of which are present in a nuclear reactor (Webfield Development, 2011).

#### Forward deployment doesn’t solve conflict.

Fettweis, Political Science – Tulane, 10 [Christopher J., fifth year doctoral student in the University of Maryland's Department of Government and Politics. His primary interests include US foreign and national security policies. His dissertation, currently titled The Geopolitics of Energy and the Obsolescence of Major War, focuses on the relationship between oil and conflict. Mr. Fettweis has a BA in History from the University of Notre Dame, Threat and Anxiety in US Foreign Policy, April 2010 Survival, 52:2, 59 - 82]

One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is **no relation** between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible 'peace dividend' endangered both national and global security. 'No serious analyst of American military capabilities', argued neo-conservatives William Kristol and Robert Kagan in 1996, 'doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace'.30 And yet the verdict from the 1990s is fairly plain: the world grew **more peaceful** while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. **No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred** once the stabilis-ing presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

#### Military deployment doesn’t solve conflict.

Fettweis, Political Science – Tulane, 10 [Christopher J., fifth year doctoral student in the University of Maryland's Department of Government and Politics. His primary interests include US foreign and national security policies. His dissertation, currently titled The Geopolitics of Energy and the Obsolescence of Major War, focuses on the relationship between oil and conflict. Mr. Fettweis has a BA in History from the University of Notre Dame, Threat and Anxiety in US Foreign Policy, April 2010 Survival, 52:2, 59 - 82]

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# 2NC

#### HEG

### 1NC Economic Decline

#### Economic decline doesn’t cause war.

Jervis 11 [Robert, Adlai E. Stevenson Professor of International Politics in the Department of Political Science, and a Member of the Arnold A. Saltzman Institute of War and Peace Studies at Columbia University. Force in Our Times Saltzman Working Paper No. 15 July 2011 http://www.siwps.com/news.attachment/saltzmanworkingpaper15-842/SaltzmanWorkingPaper15.PDF]

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy, and bring back old-fashioned beggar-thy-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a pre-existing high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, **it will not make war thinkable.**

### 2NC – US Not Key

#### US not key to the world economy – it’s a shrinking share of global growth

Washington Post 4/2/09, http://www.washingtonpost.com/wp-dyn/content/article/2009/04/01/AR2009040102094.html

LONDON, April 1 -- On the eve of a global economic summit here, President Obama delivered an unusual warning Wednesday for an American leader: The "voracious" U.S. economy can no longer be the sole engine of global growth. The statement signaled a recognition of a new economic era with a less dominant U.S. role. Although Obama said the United States should not miss "an opportunity to lead" the way out of the crisis, he suggested he would not be the globe's financial decider. "I came here to listen," he said, "not to lecture." His message also amounted to a challenge to world leaders that highlights the core differences expected at Thursday's summit. As more than 20 heads of state write a plan to combat the crisis, major European powers are firmly resisting calls to further open their coffers and cut taxes to spur the global economy. Such resistance may not have mattered as much in the past. In previous downturns -- including the Asian crisis in the late 1990s -- the United States was by and large the driving force of global recoveries. But in the wake of the current crisis, Obama said, Washington will have to deal with "our long-term fiscal position" and the notoriously low consumer savings rates that for years drove Americans further into debt even as U.S. imports soared. This time, he said, the rest of the world cannot depend on the "United States being a voracious consumer market." "Those are all issues that we have to deal with internally, which means that if there's going to be renewed growth, it cannot just be the United States as the engine," he said during a news conference with British Prime Minister Gordon Brown. "Everybody is going to have to pick up the pace." The sense of a new economic order with the United States sharing the stage is hanging over this Group of 20 summit. In this relatively new forum, leaders of industrialized powers including the United States, Britain and Japan as well as emerging giants such as China, India and Brazil are grappling together for an answer to the global economic crisis. Nations will produce a communique Thursday with a list of carefully worded prescriptions, including the regulation of hedge funds and more rigorous standards for banks, a move to shed light on the secrecy of tax havens, new ways for regulators in different countries to coordinate their oversight and dramatically increased funding for the International Monetary Fund, according to a draft of the agreement. Obama noted that faulty financial regulations in Europe and elsewhere contributed to the crisis. But he did not try to deflect the blame directed at Washington and Wall Street, most vociferously by French President Nicolas Sarkozy, German Chancellor Angela Merkel and leaders from developing countries. "Given our prominence in the world financial system, it's natural that questions are asked -- some of them very legitimate -- about how we have participated in global financial markets," Obama said. It was a candid assessment of the limits to his influence here as he works with other leaders to clean up a mess that began at home, and where more spending in the United States cannot be the only answer. "We cannot rely on the U.S. being the global locomotive," said Willem H. Buiter, former member of the Bank of England monetary policy committee and a London School of Economics professor. "Those days are gone." In the 1980s global downturn, the U.S. economy accounted for about one-third of the world's economy, he noted. It now accounts for one-quarter. The U.S. government is also far more indebted than it was in the '80s.

#### No cyberwar - deterrence checks.

Bucci 9 [Steven P., Ph.D in IR, former Deputy Assistant Secretary of Defense, Homeland Defense and Americas' Security Affairs, The Confluence of Cyber Crime and Terrorism, Heritage Lecture #1123 June 12, 2009, http://www.heritage.org/research/nationalsecurity/hl1123.cfm]

This kind of large-scale attack can only come from a nation-state and obviously constitutes our most dangerous scenario. It is very fortunate that it is also not a very likely one. The reason is old-fashioned deterrence. In the same way our cyber and physical infrastructures make us vulnerable to this scenario, any attacking nation-state must have its own infrastructure capabilities to be able to execute it. Those cyber capabilities and kinetic forces used in the attack are also potential targets, as is the remainder of the attacker's critical infrastructure. Basically, it is unlikely that a nation-state would do this, because they also have much at stake. Deterrence, in the same way we have understood it for over 50 years, still applies to nation-states in all the ways it does not apply to terrorists, criminals, and other non-state actors. A large-scale cyber attack or cyber-enabled kinetic attack by a peer competitor on another country runs the risk of a large-scale response from the target or the target's allies and friends. While this will not dissuade every nation-state-backed cyber threat--the thousands of probes, minor attacks, and espionage actions prove that--it has continued and will continue to keep this type of nightmare scenario from moving into the "likely" category. Yes, we must prepare for it, but if this is the only thing we prepare for, we will have failed our countries.

#### International norms will inevitably be imposed onto cyberspace – natural behavior of states

Schmitt 13 Michael N Schmitt, Chairman of the International Law Department at the United States Naval War College, “Cyberspace and International Law: The Penumbral Mist of Uncertainty,” http://www.harvardlawreview.org/issues/126/march13/forum\_1000.php

These questions are but a sampling of the myriad issues with respect to which states may, and should, engage in normative policy choices. The opportunity to make such choices has been occasioned by the penumbra of uncertainty surrounding the international law applicable to cyberspace. It must be cautioned that the interpretive ambitions of states will inevitably be tempered by the reality of norm formation and maintenance. Indeed, interpretive endeavors seldom survive intact because international law, crafted as it is by states through treaty and practice, necessarily reflects the contemporary values of the international community. As these values evolve, so too will international law’s prevailing interpretations. For example, current understandings of the terms “use of force,” “armed attack,” and “attack,” which are based in part on the nature (as distinct from the severity) of an act’s consequences, are certain to prove wanting in tomorrow’s wired social construct. Moreover, outdated law will inexorably fall into desuetude as new law materializes in response to shifting values. Ultimately, the normative architecture governing cyberspace a decade from now will differ markedly from that which exists today.

### 2NC – China hacks now

#### Empirics prove

Spade 11 Jason M. Space, Colonel, US Army War College, “China’s Cyber Power and America’s National Security,” http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB424/docs/Cyber-072.pdf

China has repeatedly targeted the United States. In 2004, a CNE ¶ exfiltrated terabytes of data from Sandia Laboratories,25 the National ¶ Air and Space Administration, and several U.S. defense contractors. ¶ Code-named Titan Rain, this CNE routed the data through servers in ¶ South Korea, Hong Kong, and Taiwan before sending it to China.26¶ In August 2006, a CNE originating from China infiltrated computer ¶ systems belonging to Members of Congress and the House Foreign ¶ Affairs Committee. Congressman Frank Wolf (R-VA) maintains that ¶ “critical and sensitive information about U.S. foreign policy and the ¶ work of Congress” was exfiltrated.27 In October 2006, computer ¶ network attacks launched from Chinese servers forced the Commerce ¶ Department’s Bureau of Industry and Security (BIS) to block Internet ¶ access for over a month. BIS replaced hundred computers to expunge ¶ their network of all malicious code.28 Between 2007 and 2009, a CNE ¶ exfiltrated data on Lockheed Martin’s F-35 fighter program. Forensics ¶ found that the intruders searched for data on the plane’s design, ¶ performance statistics, and electronic systems. Investigators traced ¶ the CNE to Chinese Internet protocol addresses29 used in previous ¶ network intrusions.30

#### This is the largest proximal cause of genocide and interstate war

**Scheper-Hughes and Bourgois** (Prof of Anthropology @ Cal-Berkely; Prof of Anthropology @ UPenn) **4**

(Nancy and Philippe, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities. More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder. We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times. Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Waquant, Chapter 39), constitute the “small wars and invisible genocides” to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. These are “invisible” genocides not because they are secreted away or hidden from view, but quite the opposite. As Wittgenstein observed, the things that are hardest to perceive are those which are right before our eyes and therefore taken for granted. In this regard, Bourdieu’s partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of “normal” social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression, Similarly, Basaglia’s notion of “peacetime crimes” - crimini di pace - imagines a direct relationship between wartime and peacetime violence. Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematically and dramatically in the extreme context of war. Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on “illegal aliens” versus the US government- engineered genocide in 1938, known as the Cherokee “Trail of Tears.” Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal “stability” is purchased with the currency of peacetime crimes, many of which take the form of professionally applied “strangle-holds.” Everyday forms of state violence during peacetime make a certain kind of domestic “peace” possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, the undeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent? What can it possibly mean when incarceration becomes the “normative” socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). In the end it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive **hypervigilance to the less dramatic, permitted, and even rewarded everyday acts** of violence that **render participation in genocidal acts and policies possible** (under adverse political or economic conditions), perhaps more easily than we would like to recognize. Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonal- ization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response

#### This is a ideological ploy used to target and exclude portions of the world from the liberal order.

 Schmidt 08 (Dennis J. Schmidt Who Counts? On Democracy, Power, and the Incalculable Research in Phenomenology 38 (2008) 228–243)

In place of any possible sovereign power, today we find the final possible alternative to the present shape of power. What is left as such an alternative is the power of individuals who stand completely apart from sovereignty and the turnover of power. We call such individuals “terrorists”—those whose power is terrible, terrifying, and monstrous—simply because the form of the power they express is outside that which has no outside. What is left, what is expressed by such power, is the assertion of unreason and real powerlessness in the form of the individual.30 What is left is irrational, incalculable, inefficient, non- sense. Such is the only remaining outside of power, and so long as there are no alternatives, such explosive expressions of powerlessness will not cease. Efforts to step outside the static tyranny of the new form of power as it is figured by globalized technology will always have something of desperation about them, something of nihilism, since it is a form of power that will not turn itself over. When the locus of power is no longer able to be contested, when power has calcified and become total leaving no alternative political power, then simple violence, naked brutality, is all that remains as a means of contesting the established power. There has always been political brutality and unspeakable violence; our age did not invent terror and horror. But our age has witnessed an intensification of certain dimensions of violence, an intensification changing the landscape of every exercise of power and turning the attempt to contest power into violence of a new order: open, public spaces can now be dangerous, no one is considered innocent, children have become weapons as well as targets, strangers are threatening, the material shapes of everyday life— airplanes, envelopes, shoes—are turned back upon individuals as weapons. Sovereign nations are not attacked, individuals are attacked. In short, the old forms by which those in power were confronted and power was contested have taken a new form, namely the form of raw violence, and the reason for this is that the power in power is itself a fundamentally new form. Or, so Heidegger would argue.

#### The need for global bases is manufactured by irrational threat perceptions

Lutz (Research Professor at the Watson Institute for International Studies and Professor of Anthropology at Brown University) 9

(Catherine, US Bases and Empire: Global Perspectives on the Asia Pacific, The Asia-Pacific Journal, Vol. 12-3-09, March 16, 2009. http://old.japanfocus.org/-Catherine\_Lutz/3086)

Alongside their military and economic functions, bases have symbolic and psychological dimensions.  They are highly visible expressions of a nation’s will to status and power.  Strategic elites have built bases as a visible sign of the nation’s standing, much as they have constructed monuments and battleships. So, too, contemporary US politicians and the public have treated the number of their bases as indicators of the nation’s hyperstatus and hyperpower.  More darkly, **overseas military bases can also be seen as symptoms of irrational or untethered fears, even paranoia, as they are built with the long-term goal of taming a world perceived to be out of control**.  Empires frequently misperceive the world as rife with threats and themselves as objects of violent hostility from others.  Militaries’ interest in **organizational survival** has also contributed to the amplification of this fear and imperial basing structures as the solution as they “sell themselves” to their populace by exaggerating threats, underestimating the costs of basing and war itself, as well as understating the obstacles facing preemption and belligerence (Van Evera 2001).

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#### Turns the aff – speed is key to cyber deterrence.

Spade 11 Jason M. Space, Colonel, US Army War College, “China’s Cyber Power and America’s National Security,” http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB424/docs/Cyber-072.pdf

‘Hope’ is not a strategy for defense. Two years after the Cyberspace Policy ¶ Review, the government remains fragmented with federal agencies still negotiating over who is responsible and who has authority. Despite ¶ DHS and DOD collaboration and appointment of the Presidential ¶ Cybersecurity Coordinator,169 there is still no central authority for ¶ governmental or national cyber defense. In addition to DHS and ¶ DOD, the Office of Management and Budget – through its Federal ¶ Information Security Management Act (FISMA) oversight authority ¶ – and the Justice Department – with its cybercrime prevention and ¶ investigation duties – each have cyber security roles, capabilities, ¶ and authorities. Each federal department and agency retains its own ¶ networks, IT budgets, and authorities.170 Deputy Secretary of Defense ¶ Lynn states that, “Given the dominance of offense in cyberspace, U.S. ¶ defenses need to be dynamic. Milliseconds can make a difference, so the ¶ United States military must respond to attacks as they happen or even ¶ before they arrive.”171 But according to the Government Accountability ¶ Office, U.S. defenses are anything but ‘dynamic’: ¶ Federal agencies have not demonstrated an ability to coordinate ¶ their activities and project clear policies on a consistent basis. ¶ Multiple DOD officials stated that relationships among a small ¶ number of government officials – rather than a formal interagency ¶ mechanism – remain a primary means by which agencies avoid ¶ policy conflicts.172

#### War powers strong now

Posner, 13 (Eric, professor at the University of Chicago Law School, Obama Is Only Making His War Powers Mightier. http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever.¶ It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”¶ Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.¶ The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)¶ People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.¶ This approach also empowers the president relative to Congress by giving him the ability to embarrass members of Congress when he wants to. Just ask Hillary Clinton, whose vote in favor of the 2003 Iraq War damaged her chances against Barack Obama in 2008, and the Democratic senators who could not enter the 1992 campaign for the presidency because their votes against the 1991 Iraq War rendered them unelectable. The best thing for individual members of Congress is to be able to carp on the sidelines—to complain about not being consulted and to blame the president if the war goes badly. That is why David Axelrod said, “Congress is now the dog that caught the car.” This is hardball politics, not a rediscovery of legal values.¶ If Obama gains by spreading blame among Congress, why didn’t the president ask Congress for military authorization earlier, before he threatened Syria with a missile strike? The answer appears to be that the president expected international support for the invasion and believed that if other countries supported him, he would not need support in Congress. Only when the British poodle rediscovered its inner lion did he shift gears. Again, this has nothing to do with the law; it’s a matter of political prudence.

#### Obama’s been broadening war power authorities

New York Times 9/9

Charlie Savage, New York Times, 9/9/13, “In Syrian crisis, US President Barack Obama tests limits of power”, http://www.ndtv.com/article/world/in-syrian-crisis-us-president-barack-obama-tests-limits-of-power-416490 //jchen

But by the 2011 conflict in Libya he abandoned his campaign view of presidential war powers as too limited. While the NATO intervention was authorized for international law purposes by the Security Council, in domestic law Congress did not authorize Obama to participate. But Obama's Office of Legal Counsel argued that it was lawful for him to unilaterally order American forces to bomb Libya because of national interests in preserving regional stability and in supporting the "credibility and effectiveness" of the Security Council.

In recent weeks, administration lawyers decided that it was within Obama's constitutional authority to carry out a strike on Syria as well, even without permission from Congress or the Security Council, because of the "important national interests" of limiting regional instability and of enforcing the norm against using chemical weapons, Ruemmler said.

#### WPR in effect broadened authority

US News 8/30

Lauren Fox 8/30/13, US News, “The War Powers Act Is Pretty Unclear About Whether Congress Gets a Vote On Syria”, http://www.usnews.com/news/articles/2013/08/30/the-war-powers-act-is-pretty-unclear-about-whether-congress-gets-a-vote-on-syria //jchen

But many experts say members of Congress have it all wrong. They argue that the War Powers Resolution of 1973 clarifies the Constitution and actually gives the president broader authority to engage in "limited" military action overseas. In such circumstances, they say, Obama doesn't need to get formal authorization from Capitol Hill.

#### Perceived lack of resolve undermines conventional deterrence

Gerson 09

MICHAEL S. GERSON, research analyst at the Center for Naval Analyses, Policy Fellow with the ONE Campaign, a visiting fellow with the Center for Public Justice, and a former senior fellow at the Council on Foreign Relations,“Conventional Deterrence in the Second Nuclear Age”, Strategic Studies Institute, Autumn 2009 //jchen

The importance of the credibility of US conventional capabilities remains relevant. Future adversaries may discount conventional threats in the mistaken belief that they could circumvent US forces via a fait accompli strategy or otherwise withstand, overcome, or outmaneuver the United States on the conventional battlefield. But a singular focus on the capabilities part of the credibility equation misses the critical importance of an adversary’s judgment of US political resolve. In future conventional deterrence challenges, perceptions of US political willpower are likely to be as important for deterrence credibility as military capabilities.

One of the key challenges facing the United States in future conventional deterrence contingencies is the perception that American public and political leaders are highly sensitive to US combat casualties and civilian collateral damage.48 Regardless of the actual validity of this belief—and there is some evidence suggesting that the US public is willing to tolerate casualties if the conflict is viewed as legitimate or the public believes the United States has a reasonable chance of prevailing49—this view appears to be relatively widespread.50 If conventional deterrence is largely based on the threat to rapidly engage the opponent’s forces in combat, then the credibility of this threat depends on an opponent’s belief that the Unit- ed States is willing to accept the human and fiscal costs of conventional conflict. Consequently, perceptions of casualty sensitivity can undermine the credibility and potential success of conventional deterrence. A nation might be more inclined to attempt regional aggression if it believes that a sufficient US military response would be hindered or prevented by the political pressures associated with America’s alleged aversion to casualties.

### Syria

#### Syria didn’t affect presidential powers – he asserted unilateral authority

Goldsmith 8/31 [Jack Goldsmith is the Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. Before coming to Harvard, Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003. Professor Goldsmith is a member of the Hoover Institution Task Force on National Security and Law. Full bio » Obama’s Request to Congress Will Not Hamstring Future Presidents (Except for Some Humanitarian Interventions) By Jack Goldsmith Saturday, August 31, 2013 at 10:12 PM http://www.lawfareblog.com/2013/08/obamas-request-to-congress-will-not-hamstring-future-presidents-except-for-some-humanitarian-interventions/]

Peter Spiro at OJ, and David Rothkopf of FP whom he cites, both say that President Obama’s request for congressional authorization for Syria will allow Congress to hamstring future Presidents from using military force. Rothkopf exaggerates when he says that President Obama reversed “decades of precedent regarding the nature of presidential war powers” by going to Congress here, and Spiro exaggerates when he says that this is “a huge development with broad implications . . . for separation of powers.” What would have been unprecedented, and a huge development for separation of powers, is a unilateral strike in Syria. Seeking congressional authorization here in no way sets a precedent against President using force in national self-defense, or to protect U.S. persons or property, or even (as in Libya) to engage in humanitarian interventions (like Libya) with Security Council support. Moreover, the President and his subordinates have been implying for a while now that they will rely on Article II to use force without congressional authorization against extra-AUMF terrorist threats (and for all we know they already are). There is no reason to think that unilateral presidential military powers for national self-defense are in any way affected by the President’s decision today. That is as it should be.

#### Backing down Syria is irrelevant – perception of being handcuffed matters comparatively more.

McManus 9/11 [University of Wisconsin-Madison Ph.D candidate in political science Roseanne McManus. Threats and Credibility: How Obama’s Decision to Seek Congressional Authorization for Syria May Have Been a Game Changer, The Monkey Cage, http://themonkeycage.org/2013/09/11/threats-and-credibility-how-obamas-decision-to-seek-congressional-authorization-for-syria-may-have-been-a-game-changer/]

My research, available here, shows that factors related to the costs of backing down are rather poor predictors of whether statements of resolve will be effective at influencing the outcome of international disputes. Much better predictors are factors related to whether a leader has the observable ability to follow through on statements. While many theories tend to take a leader’s ability to follow through on statements for granted, I argue that there can be substantial risks and obstacles to following through, such as domestic actors who can block or forestall action (known in political science as veto players) or the danger of domestic backlash if a conflict goes poorly. Therefore, statements of resolve will only be effective if adversaries can observe that a leader has the ability to overcome these risks and obstacles. My statistical analysis shows that US presidential statements of resolve have a greater influence on dispute outcomes when the president has a greater ability to follow through on his statements due to a secure political position and/or hawkish domestic veto players.

#### Syria strengthened presidential war powers.

Balkin, 13 ( JACK M. BALKIN is Knight Professor of Constitutional Law and the First Amendment at Yale Law School, and the founder and director of Yale's Information Society Project, an interdisciplinary center that studies law and new information technologies. What Congressional Approval Won't Do: Trim Obama's Power or Make War Legal. http://www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/)

 One of the most misleading metaphors in the discussion of President Obama’s Syria policy is that the president has “boxed himself in” or has “painted himself into a corner.” These metaphors treat a president’s available actions as if they were physical spaces and limits on action as if they were physical walls. Such metaphors would make sense only if we also stipulated that Obama has the power to snap his fingers and create a door or window wherever he likes. The Syria crisis has not created a new precedent for limiting presidential power. To the contrary, it has offered multiple opportunities for increasing it.¶ If Congress says no to Obama, it will not significantly restrain future presidents from using military force. At best, it will preserve current understandings about presidential power. If Congress says yes, it may bestow significant new powers on future presidents -- and it will also commit the United States to violating international law. For Obama plans to violate the United Nations Charter, and he wants Congress to give him its blessing.¶ People who believe Obama has painted himself into a corner or boxed himself in might not remember that the president always has the option to ask Congress to authorize any military action he proposes, thus sharing the responsibility for decision if the enterprise goes sour. If Congress refuses, Obama can easily back away from any threats he has made against Syria, pointing to the fact that Congress would not go along. There is no corner. There is no box.

#### Limitations on presidential war powers reduces military intervention and upends the global system.

Spiro, 13 (Peter, Charles R. Weiner Professor of Law @ Temple University. Syria Insta-Symposium: Obama’s Constitutional Surrender?. http://opiniojuris.org/2013/08/31/syria-insta-symposium-obamas-constitutional-surrender/)

Over at Lawfare, Jack Goldsmith congratulates Obama for the move. Future presidents will not be so thankful, and maybe the rest of us shouldn’t be, either. Assuming a limited operation with no American casualties, Obama could have sweated the political heat just like he did during Libya. Through Democrat and Republican administrations presidents have for the most part used the power to initiate lesser uses of force in ways that served the national interest. American power would have been embarrassed by the requirement of congressional approval, which in many cases wouldn’t have been forthcoming.¶ The rest of the world can basically forget about the US going to military bat in these kinds of situations if congressional action is a precondition. This is a huge development with broad implications not just for separation of powers but for the global system generally.

#### Statutory limitations devastate presidential flexibility in a crisis.

Vermueule 6 [Adrian Vermeule, Professor of Law, Harvard Law School, 2006, “THE EMERGENCY CONSTITUTION IN THE POST-SEPTEMBER 11 WORLD ORDER: SELF-DEFEATING PROPOSALS: ACKERMAN ON EMERGENCY POWERS,” Fordham Law Review, Nov., pp.]

The reason for the failure of statutory frameworks is plain. When an emergency or war or crisis arises, the executive needs flexibility; because statutory limitations determined in advance **can only reduce flexibility**, and do so in a way that does not anticipate the particular requirements of a new emergency, no one has any ex post interest in insisting that these limitations be respected. Ackerman acknowledges the grim historical record but provides no valid reason for thinking that his framework statute – which more ambitious than the other ones - might fare differently.

#### Restrictions hurt presidential power.

Robbins 88 Patrick D. Robbins, law student The American University FALL, 1988 38 Am. U.L. Rev. 141 COMMENT: THE WAR POWERS RESOLUTION AFTER FIFTEEN YEARS: A REASSESSMENT. lexis

n185. On September 25, 1987, the President contended that any "ill-conceived" efforts by Congress to restrict his freedom of action "could have a disastrous effect for the U.S. commitment to the Persian Gulf." See 23 WEEKLY COMP. PRES. DOC. 1073 (1987). Stating that congressional interference would only achieve Iranian aims, the President promised to veto any restrictive legislation. Id.

### Link – Congress

#### Congressional action hamstrings flexibility.

Grimmett 12 [Richard F. Grimmett Specialist in International Security September 24, 2012 The War Powers Resolution: After Thirty-Eight Years http://www.fas.org/sgp/crs/natsec/R42699.pdf]

A contrary view is that the War Powers Resolution is an inappropriate instrument that restricts the President’s effectiveness in foreign policy and should be repealed.89 Those with this perspective believe that the basic premise of the War Powers Resolution is wrong because in it, Congress attempts excessive control of the deployment of U.S. military forces, encroaching on the responsibility of the President.90 Supporters of repeal contend that the President needs more flexibility in the conduct of foreign policy and that the time limitation in the War Powers Resolution is unconstitutional and impractical. Some holding this view contend that Congress has always had the power, through appropriations and general lawmaking, to inquire into, support, limit, or prohibit specific uses of U.S. Armed Forces if there is majority support. The War Powers Resolution does not fundamentally change this equation, it is argued, but it **complicates action, misleads military opponents, and diverts attention** from key policy questions.

#### Congressional involvement creates murky lines of authority – undermines warfighting.

Wall 12 [Andru, senior official – Alston & Bird, Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action, Harvard National Security Journal]

Congress’s failure to provide necessary interagency authorities and budget authorizations threatens our ability to prevent and wage warfare. Congress’s stubborn insistence that military and intelligence activities inhabit separate worlds casts a pall of illegitimacy over interagency support, as well as unconventional and cyber warfare. The U.S. military and intelligence agencies work together more closely than perhaps at any time in American history, yet Congressional oversight and statutory authorities sadly remain mired in an obsolete paradigm. After ten years of war, Congress still has not adopted critical recommendations made by the 9/11 Commission regarding congressional oversight of intelligence activities. Congress’s stovepiped oversight sows confusion over statutory authorities and causes Executive Branch attorneys to waste countless hours distinguishing distinct lines of authority and funding. Our military and intelligence operatives work tirelessly to coordinate, synchronize, and integrate their efforts; they deserve interagency authorities and Congressional oversight that encourages and supports such integration.

#### Congressional action revitalizes the WPR – that devastates global credibility and readiness.

Nichols 8/25 [Tom, Professor of National Security Affairs, Naval War College and Senior Associate of the Carnegie Council on Ethics and International Affairs, Repeal the War Powers Resolution Posted by Tom on Sunday, August 25, 2013 http://tomnichols.net/blog/2013/08/25/repeal-the-war-powers-resolution/]

The War Powers Resolution was a bad idea then, and it is a bad idea now. As satisfying as it might be in the short term to hobble the president, **both parties would** come to **regret the consequences** of such political combat, not least because it would shift greater responsibility for military action onto a Congress that in the long run may not want it — a point raised by then-Rep. Lee Hamilton and others during a failed 1995 effort to repeal the resolution. Worse, the War Powers Act is dangerous to our troops and to our national security. Imagine if it were ever taken seriously as an ongoing restriction on military action: A crisis arises, and the president responds by deploying U.S. forces, perhaps to support an ally or to enforce a United Nations resolution. The clock begins ticking, and after 60 days — or sooner, if Congress so directs — the president must recall U.S. troops. Thus, the resolution in effect tells any enemy that the best strategy against U.S. military force is to hunker down and wait out the 60-day period, in hopes that the resulting political fight in Washington will be messy enough to tear apart the nation and undermine Americans’ will to fight. It is folly to tell any potential enemy that he has 60 days to play one branch of the United States government off against another. Presidents answer to the American people and, in the most extreme instance, to the Senate during impeachment. These mechanisms do not need to be superseded by a contested law that invites the micromanagement of U.S. military operations by 535 additional commanders-in-chief. Legislators from both parties now have a rare opportunity to exercise statesmanship. They can declare that their differences might be deep and principled, but that our political system cannot be shaken during a military conflict. A bipartisan move to repeal the War Powers Resolution — and to protect the necessary ability of presidents to engage in military action now and in the future — would send a powerful message to dictators and terrorists who have always placed their hopes, however vainly, in a mistaken belief that democracies are too divided and too weak to stop them. The War Powers Resolution should be shelved, once and for all, as a danger not to any one president or party, but to the security of the United States.

### SOP

#### Just a da to the cp—if we don’t go for the cp it’s not offense.

Separation of powers inevitable – built into the American system.

Annapolis Institute 11 (Imperial Congress costs us a fortune. http://www.annapolisinstitute.net/library/commentaries/imperial-congress-costs-us-fortune)

Another theory is the idea of the Imperial Congress. Unlike Europe's parliamentary systems, where strong executives dominate legislatures through strong parties, the American system has weak parties, a weak executive and a strong Congress.¶ The Imperial Congress, when a majority of its members can agree, can pretty much run the show. We saw this in the mid-1970s when Congress passed a series of laws, including the Budget Impoundment Control Act and the War Powers Act, which further undermined the constitutional powers of the president.¶ Initially the Imperial Congress got its way in the recent so-called Budget Summit. It forced the President to back down on his campaign promise of no new taxes, abandon his campaign pledge to re-establish a growth-producing capital gains exemption, and give up his demand for Congressional budget reform.¶ After the President did his public mea culpas, the Budget Summiteers reached agreement, but the Congressional leaders who cut the deal couldn't make it stick. Other members of Congress, the backbenchers, rebelled against their own leaderships.¶ So here we are, back where we started before the Summit. The real problem is that we have a Congress that can't make a deal with itself.¶ As a result, we are seeing in the U.S. what we have seen in so many other nations: a political system that is sabotaging the economic system.¶ Perhaps deep cuts in government spending, as required by Gramm-Rudman-Holings if the President and Congress can't reach an agreement, would be better than a patched together package of tax increases.¶ At least it would give voters a clear choice on Nov. 6, between incumbents who sidestepped the tough choices and got us into this mess, and newcomers who may show some backbone. An election that counts for something. Perhaps we should give it a try.

#### No spillover- - congress will still maintain power over the president, even if they don’t enforce it.

#### No cyber war – deterrence.

Lewis 11 [Project Director James A. Lewis January 2011 a report of the csis commission on cybersecurity for the 44th presidency Cybersecurity Two Years Later Commission Cochairs Representative James R. Langevin Representative Michael T. McCaul Scott Charney Lt. General Harry Raduege, USAF (ret.) <http://csis.org/files/publication/110128_Lewis_CybersecurityTwoYearsLater_Web.pdf>]

However, we are not engaged in a cyber war. Short of armed conflict, nation-states are unlikely to launch cyber attacks against the United States. **The political risk is too high.** Just as with missiles and aircraft, countries can strike the United States using cyber attack, but they know this would trigger a violent if not devastating response. The risks are too high for frivolous engagement.

#### Cp functionally solves- - it still engages congress.

#### Fears of cyberapocalypse are threat inflation of the highest order.

Brito and Watkins 12 [Jerry, Senior Research Fellow, Mercatus Center at George Mason University and Tate, Research Associate, Mercatus Center at George Mason University. Loving the Cyber Bomb? The Dangers of Threat Inflation in Cybersecurity Policy, http://harvardnsj.org/wp-content/uploads/2012/01/Vol.-3\_Brito\_Watkins1.pdf]

Cybersecurity is an important policy issue, but the alarmist rhetoric coming out of Washington that focuses on worst-case scenarios is unhelpful and dangerous. Aspects of current cyber policy discourse parallel the run-up to the Iraq War and pose the same dangers. Pre-war threat inflation and conflation of threats led us into war on shaky evidence. By focusing on doomsday scenarios and conflating cyber threats, government officials threaten to legislate, regulate, or spend in the name of cybersecurity based largely on fear, misplaced rhetoric, conflated threats, and credulous reporting. The public should have access to classified evidence of cyber threats, and further examination of the risks posed by those threats, before sound policies can be proposed, let alone enacted.

2NC Perm – Do Both

Congressional interference devastates perceptions of Obama’s resolve – sends the signal to global rivals that we don’t have the political will for warfighting.

Newton 12 [Michael, Prof. of Law – Vanderbilt, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW•VOL. 45, Inadvertent Implications of the War Powers Resolution]

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as **the Achilles heel** of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to “seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression.”62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the “risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact.”63 In his letter to Congress “consistent with the War Powers Resolution,” the president reported that the strikes “were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities” and “were intended to prevent and deter additional attacks by a clearly identified terrorist threat.”64 The following day, in a radio address to the nation, the president explained his decision to take military action, stating, “Our goals were to disrupt bin Laden’s terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden’s network is associated, which was producing an ingredient essential for nerve gas.”65 Citing “compelling evidence that the bin Laden network was poised to strike at us again” and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes.66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.67 Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.68 Seeking to bolster legislative support and to better explain the strategic objectives, he explained that: It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability. They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon, and an important weight in the scales. To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment **can only weaken our effectiveness**. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure. An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand.69 Following the spectacularly successful terrorist attack on the Marine barracks in Beirut, President Reagan withdrew the Marines. Osama bin Laden later cited this as an example of American weakness that could not withstand the jihadist fury he sought.70 The legal battles over the scope and effect of the War Powers Resolution have highlighted the focus on national political will as the fulcrum of successful military operations by requiring assurances that military operations are limited in nature, duration, and scope, and therefore well within the president’s constitutional authority as Commander-in-Chief and chief executive. President Obama’s report to Congress in the context of the Libya operations in 2011 cited precedent from air strikes in Bosnia that took just over two weeks and involved more than 2,300 US sorties and the deployment of US forces in Somalia in 1992 and Haiti in 1993.71 The White House released a memorandum from the OLC, similar to previous interventions, explaining how the authorization to use such force was constitutional on the basis that “‘war’ within the meaning of the [Constitution’s] Declaration of War Clause” does not encompass all military engagements, but only those that are “prolonged and substantial . . . typically involving exposure of U.S. military personnel to significant risk over a substantial period.”72 President Obama consistently maintained that the US role in Libya was limited, unlikely to expose any US persons to attack (especially given the role of missiles and drones and the utter inability of Qaddafi’s forces to strike back with conventional means), and likely to end expeditiously.73 By that logic, it did not require authorization from Congress. The administration ultimately adopted a legal analysis that the US military’s activities fell short of “hostilities,” and thus, the president needed no permission from Congress to continue the mission after the expiration of the sixty-day reporting window specified in the War Powers Resolution.74 The president’s reasoning rested on previous OLC opinions that what counts as war depends on “a fact- specific assessment of the ‘anticipated nature, scope, and duration’ of the planned military operations.”75 Present justifications for bypassing the War Powers Resolution hinge on interpretations that it requires “prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period.”76 The OLC engaged in similar reasoning in the Bosnia intervention in 1995, explaining that in deciding whether the proposed deployment into Bosnia amounted to a “‘war’ in the constitutional sense, considerable weight was given to the consensual nature and protective purposes of the operation.”77 That deployment was similarly intended to be a limited mission but that mission, in contrast to the present one, was in support of an agreement that the warring parties had reached and it was at the invitation of the parties that led to the belief that little or no resistance to the deployment would occur. Though some scholars argued that the Libya OLC Memorandum defended its reasoning for why the operation did not amount to “war,” it did not address whether the administration believed that it will have to stop operations upon expiration of the sixty-ninety-day clock under the War Powers Resolution.78 The deadline passed with little fanfare. The memorandum also relied upon quite distinguishable precedent to serve as a guiding point in this intervention. Professor Goldsmith argued the opinion broke “new ground . . . in its extension of the ‘no war’ precedents beyond the Bosnia and Haiti situations—which involved consensual peacekeeping-like introductions of ground troops but no significant uses of force—to cover two weeks of non-consensual aerial bombardments.”79 Thus, even as it incentivizes short term, limited deployments, the War Powers Resolution embeds an inevitable constitutional collision between the coordinate branches. Our enemies can rely upon constitutional carping from Congress, and in fact can adapt tactics and statements that seek to undermine political will in the US Congress and among the American people from the first days of an operation. The Resolution helps to ensure that such debates over the national political will take center stage sooner rather than later, and an asymmetric enemy can in theory erode our political will even before it solidifies.

### Solvency

#### Cp fiats the president consult congress – means it’s the same level of engagement. No rollback – fiat durable.

#### **Congress and the courts ineffective in curtailing presidential war authority. – president enjoys institutional advantages.**

Howell and Pevehouse, 07 (Willam G. Howell, Prof @ U Chicago, Jon C. Pevehouse, Prof @ U Chicago. While Dangers Gather: Congressional Checks on Presidential War Powers. 7-8)

There is, at present, a burgeoning body of work within the American politics that documents the strategic advatnages presidents enjoy when they exercise unilateral powers, or what we have called “power without persuasion,” which very much much embodies the deployment of troops abroad. Two features of this unilateral politics literature are worth noting. The first concerns sequence. When presidents act unilaterally, they stand at the front end of the policy-making process and thereby place on congress and the courts the burden of revising a new political landscape. If adjoining branches of government choose not to retaliate, either bv passing a law or ruling against the president then the president's order stands. Only by taking (or credibly threatening to take) positive action can either adjoining institution limit the president's unilateral powers. "Members of congress often do confront presidents when their military order prove misguided or ill-informed. They do so, however, under less than circum-stances. For starters, when debating the merits of an ongoing military venture, members of congress are vulnerable to the accusation that they are undermining troop morale and catering to the enemy. As James Lindsay recognizes, members often avoid putting themselves in the politically and morally difficult position of allowing funds to be cut off to troops who may be fighting for their lives." BY way of example, recall Clinton's deployment of troops to Haiti in 1994. Before the action a majority of senators opposed the plan, but once troops were deployed, Congress-did not attempt to force their immediate return. One political commentator surmised, "There's bipartisan criticism of going into Haiti. There's also bipartisan support, at least, in supporting the troops now that they're there."15 Though members can, and do, take on the president during the ongoing course of a military venture, they do so under condi- tions that hardly foster open and critical debate.17 Instead, members pro- ceed cautiously ever aware of how their actions and words are likely to be interpreted by a public wary of any criticism directed at troops who have willingly placed their lives on the line. . Some military actions, meanwhile, are sufficiently limited in scope and duration that Congress has little if any opportunity to coordinate an ef- fective response, either before or during the actual intervention. In the spring of "1986 for instance, Reagan "consulted" with congressional party leaders on planned air strikes against Libya while U.S. planes were en route to Northern Africa. Obviously there was little that the members could do to curb these attacks. As one Democrat attending the meeting noted, what could we have done? . . . Told [the president] to turn the planes oround?"18 The military completed its bombing campaign long before members of Congress could possibly have enacted authorizing legislation. Though Congress might have passed legislation either supporting or condemning the president's action after the fact, its members could do precious little to redirect the course of this particular targeted military strike. By seizing the initiative and unilaterally deploying the military to perform short and small attacks, presidents often elude the checks that Congress might otherwise place on them. The second feature of unilateral powers that deserves attention is that when the president acts, he acts alone. Of course, he relies on numerous advisors to formulate the policy, to devise ways of protecting it against congressional or judicial encroachment, and to oversee its implementation. But to issue the actual policy, as either an executive order or memorandum or any other kind of directive, the president need not rally majorities, compromise with adversaries, or wait for some interest group to bring a case to court. The president, instead, can strike out on his own, placing on others the onus of coordinating an effective response. Doing so, the modern president is in a unique position to lead, break through the stasis that pervades the federal government, and impose his will in more and more areas of governance. In foreign policy making generally, and on issues involving the use of force in particular, this feature of unilateral powers reaps special rewards. If presidents had to build broad-based consensus behind every deployment before any military planning could be executed, most ventures would never get off the ground. Imagine having to explain to members of Congress why events in Liberia this month or Ethiopia the next demand military action, and then having to secure the formal consent of a supermajority before any action could be taken. The federal government could not possibly keep pace with an increasingly interdependent world in which every region holds strategic interests for the United States. Because presidents, as a practical matter, can unilaterally launch ventures into distant locales without ever having to guide a proposal through a circuitous and uncertain legislative process, they can more effectively manage these responsibilities and take action when congressional deliberations often result in gridlock. It is no wonder, then, that in virtually every system of governance, executives (not legislatures or courts) mobilize their nations through wars and for- eign crises. Ultimately, it is their ability to act unilaterally that enables them to do so. In sum, the advantages of unilateral action are significant: they allow the president to move first and move alone. All of the institutional features of Congress that impede consensus building around a military venture ex ante also make it equally if not more difficult, later, to dismantle an operation that is up and running' This is what makes the president's unilateral powers ,so potent. Multiple veto points, high transaction costs, and collective action problems regularly conspire against the president when he tries to guide his legislative agenda through Congress. Each, though, works to his advantage when he issue a unilateral directive, as each cripples Congress’s capacity to muster an effective response. To be sure, congressional checks on war powers do not disappear entirely – this book is based on the premise that under well specified conditions (see chapter 2) they remain operative. But in an era when presidents unilaterally deploy troops with greater and greater frequency, Congress often trips over the same institutional features that undermine its capacity to govern more generally.