# 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’s key to prevent a host of impacts

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.

## Politics

### 1NC Debt Ceiling DA

#### Obama’s pressuring the GOP by staying on the debt message – the GOP will blink.

Dovere 10/1 [Edward, Politico, “Government shutdown: President Obama holds the line”

http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3]

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### Going off message undermines Obama’s constant pressure on the GOP.

Milbank 9/27 [Dana, Washington Post, “Obama should pivot to Dubya’s playbook” Washington Post, http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9\_story.html]

If President Obama can stick to his guns, **he will win** his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by **simplifying his message and repeating it**, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be **President One Note**. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it **consistently.** The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. **If he retreats, he will embolden his opponents and demoralize his supporters.**

#### Failure to lift 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.

## Security K

#### 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].

#### The logic of security desires to manage an inherently chaotic world. Disorder and the unknown are identified as evil, producing hostility and conflict. Securing ourselves against ambiguity comes at the cost of all that makes life worthwhile

Der Derian 98 (James, Professor of International Studies at the Watson Institute for International Studies at Brown University “The Value of Security: Hobbes, Marx, Nietzsche, and Baudrillard”, On Security, CIAO)

The will to power, then, should not be confused with a Hobbesian perpetual desire for power. It can, in its negative form, produce a reactive and resentful longing for only power, leading, in Nietzsche's view, to a triumph of nihilism. But Nietzsche refers to a positive will to power, an active and affective force of becoming, from which values and meanings--including self-preservation--are produced which affirm life. Conventions of security act to suppress rather than confront the fears endemic to life, for ". . . life itself is essentially appropriation, injury, overpowering of what is alien and weaker; suppression, hardness, imposition of one's own forms, incorporation and at least, at its mildest, exploitation--but why should one always use those words in which slanderous intent has been imprinted for ages." 35 Elsewhere Nietzsche establishes the pervasiveness of agonism in life: "life is a consequence of war, society itself a means to war." 36 But the denial of this permanent condition, the effort to disguise it with a consensual rationality or to hide from it with a fictional sovereignty, are all effects of this suppression of fear.

The desire for security is manifested as a collective resentment of difference--that which is not us, not certain, not predictable. Complicit with a negative will to power is the fear-driven desire for protection from the unknown. Unlike the positive will to power, which produces an aesthetic affirmation of difference, the search for truth produces a truncated life which conforms to the rationally knowable, to the causally sustainable. In The Gay Science , Nietzsche asks of the reader: "Look, isn't our need for knowledge precisely this need for the familiar, the will to uncover everything strange, unusual, and questionable, something that no longer disturbs us? Is it not the instinct of fear that bids us to know? And is the jubilation of those who obtain knowledge not the jubilation over the restoration of a sense of security?" 37

The fear of the unknown and the desire for certainty combine to produce a domesticated life, in which causality and rationality become the highest sign of a sovereign self, the surest protection against contingent forces. The fear of fate assures a belief that everything reasonable is true, and everything true, reasonable. In short, the security imperative produces, and is sustained by, the strategies of knowledge which seek to explain it. Nietzsche elucidates the nature of this generative relationship in The Twilight of the Idols :

The causal instinct is thus conditional upon, and excited by, the feeling of fear. The "why?" shall, if at all possible, not give the cause for its own sake so much as for a particular kind of cause --a cause that is comforting, liberating and relieving. . . . That which is new and strange and has not been experienced before, is excluded as a cause. Thus one not only searches for some kind of explanation, to serve as a cause, but for a particularly selected and preferred kind of explanation--that which most quickly and frequently abolished the feeling of the strange, new and hitherto unexperienced: the most habitual explanations. 38

A safe life requires safe truths. The strange and the alien remain unexamined, the unknown becomes identified as evil, and evil provokes hostility--recycling the desire for security. The "influence of timidity," as Nietzsche puts it, creates a people who are willing to subordinate affirmative values to the "necessities" of security: "they fear change, transitoriness: this expresses a straitened soul, full of mistrust and evil experiences." 39

The unknowable which cannot be contained by force or explained by reason is relegated to the off-world. "Trust," the "good," and other common values come to rely upon an "artificial strength": "the feeling of security such as the Christian possesses; he feels strong in being able to trust, to be patient and composed: he owes this artificial strength to the illusion of being protected by a god." 40 For Nietzsche, of course, only a false sense of security can come from false gods: "Morality and religion belong altogether to the psychology of error : in every single case, cause and effect are confused; or truth is confused with the effects of believing something to be true; or a state of consciousness is confused with its causes." 41

Nietzsche's interpretation of the origins of religion can shed some light on this paradoxical origin and transvaluation of security. In The Genealogy of Morals , Nietzsche sees religion arising from a sense of fear and indebtedness to one's ancestors:

The conviction reigns that it is only through the sacrifices and accomplishments of the ancestors that the tribe exists --and that one has to pay them back with sacrifices and accomplishments: one thus recognizes a debt that constantly grows greater, since these forebears never cease, in their continued existence as powerful spirits, to accord the tribe new advantages and new strength. 42

Sacrifices, honors, obedience are given but it is never enough, for

The ancestors of the most powerful tribes are bound eventually to grow to monstrous dimensions through the imagination of growing fear and to recede into the darkness of the divinely uncanny and unimaginable: in the end the ancestor must necessarily be transfigured into a god . 43

As the ancestor's debt becomes embedded in institutions, the community takes on the role of creditor. Nietzsche mocks this originary, Hobbesian moment: to rely upon an "artificial strength": "the feeling

One lives in a community, one enjoys the advantages of communality (oh what advantages! we sometimes underrate them today), one dwells protected, cared for, in peace and trustfulness, without fear of certain injuries and hostile acts to which the ~~man~~ outside , the "~~man~~ without peace," is exposed . . . since one has bound and pledged oneself to the community precisely with a view to injury and hostile acts. 44

The establishment of the community is dependent upon, indeed it feeds upon, this fear of being left outside. As the castle wall is replaced by written treaty, however, and distant gods by temporal sovereigns, the martial skills and spiritual virtues of the noble warrior are slowly debased and dissimulated. The subject of the individual will to power becomes the object of a collective resentment. The result? The fear of the external other is transvalued into the "love of the neighbor" quoted in the opening of this section, and the perpetuation of community is assured through the internalization and legitimation of a fear that lost its original source long ago.

This powerful nexus of fear, of external and internal otherness, generates the values which uphold the security imperative. Indeed, Nietzsche locates the genealogy of even individual rights, such as freedom, in the calculus of maintaining security:

- My rights - are that part of my power which others not merely conceded me, but which they wish me to preserve. How do these others arrive at that? First: through their prudence and fear and caution: whether in that they expect something similar from us in return (protection of their rights); or in that they consider that a struggle with us would be perilous or to no purpose; or in that they see in any diminution of our force a disadvantage to themselves, since we would then be unsuited to forming an alliance with them in opposition to a hostile third power. Then : by donation and cession. 45

The point of Nietzsche's critical genealogy is to show that the perilous conditions that created the security imperative--and the western metaphysics that perpetuate it--have diminished if not disappeared; yet, the fear of life persists: "Our century denies this perilousness, and does so with a good conscience: and yet it continues to drag along with it the old habits of Christian security, Christian enjoyment, recreation and evaluation." 46 Nietzsche's worry is that the collective reaction against older, more primal fears has created an even worse danger: the tyranny of the herd, the lowering of ~~man~~, the apathy of the last ~~man~~ which controls through conformity and rules through passivity. The security of the sovereign, rational self and state comes at the cost of ambiguity, uncertainty, paradox--all that makes a free life worthwhile. Nietzsche's lament for this lost life is captured at the end of Daybreak in a series of rhetorical questions:

Of future virtues--How comes it that the more comprehensible the world has grown the more solemnities of every kind have decreased? Is it that fear was so much the basic element of that reverence which overcame us in the presence of everything unknown and mysterious and taught us to fall down before the incomprehensible and plead for mercy? And has the world not lost some of its charm for us because we have grown less fearful? With the diminution of our fearfulness has our own dignity and solemnity, our own fearsomeness , not also diminished? 47

It is of course in Nietzsche's lament, in his deepest pessimism for the last ~~man~~, that one finds the celebration of the overman as both symptom and harbinger of a more free-spirited yet fearsome age. Dismissive of utopian engineering, Nietzsche never suggests how he would restructure society; he looks forward only so far as to sight the emergence of "new philosophers" (such as himself?) who would restore a reverence for fear and reevaluate the security imperative. Nietzsche does, however, go back to a pre-Christian, pre-Socratic era to find the exemplars for a new kind of security. In The Genealogy of Morals , he holds up Pericles as an example, for lauding the Athenians for their "rhathymia "--a term that incorporates the notion of "indifference to and contempt for security." 48

It is perhaps too much to expect Nietzsche's message to resonate in late modern times, to expect, at the very time when conditions seem most uncertain and unpredictable, that people would treat fear as a stimulus for improvement rather than cause for retrenchment. Yet Nietzsche would clearly see these as opportune times, when fear could be willfully asserted as a force for the affirmation of difference, rather than canalized into a cautious identity constructed from the calculation of risks and benefits.

#### The alternative is to do nothing – this is a policy of resistance that changes the very concept of policymaking.

#### Security Logic is a form of future prediction that always fails. This orientation prescripts a violent engagement with others.

Mcquillan 08 (Martin Mcquillan, Professor of Literary Theory and Cultural Analysis and Dean of the Faculty of Arts and Social Sciences at Kingston University, London, Derrida and Policy: Is Deconstruction Really a Social Science? Derrida Today)

One might think that Derrida's invocation of International Law in his later writings would represent an example of a concrete relation between his writing and something that could take the manner of a policy formulation. In fact, while Derrida speaks eloquently of the need for International Law and demonstrates its philosophical genealogy, he actually does very little by way of elaborating what such a law might look like. Once again we return to the insurmountable difficulty of deconstruction's refusal to programme or pre-empt the arrival of an unknowable future. In fact, looked at in these terms, policy-making would seem to have a distinct relation to fortune telling, divination and other such modes of predicting the future. Future-ologists are of course a specialist sub-branch of policy-makers. In the context of university administration, I have never written a 'forward-looking strategic plan' that did not have to be rewritten six months later due to unforeseen circumstances. Derrida's discussion of International Law in the early 1990s was certainly prescient, given the way in which International Law has moved from the margins of legal specialism to become the locus of global politics through the development of the International Criminal Court, the test cases of 'universal jurisdiction', the demands of globalisation and the obfuscations of the war on terror. However, the question of International Law in Derrida remains to be determined according to a double braid of reading: firstly, the deconstruction of the inherited western model of law and ethics which prevails in the discourse on the international, humanitarian and cosmopolitical; secondly, a responsible philosophical response to singular events as they arrive in the present calling for an exercise of public, critical reason. In other words, the deconstruction of International Law will proceed on a provisional and strategic basis. International Law is, of course, only an example for Derrida of a wider mutation in the conditions of sovereignty in the world today. This account of sovereignty is in turn part of a more general undoing of the logocentric schema, in Derrida, which points out that sovereignty as such is always already decentred by its inability to master the unconditionality of the other which it seeks to suppress, thus rendering the sovereign no longer sovereign. For example, the unconditionality of literature makes it both powerless in the sovereign public realm of techno-media-politics and simultaneously the one thing that this sovereignty cannot master, thus demonstrating the impotence of sovereignty and the all-powerful powerlessness of unconditionality. This is a scenario that can be moved around the tropes of the Derridean corpus in so far as it describes the familiar strategies of and resistances to phallogocentrism in a more general sense. Policy without conditions or a policy of unconditionality would seem to be no policy at all, or at least nothing policy-makers would recognise as policy in its proper sense. After all a policy without limits or purpose would be policy without utility and would be of no use to anyone, except as a policy of resistance.

Here is the rub, the moment that one begins to attempt a thought experiment of this kind one runs into immediate and insurmountable difficulties, not because deconstruction has nothing to say to politics or that deconstruction is a weak ontology, parasitical on the strong discourse of political culture but because if one were to take seriously (if not literally) what Derrida has to say about the disarticulation of the inherited metaphysical models of the political, it quickly becomes apparent that a new politics does not require that 'deconstruction' (if such a thing exists) be translated into a number of thematic policy choices but that the entire political model which rests upon policy as an enactable idea be subject to complete and irreversible displacement. Policy-making as it stands is untenable from a deconstructive point of view because political culture as such is untenable. The unconditionality and infinite responsibility of deconstruction, does not mean simply that we should make better policy (or that we should make better policy, simply) but that in doing so the entire apparatus of western political culture be removed and rethought in an unpredictable and emerging future. The frustration that many feel with deconstruction's reading of the political lies in this refusal to provide 'concrete policies'. However, it is this refusal to decide on the undecideable in advance which is the whole point of deconstruction. It is the promise of deconstruction. This is not the same thing as opposition politicians saying they could not say what their expenditure plans would be until they were in government and saw the state of the accounts (that is just a lie for political expediency and such people always have well developed plans for what they would do). The promise of deconstruction would be that in encountering the other, justice ought to be done, even if the progressive structure of the promise relied on the necessary, in principle, ability for promises to be broken or to fail. The politics of deconstruction can then only ever follow the dual strategy we saw above: the critical reading of the western inheritance and the disarticulation of the event as it arrives in the present. In this sense, deconstruction cannot be a political science because it has no means of securing the predictive force necessary to a science. Rather, deconstruction is that which puts all and every such prediction in doubt. As Bismarck remarked, politics is not a science it is an art. Elsewhere, he is said to have noted that it was the art of the possible. As Derek Attridge has put it, for Derrida, it is the art of the impossible (Attridge 2007). It is, nevertheless, an art and as such is on the side of the unconditional rather than the sovereign.

## CP

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

#### XO incorporation into covert action regime solves – adds Congressional oversight, creates momentum for future presidents and legislation

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.

### Oversight

#### 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.

#### Cyber arms races are inevitable – norms are ineffective.

Lin 12, Herbert Lin, Chief Scientist, Computer Science and Telecommunications Board, National

Research Council (NRC) of the National Academies, *Bulletin of the Atomic Scientists* September/October 2012 vol. 68 no. 5 75-87

Could arms control work in cyberspace? The answer to that question is different for different aspects of arms control and not generally definitive.¶ Consider first the possibility of an arms control agreement to restrict research and development on offensive capabilities in cyberspace or deployment of those capabilities. Such an agreement is likely to be infeasible for a number of fundamental reasons.¶ For kinetic weapons, operational capability is primarily a function of numbers. After all, 100 tanks provide more capability than three tanks. In contrast, operational capability for cyberweapons is more a function of technical insight and sophistication—that is, of research and development. The number of CD-ROMs containing a cyberweapon implemented as software or the number of lines of code constituting that software is clearly not a measure of cyber-operational capability. More meaningful might be the number of vulnerabilities present in an adversary’s key software systems, but the only way to increase that number is to do the research necessary to discover them. Furthermore, research and development for cyberweapons can be undertaken clandestinely in test laboratories quite easily shielded from prying eyes in the sky— indeed undertaken in unremarkable office buildings indistinguishable from commercial establishments. Because they can be hidden in plain sight, they are notoriously hard to detect.¶ Also, offensive cyber capabilities have legitimate uses, and offensive tools are routinely developed and deployed by both military and civilian entities. For example, one of the most powerful ways of identifying cyber vulnerabilities in an information technology facility is to subject it to penetration testing. Indeed, authorized operators of information technology facilities are usually encouraged to do their own penetration testing for this very purpose. How could an arms control treaty distinguish between offensive capabilities developed for cyberattack from those used to shore up defenses against cyberattack?¶ Verification looms large as a challenge to any such agreement, as well. No conceivable inspection regime could verify the non-possession of cyberweapons to any reasonable degree of confidence. Because the human and technical infrastructure needed to conduct even large-scale cyberattacks would be much smaller than that needed to conduct cyberdefense on a large scale, such an infrastructure could be easily hidden and also largely indistinguishable with respect to the signatures of other routine IT development and operations.

#### Cyberprolif decreases violence

Keck 13 (Zachary, Contributor, The Diplomat, 9/22/13, http://thediplomat.com/flashpoints-blog/2013/09/22/cyber-war-why-more-may-be-better/

Starting from this definition, Rid notes that none of the cyber attacks the world has witnessed have killed any human being and therefore cyber war is currently a “metaphor” rather than a reality. And Rid is skeptical that in the future cyber attacks by themselves will kill individuals in any instrumental way that aims to achieve a political objective. Thus, shutting down the generators at a hospital may result in some deaths, but killing a few sick people is unlikely to be decisive in a major war. After all, strategic bombings have killed hundreds of thousands of people but have rarely been decisive in determining the outcome of a major war.¶ After largely dismissing cyber war, Rid turns to what the increasingly frequent politically motivated cyber attacks actually are. It’s here that his argument starts to draw some parallels to Waltz’s views on the spread of nuclear weapons.¶ “All past and present political cyber attacks,” Rid writes, “are sophisticated versions of three activities that are as old as human conflict itself: sabotage, espionage and subversion.” Thus, the U.S. and Israel tried to sabotage Iran’s nuclear program by inserting Stuxnet into its enrichment facilities, in the same way that U.S. intelligence agents have covertly sold suspected proliferators faulty nuclear technology that stifled their progress, or that Israel sabotaged Syria and Iraq’s nuclear programs by bombing their nuclear plants.¶ With regards to espionage, China’s hacker teams have broken into U.S. defense and civilians companies’ networks to steal technology, just as the Chinese government has tried to gain access to military and civilian technology from other countries using other means such as reverse engineering, the use of moles or inserting clauses in business contracts.¶ Urban youth in the Arab world, on the other hand, have used new communication technologies to mobilize large groups of people to subvert the political order in their country, just as Grand Ayatollah Ruhollah Khomeini spent years building up a political network of Iranian clerics and radicals, and then tapped into Shi’a mourning traditions to organize large protests to depose of the Shah. Thus, while the technology itself is new, and the ways it is being utilized are innovative, the purposes for its use are not new in the slightest.¶ But this doesn’t mean that cyber technology has not altered the nature of sabotage, espionage and subversion in important ways. Indeed, in what Rid terms a “computer-enabled assault on violence itself,” cyber-sabotage, espionage and subversion, he contends, “help to diminish rather than accentuate political violence.”¶ For example, to sabotage Iran’s nuclear enrichment plant in a pre-cyber world, the U.S. and Israel might have turned to bombing the Natanz nuclear facility. This would have led to physical destruction of the site itself, and also the deaths or injuries of at least the facility's occupants, if not other civilians caught in the crosshairs. Iranian air defense systems might have shot down some of the aircraft used to mount the assault, resulting in further loss of life. Thus, just as Waltz believed the spread of nuclear weapons would result in greater peace, Rid argues that the use of what is commonly called cyber war will result in less, not more, violence.

#### No escalation – Lawson concedes in the ununderlined portion that their impact is “far fetched”.

#### No cyberwar – doesn’t accomplish strategic objective and risks are too high

Libicki 9 Martin Libicki, Adjunct Professor at the Georgetown University Center for Security Studies, “CYBERDETERRENCE¶ AND CYBERWAR,” http://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND\_MG877.pdf

No one knows how destructive any one strategic cyberwar attack ¶ would be. Estimates of the damage from today’s cyberattacks within ¶ the United States range from hundreds of billions of dollars to just a ¶ few billion dollars per year.¶ The higher dollar figures suggest that cyberattacks on enemy civilian infrastructures—strategic cyberwar—may be rationalized as a way ¶ to assist military efforts or as a way to coerce the other side to yield to ¶ prevent further suffering. But can strategic cyberwar induce political ¶ compliance the way, say, strategic airpower would? Airpower tends to ¶ succeed when societies are convinced that matters will only get worse. ¶ With cyberattacks, the opposite is more likely. As systems are attacked, ¶ vulnerabilities are revealed and repaired or routed around. As systems ¶ become more hardened, societies become less vulnerable and are likely ¶ to become more, rather than less, resistant to further coercion.¶ Those who would attempt strategic cyberwar also have to worry ¶ about escalation to violence, even strategic violence. War termination ¶ is also not trivial: With attribution so difficult and with capable third ¶ parties abounding (see below), will it be clear when one side has stopped ¶ attacking another?

#### 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.

#### 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.

### CyberWarfare

#### They do not have a piece of solvency evidence – none of their cards talk about Congressional oversight of OCOs. Their plan doesn’t solve the NSA scandal because it doesn’t actually limit government activity.

#### The feds can still recruit hackers -- their author

Peterson 13 Why a former NSA chief just made a big mistake by dissing hackers

By Andrea Peterson, Published: August 7 at 2:58 pm http://www.washingtonpost.com/blogs/the-switch/wp/2013/08/07/why-a-former-nsa-chief-just-made-a-big-mistake-by-dissing-hackers/

Still, federal agencies won't be completely shut out of this summer's hacker pilgrimages. Def Con has since clarified that no one will be explicitly banned from attending, and that feds could still join in a non-official capacity. Ford confirmed that Black Hat still plans on welcoming the feds—including its keynote speaker, NSA chief Alexander—to this year's conference. ¶ "Black Hat strives to cultivate interaction, innovation, and partnership within that security ecosystem—we bring offense and defense together, private and public," Ford said. "I'm personally excited about still having the feds at the show. Black Hat should be the place for this conversation to take place—it's hard to have that conversation without them present."

#### Alt Causes – their authors:

#### a) Private sector demand and budget cuts

Hayes 13

Seeking Hackers: The Military Aims to Recruit More Cyber Soldiers¶ The U.S. Cyber Command looks to add 4,000 cyber soldiers to boost its cyber-warfare efforts.¶ PATRICK HAYES¶ posted February 6, 2013 http://www.fedtechmagazine.com/article/2013/02/seeking-hackers-military-aims-recruit-more-cyber-soldiers

There are, however, some practical concerns with these cyber-warfare endeavors: Recent Department of Defense budget cuts could make it difficult to hire a host of new personnel.¶ Moreover, demand for employees with cyber-defense skills is at an all-time high as officials in every segment of the economy scramble to find candidates who can defend against hackers.

#### b) The government being dicks

Peterson 13

Why a former NSA chief just made a big mistake by dissing hackers

By Andrea Peterson, Published: August 7 at 2:58 pm http://www.washingtonpost.com/blogs/the-switch/wp/2013/08/07/why-a-former-nsa-chief-just-made-a-big-mistake-by-dissing-hackers/

Former NSA and CIA chief Gen. Michael Hayden speculated on Tuesday that hackers and transparency groups would turn to cyberterror attacks if the United States captured NSA leaker Edward Snowden. He went on to dismiss Snowden supporters as "nihilists, anarchists, activists, Lulzsec, Anonymous, twenty-somethings who haven't talked to the opposite sex in five or six years."¶ That probably wasn't the smartest thing to say because the government desperately needs hackers. And usually, when you desperately need someone, implying that they're sex-starved, basement-dwelling, would-be terrorists isn't a good idea.

#### DHS only protects civilian assets – zero solvency

Chen 13 Thomas Chen is a professor in the College of Engineering at Swansea University, Swansea, United Kingdom, “AN ASSESSMENT OF THE¶ DEPARTMENT OF DEFENSE STRATEGY¶ FOR OPERATING IN CYBERSPACE,” September 2013, http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1170

The current division of government responsibilities for protecting cyberspace is less than ideal. Broadly speaking, the DoD is responsible for defending the military networks (nominally against cyber warfare), while DHS is responsible for defending civilian government networks (against cybercrime). DHS also helps critical infrastructure owners with cyber security. At the same time, the arguably best defense capabilities reside in the DoD. It is not clear which government agency has the lead for cyber security, which would respond to a given cyber attack, and how DoD could help in the defense of civilian networks. Ideally, government agencies would work together seamlessly, but the 2009 Cyberspace Policy Review noted a lack of coherent policy guidance clarifying “authorities, roles, and responsibilities for cyber security-related activities across the Federal government” due to an incoherent “patchwork of Constitutional, domestic, foreign, and international laws.”43

#### No cyberattacks.

Valeriano and Maness 12 (Brandon Valeriano, Senior Lecturer in Politics and Global Security at University of Glasgow, and Ryan Maness, Lecturer in International Relations at University of Illinois at Chicago, 11/21/12, http://www.foreignaffairs.com/articles/138443/brandon-valeriano-and-ryan-maness/the-fog-of-cyberwar

To be sure, cyberterrorism is still a danger. This is a development that will be more difficult to deter. However, fear of a lone cyberterrorist -- like the recent Bond villain in Skyfall who is capable of bringing a government to its knees -- is unfounded. To be effective, cyberwarfare requires substantial infrastructure, money, and ground operatives. Because these resources are hard to come by, most cyberattacks launched by rogue individuals are trivial or personal. For example, in 2011 the hacker group Anonymous attacked and shut down the PlayStation network in response to a lawsuit against programmers who modified the software. The network was down for weeks, but aside from creating some disgruntled gamers, the attack left no real damage.¶ In short, this seldom-used tactic will not change foreign policy calculations anytime soon. Cyberwarfare poses a threat only if it is grossly overused or mismanaged, or if it diverts resources toward a mythical fear and away from real threats.

#### Cyber war isn’t an existential threat

Keck 13 (Zachary, Contributor, The Diplomat, 9/22/13, http://thediplomat.com/flashpoints-blog/2013/09/22/cyber-war-why-more-may-be-better/

Starting from this definition, Rid notes that none of the cyber attacks the world has witnessed have killed any human being and therefore cyber war is currently a “metaphor” rather than a reality. And Rid is skeptical that in the future cyber attacks by themselves will kill individuals in any instrumental way that aims to achieve a political objective. Thus, shutting down the generators at a hospital may result in some deaths, but killing a few sick people is unlikely to be decisive in a major war. After all, strategic bombings have killed hundreds of thousands of people but have rarely been decisive in determining the outcome of a major war.¶ After largely dismissing cyber war, Rid turns to what the increasingly frequent politically motivated cyber attacks actually are. It’s here that his argument starts to draw some parallels to Waltz’s views on the spread of nuclear weapons.¶ “All past and present political cyber attacks,” Rid writes, “are sophisticated versions of three activities that are as old as human conflict itself: sabotage, espionage and subversion.” Thus, the U.S. and Israel tried to sabotage Iran’s nuclear program by inserting Stuxnet into its enrichment facilities, in the same way that U.S. intelligence agents have covertly sold suspected proliferators faulty nuclear technology that stifled their progress, or that Israel sabotaged Syria and Iraq’s nuclear programs by bombing their nuclear plants.¶ With regards to espionage, China’s hacker teams have broken into U.S. defense and civilians companies’ networks to steal technology, just as the Chinese government has tried to gain access to military and civilian technology from other countries using other means such as reverse engineering, the use of moles or inserting clauses in business contracts.¶ Urban youth in the Arab world, on the other hand, have used new communication technologies to mobilize large groups of people to subvert the political order in their country, just as Grand Ayatollah Ruhollah Khomeini spent years building up a political network of Iranian clerics and radicals, and then tapped into Shi’a mourning traditions to organize large protests to depose of the Shah. Thus, while the technology itself is new, and the ways it is being utilized are innovative, the purposes for its use are not new in the slightest.¶ But this doesn’t mean that cyber technology has not altered the nature of sabotage, espionage and subversion in important ways. Indeed, in what Rid terms a “computer-enabled assault on violence itself,” cyber-sabotage, espionage and subversion, he contends, “help to diminish rather than accentuate political violence.”¶ For example, to sabotage Iran’s nuclear enrichment plant in a pre-cyber world, the U.S. and Israel might have turned to bombing the Natanz nuclear facility. This would have led to physical destruction of the site itself, and also the deaths or injuries of at least the facility's occupants, if not other civilians caught in the crosshairs. Iranian air defense systems might have shot down some of the aircraft used to mount the assault, resulting in further loss of life. Thus, just as Waltz believed the spread of nuclear weapons would result in greater peace, Rid argues that the use of what is commonly called cyber war will result in less, not more, violence.

#### Doesn’t collapse the economy – countries will inevitable steal patents from each other. Their evidence only cites one official. It’s not conclusive that wartzel will convince the president to take protectionist action in response to

#### Non unique – Anderson concedes Japan has already stolen industrial secrets.

#### 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

#### 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.¶

#### 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.

#### View aff ev with skepticism – product of the cyber-industrial complex.

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]

Security risks to private and government networks from criminals and malicious state actors are no doubt real and pressing. However, the rhetoric of “cyber doom” 2 employed by proponents of increased federal intervention in cybersecurity implies an almost existential threat that requires instant and immense action. Yet these proponents lack clear evidence of such doomsday threats that can be verified by the public. As a result, the United States may be witnessing a bout of threat inflation similar to that seen in the run-up to the Iraq War. Additionally, a cyber-industrial complex is emerging, much like the military-industrial complex of the Cold War. This complex may serve not only to supply cybersecurity solutions to the federal government, but to drum up demand for those solutions as well.

#### 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]

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#### Focus on ‘policy relevance’ is intellectual fascism – it’s self-justifying and crowds out true academic scholarship

Jones 9 [Lee, lecturer in International. Relations at Queen Mary University, London, International Relations Scholarship and the Tyranny of Policy Relevance JOURNAL OF CRITICAL GLOBALISATION STUDIES Journal of Critical Globalisation Studies, Issue 1 (2009) http://criticalglobalisation.com/Issue%201/125\_131\_JCGS1\_JONES\_TYRANNYPOLICYRELEVANCE.pdf]

Having conceded where Nye has a point, let’s now consider the ways in which he may simply be wrong. His assumption is that the academic should be, needs to be, policy-relevant. As indicated above, this can be a very pernicious assumption. As an invitation to academics to contribute to discussions about the direction of society and policy, no one could reasonably object: those who wished to contribute could do so, while others could be left to investigate topics of perhaps dubious immediate ‘relevance’ that nonetheless enrich human understanding and thus contribute to the accumulation of knowledge and general social progress (and, quite probably, to those scholars’ research communities and their students). As an imperative, however, it creates all sorts of **distortions** that are **injurious to academic freedom**. It encourages academics to study certain things, in certain ways, with certain outcomes and certain ways of disseminating one’s findings. This ‘encouragement’ is more or less **coercive**, backed as it is by the allure of large research grants which advance one’s institution and personal career, versus the threat of a fate as an entirely marginal scholar incapable of attracting research funding – a nowadays a standard criteria for academic employment and promotion. Furthermore, those funding ‘policy-relevant’ research already have **predefined notions** of what is ‘relevant’. This means both that academics risk being **drawn into policy-based evidence-making**, rather than its much-vaunted opposite, and that academics will tend to be selected by the policy world based on whether they will reflect, endorse and **legitimise the** overall **interests and ideologies that underpin the prevailing order.** Consider the examples Nye gives as leading examples of policy-relevant scholars: Henry Kissinger and Zbigniew Brzezinski, both of whom served as National Security Advisers (under Nixon and Carter respectively), while Kissinger also went on to become Secretary of State (under Nixon and Ford). Kissinger, as is now widely known, is a war criminal who does not travel very much outside the USA for fear of being arrested à la General Pinochet (Hitchens, 2001). Brzezinski has not yet been subject to the same scrutiny and even popped up to advise Obama recently, but can hardly be regarded as a particularly progressive individual. Under his watch, after Vietnam overthrew the genocidal Khmer Rouge in 1978, Washington sent tens of millions of dollars to help them regroup and rearm on Thai soil as a proxy force against Hanoi (Peou, 2000, p. 143). Clearly, a rejection of US imperialism was not part of whatever Kissinger and Brzezinski added to the policy mix. In addition to them, Nye says that of the top twenty-five most influential scholars as identified by a recent survey, only three have served in policy circles (Jordan et al, 2009). This apparently referred to himself (ranked sixth), Samuel Huntington (eighth), and John Ikenberry (twenty-fourth).2 Huntington, despite his reputation for iconoclasm, never strayed far from reflecting elite concerns and prejudices (Jones, 2009). Nye and Ikenberry, despite their more ‘liberal’ credentials, have built their careers around the project of institutionalising, preserving and extending American hegemony. This concern in Nye’s work spans from After Hegemony (1984), his book co-authored with Robert Keohane (rated first most influential), which explicitly sought to maintain US power through institutional means, through cheer-leading post-Cold War US hegemony in Bound to Lead (1990), to his exhortations for Washington to regain its battered post-Iraq standing in Soft Power: The Means to Succeed in International Politics (2004). Ikenberry, who was a State Department advisor in 2003-04, has a very similar trajectory. He only criticised the Bush administration’s ‘imperial ambition’ on the pragmatic grounds that empire was not attainable, not that it was undesirable, and he is currently engaged in a Nye-esque project proposing ways to bolster the US-led ‘liberal’ order. These scholars’ commitment to the continued ‘benign’ dominance of US values, capital and power overrides any superficial dissimilarities occasioned by their personal ‘conservative’ or ‘liberal’ predilections. It is this that qualifies them to act as **advisers to the modern-day ‘prince’; genuinely critical voices are unlikely to ever hear the call to serve.** The idea of, say, Noam Chomsky as Assistant Secretary of State is simply absurd. At stake here is the fundamental distinction between ‘problem-solving’ and ‘critical’ theory, which Robert Cox introduced in a famous article in 1981. Cox argued that theory, despite being presented as a neutral analytical tool, was ‘always for someone and for some purpose’. Problem-solving theories ultimately endorsed the prevailing system by generating suggestions as to how the system could be run more smoothly. Critical theories, by contrast, seek to explain why the system exists in the first place and what could be done to transform it. What unifies Nye, Ikenberry Huntington, Brzezinski and Kissinger (along with the majority of IR scholars) is their problem-solving approach. Naturally, policy-makers want academics to be problemsolvers, since policies seek precisely to – well, solve problems. But this does not necessarily mean that this should be the function of the academy. Indeed, the tyranny of ‘policy relevance’ achieves its most destructive form when it becomes so dominant that it **imperils the space** the academy is supposed to provide to allow scholars to think about the foundations of prevailing orders in a **critical**, even hostile, **fashion**. Taking clear inspiration from Marx, Cox produced pathbreaking work showing how different social orders, corresponding to different modes of production, generated different world orders, and looked for contradictions within the existing orders to see how the world might be changing.1 Marxist theories of world order are unlikely to be seen as very ‘policy relevant’ by capitalist elites (despite the fact that, where Marxist theory is good, it is not only ‘critical’ but also potentially ‘problem-solving’, a possibility that Cox overlooked). Does this mean that such inquiry should be replaced by government-funded policy wonkery? Absolutely not, especially when we consider the horrors that entails. At one recent conference, for instance, a Kings College London team which had won a gargantuan sum of money from the government to study civil contingency plans in the event of terrorist attacks presented their ‘research outputs’. They suggested a raft of measures to securitise everyday life, including developing clearly sign-posted escape routes from London to enable citizens to flee the capital. There are always plenty of academics who are willing to turn their hand to repressive, official agendas. There are some who produce fine problem-solving work who ought to disseminate their ideas much more widely, beyond the narrow confines of academia. There are far fewer who are genuinely critical. The political economy of research funding combines with the tyranny of ‘policy relevance’ to **entrench a hierarchy topped by tame academics.** ‘Policy relevance’, then, is a double-edged sword. No one would wish to describe their work as ‘irrelevant’, so the key question, as always, is ‘relevant to whom?’ Relevance to one’s research community, students, and so on, ought to be more than enough justification for academic freedom, provided that scholars shoulder their responsibilities to teach and to communicate their subjects to society at large, and thus repay something to the society that supports them. But beyond that, we also need to fully respect work that will never be ‘policy-relevant’, because it refuses to swallow fashionable concerns or toe the line on government agendas. Truly critical voices are worth more to the progress of human civilisation than ten thousand Deputy Undersecretaries of State for Security Assistance, Science, and Technology.

#### This narrative of evil makes preemptive war inevitable

Zizek 5 (Slavoj, Senior Researcher @ University of Ljubjana, "Give Iranian Nukes a Chance" <http://www.lacan.com/zizekiranian.htm> //Rufus)

But are nuclear arms in the hands of Iran's rulers really a threat to international peace and security? To answer the question properly, one has to locate it in its political and ideological context. Every power structure has to rely on an underlying implicit threat, i.e. whatever the oficial democratic rules and legal constraints may be, we can ultimately do whatever we want to you. In the 20th century, however, the nature of this link between power and the invisible threat that sustains it changed. Existing power structures no longer relied on their own fantasmatic projection of a potential, invisible threat in order to secure the hold over their subjects. Rather, the threat was externalized, displaced onto an Outside Enemy. It became the invisible (and, for that reason, all-powerful and omni-present) threat of this enemy that legitimized the existing power structure's permanent state of emergency. Fascists invoked the threat of the Jewish conspiracy, Stalinists the threat of the class enemy, Americans the threat of Communism-all the way up to today's "war on terror." The threats posed by such an invisible enemy legitimizes the logic of the preemptive strike. Precisely because the threat is virtual, one cannot afford to wait for it to come. Rather, one must strike in advance, before it is too late. In other words, the omni-present invisible threat of Terror legitimizes the all too visible protective measures of defense-which, of course, are what pose the true threat to democracy and human rights (e.g., the London police's recent execution of the innocent Brazilian electrician, Jean Charles de Menezes). Classic power functioned as a threat that operated precisely by never actualizing itself, by always remaining a threatening gesture. Such functioning reached its climax in the Cold War, when the threat of mutual nuclear destruction had to remain a threat. With the "war on terror", the invisible threat causes the incessant actualization, not of the threat itself, but, of the measures against the threat. The nuclear strike had to remain the threat of a strike, while the threat of the terrorist strike triggers the endless series of preemptive strikes against potential terrorists. We are thus passing from the logic of MAD (Mutually Assured Destruction) to a logic in which ONE SOLE MADMAN runs the entire show and is allowed to enact its paranoia. The power that presents itself as always being under threat, living in mortal danger, and thus merely defending itself, is the most dangerous kind of power-the very model of the Nietzschean ressentiment and moralistic hypocrisy. And indeed, it was Nietzsche himself who, more than a century ago, in Daybreak, provided the best analysis of the false moral premises of today's "war on terror": No government admits any more that it keeps an army to satisfy occasionally the desire for conquest. Rather, the army is supposed to serve for defense, and one invokes the morality that approves of self-defense. But this implies one's own morality and the neighbor's immorality; for the neighbor must be thought of as eager to attack and conquer if our state must think of means of self-defense. Moreover, the reasons we give for requiring an army imply that our neighbor, who denies the desire for conquest just as much as our own state, and who, for his part, also keeps an army only for reasons of self-defense, is a hypocrite and a cunning criminal who would like nothing better than to overpower a harmless and awkward victim without any fight. Thus all states are now ranged against each other: they presuppose their neighbor's bad disposition and their own good disposition. This presupposition, however, is inhumane, as bad as war and worse. At bottom, indeed, it is itself the challenge and the cause of wars, because as I have said, it attributes immorality to the neighbor and thus provokes a hostile disposition and act. We must abjure the doctrine of the army as a means of self-defense just as completely as the desire for conquests. Is not the ongoing "war on terror" proof that "terror" is the antagonistic Other of democracy-the point at which democracy's plural options turn into a singular antagonism? Or, as we so often hear, "In the face of the terrorist threat, we must all come together and forget our petty differences." More pointedly, the difference between the "war on terror" with previous 20th century worldwide struggles such as the Cold War is that the enemy used to be clearly identified with the actually existing Communist empire, whereas today the terrorist threat is inherently spectral, without a visible center. It is a little bit like the description of Linda Fiorentino's character in The Last Seduction: "Most people have a dark side ... she had nothing else." Most regimes have a dark oppressive spectral side ... the terrorist threat has nothing else. The paradoxical result of this spectralization of the enemy is an unexpected reflexive reversal. In this world without a clearly identified enemy, it is the United States, the protector against the threat, that is emerging as the main enemy-much like in Agatha Christie's Murder on the Orient-Express, where, since the entire group of suspects is the murderer, the victim himself (an evil millionaire) turns out to be the real criminal

#### Security logic suffers from serial policy failure – this creates an endless politics of war

Dillon and Reed 09 (IR professor @ Lancaster University; Lecturer @ King’s College London, “The Liberal Way of Killing: Killing to Make Live”)

There is, third, the additional critical attribute of contingency. It is this feature which does not merely add governing through contingency to the political rationalities and governmental technologies of contemporary liberal rule. It lends its own distinctive infection to them; one which has had a profound impact on the nature of liberal rule and war in relation, especially, to its current hyperbolicization of security and its newly problematized and proliferating accounts of dangers, threats and enemies. For if the biopolitical imperative is that of making life live, the martial expression of that imperative, the drive to liberal war, is preparedness to make war on the enemies of life. The biopoltiical imperative to make life live finds its expression today, however in making life live the emergency of its emergence; for that is what species life is now said to be. The liberal way of rule and war has thus become the preparedness to make war on whatever threatens life’s capacity to live the emergency of its emergence. For allied to the radical contingency of species existence is an account of species existence as a life of continuous complex adaptation and emergence. From the perspective of security and war, in particular, such a pluripotent life, characterized by its continuously unfolding potential, is a life that is continuously becoming-dangerous to itself, and to other life forms. Such danger is not merely actual; because life itself, here has become not merely actual. The emphasis in the problematization of danger which accompanies such a politics of life itself therefore also shifts dramatically from the actual to the virtual. Only this explains the astonishing degree to which the historically secure lives of the Atlantic basin have come to construe themselves, politically, as radically endangered by as many unknown as there are unknowable dangers; a point regularly and frankly admitted, officially, from terror to health mandarins, nationally and internationally. Many have observed that the societies of the Atlantic basin are now increasingly ruled by fear; that there is a politics of fear. But they interpret this politics of fear in political naïve ways, as the outcome of deliberate machination by political and economic elites. They may well be correct to some degree. But what is perfectly evident, also, is that the elites themselves are governed by the very grid of intelligibility furnished by the account of life as an emergency of emergence. It is not simply a matter, therefore, of leaders playing on fears. The leadership itself is in the grip of a conjugation of government and rule whose very generative principle of formation is permanent emergency. In other words, fear is no longer simply an affect open to regular manipulation by leadership cadres. It is, but it is not only that, and not even most importantly that. More importantly (because this is not a condition that can be resolved simply by ‘throwing the rascals out’) in the permanent emergency of emergence, fear becomes a generative principle of formation for rule. The emergency of emergence therefore poses a found crisis in western understandings of the political, and in the hopes and expectations invested in political as opposed to other forms of life. Given the wealth and given the vast military preponderance in weapons of mass destruction and other forms of global deployed military capabilities of the societies of the Atlantic basin, notably, of course, the United States, this poses a world crisis as well. In short, then, this complex adaptive emergent life exists in the permanent state of emergence. Its politics of security and war, which is to say its very foundational politics of rule as well, now revolve around this state of emergency. Here, that in virtue of which a ‘we’ comes to belong together, its very generative principle of formation (our shorthand definition of politics), has become this emergency. What happens, we also therefore ask of the biopoliticization of rule, when emergency becomes the generative principle of formation of community and rule? Our answer has already been given. Politics becomes subject to the urgent and compelling political economy, the logistical and technical dynamics, of war. No longer a ‘we’ in virtue of abiding by commonly agreed rules of government, it becomes a ‘we’ formed by abiding by commonly agreed rules of government, it becomes a ‘we’ formed by the rule of the emergency itself; and that is where the political crisis, the crisis of the political itself is that a ‘we’ can belong together not only in terms of agreeing to abide by the rule of its generative principles of formation but also by the willingness to keep the nature of operation of those generative principles of formation under common deliberative scrutiny. **You cannot, however, debate emergency. You can only interrogate the futile demand it makes on you,** and all the episteme challenges it poses, acceding to those demands according both to how well you can come to know them, and how well you have also adapted you affects to suffering them, or perish. The very exigencies of emergency thus militate profoundly against the promise of ‘politics’ as it has been commonly understood in the western tradition; not simply as a matter of rule, but as a matter of self-rule in which it was possible to debate the nature of the self in terms of the good for and of the self. Note, also, how much the very idea of the self has disappeared from view in this conflation of life with species life. The only intelligence, the only self-knowledge, the only culture which qualifies in the permanence of this emergency is the utilitarian and instrumental technologies said to be necessary to endure it. We have been here before in the western tradition and we have experienced the challenges of this condition as tyranny (Arendt 1968). The emergency of emergence, the generative principle of formation, the referential matrix of contemporary biopolitics globally, is a newly formed, pervasive and insidiously complex, soft totalitarian regime of power relations made all the more difficult to contest precisely because, governing through the contingent emergency of emergence, it is a governing through the transactional freedoms of contingency

### XO

#### Single issues don’t spill over.

Jacques 10 [Jeremiah, The Trumpet, 2/12/10, Will the deteriorating relationship be repaired?, http://www.thetrumpet.com/index.php?q=6979.5481.0.0]

U.S.-China relations are eroding. Beijing has severely criticized the Obama administration’s upcoming arms deal with Taiwan, and is demanding that President Obama cancel his planned meeting with the Dalai Lama. In the wake of recent disputes over **climate** change, **currency manipulation, human rights, Internet surveillance and trade**, these criticisms contribute to an increasing trend of defiance from China toward the United States. But pundits from the West maintain that Beijing and Washington are **too economically entwined for China to pull free** from the U.S.

#### Economy trumps.

Bremmer 10 [Ian, president of Eurasia Group and author of “The End of the Free Market” (Portfolio), published in May, China vs America: fight of the century 22 March 2010 Issue 169, http://www.prospectmagazine.co.uk/2010/03/china-vs-america-fight-of-the-century/]

So how should America respond? The country’s cold war experience offers a useful strategy. The stalemate imposed by “mutually assured destruction” that prevented the US-Soviet conflict from igniting created a sense of stability. Today, the US and China are **locked** in a new form of “**mutually assured economic destruction**,” a dependence that **can force some degree of co-operation** even as political, economic and security disputes simmer. America still needs China to help finance its debt. For the moment, China needs access to US consumers to keep unemployment in check and for continuing foreign investment. Even if the Chinese economy becomes more driven by domestic demand, consumers will still want access to foreign-made products. The two sides will be doing business **for decades to come.**

### Solves – Cyber Ops

#### Solves accountability – sets a precedent for proactive reporting and transparency with Congress

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

Some scholars have proposed a contrary view. On this view, the speed ¶ with which cyberspace events can play out makes it important for the legislative role to be clearly established via statutory reform in advance of any ¶ cyberattack by the United States.157 Thus, proposals for extensive legislative ¶ intervention would help ensure Congress’s appropriate role in deciding ¶ whether or not to go to war.158 The notion of congressional participation is ¶ well in line with the view of shared constitutional war powers articulated ¶ earlier in this Note.159 Moreover, congressional participation comports with ¶ an ideal of government decisionmaking where the branch most immediately ¶ accountable to voters has been given a chance to express its view. Discussing the covert action regime, Stephen Dycus, professor of law at Vermont ¶ Law School, expresses concern that only the smaller group of intelligence ¶ committee leaders and the leaders of each House will be informed, and that ¶ in general the reporting requirements do not ensure that Congress will obtain the information it needs to play a meaningful role in the discussion.160¶ Additionally, there are concerns regarding the traditional military activities ¶ exception to the reporting requirements in the covert action statute.161 Specifically, the worry is that the military might classify clandestine ¶ cyberwarfare activities as “operational preparation of the environment” and ¶ thereby skirt the reporting requirements, being accountable instead to the ¶ congressional armed services committees—which could create confusion.162¶ Dycus’s proposed legislative reforms include designating particular congressional committees to receive reports, forming a lead federal agency for ¶ cybersecurity, banning automated offensive responsive to a cyberattack, and ¶ crafting procedures to aid private networks that come under attack.16 However, this position is flawed because it dismisses the covert action ¶ statute as wholly inadequate to protecting the value of congressional participation, and gives short shrift to the non-warlike dimensions of many cyberattacks. The worry that motivates some of the proposals seems to ignore the many examples of cyberattacks—such as manipulation of ¶ electronic ballots in a foreign election or disseminating false information ¶ through foreign networks to affect media reports—that, outside normal contexts, could not plausibly fall under the military activities exception. ¶ Moreover, they underestimate the potential power of a presumption by the ¶ executive in favor of the covert action regime. ¶ An executive order establishing such a presumptive posture of reporting ¶ could go a long way toward bringing Congress into the process. First, an ¶ order establishing written findings and congressional reporting as the default ¶ rule could cause momentum to settle around title 50 procedures for initiating cyberattacks.164 Also, one scholar has argued that the most effective way ¶ to ensure congressional notification might not be changing the actual rules ¶ of who is to be notified and when, but rather implementing changes that ¶ encourage the executive branch to comply with existing requirements.

### A2 Perm – Do the CP

#### Do the counterplan severs out of the plan’s statutory mechanism –

#### 1. “The” means all parts of the USFG.

Merriam Webster http://www.merriam-webster.com/dictionary/the

—used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

#### 2. “Statutory restrictions” require congressional action. EOs are extra-statutory.

Allen 86 William H. Allen, Member of the District of Columbia Bar. Virginia Law Review MARCH, 1986 72 Va. L. Rev. 235 ARTICLE: THE DURABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. lexis

Finally, executive orders in the last three administrations have imposed across-the-board extra-statutory restrictions on major rulemaking by executive agencies. These orders have supplied some of the guidance for major rulemaking thought to be lacking in section 553. The Ford Administration required that an inflationary impact statement accompany all "major legislative proposals, regulations, and rules" promulgated by executive branch agencies. n87 The Carter Administrations's comparable program required a preliminary regulatory analysis when major rules were proposed and a final regulatory analysis when such rules were promulgated. n88 The regulatory analysis was similar to the Ford inflation impact statement but did not require an explicit cost/benefit analysis. [\*252] Finally, the Reagan Administration imposed an even more comprehensive set of requirements. Its executive order calls for a preliminary regulatory impact analysis for major rules when proposed and a final regulatory impact analysis for such rules when promulgated. The order requires major rules to satisfy a cost/benefit standard if permitted by the agency's governing statute, and it empowers the Office of Management and Budget to review major rules before they are issued. n89

Severance is a voting issue – key to preserve clash and stable negative preparation.

### Statute Fails

#### Statute’s meaningless – the executive will just reinterpret the plan to suit him

Lederman 9 [Gordon, National Security Reform for the Twenty-first Century: A New National Security Act and Reflections on Legislation’s Role in Organizational Change, headed the Project on National Security Reform’s Legal Working Group from 2007 to 2009. Currently a Congressional staffer, he served on the staff of the National Commission on Terrorist Attacks upon the United States (the “9/11 Commission”) from May 2003 to July 2004. This article is based on an address delivered to the National Security Law Section at the Association of American Law Schools’ annual meeting in 2009. JOURNAL OF NATIONAL SECURITY LAW &POLICY [Vol. 3:363 2009] LEGISLATION’S ROLE IN ORGANIZATIONAL CHANGE 367]

Legislative language often is a ball shot into the pinball game of the executive branch. It is not always clear or under Congress’s control how statutory language will be interpreted by executive branch actors. Vague language can be molded, interpreted within a cultural context, misinterpreted, and manipulated for bureaucratic ends. Legislative drafters must be focused on how departments will interpret statutory text in practice and must be aware of the conventions that have developed regarding particular language.

#### 2. President will disregard prohibitions or find another justification.

Goldsmith 9/3 [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 » It is Hard to Write an AUMF http://www.lawfareblog.com/2013/09/it-is-hard-to-write-an-aumf/]

First, Congress needs to pay attention to the distinction between an authorization and a prohibition. Authorizing strikes for sixty days, and only for sixty days, will not by itself prohibit the President from using force beyond sixty days. The reason: the President thinks he has independent, inherent Article II authority to engage in the strikes. If Congress wants to limit the President, it must do so through authorizations combined with prohibitions. The President can in theory **disregard a prohibition** as a violation of his Commander in Chief power. But in this context, where the constitutional arguments for inherent power are already weak, the arguments for an exclusive presidential power are much weaker yet (and the political costs of defying a congressional restriction in this context would be enormous). Second, limiting the purposes of the attack to avoid toppling Assad’s government won’t by itself stop the President from acting to topple Assad’s government if he can do so pursuant to some more benign purpose, such as deterring use of WMDs. Recall that the administration had no overt authorization from the Security Council to topple Gaddafi. But ultimately it read the Security Council authorization “to take all necessary measures . . . to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya” as sanction to pursue and attack Gaddafi. Writing an AUMF that adequately empowers and constraints the President is hard.

#### Strong resolve key to deter cyber attacks

Turner 13 Robert F Turner, Associate Director, Center for National Security Law at University of Virginia, “Cyberdeterrence,” http://www.harvardlawreview.org/issues/126/march13/forum\_1001.php

Individuals — whether government officials, foreign terrorists, or corporate executives — make decisions based upon cost-benefit perceptions. Understanding those perceptions, and finding ways to modify them, is at the core of deterring attacks. This reaffirms the importance of being able to identify the actual source of a cyberattack. Unless that identification can be done, America’s ability to deter or punish such behavior will obviously be limited.¶ For all of its bluster, Iran is not likely to launch a direct lethal attack against America — whether by missile or computer — because its leaders understand that the U.S. government’s ability to respond with lethal force greatly exceeds Iran’s. But if they believe they can mask the attack as originating from Israel or some amorphous transnational terrorist group, all bets are off.¶ Deterrence will also fail if an adversary concludes the United States lacks the will to respond effectively to cyberattacks. For this reason, it may be useful to demonstrate that resolve at an early date — to make an example of someone who miscalculates America’s ability or willingness to respond decisively to cyberattacks.

# 1NR

#### Policymakers DO believe theories of credibility – will act accordingly

Fettweis 4 – Christopher Fettweis, Professor at the U.S. Army War College, December 2004, “Resolute Eagle or Paper Tiger? Credibility, Reputation and the War on Terror,” online: http://www.allacademic.com/meta/p67147\_index.html

In a very important sense, no state controls its reputation or its credibility, since these concepts exist in the minds of others. As will be discussed below, this observation has led Mercer and others to argue that states are therefore unjustified in their obsession with their credibility, since it is ultimately beyond their control. Although the logic behind this argument is quite compelling, its wisdom has not become apparent to policymakers, who persist in their obsession with the credibility of their nations, their parties, and themselves. Kissinger’s observation that “no serious policymaker could allow himself to succumb to the fashionable debunking of ‘prestige’ or ‘honor’ or ‘credibility’” seems to be just as true for the decision makers of today.14

#### Even the THREAT of enforced restrictions make the President less likely to exert influence

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]

Even if Congress already wields informal political influence over threatened force, more potent and formal requirements of legislative force authorization or stricter enforcement of existing ones would still probably push U.S. policy a narrower set of commitments and more reserved use of threats – a more selective coercive and deterrent strategy – in several ways. For a President, knowing that he requires legally authorization from Congress to carry through on threats raises the expected political costs of making them (even very popular ones would require spending some political capital to obtain formal legislative backing). A more formal and substantial role for Congress in authorizing the carrying out of threats would also probably amplify some of the informational effects of executive-legislative dialogue and congressional debate described in the previous section: these processes – which could become more robust and attract greater attention – make it difficult to conceal or misrepresent preferences about war and peace, and therefore reduce opportunities for bluffing.

#### More ev

Turner 13 Robert F Turner, Associate Director, Center for National Security Law at University of Virginia, “Cyberdeterrence,” http://www.harvardlawreview.org/issues/126/march13/forum\_1001.php

The basic message would be that America will not use its military or intelligence resources to violate the rights of other nations or their citizens, but has tremendous ability to do harm to those nations that violate the U.S.’s rights or permit those under their jurisdiction to do so. Countries will continue to use both traditional means and new computer technologies to try to acquire intelligence information, and corporations will no doubt continue to try to steal secrets from their competitors — at home and abroad. As the United States too will continue to spy on other governments and U.S. citizens will no doubt engage in corporate espionage, the nation needs to establish and enforce reasonable standards of behavior — perhaps by treaties or other international agreements. And if the United States demands that foreign governments and those within their jurisdiction cease cyberattacks on our government or citizens, the U.S. government must take reasonable measures to uphold the same standards of conduct by those within its jurisdiction.¶ Establishing standards in advance, and working with other governments to enhance America’s ability to identify the actual source of threats to our security, are obviously desirable. I see no benefit, however, in announcing a minimum threshold for action, as doing so will incentivize lower levels of cybermisconduct. It should be clear that using a keyboard to accomplish a result that, if done by more traditional means, would justify a military response will not change the outcome. Hacking into American computer systems to undermine the nation’s military readiness or to endanger the safety of its citizens will result in a response that — when the dust settles — will make the perpetrator far worse off than before the attack. Whether done by tampering with the setting of a water treatment plant using a laptop from 6,000 miles outside the borders, or cutting a padlock to pour poison directly into the water supply, the tragic consequences may well be the same. The United States must make it clear to all that it reserves the right to use necessary and proportional force — including lethal military force — in response to such activities.

#### 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.

#### Plan allows Congress to vocally oppose crisis intervention – that destroys international perception of U.S. resolve.

Waxman 8/25 [Matthew Waxman, Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR, citing William Howell, Sydney Stein Professor in American Politics @ U-Chicago, and Jon Pevehouse, Professor of Political Science @ U-Wisconsin-Madison, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

When members of Congress vocally oppose a use of force, they undermine the president’s ability to convince foreign states that he will see a fight through to the end. Sensing hesitation on the part of the United States, allies may be reluctant to contribute to a military campaign, and adversaries are likely to fight harder and longer when conflict erupts— thereby raising the costs of the military campaign, decreasing the president’s ability to negotiate a satisfactory resolution, and increasing the probability that American lives are lost along the way. Facing a limited band of allies willing to participate in a military venture and an enemy emboldened by domestic critics, presidents may choose to curtail, and even abandon, those military operations that do not involve vital strategic interests.145

### Prez Powers Low

#### Political resolve is the crucial internal link

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.

#### 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

#### Unclear restrictions result in overwhelming executive power

Lorber 13 Eric Lorber is a PhD candidate in Political Science at Duke and a JD candidate at the University of Pennsylvania Law School, *Journal of Constitutional Law* Vol. 15:3, “Executive Warmaking Authority And Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?” https://www.law.upenn.edu/live/files/1773-lorber15upajconstl9612013

Yet addressing these questions is increasingly important for two reasons. ¶ First, as states such as China, Israel, Russia, and the United States use these ¶ weapons now and likely will do so more in future conflicts, determining the ¶ domestic legal strictures governing their use would provide policymakers ¶ and military planners a better sense of how to operate in cyberspace.12¶ Second, the possible employment of these tools adds yet another wrinkle to ¶ the battle between the executive and legislative branches over war-making ¶ authority.13 In particular, if neither the War Powers Resolution nor the ¶ Intelligence Authorization Act governs OCOs, the executive may be allowed ¶ to employ U.S. military power in a manner largely unchecked by ¶ congressional authority.14 As a result, the employment of these tools implicates—and perhaps problematically shifts—the balance between the ¶ executive’s commander-in-chief power15 and Congress’s war-making ¶ authority.16

#### Congress doesn’t even know our capabilities

Lorber 13 Eric Lorber is a PhD candidate in Political Science at Duke and a JD candidate at the University of Pennsylvania Law School, *Journal of Constitutional Law* Vol. 15:3, “Executive Warmaking Authority And Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?” https://www.law.upenn.edu/live/files/1773-lorber15upajconstl9612013

Despite these leaks of classified information, offensive cyber capabilities ¶ remain one of the U.S. government’s most closely-guarded secrets. For ¶ example, in its recently released Strategy for Operating in Cyberspace, the ¶ Department of Defense did not mention its offensive capabilities.56 Further, ¶ in response to congressional questions during the debates over the 2011 National Defense Authorization Act, the Department of Defense did not ¶ directly address—at least in an unclassified forum—the extent of U.S. ¶ offensive cyber capabilities, nor the policies governing them.57 However, it ¶ did reference that these capabilities exist: “[T]he Department has the ¶ capability to conduct offensive operations. . . . DoD will conduct offensive ¶ cyber operations in a manner consistent with the policy principles and legal ¶ regimes that the Department follows for kinetic capabilities, including the ¶ law of armed conflict.”58

#### 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.