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#### Security politics are self defeating – restraints on the executive are only a guise for further imperialism

Aziz RANA Law at Cornell 11 [“Who Decides on Security?” Cornell Law Faculty Working Papers, Paper 87, http://scholarship.law.cornell.edu/clsops\_papers/87 p. 1-7]

Today politicians and legal scholars routinely invoke fears that the balance between liberty and security has swung drastically in the direction of government’s coercive powers. In the post-September 11 era, such worries are so commonplace that in the words of one commentator, “it has become part of the drinking water of this country that there has been a trade-off of liberty for security.”1 According to civil libertarians, centralizing executive power and removing the legal constraints that inhibit state violence (all in the name of heightened security) mean the steady erosion of both popular deliberation and the rule of law. For Jeremy Waldron, current practices, from coercive interrogation to terrorism surveillance and diminished detainee rights, provide government the ability not only to intimidate external enemies but also internal dissidents and legitimate political opponents. As he writes, “We have to worry that the very means given to the government to combat our enemies will be used by the government against its enemies.”2 Especially disconcerting for many commentators, executive judgments—due to fears of infiltration and security leaks—are often cloaked in secrecy. This lack of transparency undermines a core value of democratic decisionmaking: popular scrutiny of government action. As U.S. Circuit Judge Damon Keith famously declared in a case involving secret deportations by the executive branch, “Democracies die behind closed doors. . . . When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.”3 In the view of no less an establishment figure than Neal Katyal, now the Principal Deputy Solicitor General, such security measures transform the current presidency into “the most dangerous branch,” one that “subsumes much of the tripartite structure of government.”4 Widespread concerns with the government’s security infrastructure are by no means a new phenomenon. In fact, such voices are part of a sixty-year history of reform aimed at limiting state (particularly presidential) discretion and preventing likely abuses. What is remarkable about these reform efforts is that, every generation, critics articulate the same basic anxieties and present virtually identical procedural solutions. These procedural solutions focus on enhancing the institutional strength of both Congress and the courts to rein in the unitary executive. They either promote new statutory schemes that codify legislative responsibilities or call for greater court activism. As early as the 1940s, Clinton Rossiter argued that only a clearly established legal framework in which Congress enjoyed the power to declare and terminate states of emergency would prevent executive tyranny and rights violations in times of crisis.5 After the Iran-Contra scandal, Harold Koh, now State Department Legal Adviser, once more raised this approach, calling for passage of a National Security Charter that explicitly enumerated the powers of both the executive and the legislature, promoting greater balance between the branches and explicit constraints on government action.6 More recently, Bruce Ackerman has defended the need for an “emergency constitution” premised on congressional oversight and procedurally specified practices.7 As for increased judicial vigilance, Arthur Schlesinger argued nearly forty years ago, in his seminal book The Imperial Presidency (1973), that the courts “had to reclaim their own dignity and meet their own responsibilities” by abandoning deference and by offering a meaningful check to the political branches.8 Today, Lawrence Tribe and Patrick Gudridge once more imagine that, by providing a powerful voice of dissent, the courts can play a critical role in balancing the branches. They write that adjudication can “generate[]—even if largely (or, at times, only) in eloquent and cogently reasoned dissent—an apt language for potent criticism.”9 The hope—returned to by constitutional scholars for decades—has been that by creating clear legal guidelines for security matters and by increasing the role of the legislative and judicial branches, government abuse can be stemmed. Yet despite this reformist belief, presidential and military prerogatives continue to expand even when the courts or Congress intervene. Indeed, the ultimate result has primarily been to entrench further the system of discretion and centralization. In the case of congressional legislation (from the 200 standby statutes on the books to the postSeptember 11 and Iraq War Authorizations for the Use of Military Force to the Detainee Treatment Act and the Military Commissions Acts), this has often entailed Congress self-consciously playing the role of junior partner—buttressing executive practices by providing its own constitutional imprimatur to them. Thus, rather than rolling back security practices, greater congressional involvement has tended to further strengthen and internalize emergency norms within the ordinary operation of politics.10 As just one example, the USA PATRIOT Act, while no doubt controversial, has been renewed by Congress a remarkable ten consecutive times without any meaningful curtailments.11 Such realities underscore the dominant drift of security arrangements, a drift unhindered by scholarly suggestions and reform initiatives. Indeed, if anything, today’s scholarship finds itself mired in an argumentative loop, re-presenting inadequate remedies and seemingly incapable of recognizing past failures. What explains both the persistent expansion of the federal government’s security framework as well as the inability of civil libertarian solutions to curb this expansion? In this article I argue that the current reform debate ignores the broader ideological context that shapes how the balance between liberty and security is struck. In particular, the very meaning of security has not remained static but rather has changed dramatically since World War II and the beginning of the Cold War. This shift has principally concerned the basic question of who decides on issues of war and emergency. And as the following pages explore, at the center of this shift has been a transformation in legal and political judgments about the capacity of citizens to make informed and knowledgeable decisions in security domains. Yet, while underlying assumptions about popular knowledge—its strengths and limitations—have played a key role in shaping security practices in each era of American constitutional history, this role has not been explored in any sustained way in the scholarly literature. As an initial effort to delineate the relationship between knowledge and security, I will argue that throughout most of the American experience, the dominant ideological perspective saw security as grounded in protecting citizens from threats to their property and physical well-being (especially those threats posed by external warfare and domestic insurrection). Drawing from a philosophical tradition extending back to John Locke, politicians and thinkers—ranging from Alexander Hamilton and James Madison at the founding to Abraham Lincoln and Roger Taney—maintained that most citizens understood the forms of danger that imperiled their physical safety. The average individual knew that securing collective life was in his or her own interest, and also knew the institutional arrangements and practices that would fulfill this paramount interest. A widespread knowledge of security needs was presumed to be embedded in social experience, indicating that citizens had the skill to take part in democratic discussion regarding how best to protect property or to respond to forms of external violence. Thus the question of who decides was answered decisively in favor of the general public and those institutions—especially majoritarian legislatures and juries—most closely bound to the public’s wishes. What marks the present moment as distinct is an increasing repudiation of these assumptions about shared and general social knowledge. Today the dominant approach to security presumes that conditions of modern complexity (marked by heightened bureaucracy, institutional specialization, global interdependence, and technological development) mean that while protection from external danger remains a paramount interest of ordinary citizens, these citizens rarely possess the capacity to pursue such objectives adequately. Rather than viewing security as a matter open to popular understanding and collective assessment, in ways both small and large the prevailing concept sees threat as sociologically complex and as requiring elite modes of expertise. Insulated decision-makers in the executive branch, armed with the specialized skills of the professional military, are assumed to be best equipped to make sense of complicated and often conflicting information about safety and self-defense.12 The result is that the other branches—let alone the public writ large—face a profound legitimacy deficit whenever they call for transparency or seek to challenge presidential discretion. Not surprisingly, the tendency of procedural reform efforts has been to place greater decision-making power in the other branches and then to watch those branches delegate such power back to the very same executive bodies. How did the governing, expertise-oriented concept of security gain such theoretical and institutional dominance and what alternative formulations exist to challenge its ideological supremacy? In offering an answer to these questions, I begin in Part II by examining the principal philosophical alternatives that existed prior to the emergence of today’s approach, one of which grounded early American thought on security issues. I refer to these alternatives in the Anglo-American tradition as broadly ‘Hobbesian’ and ‘Lockean’ and develop them through a close reading of the two thinkers’ accounts of security. For all their internal differences, what is noteworthy for my purposes is that each approach rejected the idea—pervasive at present—that there exists a basic divide between elite understanding and mass uncertainty. In other words, John Locke and even Thomas Hobbes (famous as the philosopher of absolutism) presented accounts of security and self-defense that I argue were normatively more democratic than the current framework. Part III will then explore how the Lockean perspective in particular took constitutional root in early American life, focusing especially on the views of the founders and on the intellectual and legal climate in the mid nineteenth century. In Part IV, I will continue by detailing the steady emergence beginning during the New Deal of our prevailing idea of security, with its emphasis on professional expertise and insulated decision-making. This discussion highlights the work of Pendleton Herring, a political scientist and policymaker in the 1930s and 1940s who co-wrote the National Security Act of 1947 and played a critical role in tying notions of elite specialization to a new language of ‘national security.’ Part V will then show how Herring’s ‘national security’ vision increasingly became internalized by judicial actors during and after World War II. I argue that the emblematic figure in this development was Supreme Court Justice Felix Frankfurter, who not only defended security expertise but actually sought to redefine the very meaning of democracy in terms of such expertise. For Frankfurter, the ideal of an ‘open society’ was one premised on meritocracy, or the belief that decisions should be made by those whose natural talents make them most capable of reaching the technically correct outcome. According to Frankfurter, the rise of security expertise meant the welcome spread of meritocratic commitments to a critical and complex arena of policymaking. In this discussion, I focus especially on a series of Frankfurter opinions, including in Ex parte Quirin (1942), Hirabayashi v. United States (1943), Korematsu v. United States (1944), and Youngstown Steel & Tube Co. v. Sawyer (1952), and connect these opinions to contemporary cases such as Holder v. Humanitarian Law Project (2010). Finally, by way of conclusion, I note how today’s security concept—normatively sustained by Frankfurter’s judgments about merit and elite authority—shapes current discussions over threat and foreign policy in ways that often inhibit rather than promote actual security. I then end with some reflections on what would be required to alter governing arrangements. As a final introductory note, a clarification of what I mean by the term ‘security’ is in order. Despite its continuous invocation in public life, the concept remains slippery and surprisingly under-theorized. As Jeremy Waldron writes, “Although we know that ‘security’ is a vague and ambiguous concept, and though we should suspect that its vagueness is a source of danger when talk of trade-offs is in the air, still there has been little or no attempt in the literature of legal and political theory to bring any sort of clarity to the concept.”13 As a general matter, security refers to protection from those threats that imperil survival—both of the individual and of a given society’s collective institutions or way of life. At its broadest, these threats are multidimensional and can result from phenomena as wide-ranging as environmental disasters or food shortages. Thus, political actors with divergent ideological commitments defend the often competing goals of social security, economic security, financial security, collective security, human security, food security, environmental security, and—the granddaddy of them all—national security. But for my purposes, when invoked without any modifier the word ‘security’ refers to more specific questions of common defense and physical safety. These questions, emphasizing issues of war and peace, are largely coterminous with what Franklin Delano Roosevelt famously referred to in his “Four Freedoms” State of the Union Adresss as “the freedom from fear”: namely ensuring that citizens are protected from external and internal acts of “physical aggression.”14 This definitional choice is meant to serve two connected theoretical objectives. First, as a conceptual matter it is important to keep the term security analytically separate from ‘national security’—a phrase ubiquitous in current legal and political debate. While on the face of it, both terms might appear synonymous, my claim in the following pages is that ‘national security’ is in fact a relatively novel concept, which emerged in the mid twentieth century as a particular vision of how to address issues of common defense and personal safety. Thus national security embodies only one of a number of competing theoretical and historical approaches to matters of external violence and warfare. Second, and relatedly, it has become a truism in political philosophy that the concept of liberty is plural and multifaceted.15 In other words, different ideals of liberty presuppose distinct visions of political life and possibility. Yet far less attention has been paid to the fact that security is similarly a plural concept, embodying divergent assumptions about social ordering. In fact, competing notions of security—by offering different answers to the question of “who decides?”—can be more or less compatible with democratic ideals. If anything, the problem of the contemporary moment is the dominance of a security concept that systematically challenges those sociological and normative assumptions required to sustain popular involvement in matters of threat and safety.

#### National security makes un-ending violence inevitable

Lal 08 (Prerna P., J.D. Candidate at George Washington Law School, Critical Security Studies, “Deconstructing the National Security State: Towards a New Framework of Analysis,” POSC 4910: Senior Seminar, <http://prernalal.com/wp-content/uploads/2008/10/css-deconstructing-the-nat-sec-state.pdf>)

Four years later, amidst the deaths of countless many civilians, a soaring budget deficit, numerous accounts of human rights violations, and the continued rise of “terrorist” networks in many more countries, the “war on terror” is steadily losing support, yet the leaders of the United States continue to carpet bomb Middle-Eastern nations with no end in sight. Hence, it has become critically important to question and reassess the dominant articulation of security as presented by the national security state. This dominant articulation is realism, which has imposed an image of reality upon people that is unrealistic; an image that has been composed and constantly reconsidered, acting as a tool for statist identity construction and economic elites. For the purpose of this paper, all mentions of realism from hereon refers to neo-realism, which is an ideology that presupposes the existence of objective truth and assumes that political conflict and war is a result of the anarchic nature of the international system, where nation-states have to constantly fight to defend their boundaries. In an increasingly complex world, filled with a multitude of different cultures, languages, states and peoples, the traditional neo- realist view of national security is problematic. The problems with realism are many, starting with the fact that (neo)-realism is a misnomer for it is unrealistic and fails to grasp how the world really works. In fact, it is a problem veiled as a problem-solver, wearing the false cloak of objectivity and truth. It assumes that objective truth and knowledge exists independent of our minds; however, the world is not free from our perceptions. As Anais Nin (2005, 5) points out in Critical Security Studies and World Politics, “we do not see things as they are, we see things as we are.” In this case, the “we” are the rulers of the American nation-state, who tout realism as objective truth, in order to create a world more favorable to them. Those with an ideology of domination and an economic interest to dictate, define our reality in terms of their interests. In fact, the construction of this reality is so pervasive that we do not see realism as an ideology, but as a self-evident truth. To accept this constructed reality without questioning is dangerous, for all ideology serves a purpose, and in this case, neo- realism serves the purpose of the state and its elites. Realism also has a narrow and statist agenda that fails to cope with the actual threats to human society. Kenneth Booth (2005, 7), a self-proclaimed fallen realist and head of the Department of International Relations at University of Wales, argues in Critical Security Studies and World Politics that realism offers a massive but narrow agenda, which is “based on the perceived interests of states (and therefore of their elites); this so-called national interest is concerned with maximizing state security, maximizing economic well-being, and protecting the state’s way of life.” Moreover, judging by the high levels of human insecurity that still exists in this world, it is safe to say that realism is a failure for it has empirically failed to deliver security. The threats to human security, which include war, disease, famines, crime, ethnic and religious persecution, violence against women, environmental degradation and so on, take a back-seat because realist notions of security are state-centric. This exclusive lens of international relations is downright regressive for it silences dissidents and minority populations. Women, racial and ethnic minorities, progressives, the working class and their concerns are absent from the realist security agenda. Consequently, an alternative view that questions the dominant paradigm of realism and realist notions of security is desperately needed to provide for human security and emancipation. Methodology: Critical Security Studies The Critical Security Studies (CSS) approach to international relations challenges realism and performatively proves that security is a paradoxical, epistemologically flawed and ontologically unstable concept with no fixed definition. A branch of critical theory, CSS is a broad and diverse field with theorists ranging from critical realists to poststructuralists. However, it is united in its criticism of the neo-realist framework of security, which shall be presented later. Perhaps, Robert Cox (1981, 208) comes closest to discerning the difference between the “realist” problem-solving approach to international relations and critical theory in “Social Forces, States and World Orders: Beyond International Relations Theory,” when he states that the former takes “prevailing social and power relationships and the institutions into which they are organized...as the given framework of action,” while the latter “calls them into question by concerning itself with their origins and how and whether they might be in the process of changing.” Thus, Critical Security Studies is an unorthodox and questioning outlook to the dominant social and power structure, institutions, and ideologies. Another component of critical theory that differs from realism is that critical theory recognizes “change, the openness of history, and the unfinished nature of the human experiment” (Booth 2005, 12). Therefore, while Critical Security Studies questions prevailing structures and attitudes, it is less concerned with alternatives and more concerned with a deeper understanding of security. Some may reject critical theory for advancing an unsatisfying and incomplete methodology that may not be workable and policy-oriented. However, rejection and rethinking is the first step towards any structural changes. There is no point in advancing a completely alternative framework of security without first changing mindsets by questioning the very nature of security. Furthermore, the very exercise of criticism presents us with a more realistic picture of the world than the present ideology of security as presented by the state (and its elites). Even CSS theorists differ on how to construct alternative models of security, in order to provide for the ultimate goal of the CSS project: human emancipation. CSS scholars are divided into two distinct categories: wideners and deepeners. While wideners claim that the greatest threat to state survival is not military-based, but economic, social and environmental, deepeners focus on the question of whose security is threatened and whether the security project is better achieved with an individual or society-centered referent rather than the state (Krause 1996, 230). The two categories are not mutually-exclusive, and this paper will advance a concept of security that both widens and deepens the field of security studies. At the same time, it is impossible to achieve the end goal of human emancipation without questioning the existing oppressive power structures and institutions; hence, this paper will also take a poststructuralist outlook to the question of security and deconstruct the concept of the national security state, in addition to the flawed neo-realist notion of security. The [National] Security Dilemma Under the lens of critical theory, there are many problems with the current framework of national security. First, security is a paradox for the more we add to the national security agenda, the more we have to fear. As Barry Buzan (1991, 37) points out in People, States and Fear, the security paradox presents us with a cruel irony in that to be secure ultimately, would mean “being unable to escape.” Thus, to secure oneself, one would need to be trapped in a timeless state, for leaving this state would incur risks. The current neo-realist realization of national security is quite narrow and does not take into account threats to human welfare, health, social problems, and domestic sources of insecurity. However, in Security: A New Framework of Analysis, several CSS theorists put forward the case for widening the field of security studies and separating these into five different sectors under state control: military, politics, environment, society and economy (Buzan, De Wilde and Waever 1998, 21-23). But, since these wideners leave the referent object of security as the state, widening the field of security studies becomes even more troubling because it risks more state control over our lives, the militarization of social issues such as drugs and crime, which would further legitimize and justify state violence, leaving us all the more insecure. Accordingly, it becomes clear that a mere re- definition of “security” away from its current neo-realist framework does not solve the security dilemma if the referent object of security is left unchanged. This goes to prove that it is the state as the referent object that requires questioning in terms of its supposed provision of security rather than the problems with widening the field of security. Without a state-centric concept of security, there would be no national security agenda left to widen, as our security concerns would be human-centered, hence, the paradox of security would dissipate. A second part of the security paradox is that security and insecurity are not binary opposites. On a micro-level, if security is the state of being secure, than insecurity should be the state of not being secure. However, what we do feel secure about is neither part of the national security agenda nor a conscious thought or feeling. The state of being secure is thus, not conceptualized as an absence of insecurity. On a policymaking level, Robert Lipschutz (1995, 27), Associate Professor of Politics at University of California, Santa Cruz, notes in On Security that our desire to achieve security through the acquisition of arms and a national missile “defense” system, serves to insecure those whom we label and treat as threats. This encourages the proliferation of weapons of mass destruction and offensive posturing by those we wish to secure ourselves against, causing us to feel more insecure as the end result of our search for security. More recently, when George W. Bush included North Korea in his illogical “Axis of Evil” and named it as a threat to the United States, the peripheral state had no nuclear capability and would never have thought to use the threat of weapons of mass destruction to blackmail Western powers into giving aid. However, alarmed at the thought of being the next Afghanistan or Iraq, North Korea retaliated within a year by revealing its nuclear arsenal. The United States watched helplessly as one more previously benign nation became a real security problem. As a consequence, imagined enemies become real threats due to the ongoing threat construction by the state, and this poses the security dilemma of creating self-fulfilling prophecies in the current framework of security. Our notion of security is what the state says it is, rather than what we feel it is. Yet, this entrenched view of security is epistemologically flawed, which is our second dilemma; meaning that our knowledge of security as it is defined is based in certain realist assumptions that do not hold up under scrutiny. Our perception of what and from whom we need to be secured is not based on the actual threats that exist, but on the threats that we are told to perceive by the state. Thus, terrorists, drugs, illegal immigrants, “Third World” dictators, rogue states, blacks, non-Christians, and the Other, are considered as threats to the national security apparatus, and consequently, as threats to the individual American. This state construction of threats pervades our minds, causing a trickle-down effect that encourages a culture of fear, where the only limit to the coming danger is our imagination. Lipschutz (2000, 44-45) concludes in After Authority: War, Peace, and Global Politics in the 21st Century, “the national security state is brought down to the level of the household, and each one arms itself against the security dilemma posed by its neighbor across the hedge of fence.” Lipschutz seems to be saying that it is national security that eventually encourages the creation of a dichotomy between the self and the Other in our everyday lives. Indeed, it is the discourse of security by the rulers and elites, which creates and sustains our bipolar mindset of the world. A final dilemma presented by the current security framework is that security is ontologically unstable, unable to exist on its own, requiring the creation of certain conditions and categories, specifically, the creation of the Other. James Der Derian (1995, 25), Associate Professor of Political Science at U Mass (Amherst), notes in On Security that we are taught to consider security as “an a priori argument that proves the existence and necessity of only one form of security because there currently happens to be a widespread belief in it.” Yet, national security is a highly unstable concept and changes over time, with the construction of new threats and enemies. Due to its unstable nature, security can then, be considered as a constant fluid that is constructed and re- defined by the discourse of the state and security elites. Ole Waever, a senior researcher at the Center for Peace and Conflict Research, contends that the very act of uttering “security” places it on the security agenda, thereby giving the state and its elite, power over the issue. In On Security, he notes that “in naming a certain development a security problem, the state can claim a special right, one that in the final instance, always be defined by the state and its elites” (1995, 55). This process is termed as “securitization,” which simply means treating an event or issue as a problem of national security rather than first questioning whether it should even be treated as a security issue. Such an act serves the interests of the state and its elites, starting with security discourse by the state, which constructs and perpetuates state identity and existence. Purpose(s) of Securitization: (1) Identity Construction and the Preservation of the State Identity is not a stable and stationary concept; it is constantly redefined and reconstructed to meet new challenges and adapt to new events. It would be easier to draw a parallel between gender identity and state identity to exemplify this concept. Contrary to mainstream thought, gender identity is socially constructed and keeps changing throughout our lives. Comparably, the identity of the state is also in a constant state of flux. The state and its elites are involved in identity work when they place or take things off the national security agenda. And similarly to gender identity, which requires the presence of difference (masculine and feminine) in order for gender to have any meaning, the state requires the existence of the Other to build an identity for the self. This identity is a performative constitution, taking the shape of security discourse, and thus, the “constitution of identity is achieved through the inscription of boundaries that serve to demarcate an ‘inside’ from and ‘outside,’ a ‘self’ from an ‘other,’ a ‘domestic’ from a ‘foreign’ (Campbell 1998, 9). The state moves to eliminate the Other and claim sovereignty over the outside and the foreign. In doing so, the state gains power and control over foreign policy, and international relations becomes a field concerned with building boundaries instead of bridges. However, since the identity of the state is fluid, boundaries do change over time though the performative constitution of state identity, which occurs through security discourse. This positional identity construction will be examined in terms of the Cold War and Post-Cold War era, but it is important to note that the discourse of fear and danger, in order to construct state identity, is not new to the modern nation-state. David Campbell (1998, 49), Professor of International Politics at University of Newcastle in England, suggests in Writing Security that the discourse of danger by the state is as old as Christendom for “thinking that Western civilization was besieged by a horde of enemies (Turks, Jews, heretics, witches), the church saw the devil everywhere and encouraged guilt to such an extent that a culture of anxiety ensured.” Today, Turks, Jews, heretics and witches have simply been replaced with rogue nations, “Arab terrorists,” communists, and “Third World” dictators through security discourse. After the fall of Christendom, danger has become the new God of Western civilization, and according to Campbell (1998, 48), the discourse of threat construction provides a “new theology of truth...about who and what we are by highlighting who or what ‘we’ are not, and what ‘we’ have to fear.” This demonstrates the inherent unstable nature of security as defined by the national security state, and the never-ending construction of identity through the otherization of difference. Instead of celebrating our different identities and bridging the gaps present in international relations, the national security state has drawn boundaries by constructing an identity in opposition to the Other. The Cold War serves as the classic example of statist identity construction through the creation of the Other, which created more insecurity than security for the entire world. After the fall of Hitler and the Axis powers, the United States emerged as a superpower, along with the Soviet Union, which had been a key ally in the war. Due to the neo-realist obsession with an ordered world operating under the assumption that states exist in an anarchic system, the United States formulated an identity of the self that was opposed to disorder and incivility. Out of the Cold War discourse of the Other came the national security state, which was defined by the National Security Act of 1947 (Der Derian 1992, 76), a measure that Truman regretted signing by the time he left office. This national security state found an enemy in the Soviet Union, and created the Other in order to stabilize the self and guarantee its existence. In NSC-68, the United States admitted that even without the threat of Soviet communism, it would still pursue policies designed to shape the world in a more orderly manner (Campbell 1998, 30-31), probably referring to a more capitalist economic order. The Cold War that ensued between the two superpowers became coded as a struggle between good and evil, civilized and barbaric, freedom-loving and totalitarian. Suddenly, the threat of communism was equated to the ruthless and fascist Nazi regime, and communism was “un-American,” as demonstrated by the oppressive activities of the House Un-American Activities Committee (HUAC). The search for national security created insecurity for a large number of Americans who were labeled as communists and Soviet-sympathizers, blacklisted and lost their jobs. The identity construction by the American statecraft in opposition to Soviet communism did serve the interests of the elite. Issues such as employment, childcare, women’s rights, universal healthcare, and equal wages were characterized as evil and foreign by being associated with communism and the Soviet Union (Campbell 1998, 140). These domestic issues caused vast human insecurity in the United States, and the Cold War search for security caused insecurity throughout the entire world. It is important to note that the Soviet Union was never a military threat to the United States. This is not to say that the USSR lacked military capability, but that its ability to cause severe damage to the United States was not recognized (and encouraged) until it was construed as the Other. To secure the self from the threat of the Other, the two superpowers engaged in a massive arms buildup, which almost resulted in nuclear annihilation during the Cuban Missile Crisis. Furthermore, they fought proxy wars in underdeveloped countries, destroying millions of lives and infrastructure. The end result of this face-off was a vast amount of human insecurity, the proliferation of weapons of mass destruction and our existing bipolar mindset of the world. Even today, what constitutes of American is unclear; however, what unites Americans is the threat of what is defined as “un-American” by the national security apparatus. In the Post-September 11 era, identity construction by the American state in terms of us vs. them discourse continues to pervade our consciousness. The threat of a nuclear winter never did materialize, but it seems to have deep frozen the minds of our policymakers, and no amount of thawing makes any difference. George W. Bush is so infected with the “Cold War of the mind” that he keeps coughing up redundant phrases like “they hate freedom,” and “either you are with us or you are with the terrorists," which usually happens every time he stumbles and cannot find anything else in his frozen brain. In a press release after the ‘terrorist’ attack in Bali, Bush stated that “those of us who love freedom must work together to do everything we can to disrupt, deny and bring to justice these people who have no soul, no conscience, people that hate freedom” (U.S. Department of State 2002, Bureau of East Asian and Pacific Affairs). Who in their right mind hates freedom?! Then, in his State of the Union address this year, Bush maintained that “the United States has no right, no desire, and no intention to impose our form of government on anyone else. That is one of the main differences between us and our enemies” (U.S. Department of State 2005, Democracy). In all of these cases, the enemy is ill-defined and unknown, simply functioning as an opposition against whom the American state can construct an identity. Additionally, the enemy or the Other is outside the border, and not within, as is represented by “we have to face terrorists abroad so we do not have to fight them here at home.” It is preposterous to think that Americans cannot be terrorists or engage in terrorism, and yet the state ensures us that “we” are peace- loving, free and civil while “they” are constructed as uncivilized, soulless, inhumane, barbaric and oppressive. While functioning as identity construction for the state, this discourse of security also legitimizes state violence in favor of elitist interests. (2) National Security is an Elite Tool National security serves as a function of elite security rather than human security. We have already discussed Waever’s theory on how elites securitize an event or issue through speech acts, and as a result, gain power and resources over an issue. This (national security) speech act also works to create insecurity for the human population. The apartheid regime in South Africa is a classic example of how national security is structured around elite security, while making the majority of the South African population and neighboring nations feel insecure. During the Cold War, national security for the apartheid regime was tied to a portrayal of South Africa as a threatened and unstable state, requiring the constant support of Western powers (Booth and Vale 1997, 335), including the acquisition of nuclear arms from the United States. The black liberation movement in South Africa was characterized as Communist, although the only “ideology” that the movement adhered to was human rights and freedom. The minority white elites simply used the fear of communism to build up a military state and wage war against the majority African population, who were excluded from power. The neighboring states saw South Africa as an all too powerful state with offensive posturing, and thus the security of the apartheid regime translated into insecurity for the surrounding states and the majority of the South African population. In the United States, the securitization of energy policy and the subsequent occupation of Middle East countries has served elite interests while making us all the more insecure. The invasion and subsequent occupation of Afghanistan demonstrates how the national security state works for the economic gain and security of power elites. There was no humane reason to go to war with Afghanistan, but post 9-11, the national security state build up the case for invading and colonizing the country. Not even a single terrorist involved in the September 11 attacks was from Afghanistan. In fact, the United States had helped to prop up the Taliban regime and Osama bin Laden by training and giving them arms in the 1970s to fight against the USSR. In doing so, the United States placed an authoritarian government in power, which was bad news for most Afghans, and especially women. In the weeks leading up to the war, we heard a lot of PR from the White House on the inhumane treatment of women in Afghanistan, including how women were “banned from working, flogged for wearing makeup, even executed for invented sins” (Flanders 2001, 36). Here is another case in point of positional identity construction by the national security state: we uphold women’s rights everywhere and they oppress their own women; it is what they do. The images of helpless and needy women in burkhas and hijabs required that the chauvinistic and patriarchal, (in addition to ethnocentric), security state liberate them from the oppressive conditions. Almost overnight, the anti-abortion and anti-sexual rights George Bush becomes a feminist and makes the case for war by touting the oppression of women by the Taliban. In this case, the outright lie helps in winning overwhelming support for a war that is really being waged for ulterior elitist motives. The war against Afghanistan had everything to do with Big Oil and America’s geopolitical interest in dominating the oil-rich regions of Central Asia and the Middle- East, having very little to do with any security threat posed by the Taliban or Saddam Hussein. Thus, along with Afghanistan, President Bush had a massive number of troops deployed in Uzbekistan, Kyrgyzstan and Georgia within a few weeks of 9-11, all of which have rich oil reserves worth up to an estimated $4 trillion (Klevemen 2004, 11). This made oil companies such as Unocal happy as they had been fruitlessly trying for years to reach an agreement with the Taliban on building an oil pipeline through Afghanistan. Then, within the first few months of overthrowing the Taliban, President Karzai of Afghanistan, a former Unocal advisor, agreed to the long-planned building of a $3.2 billion oil pipeline running from Turkmenistan through Afghanistan, all the way into the Indian Ocean (Klevemen 2004, 11). Therefore, while Americans are still paying almost $3 at the pump and the number of American soldiers dead is increasing steadily, Big Oil is getting ready to make billions at the expense of human security. The “war against terror” has created massive insecurity for people in the Middle- East and all parts of the world. Al Qaeda networks have proliferated to dozens more countries. While people and soldiers in the thousands are losing their lives in this supposed “war on terror,” millions in the United States are terrorized by the expansion of the national security state. The Bill of Rights has become a victim of state terrorism, as the American statecraft locks up people for an indefinite period without due process of law. The state has been given the green light to perform strip-searches at our ports of entry, and here, race has become a proxy for criminality. Suppression of information and academic freedom, in addition to unauthorized wiretaps has become the law of the land. One would think that the insecurity caused to the American people and to the state apparatus through the blowbacks of hegemony, characterized by 9-11, would de- legitimize the state. Paradoxically, it is the creation of insecurity that stabilizes the state and guarantees its existence. Here, we find the greatest paradox of the state as the provider of security. The tate has always been considered as the primary provider of security and this has been the basis of its existence. However, if the state succeeds in achieving security, it would cease to exist. Hence, Campbell (1998; 13) concludes that “the constant articulation of danger through foreign policy is thus not a threat to a state’s identity or existence: it is its condition of possibility.” Instead of hurting the state or its legitimacy as we might think by default, actual threats and the discourse of danger from the outside help to propel the state and safeguard its existence. Thus, paradoxically, insecurity secures the state! September 11 serves as the perfect example of a state that was struck with a terrible atrocity from outside, and yet, instead of disintegrating, the state gained more power and control over our lives. Indeed, the leader of the most powerful nation of the world would never have won re-election (or rather, be elected for the first time) without the help of this catastrophic event. However, while the state is being secured, it is human security that is sacrificed. In the final analysis then, since national security is diametrically opposed to human security, the state must be dislodged as the primary referent object of security. Deconstructing the [National Security] State Throughout this paper, we have seen cases of how national security is an antonym for human security. With this essential realization, Booth (2005, 33) gives three reasons for why the state should not be the referent object of security: “states are unreliable as primary referents because while some are in the business of security some are not; even those which are producers of security represent the mans and not the ends; and states are too diverse in their character to serve as the basis for a comprehensive theory of security.” Additionally, the cases of South Africa and Afghanistan prove how the national ecurity state is merely an elite tool, which causes human insecurity at home and abroad. The state treats security as a problem that comes from the outside, rather than as a problem that can arise from domestic issues. The end result of state-centric security is that humans are alienated from discussions about their own security and welfare. The most compelling reason is provided by Hayward Akler (2005, 191) in Critical Security Studies and World Politics, in which he states that “economic collapse, political oppression, scarcity, overpopulation, ethnic rivalry, the destruction of nature, terrorism, crime and disease provide more serious threats to the well-being of individuals and the interest of nations.” Thus, to millions of people, it is not the existence of the Other across the border that poses a security problem, but their own state that is a threat to security. The question that arises next is how to put critical theory into practice and deconstruct the national security state. Critical theory does not offer simple one-shot solutions to the problems created by the neo-realist state and elitist conception of security. To give simple answers would be a performative contradiction, especially after criticizing realism for being intellectually rigid for believing in objective truth. In other words, there are no alternatives; just alternative modes of understanding. However, using the poststructuralist Foucaultian analysis that discourse is power, we can move towards deconstructing the power of the state and elites to securitize using their own tool: discourse. The elites who control the meaning of security and define it in terms that are appropriate to their interests hold tremendous power in the national security state. As Foucault astutely observed, “the exercise of power is always deeply entwined with the production of knowledge and discourse” (Dalby 1998, 4). For too long, language has been used against us to create our reality, thereby obfuscating our lens of the world, depriving us from an objective search for truth and knowledge. The history of colonized people shows how the construction of language defined and justified their oppressed status. In a way, we are colonized through discursive practices and subjected to the reality that the state wants us to see. However, definitions belong to the definer, and it is high time that we questioned and defined our own reality. Thus, citizen action is critical to questioning and deconstructing the national security state and taking away its power to define our security. In On Security, Pearl Alice Marsh (1995, 126) advances the idea of a grassroots statecraft that is defined as “challenging foreign policy of government through contending discursive and speech acts.” This calls for pitting the values of civil society against the state establishment and challenging the American statecraft’s freedom to cast issues and events in a security or militarized framework. The United States has not always been a national security state and neither does it have to maintain that hegemonic and oppressive status in order to exist. It is critical to remember that fundamental changes in our institutions and structures of power do not occur from the top; they originate from the bottom. History is case in point. Citizen action was critical to ending the Red Scare and the Vietnam War, as the American people realized the ludicrousness of framing Vietnam as a security issue, which led to the fall of the Second New Deal, the deaths of thousands of American soldiers and a financial cost that we are still shouldering. In the end, what they need to be secured from and how, is a question best left up to individual Americans and subsequently, civil society. Thus, grassroots citizen action performatively makes individuals the referent subject of security as people would call for the demilitarization and desecuritization of issues that are contrary and irrelevant to human security. There is hope for the future and practical application of critical theory in international relations. As Robert Lipschutz (2000, 61) concludes in After Authority: War, Peace, and Global Politics in the 21st Century, “it was the existence of the Other across the border that gave national security its power and authority; it is the disappearance of the border that has vanquished that power.” Britain, France and Germany set aside their historical enmities and became part of a European community, which has formed a new collective identity and security across borders. Cold War rivals that almost annihilated the world are now friends in the “war against terror.” The apartheid regime in South Africa did collapse eventually.

#### Reject the national security state – key to solve executive dominance

Aziz RANA Law at Cornell 11 [“Who Decides on Security?” Cornell Law Faculty Working Papers, Paper 87, http://scholarship.law.cornell.edu/clsops\_papers/87 p. 45-51]

If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars—emphasizing new statutory frameworks or greater judicial assertiveness—is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants—danger too complex for the average citizen to comprehend independently—it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.

### 1NC CP

#### Text: The Office of Legal Counsel should determine that the Executive Branch lacks the legal authority use the 2001 Authorization for Use of Military Force except to al-Qaeda, the Taliban, or those nations, organizations, or persons who enjoy close and well-established collaboration with al-Qaeda or the Taliban.

#### The President should require the Office of Legal Counsel to publish any legal opinions regarding policies adopted by the Executive Branch.

#### The CP is competitive and solves the case—OLC rulings do not actually remove authority but nevertheless hold binding precedential value on the executive.

Trevor W. Morrison, October 2010. Professor of Law, Columbia Law School. “STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448, Lexis.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the  [\*1462]  legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53

The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is  [\*1463]  at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC.

Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients.

But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint.

2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written  [\*1464]  views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions.

Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might  [\*1465]  construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored.

In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality.

OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69

 [\*1466]  To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for  [\*1467]  disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon.

The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for  [\*1468]  providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76

Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

#### Mandatory publishing requirements prevent OLC deferral to presidential pressure—can be self-imposed—avoids SOP concerns with congressional interference.

Ross L. Weiner, February 2009. JD May 2009 @ George Washington University Law School. “THE OFFICE OF LEGAL COUNSEL AND TORTURE: THE LAW AS BOTH A SWORD AND SHIELD,” THE GEORGE WASHINGTON LAW REVIEW, 77 Geo. Wash. L. Rev. 524, Lexis.

The Torture Memo exposed serious deficiencies in how the OLC operates. For two years, interrogators were given erroneous legal advice regarding torture, with two adverse results. First, American interrogators behaved in ways contrary to traditional American values, possibly leading in part to the Abu Ghraib scandal n147 and to a decline in American reputation around the globe. n148 Second, agents on the  [\*549]  frontlines were given advice that, if followed, might be the basis for prosecution one day. n149 More importantly, when the Torture Memo was leaked to the public, it exposed the OLC to charges of acting as an enabler to the executive branch. John Yoo, the author of the Torture Memo, was known as "Dr. Yes" for his ability to author memos asserting exactly what the Bush Administration wanted to hear. n150 To ensure that this situation does not repeat itself in the future, it is critical for changes to be implemented at the OLC by mandating publication and increasing oversight.

A. Mandated Publishing
One explanation for the Torture Memo and its erroneous legal arguments was the OLC authors' belief that the Memo would remain secret forever. When he worked in the OLC, Harold Koh was often told that we should act as if every opinion might be [sic] some day be on the front page of the New York Times. Almost as soon as the [Torture Memo] made it to the front page of the New York Times, the Administration repudiated it, demonstrating how obviously wrong the opinion was. n151
Furthermore, James B. Comey, a Deputy Attorney General in the OLC, told colleagues upon his departure from the OLC that they would all be "ashamed" when the world eventually found out about other opinions that are still classified today on enhanced interrogation techniques. n152 This suggests that OLC lawyers, operating in relative obscurity, felt somewhat protected by the general veil of secrecy surrounding their opinions.

[\*550]  For many opinions, some of which are already published on the OLC's Web site, n153 this will not be a controversial proposition. Publication has three advantages: (1) accessibility; (2) letting people see the factual predicate on which an opinion is based; and (3) eliminating people's ability to strip an OLC opinion of nuance in favor of saying "OLC says we can do it." n154 Koh provides a telling illustration of the problems associated with the absence of mandated publishing as he found an OLC opinion placed in the Territorial Sea Journal that was critical to a case he was trying on behalf of a group of Haitians seeking to enter the United States. n155 He was incredulous that on a matter "of such consequence," n156 he literally had to be lucky to find the opinion. n157

Secrecy in government facilitates abuse, and nowhere is the need for transparency more important than the OLC, whose opinions are binding on the entire executive branch. In a telling example, on April 2, 2008, the Bush Administration declassified a second Torture Memo. n158 In eighty-one pages, John Yoo presented legal arguments that effectively allowed military interrogators carte blanche to abuse prisoners without any fear of prosecution. n159 While the Memo was classified at the "secret" level, it is clear that there was no strategic rationale for classifying it beyond avoiding public scrutiny. n160 According  [\*551]  to J. William Leonard, the nation's top classification oversight official from 2002-2007, "There is no information contained in this document which gives an advantage to the enemy. The only possible rationale for making it secret was to keep it from the American people." n161

To address this problem, the OLC should be required to publish all of its opinions, with a few limited exceptions. John F. Kennedy once said, "The very word 'secrecy' is repugnant in a free and open society." n162 Justice Potter Stewart, in New York Times Co. v. United States, n163 laid out the inherent dangers of secrecy in the realm of foreign affairs:
I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. n164

The proposal to require the OLC to publish its opinions has been advocated by many, including former heads of the OLC. n165 [\*552]

1. Process for Classification
In certain situations, an opinion may have to remain confidential for national security purposes, but mechanisms can be designed to deal with this scenario. First, in order to deem a memorandum classified as a matter of national security, another agency in the executive branch with expertise on the subject should be required to sign off on such a classification. The Torture Memo exposed an instance of the OLC acting secretively not only for national security purposes, but also because it knew the Torture Memo could not withstand scrutiny. n166 Thus, only opinions dealing with operational matters that give aide to the enemy should be classified. Opinions that consist solely of legal reasoning on questions of law clearly would not pass that test.

If there is a disagreement between those in the OLC who choose to classify something and those in the other executive agency who believe it should be published, then the decision should be sent back to the OLC to review the potential for publishing a redacted version of the opinion. For example, consider a memo from the OLC on the different interrogation techniques allowable under the law. While it would be harmful for the OLC to publish specific activities, and thus alert the country's enemies as to interrogation tactics, publishing the legal analysis that gives the President this authority would not be harmful. Publishing would restore legitimacy to the work the OLC is doing and help remove the taint the Torture Memo has left on the office.

2. Exceptions
There are a few necessary exceptions to a rule requiring publication, and the former OLC attorneys who wrote a series of guidelines for the OLC are clear on them:
Ordinarily, OLC should honor a requestor's desire to keep confidential any OLC advice that the proposed executive action would be unlawful, where the requestor then does not take the action. For OLC routinely to release the details of all contemplated action of dubious legality might deter executive branch actors from seeking OLC advice at sufficiently early stages in policy formation. n167
 [\*553]  This reasoning stems directly from the attorney-client privilege and the need for candor in government. It is imperative that the executive branch seek information on potential action that may or may not be legal (or constitutional), and this type of inquiry should not be discouraged. This exception is only to be applied when the President does not go ahead with the policy in question. If the OLC were to opine that something is illegal or unconstitutional, and the President were to disregard that advice and proceed with the action anyway, this type of opinion should be made public. n168

If the OLC tells a President he can ignore a statute, and the President follows that advice, that opinion should be available to the public. One of the foundations of American governance is that nobody is above the law; advice that a statute should not be enforced contradicts this maxim. The Torture Memo asserted that violations of U.S. law would probably be excused by certain defenses, including necessity and self-defense. n169 Additionally, the Torture Memo argued that "Congress can no more interfere with the President's conduct of the interrogation of enemy combatants than it can dictate strategic or tactical decisions on the battlefield." n170 The OLC thus told the President that he does not have to enforce any congressional statutes that infringe on his Commander in Chief power. For both the purposes of good government and accountability, this type of claim should be made in public, rather than in secret, so Americans know how the President is interpreting the laws.

3. Oversight of Secret Opinions
Increased oversight at the OLC is most important for opinions that are classified as secret pursuant to the above procedures, and are unlikely to ever be heard in a court of law. According to former OLC attorneys:
The absence of a litigation threat signals special need for vigilance: In circumstances in which judicial oversight of executive branch action is unlikely, the President - and by extension  [\*554]  OLC - has a special obligation to ensure compliance with the law, including respect for the rights of affected individuals and the constitutional allocation of powers. n171
How can oversight be ensured?

First, memos that are both secret and unlikely to be heard in court must be reviewed by others with an expertise in the field. In 2002, there were two major issues with the OLC: first, almost nobody outside a group of five attorneys was allowed to read the secret opinions, n172 and second, there was a lack of expertise in the office on matters of national security. n173 As Goldsmith later confessed, "I eventually came to believe that [the immense secrecy surrounding these memoranda] was done [not for confidentiality, but] to control outcomes in the opinions and minimize resistance to them."n174

For opinions that are classified as secret, at least one other legal department in the federal government, with a similar level of expertise, should be asked to review a secret opinion in order to take a [\*555]  substantive look at the legal work in question. According to Jack Goldsmith, this process was traditionally how things worked; n175 when the Bush Administration started "pushing the envelope," n176 however, nearly all outside opinion was shut out under the guise of preventing leaks. n177 It is now apparent that the concern stemmed more from a fear of objections than from the national security concern of a leak. n178 Based on the declassification of the Torture Memo, along with the subsequent declassification of another memo on torture, n179 there was no national security purpose for keeping the memos secret.

The reason an outside review of memos labeled as classified is important is that in times of crisis, proper oversight mechanisms need to be in place. It is in times of emergency when the country is most vulnerable to decisions that it might later regret. n180 Based on the legal reasoning exposed in both the Torture Memo and the released Yoo opinion from March 2003, it is reasonable to surmise that other opinions written in the aftermath of September 11 are similarly flawed. n181 Currently, there are a number of classified memoranda that have been referenced in declassified OLC opinions, but have never been declassified themselves. n182 What these memoranda assert, and whether President Bush decided to follow them, are currently unknown. In a recently declassified opinion, however, there is a footnote indicating that the Fourth Amendment's protection against unreasonable searches and seizures is not applicable to domestic military operations related to the war on terror.n183 Because this would be a novel assertion  [\*556]  of authority, the American public should be able to evaluate the merits of such a legal argument.

Different agencies of government have personnel with different expertise, so it will be incumbent upon those in the OLC to determine which department, and which individual in the department, has the required security clearance and knowledge to review an opinion. Thus, when an opinion has been deemed classified, before it can be forwarded outside of the OLC, it would have to go to another agency for approval.

The question that the reviewer should have to answer is whether the work he or she is analyzing is an "accurate and honest appraisal of applicable law." n184 If it is, then there is no problem with the opinion, and the second agency will sign off on it. If it is not, then the reviewer should prepare a minority report. What is most critical is that both the Attorney General and the President - who might not be an attorney - understand exactly what their lawyers are saying. For a controversial decision, it should not be sufficient for someone in the OLC like John Yoo to write an inaccurate legal memo that asserts one thing, while the law and precedent say another, with the eventual decisionmaker - the President - only viewing the flawed opinion. The minority report will serve two purposes: first, it will encourage lawyers to avoid dressing up a shoddy opinion in "legalese" to make it look legitimate when in reality it is not; and second, it will ensure that the opinion truly is a full and fair accounting of the law.

The most important by-product from mandated review of secret opinions will be that lawyers in the OLC will no longer be able to hide behind a wall of total confidentiality. n185 Rather than acting as if the OLC is above the law and answerable to no one, the knowledge that every classified opinion will be reviewed by someone with an expertise in the field should give pause to any OLC attorney who lacks independence and serves as a yes-man for the President.

 [\*557]

B. Mechanisms for Implementing Changes

1. Self-Imposed by Executive
The easiest way to implement such a change in OLC requirements would be for the President to impose them on the OLC. The OLC's authority stems from the Attorney General, who has delegated some of his power to the OLC. n186 The Attorney General is in the executive branch, which means that the President has the authority to order these changes.

It is unlikely that the executive branch would self-impose constraints on the OLC, because Executives from both parties have historically exhibited a strong desire to protect the levers of power. n187One of the reasons lawyers at the OLC were able to write documents like the Torture Memo without anyone objecting was because the results were in line with what the Bush Administration wanted to hear. n188 Thus, it was unlikely that the Bush Administration would make any changes during its final year in office, and as it turned out, the Bush Administration ended on January 20, 2009, without making any changes.

Nevertheless, in light of the OPR's publicly announced investigation of the OLC's conduct, n189 and the release of another John Yoo memorandum on torture, n190 the lack of oversight at the OLC could come to the forefront of the public's attention. n191 Thus, it is possible that through public pressure, President Bush could be persuaded to mandate these changes himself. n192

2. Congressional Mandate
Alternatively, Congress could step into the void and legislate. Any potential congressional interference, however, would be fraught with separation of powers concerns, which would have to be dealt with directly. First, the President is entitled to advice from his advisors. n193 Second, a great deal of deference is owed to the President when he is operating in the field of foreign affairs. n194 Any attempt by Congress to limit either of these two powers will most likely be met with resistance. n195

### 1NC DA

#### Obama will win the debt ceiling fight – strength and resolve are key to forcing the GOP to bend

POLITICO 10 – 1 – 13 [“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.”

#### Losing military authority will embolden the GOP to fight on the debt ceiling

SEEKING ALPHA 9 – 10 – 13 [“Syria Could Upend Debt Ceiling Fight” <http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight>]

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.

I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.

While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling. Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues. Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.

I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011. As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%.

Investors must be prepared for this "black swan" event. Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time. Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade. I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks. The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama. Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.

#### Collapses commodities – spikes food prices

**Min 10** – Associate Director for Financial Markets Policy, Center for American Progress (David, "The Big Freeze", 10/28, [http://www.americanprogress.org/issues/2010/10/big\_freeze.html)](http://www.americanprogress.org/issues/2010/10/big_freeze.html%29)

A freeze on the debt ceiling could erode confidence in U.S. Treasury bonds in a number of ways, creating further and wider panic in financial markets. First, by causing a disruption in the issuance of Treasury debt, as happened in 1995-96, a freeze would cause investors to seek alternative financial investments, even perhaps causing a run on Treasurys. Such a run would cause the cost of U.S. debt to soar, putting even more stress on our budget, and the resulting enormous capital flows would likely be highly destabilizing to global financial markets, potentially creating more asset bubbles and busts throughout the world.

Second, the massive withdrawal of public spending that would occur would cause significant concern among institutional investors worldwide that the U.S. would swiftly enter a second, very deep, recession, raising concerns about the ability of the United States to repay its debt. Finally, the sheer recklessness of a debt freeze during these tenuous times would signal to already nervous investors that there was a significant amount of political risk, which could cause them to shy away from investing in the United States generally.

Taken together, these factors would almost certainly result in a significant increase in the interest rates we currently pay on our national debt, currently just above 2.5 percent for a 10-year Treasury note. If in the near term these rates moved even to 5.9 percent, the long-term rate predicted by the Congressional Budget Office, then our interest payments would increase by more than double, to nearly $600 billion a year. These rates could climb even higher, if investors began to price in a “default risk” into Treasurys—something that reckless actions by Congress could potentially spark—thus greatly exacerbating our budget problems.

The U.S. dollar, of course, is the world’s reserve currency in large part because of the depth and liquidity of the U.S. Treasury bond market. If this market is severely disrupted, and investors lost confidence in U.S. Treasurys, then it is unclear where nervous investors might go next. A sharp and swift move by investors out of U.S. Treasury bonds could be highly destabilizing, straining the already delicate global economy.

Imagine, for example, if investors moved from sovereign debt into commodities, most of which are priced and traded in dollars. This could have the catastrophic impact of weakening the world’s largest economies while also raising the prices of the basic inputs (such as metals or food) that are necessary for economic growth.

In short, a freeze on the debt ceiling would cause our interest payments to spike, making our budget situation even more problematic, while potentially triggering greater global instability—perhaps even a global economic depression.

#### Extinction

Calvin 98 (William, Theoretical Neurophysiologist – U Washington, Atlantic Monthly, January, Vol 281, No. 1, p. 47-64)

The population-crash scenario is surely the most appalling. Plummeting crop yields would cause some powerful countries to try to take overtheir neighbors or distant lands -- if only because their armies, unpaid and lacking food, would go marauding, both at home and across theborders. The better-organized countries would attempt to use their armies, before they fell apart entirely, to take over countries with significantremaining resources, driving out or starving their inhabitants if not using modern weapons to accomplish the same end: eliminating competitors for the remaining food. This would be a worldwide problem -- and could lead to a Third World War -- but Europe's vulnerability is particularly easy to analyze. The last abrupt cooling, the Younger Dryas, drastically altered Europe's climate as far east as Ukraine. Present-day Europe has more than 650 million people. It has excellent soils, and largely grows its own food. It could no longer do so if it lost the extra warming from the North Atlantic.

### 1NC DA

#### Their restriction is a smokescreen and will not be enforced

Nzelibe 7—Professor of Law @ Northwestern University [Jide Nzelibe, “Are Congressionally Authorized Wars Perverse?” Stanford Law Review, Vol. 59, 2007]

These assumptions are all questionable. As a preliminary matter, there is not much causal evidence that supports the institutional constraints logic. As various commentators have noted, Congress's bark with respect to war powers is often much greater than its bite. Significantly, skeptics like Barbara Hinckley suggest that any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" to create the illusion of congressional participation in foreign policy.' 0 Indeed, even those commentators who support a more aggressive role for Congress in initiating conflicts acknowledge this problem," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12

Yet, even if Congress were equipped with better institutional tools to constrain and monitor the President's military initiatives, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued elsewhere: "[N]either specificity in enabling legislation ... nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature-a credible commitment to punish ....Thus, no matter how much well-intentioned and specific legislation Congress passes to increase congressional oversight of the President's military initiatives, it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in an international crisis.

Various congressional observers have highlighted electoral disincentives that members of Congress might face in constraining the President's military initiatives. 14 Others have pointed to more institutional obstacles to congressional assertiveness in foreign relations, such as collective action problems. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that members of Congress are often obsessed with the prospect of reelection, 16 then such members will tend to focus their scarce resources on district-level concerns and hesitate to second-guess the President's response in an international crisis. 17 Even if members of Congress could marshal the resources to challenge the President's agenda on national issues, the payoff in electoral terms might be trivial or non-existent. Indeed, in the case of the President's military initiatives where the median voter is likely to defer to the executive branch's judgment, the electoral payoff for members of Congress of constraining such initiatives might actually be negative. In other words, regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal. Thus, unless a grand reformer is able to tweak the system and make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to fall on deaf ears. Pg. 912-913

#### President will not abide - Congress will inevitably fall in line

Bell 4—Professor of Political Science @ Randolph-Macon College [Lauren Cohen Bell, “Following the Leaders or Leading the Followers? The US President's Relations with Congress,” Journal of Legislative Studies, Summer/Autumn, 2004, Vol. 10 Issue 2/3, pg. 193-205]

As noted ahove. Article I of the Constitution grants to the Congress the sole authority to make declarations of war. However, the president has the power to command US military personnel based on the provisions of Article II. Over the course of US history, the commander-in-chief power has been interpreted to permit presidents to commit troops to areas of conflict even in the absence of a formal declaration of war. Today, formal declarations of war are the exception rather than the rule; separation of powers expert Louis Fisher notes that through 1991 only five wars had ever been declared and that "in only one (the War of 1812) did members of Congress actually debate the merits of entering into hostilities'.'^ As Samuel Kemell and Gary Jacohson note: "[SJince 1989 U.S. armed forces have been almost continuously engaged somewhere in the world.''^

This was not always the case. Fisher points out that there is evidence of presidential restraint with regard to war-making by relating the story of President Grover Cleveland (1885-89; 1893-97), who refused to mobilise troops for a conflict with Cuba despite Congress' intention to declare war. In Fisher's account, Cleveland told the Congress: 'I will not mobilize the army ... I happen to know that we can buy the island of Cuba from Spain for $100,000,000, and a war will cost vastly more than that and will entail another long list of pensioners. It would be an outrage to declare war.''^ Yet, in the modem history of presidential-congressional relations, it is much more frequently the president who has mobilised American troops without consultation with the Congress and in the absence of a formal declaration of war. And it is clear that even when we consider Cleveland's actions, the president has been far more important to the conduct of American foreign policy than the Congress.

This circumstance led, in the aftermath of the war in Vietnam, to congressional passage of the War Powers Resolution in 1973. The War Powers Resolution (WPR) was an attempt to constrain presidential discretion with regard to committing troops oversees. Section 3 of the WPR requires that 'The president in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances".' Section 4 of the WPR gives the president 48 hours to provide a report to both Chambers of the Congress detailing the reason for committing troops, the authority under which he committed them and his prediction conceming the duration of the troops' engagement abroad.'^ Once the president has informed the Congress of the commitment of troops, and in the event that the Congress does not declare war, the WPR requires the president to end the engagement within 60 days, with the possibility of an additional 30 days' commitment in the event that the president certifies to the Congress that the additional time is necessary.^\*\* According to the Congressional Research Service (CRS), the research branch of the Library of Congress, since the War Powers Resolution was enacted over President Richard M. Nixon's 1973 veto, it has been invoked on 107 occasions (to 23 July 2003).^' Figure 2 illustrates both the absolute number of times as well as the rate of each president's exercise of war powers. As Figure 2 demonstrates, the rate of War Powers Resolution uses has continually increased since it took effect in 1974.

A reading of the WPR would seem to clarify the relationship between Congress and the president with regard to the exercise of national war powers. A close reading would also suggest that the president and Congress share war-making power. Yet no president has ever recognised the WPR as a constraint on his ability to move American armed forces around the globe or keep them in place as long as necessary. Moreover, presidents rarely abide by the provisions of the Resolution that require their consultation with the Congress. As CRS researcher Richard F. Grimmett notes, 'there has been very little consultation with Congress under the Resolution when consultation is defined to mean seeking advice prior to a decision to introduce troops'.^" And while the Congress has, from time to time, expressed its sense that troops should be withdrawn from conflicts or engagements abroad, in truth the Congress has relatively few options for dealing with a president that violates the WPR. Indeed, as the late presidency scholar Aaron Wildavsky notes, the Congress is much less likely to challenge presidents" foreign policy actions than it is willing to challenge presidents" domestic policy actions.'^'^ This is because presidents oversee an enormous national security apparatus and because the constituents represented by members of Congress rarely hold strong opinions on matters of foreign policy. As a result, congressional challenges to violations of the WPR consist mostly of holding oversight hearings and passing symbolic resolutions.''\* Moreover, once troops are committed abroad. Congress almost always falls in line with the president’s vision of the scope of the conflict and the need for a military presence. The members of Congress become reluctant to challenge a president who has troops on the ground and typically acquiesce to the president’s wishes when it comes to provisions for support. In this way, the president is able to exercise some leadership over the Congress, whose members generally find it politically expedient to follow the president on matters pertaining to the military or the conduct of America's relations with other countries. Pg. 200-202

#### Plan controversy collapses US military power

Newton 12—Professor of Law @ Vanderbilt University [Michael A. Newton, “Inadvertent Implications of the War Powers Resolution,” Case Western Reserve Journal of International Law, Vol. 45, No. 1, 2012]

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as the Achilles heel of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to "seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression." 62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the "risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact."13 In his letter to Congress "consistent with the War Powers Resolution," the president reported that the strikes "were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities" and "were intended to prevent and deter additional attacks by a clearly identified terrorist threat."6 ' The following day, in a radio address to the nation, the president explained his decision to take military action, stating, "Our goals were to disrupt bin Laden's terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden's network gas."\*6 Citing "compelling evidence that the bin Laden network was poised to strike at us again" and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes. 66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.6 1

Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.6" Seeking to bolster legislative support and to better explain the strategic objectives, he explained that:

It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability behind the legitimate Government of Lebanon, and an important weight in the scales.

To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure.

An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand." Pg. 189-190

#### Afghanistan stability is at risk. Lack of clear signal of US commitment bungles the withdrawal process

Allen et al.13—Former Commander of the NATO International Security Assistance Force and U.S. Forces-Afghanistan (2011-2013) [General John R. Allen, USMC (Ret.); Michèle Flournoy (Co-Chair of the Board of Directors of the Center for a New American Security. Former Under Secretary of Defense for Policy from (2009-2012) & Michael O’Hanlon (Senior fellow in Foreign Policy Studies @ Brookings Institution), “Toward a Successful Outcome in Afghanistan,” Center for a New American Security, May 2013]

Conclusion: 2015 and Beyond

With his decision to reduce U.S. forces in Afghanistan by half between February 2013 and February 2014, President Obama answered most remaining questions about American military strength in Afghanistan through the end of the ISAF mission in December 2014. Most of the planned reductions from the current strength of some 66,000 American troops to 34,000 will occur this upcoming fall and winter. After that, the force levels will probably hold relatively steady through the Afghan elections in April and perhaps a bit longer, before the drawdown to the “Enduring Force” begins in late summer or fall of next year. Already, the U.S. force presence is focused on supporting the ANSF—American brigade combat teams and Marine regiments have been replaced now by security force assistance brigades, which essentially oversee, support and help enable the work of individual small-unit security force assistance teams working with individual Afghan units.

But there are still a number of critical questions to be worked through, some military and others political.

Specifically:

• What will the Enduring Force do and how large should it be in 2015 and beyond?

• Should the United States move straight to the Enduring Force, or have a somewhat larger “bridging force” for two to three years after 2014?

• How many allied forces are needed? What is politically realistic in various foreign capitals, especially in Europe?

• Should the ANSF be sustained at the level of 352,000 personnel beyond 2015? Say, to 2018 or 2020?

• What should come first, a clear U.S. commitment to a given Enduring Force (premised on reasonable Afghan elections and governance), or a deal on legal immunity for American troops through the so-called Bilateral Security Accord?

On the last point, we favor stating the rough contours of an American force soon. Actual deployment of any such force would of course be contingent on an acceptable immunity/status of forces agreement down the road. But clarifying the U.S. commitment would make it clear to Afghans that only their own reluctance, and specifically that of the Karzai government, stands in the way of firming up the partnership. Given Afghanistan’s historical fear of abandonment, we believe the psychology of such a clear American commitment of intent would be all to the good. It would also help persuade NATO allies to firm up their own plans. This does not mean that the United States should convey impatience to conclude a Bilateral Security Accord on a rushed basis, which would potentially weaken Washington’s negotiating position (since some Afghans wrongly believe that the United States desperately wants bases on their nation’s territory for broader regional purposes in multiple directions). But being clear about the nature of our commitment would serve American national security interests if Afghans do their part, too.

As for what the Enduring Force package should include, the United States needs several things as a matter of prudence. First, there should be enough force to advise and assist the ANSF effectively, including geographic distribution to cover the ANA corps in Kabul and the “four corners” of the country, and capacity to get below the Afghan Corps level with mobile teams if necessary, to support Afghan brigades in pre-operational preparations, and should problems develop here or there.

In the country’s north and west in particular, there should be enough enablers to keep U.S. allies in the game, as their logistics capabilities are not adequate to sustain small forces without modest U.S. help. (Germany and Italy seem ready to step up with their contributions, for example, but need assurance of certain U.S. support.) Of course the United States needs counterterrorism capabilities, for strikes within Afghanistan or in some cases along the border. Finally, for two to three years after 2014, the United States may need an additional force package of several thousand personnel to help the Afghans finish building their air force, their special operations forces and certain other enablers in medical realms, in counter-IED capability and in intelligence collection. This might be viewed as an additional bridging force, above and beyond the Enduring Force.

To achieve this, the United States should deploy an Enduring Force sized and shaped for these tasks after 2014. It is not our purpose to recommend a specific figure now, and in fact a band of numbers is probably acceptable, as suggested by some of the parameters staked out in the recent public debate on this subject—though greater risk would be associated with smaller force sizes. With clear U.S. commitments, allies would likely contribute an additional 3,000 to 5,000 uniformed personnel themselves.

Despite the near-term challenges in realms ranging from security to corruption to narcotics to difficult neighbors, we are fundamentally optimistic about Afghanistan’s mid- to long-term future. The greatest cause for hope is the next generation. Youth make up 60 percent of Afghanistan’s population, and they are being educated in unprecedented numbers. Some 180,000 students are in university this year, with nearly 10 million overall in school. Beyond the numbers, there is the passion, the commitment, the patriotism and the resilience that distinguishes this community of remarkable individuals, many of whom we have been lucky to meet and work with through the years.

In Afghanistan, many of these next-generation leaders have formed a “1400 group,” based on the Afghan Islamic calendar (it is now 1392, so 1400 is roughly the time when this new generation will begin to step up to run the nation). They include individuals who left Afghanistan during the wars of the last 30 years, as well as some who stayed; they include activists and members of civil society, as well as professionals and technocrats; they include Pashtuns and Tajiks and Hazaras and Uzbeks and others, though all tend to see themselves first and foremost as Afghans. And it is their own country that they now want to rebuild. Most encouraging, perhaps, is the growing role of women in Afghan society. Girls make up about 40 percent of this new generation of students, and women are an increasingly important voice speaking on behalf of minority rights, countering corruption and embracing the rule of law. From our experience in other post-conflict societies, countries able to assimilate women into the mainstream of society were far better able to transition into developing societies. Without the Afghan women playing a major role in the future of Afghanistan, we are not optimistic real reform can occur in this traditional society.

Despite its promise, one cannot forget, of course, that Afghanistan will remain one of the poorest, least developed and more corrupt countries in the world for years to come. But the United States and its partners, which have invested and sacrificed so much, have a chance to ensure that the land of the Hindu Kush does not return to being a safe haven for international terrorists and that it stays on the path toward greater stability, as well as human and economic development. Compared to what the international community has collectively invested already, in blood and treasure, the costs associated with this future effort to lock in gains seem a wise investment. Pg. 12-14

#### US strategy is crucial – Afghanistan will collapse absent military effectiveness

Miller 12—Professor of International Security Affairs & Director for the Afghanistan-Pakistan program @ National Defense University [Paul D. Miller (Former Director for Afghanistan on the National Security Council staff under Presidents Bush and Obama), “It’s Not Just Al-Qaeda: Stability in the Most Dangerous Region,” World Affairs Journal, March-April 2012, pg. http://tinyurl.com/lnplsb7]

In fact, the war is only now entering its culminating phase, indicated by the willingness of both US and Taliban officials to talk openly about negotiations, something parties to a conflict do only when they see more benefit to stopping a war than continuing it. That means the war’s ultimate outcome is likely to be decided by the decisions, battles, and bargaining of the next year or so. And its outcome will have huge implications for the future of US national security. In turn, that means the collective decision to ignore the war and its consequences is foolish at best, dangerous at worst. While Americans have lost interest in the war, the war may still have an interest in America. Now is the time, more than ten years into the effort, to remind ourselves what is at stake in Afghanistan and why the United States must secure lasting stability in South Asia.

It was, of course, al-Qaeda’s attack on the US homeland that triggered the intervention in Afghanistan, but wars, once started, always involve broader considerations than those present at the firing of the first shot. The war in Afghanistan now affects all of America’s interests across South Asia: Pakistan’s stability and the security of its nuclear weapons, NATO’s credibility, relations with Iran and Russia, transnational drug-trafficking networks, and more. America leaves the job in Afghanistan unfinished at its peril.

The chorus of voices in the Washington policy establishment calling for withdrawal is growing louder. In response to this pressure, President Obama has pledged to withdraw the surge of thirty thousand US troops by September 2012—faster than US military commanders have recommended—and fully transition leadership for the country’s security to the Afghans in 2013. These decisions mirror the anxieties of the electorate: fifty-six percent of Americans surveyed recently by the Pew Research Center said that the US should remove its troops as soon as possible.

But it is not too late for Obama (who, after all, campaigned in 2008 on the importance of Afghanistan, portraying it as “the good war” in comparison to Iraq) to reformulate US strategy and goals in South Asia and explain to the American people and the world why an ongoing commitment to stabilizing Afghanistan and the region, however unpopular, is nonetheless necessary.

The Afghanistan Study Group, a collection of scholars and former policymakers critical of the current intervention, argued in 2010 that al-Qaeda is no longer in Afghanistan and is unlikely to return, even if Afghanistan reverts to chaos or Taliban rule. It argued that three things would have to happen for al-Qaeda to reestablish a safe haven and threaten the United States: “1) the Taliban must seize control of a substantial portion of the country, 2) Al Qaeda must relocate there in strength, and 3) it must build facilities in this new ‘safe haven’ that will allow it to plan and train more effectively than it can today.” Because all three are unlikely to happen, the Study Group argued, al-Qaeda almost certainly will not reestablish a presence in Afghanistan in a way that threatens US security.

In fact, none of those three steps are necessary for al-Qaeda to regain its safe haven and threaten America. The group could return to Afghanistan even if the Taliban do not take back control of the country. It could—and probably would—find safe haven there if Afghanistan relapsed into chaos or civil war. Militant groups, including al-Qaeda offshoots, have gravitated toward other failed states, like Somalia and Yemen, but Afghanistan remains especially tempting, given the network’s familiarity with the terrain and local connections. Nor does al-Qaeda, which was never numerically overwhelming, need to return to Afghanistan “in strength” to be a threat. Terrorist operations, including the attacks of 2001, are typically planned and carried out by very few people. Al-Qaeda’s resilience, therefore, means that stabilizing Afghanistan is, in fact, necessary even for the most basic US war aims. The international community should not withdraw until there is an Afghan government and Afghan security forces with the will and capacity to deny safe haven without international help.

Setting aside the possibility of al-Qaeda’s reemergence, the United States has other important interests in the region as well—notably preventing the Taliban from gaining enough power to destabilize neighboring Pakistan, which, for all its recent defiance, is officially a longstanding American ally. (It signed two mutual defense treaties with the United States in the 1950s, and President Bush designated it a major non-NATO ally in 2004.) State failure in Pakistan brokered by the Taliban could mean regional chaos and a possible loss of control of its nuclear weapons. Preventing such a catastrophe is clearly a vital national interest of the United States and cannot be accomplished with a few drones.

Alarmingly, Pakistan is edging toward civil war. A collection of militant Islamist groups, including al-Qaeda, Tehrik-e Taliban Pakistan (TTP), and Tehrik-e Nafaz-e Shariat-e Mohammadi (TNSM), among others, are fighting an insurgency that has escalated dramatically since 2007 across Khyber Pakhtunkhwa, the Federally Administered Tribal Areas, and Baluchistan. According to the Brookings Institution’s Pakistan Index, insurgents, militants, and terrorists now regularly launch more than one hundred and fifty attacks per month on Pakistani government, military, and infrastructure targets. In a so far feckless and ineffectual response, Pakistan has deployed nearly one hundred thousand regular army soldiers to its western provinces. At least three thousand soldiers have been killed in combat since 2007, as militants have been able to seize control of whole towns and districts. Tens of thousands of Pakistani civilians and militants—the distinction between them in these areas is not always clear—have been killed in daily terror and counterterror operations.

The two insurgencies in Afghanistan and Pakistan are linked. Defeating the Afghan Taliban would give the United States and Pakistan momentum in the fight against the Pakistani Taliban. A Taliban takeover in Afghanistan, on the other hand, will give new strength to the Pakistani insurgency, which would gain an ally in Kabul, safe haven to train and arm and from which to launch attacks into Pakistan, and a huge morale boost in seeing their compatriots win power in a neighboring country. Pakistan’s collapse or fall to the Taliban is (at present) unlikely, but the implications of that scenario are so dire that they cannot be ignored. Even short of a collapse, increasing chaos and instability in Pakistan could give cover for terrorists to increase the intensity and scope of their operations, perhaps even to achieve the cherished goal of stealing a nuclear weapon.

Although our war there has at times seemed remote, Afghanistan itself occupies crucial geography. Situated between Iran and Pakistan, bordering China, and within reach of Russia and India, it sits on a crossroads of Asia’s great powers. This is why it has, since the nineteenth century, been home to the so-called Great Game—in which the US should continue to be a player.

Two other players, Russia and Iran, are aggressive powers seeking to establish hegemony over their neighbors. Iran is seeking to build nuclear weapons, has an elite military organization (the Quds Force) seeking to export its Islamic Revolution, and uses the terror group Hezbollah as a proxy to bully neighboring countries and threaten Israel. Russia under Vladimir Putin is seeking to reestablish its sphere of influence over its near abroad, in pursuit of which it (probably) cyber-attacked Estonia in 2007, invaded Georgia in 2008, and has continued efforts to subvert Ukraine.

Iran owned much of Afghan territory centuries ago, and continues to share a similar language, culture, and religion with much of the country. It maintains extensive ties with the Taliban, Afghan warlords, and opposition politicians who might replace the corrupt but Western-oriented Karzai government. Building a stable government in Kabul will be a small step in the larger campaign to limit Tehran’s influence.

Russia remains heavily involved in the Central Asian republics. It has worked to oust the United States from the air base at Manas, Kyrgyzstan. It remains interested in the huge energy reserves in Kazakhstan and Turkmenistan. Russia may be wary of significant involvement in Afghanistan proper, unwilling to repeat the Soviet Union’s epic blunder there. But a US withdrawal from Afghanistan followed by Kabul’s collapse would likely embolden Russia to assert its influence more aggressively elsewhere in Central Asia or Eastern Europe, especially in the Ukraine.

A US departure from Afghanistan will also continue to resonate for years to come in the strength and purpose of NATO. Every American president since Harry Truman has affirmed the centrality of the Atlantic Alliance to US national security. The war in Afghanistan under the NATO-led International Security Assistance Force (ISAF), the Alliance’s first out-of-area operation in its sixty-year history, was going poorly until the US troop surge. Even with the limited success that followed, allies have complained that the burden in Afghanistan has been distributed unevenly. Some, like the British, Canadians, and Poles, are fighting a shooting war in Kandahar and Helmand, while others, like the Lithuanians and Germans, are doing peacekeeping in Ghor and Kunduz. The poor command and control—split between four regional centers—left decisionmaking slow and poorly coordinated for much of the war. ISAF’s strategy was only clarified in 2008 and 2009, when Generals David McKiernan and Stanley McChrystal finally developed a more coherent campaign plan with counterinsurgency-appropriate rules of engagement.

A bad end in Afghanistan could have dire consequences for the Atlantic Alliance, leaving the organization’s future, and especially its credibility as a deterrent to Russia, in question. It would not be irrational for a Russian observer of the war in Afghanistan to conclude that if NATO cannot make tough decisions, field effective fighting forces, or distribute burdens evenly, it cannot defend Europe. The United States and Europe must prevent that outcome by salvaging a credible result to its operations in Afghanistan—one that both persuades Russia that NATO is still a fighting alliance and preserves the organization as a pillar of US national security.

### Terror

#### No nuclear terrorism – no capability nor intent reject their alarmism

* Many reasons to doubt both the capability and interest of terrorists getting nuclear devices
* Dangers of a loose nuke from Russia is far over-stated
* Even if a terrorist group got a nuclear weapon using it would be very difficult
* Terrorists and connections between rogue states is exaggerates
* Iran and North Korea are not going to give terrorists nukes because their arsenals are small
* What can go wrong will go wrong – multiple intensifying and compounding probability make terrorist failure inevitable
* Their evidence uses worst case scenarios which is alarmist and false
* Insider documents within Al-Qaeda show they don’t want nuclear weapons and prefer convention weapons
* Their evidence about them wanting nukes is wrong the 90s and out of date
* Even if they did want a nuke it was only to deter a U.S. invasion

Gavin 2010, Francis J. Gavin is Tom Slick Professor of International Affairs and Director of the Robert S. Strauss Center¶ for International Security and Law, Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, 2010, International Security, Vol. 34, No. 3 (Winter 2009/10), pp. 7–37¶ © 2010 by the President and Fellows of Harvard College and the Massachusetts Institute of Technology, “Same As It Ever Was ¶ Nuclear Alarmism, Proliferation, and the¶ Cold War”, http://www.mitpressjournals.org/doi/pdf/10.1162/isec.2010.34.3.7

Nuclear Terrorism. The possibility of a terrorist nuclear attack on the¶ United States is widely believed to be a grave, even apocalyptic, threat and a¶ likely possibility, a belief supported by numerous statements by public¶ ofªcials. Since the collapse of the Soviet Union, “the inevitability of the spread¶ of nuclear terrorism” and of a “successful terrorist attack” have been taken for¶ granted.48¶ Coherent policies to reduce the risk of a nonstate actor using nuclear weapons clearly need to be developed. In particular, the rise of the Abdul Qadeer¶ Khan nuclear technology network should give pause.49 But again, the news is¶ not as grim as nuclear alarmists would suggest. Much has already been done¶ to secure the supply of nuclear materials, and relatively simple steps can produce further improvements. Moreover, there are reasons to doubt both the capabilities and even the interest many terrorist groups have in detonating a¶ nuclear device on U.S. soil. As Adam Garªnkle writes, “The threat of nuclear¶ terrorism is very remote.”50¶ Experts disagree on whether nonstate actors have the scientific, engineering,¶ financial, natural resource, security, and logistical capacities to build a nuclear¶ bomb from scratch. According to terrorism expert Robin Frost, the danger of a¶ “nuclear black market” and loose nukes from Russia may be overstated. Even¶ if a terrorist group did acquire a nuclear weapon, delivering and detonating it¶ against a U.S. target would present tremendous technical and logistical¶ difficulties.51 Finally, the feared nexus between terrorists and rogue regimes¶ may be exaggerated. As nuclear proliferation expert Joseph Cirincione argues,¶ states such as Iran and North Korea are “not the most likely sources for terrorists since their stockpiles, if any, are small and exceedingly precious, and hence¶ well-guarded.”52 Chubin states that there “is no reason to believe that Iran today, any more than Sadaam Hussein earlier, would transfer WMD [weapons of¶ mass destruction] technology to terrorist groups like al-Qaida or Hezbollah.”53¶ Even if a terrorist group were to acquire a nuclear device, expert Michael¶ Levi demonstrates that effective planning can prevent catastrophe: for nuclear terrorists, what “can go wrong might go wrong, and when it comes to¶ nuclear terrorism, a broader, integrated defense, just like controls at the source¶ of weapons and materials, can multiply, intensify, and compound the possibilities of terrorist failure, possibly driving terrorist groups to reject nuclear terrorism altogether.” Warning of the danger of a terrorist acquiring a nuclear¶ weapon, most analyses are based on the inaccurate image of an “infallible tenfoot-tall enemy.” This type of alarmism, writes Levi, impedes the development¶ of thoughtful strategies that could deter, prevent, or mitigate a terrorist attack:¶ “Worst-case estimates have their place, but the possible failure-averse, conservative, resource-limited ªve-foot-tall nuclear terrorist, who is subject not only¶ to the laws of physics but also to Murphy’s law of nuclear terrorism, needs to¶ become just as central to our evaluations of strategies.”54¶ A recent study contends that al-Qaida’s interest in acquiring and using nuclear weapons may be overstated. Anne Stenersen, a terrorism expert, claims¶ that “looking at statements and activities at various levels within the al-Qaida network, it becomes clear that the network’s interest in using unconventional¶ means is in fact much lower than commonly thought.”55 She further states that¶ “CBRN [chemical, biological, radiological, and nuclear] weapons do not play a¶ central part in al-Qaida’s strategy.”56 In the 1990s, members of al-Qaida debated whether to obtain a nuclear device. Those in favor sought the weapons¶ primarily to deter a U.S. attack on al-Qaida’s bases in Afghanistan. This assessment reveals an organization at odds with that laid out by nuclear alarmists of¶ terrorists obsessed with using nuclear weapons against the United States regardless of the consequences. Stenersen asserts, “Although there have been¶ various reports stating that al-Qaida attempted to buy nuclear material in the¶ nineties, and possibly recruited skilled scientists, it appears that al-Qaida central have not dedicated a lot of time or effort to developing a high-end CBRN¶ capability.... Al-Qaida central never had a coherent strategy to obtain¶ CBRN: instead, its members were divided on the issue, and there was an¶ awareness that militarily effective weapons were extremely difficult to obtain.”57 Most terrorist groups “assess nuclear terrorism through the lens of¶ their political goals and may judge that it does not advance their interests.”58¶ As Frost has written, “The risk of nuclear terrorism, especially true nuclear terrorism employing bombs powered by nuclear fission, is overstated, and that¶ popular wisdom on the topic is significantly fiawed.”59

#### Cooperation over security concerns spills over and solves all relations – continued deterioration makes nuclear conflict inevitable

Krieger and Starr 2012, ¶ David Krieger is President of the Nuclear Age Peace Foundation and Steven Starr is an Associate of the Nuclear Age Peace Foundation and Senior Scientist for Physicians for Social Responsibility, January 03, 2012, “A Nuclear Nightmare in the Making: NATO, Missile Defense and Russian Insecurity”, http://www.wagingpeace.org/articles/db\_article.php?article\_id=321

This is a dangerous scenario, no matter which NATO we are talking about, the real one or the hypothetical one. Continued US indifference to Russian security concerns could have dire consequences: a breakdown in US-Russian relations; regression to a new nuclear-armed standoff in Europe; Russian withdrawal from New START; a new nuclear arms race between the two countries; a breakdown of the Nuclear Non-Proliferation Treaty leading to new nuclear weapon states; and a higher probability of nuclear weapons use by accident or design. This is a scenario for nuclear disaster, and it is being provoked by US hubris in pursuing missile defenses, a technology that is unlikely ever to be effective, but which Russian leaders must view in terms of a worst-case scenario.¶ In the event of increased US-Russian tensions, the worst-case scenario from the Russian perspective would be a US first-strike nuclear attack on Russia, taking out most of the Russian nuclear retaliatory capability. The Russians believe the US would be emboldened to make a first-strike attack by having the US-NATO missile defense installations located near the Russian border, which the US could believe capable of shooting down any Russian missiles that survived its first-strike attack.¶ The path to a US-Russian nuclear war could also begin with a conventional military confrontation via NATO. The expansion of NATO to the borders of Russia has created the potential for a local military conflict with Russia to quickly escalate into a nuclear war. It is now Russian policy to respond with tactical nuclear weapons if faced with overwhelmingly superior conventional forces, such as those of NATO. In the event of war, the “nuclear umbrella” of NATO guarantees that NATO members will be protected by US nuclear weapons that are already forward-based in Europe.¶ Shortly after President Obama came into office, he said in Prague, “The US seeks the peace and security of a world without nuclear weapons.” If he has any intention of making that dream a reality, he had better instruct the US government to work with the Russians in a way that does not undermine their security, or perceived security, which, from the Russian perspective, is essentially the same. The only security that can exist in the Nuclear Age is common security. An imbalance in security, or perceptions of security, threatens not only the weaker party, but all parties. NATO missile defense plans have created greater insecurity for Russia, which has set in motion Russian counteractions that are reducing security for the US, NATO and the world. Two solutions exist: either eliminate US-NATO European missile defense; or allow Russia to become a full-partner in the planning and operation of the missile defense deployments.

#### No impact to Bioweapons – reject their fear-mongering

* Bioterrorism reports even from the CIA don’t just lack facts but common sense
* They dream up long shot science fiction like scenarios
* Scenarios involve known ineffective delivery devices
* Since WWII only 6 people have died of bioterrorism
* Since WWII only 26 people have died from chemical terrorism
* Alarmist predictions are made on a monetary incentive
* Defensive measures are sufficient – the federal government spends 2billion dollars for every victim of bioterrorism
* A common phrase goes along the lines of “The United States remains woefully unprepared to protect the public against terrorists wielding biological agents.” Is a sure sign of fear mongering
* Every single type of weapon requires massive amounts that no one could get or use without being caught
* “Dark Winter” is a war game that sensationalized bioterrorism
* Bioterrorism especially small pox will not spread it is too slow and not very contagious
* Partial quarantine and local vaccines in the event of a bioterror attack are sufficient to solve
* Bio agents can’t survive the sunlight or chlorine so only using military shells are able to be effective
* To die of airborne anthrax one needs to inhale massive amounts which is not possible
* No one will die of a bioterrorism attack its an endless exaggeration of low-probability events

Reynolds 2005, Alan Reynolds is a senior fellow with the Cato Institute and a nationally syndicated columnist, April 10, 2005, “WMD Doomsday Distractions”, http://www.cato.org/publications/commentary/wmd-doomsday-distractions?print

The report lacked not merely facts but common sense. The commission found the CIA’s worst errors were due “chiefly to flaws in analysis,” and to the “fundamental assumptions and premises of its analytic judgments,” and “an inferential leap.”¶ The panel blamed insufficient imagination. The greater danger may be too much imagination — dreaming up long-shot science-fiction scenarios, like those recently leaked from the Homeland Security Department involving demonstrably ineffective agents delivered by inexplicable devices.¶ In the partially prescient 1996 Kurt Russell film “Executive Decision,” Islamic terrorists hijack an airliner to kill “millions of Americans” with bombs filled with sarin nerve gas. Jet fuel would have been a less thrilling yet more realistic threat.¶ As the Economist noted two weeks after the September 11, 2001, terrorist attacks: “Although a few molecules of sarin are enough to kill a person, it takes hundreds of pounds of chemicals to achieve that concentration in an open air attack.”¶ On Oct. 2, 2001, the Washington Post’s reporters Joby Warrick and Joe Stephens found defense and intelligence agencies had become so enthralled with sarin, smallpox and other hypothetical “weapons of mass destruction” they didn’t connect three dots: commercial planes were often hijacked; jet fuel is explosive; suicidal terrorist tactics are common.¶ The article revealed “elaborate multiagency planning exercises with flashy names such as ‘Red Ex’ and ‘Dark Winter’ focused overwhelmingly on biological and chemical threats, while experts urging preparations for a simpler, more conventional attack found it difficult to be heard. … Lots of money poured into research on chemical and biological threats. Entire research institutes were created for it.”¶ The postwar death toll from bioterrorism is only six — five Americans from anthrax and one Bulgarian assassinated with ricin. The death toll from chemical terrorism is 26 — 19 from sarin gas in Japanese subways a decade ago and seven in Chicago in 1982 killed by Tylenol laced with cyanide.¶ In March 1999, The Post’s science writer Daniel Greenberg already sensed a “whiff of hysteria-fanning and budget opportunism in the scary scenarios of the saviors who have stepped forward against the menace of bioterrorism.”¶ Today, the federal cost of this bioterrorism bonanza is $7.9 billion a year — nearly $2 billion for each known victim of bioterrorism. Yet taxpayers are still assaulted by periodic hysteria-fanning studies from opportunistic institutes claiming, “The United States remains woefully unprepared to protect the public against terrorists wielding biological agents.”¶ Lumping nuclear weapons with a hodgepodge of biological and chemical agents as weapons of “mass” destruction is intended to imply germs and chemicals are as dangerous as nuclear bombs. In a January 2003 speech, former Deputy Defense Secretary Paul Wolfowitz claimed Iraq had enough ricin to kill “more than 1 million people,” botulinum toxin (botox) “to kill tens of millions” and anthrax “to kill hundreds of millions.”¶ To use ricin to kill many people, someone would have to dump hundreds of tons of it on a small area. To kill many with anthrax or botox, someone would have to first get the victims to sniff weapons-grade anthrax or eat botulism-contaminated food and then shun antibiotics or antitoxins.¶ Four months before the September 11 attacks, the Center for Strategic and International Studies hosted a “Dark Winter” war game that assumed the smallpox virus could somehow be released in three shopping malls without anyone noticing, leaving 3,000 unknowingly infected. Each victim was (wrongly) assumed to infect 10 more, through casual contact with travelers who didn’t notice their pox. Compounding supposedly resulted in a million deaths within two months. Dark Winter was cited as a reason the Bush administration spent a half-billion dollars on 300 million doses of smallpox vaccine and tried to force risky vaccinations on first responders.¶ Wall Street Journal science columnist Sharon Belgey debunked “Dark Winter” in November 2002, quoting Swiss expert Peter Merkle about “the sensationalistic press and marketing hype emerging from the burgeoning biodefense industry.” “Dark Winter” assumed everyone infected spread the infection to 10 others, but teams of researchers say the scenario is tenfold too large. “Smallpox spreads slowly and is not very contagious,” Miss Begley noted. Smallpox symptoms are quite visible, which acts like a big quarantine sign. Even a partial quarantine and local vaccinations have proven effective against smallpox.¶ After the Iraq invasion turned up no WMD, a Wall Street Journal editorial seized on inspector David Kay’s mention of Iraqi research on aflatoxin — a carcinogenic mold that is researched because excessive aflatoxin on nuts can result in export bans. A U.S. lab worker once tried to commit suicide by ingesting a lot of aflatoxin, but failed.¶ To use aflatoxin, anthrax, botox or ricin to kill more than a half-dozen people, you have to imagine some device for effectively delivering such agents. When it came to imaginary delivery systems, WMD fear-mongering escalated to the absurd.¶ The 2002 British dossier claimed, “Iraq can deliver chemical and biological agents using an extensive range of artillery shells, free-fall bombs, sprayers and ballistic missiles.” But biological agents (except ricin) are living organisms, which would be killed by any bomb, shell or missile. Chemical agents are liquid at room temperature, not gaseous, and most effective in closed spaces like a subway car or building.¶ Chemical agents can be delivered by artillery shells, but how could terrorists sneak into a city with a 4-ton Howitzer? If terrorists can attack us with artillery shells, free-fall bombs or missiles, we should worry far more about conventional explosives than sarin shellings or aflatoxin bombs.¶ Former Secretary of State Powell told the United Nations that Iraq had “ways to disperse lethal biological agents widely, indiscriminately into the water supply, into the air.” But few biological agents (except anthrax) can survive sunlight, and none can survive chlorine. And it would take many huge trucks to poison a small water reservoir.¶ What about fears of biological agents dispersed indiscriminately into the air? Scenario spinners speculate about mixing anthrax with water and somehow spraying it (without detection) from trucks, crop dusters or unmanned aircraft. But to die from anthrax, you need to inhale thousands of spores. Those spores clump together and mix with dust, yet they must end up neither too large nor too small, or else they would be sneezed out, coughed up or swallowed. Even if enough particles of the perfect size could be sprayed into the breezes, the odds are extremely low of infecting more than few dozen people that way. And none would die if they took Cipro promptly.¶ The biggest danger of past and present alarmist statements about biological terrorism is that endless exaggeration of low-probability events continues diverting limited attention and resources away from real weapons real terrorists really use — airplanes, machine guns, arson, suicide bombs and car bombs.

### Yemen

#### Yemen instability won’t cause full collapse or war – history shifts the burden of proof

**Caton 10** Dr. Steve C. Caton is Professor of Contemporary Arab Studies in the Department of Anthropology at Harvard University. Yemen: not on the verge of collapse Posted By Steven C. Caton Wednesday, August 11, 2010 - 2:56 PM Share http://mideast.foreignpolicy.com/posts/2010/08/11/yemen\_not\_on\_the\_verge\_of\_collapse

History may provide some perspective. There has been a state or dawlah in Yemen for thousands of years, whether the Sabaean state that built Marib Dam and was the reputed homeland of the Queen of Sheba, or the Islamic state created shortly after the advent of Islam which lasted for a thousand years, or the republican state that came into being in 1962 and has lasted until the present day, despite two bitter civil wars. To be sure, the state has waxed and waned in power and contracted or expanded in territory during this history, and it has faced formidable outside opponents, beginning with the Romans and most recently with al-Qaeda, but it has never fully collapsed or disappeared from the scene. It is unlikely to do so in the present in spite of arguments that the current regime is at a tipping point and about to fall apart because of an unprecedented number of seemingly intractable problems facing it (an ever weakening economy, unsustainable water consumption, projected diminished oil reserves, conflicts between the state and certain regional populations, rampant corruption, and let us not forget al-Qaeda).

To those who would say to me, "How do you know it is not at a tipping point?" I can only respond with, "How do you know that it is?" and remind ourselves of the longue durée of Yemeni history.

But what does it mean to be a "weak state" in contemporary Yemen? Again, some historical perspective is helpful, though thankfully we need not go back three thousand years. When the current president of Yemen, Ali Abdullah Saleh, came to power in 1978 I remember people taking bets in the country's expatriate community that he would not last a year. Not only has he expanded his own personal power, he has managed to consolidate and broaden the state's presence in the country. In 1978, there were few military checkpoints along Yemen's highways; I could go from the capital, Sana'a, to the western town of Marib and be stopped at most two times along the way by state authorities. Now there are over a dozen such stops and identity papers are checked. Military outposts can be seen on most mountain-tops. And there is an administrative system doing the state's business in even the most far-flung regions of the county. Paved roads, state-run or sponsored schools, clinics, and hospitals represent a different aspect of state power and legitimacy, and perhaps they are more effective in that they penetrate into the everyday lives of people. Usually none of this context is taken into account when the western press glibly asserts that the state can barely control the capital, let alone the hinterlands beyond it.

## Drones

### Drone Prolif

#### No risk of drone wars

Joseph Singh 12, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.

What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

### Hegemony

#### “Credibility” is irrelevant --- states will evaluate threats based off current capabilities and interests --- basically every academic study is on our side and you’ll only have evidence from think tankers and pundits.

Christopher Fettweis, Winter 2007-2008. Assistant professor of national security affairs in the National Security Decision Making Department at the U.S. Naval War College. “Credibility and the War on Terror,” Political Science Quarterly, 122.4.

The war in Vietnam marked the beginning of the current debate over the importance of credibility, and the point of divergence between scholars and practitioners. Despite dire warnings from many of its leaders, the United States not only withdrew its forces from Southeast Asia but also cut back on its aid and watched North Vietnamese troops overrun Saigon in 1975. Since this "cut-and-run" and subsequent loss of an ally were undoubtedly unmitigated disasters for the credibility of the United States, presumably a string of foreign policy setbacks should have followed. If international actions are truly interdependent, as policymakers believe, then the 1970s would prob- ably have seen evidence of allies beginning to question U.S. commitments, dominoes falling where the reputation of the United States maintained the status quo, and increased levels of Soviet activity in the third world. The conventional wisdom suggests that the humiliating rooftop helicopter evacua- tion of the U.S. embassy in Saigon should have heralded a dark period for U.S. foreign policy. However, no such string of catastrophes took place. Perhaps most ob- viously, there is no evidence that any alhes of the United States were sig- nificantly demoralized, or that any questioned the wisdom of their allegiance. If anything, many of Washington's closest alhes seemed relieved when the war ended, since many of them had doubted its importance in the first place and had feared that it distracted the United States from other, more pressing issues.^^ Certainly no state, not even any "client" states in the third world, changed its geopolitical orientation as a result of Vietnam. The damage to U.S. credibility also did not lead to the long-predicted spread of communism throughout the region, as even Kissinger today grudgingly acknowledges.^' On the contrary, in the ten years that followed the fall of Saigon, the non-communist nations of Southeast Asia enjoyed a period of unprecedented prosperity.^" The only dominoes that fell were two countries that were even less relevant than Vietnam to the global balance of power— Cambodia and Laos, both of which were hardly major losses for the West, especially given the tragedies that followed. Nationalism proved to be a bul- wark against the spread of communism that could not be overcome by any loss of confidence in U.S. commitments. Most importantly, the Soviet Union apparently failed to become em- boldened by the U.S. withdrawal, and did not appreciably increase its "adventurism" in the third world, compared to the 1950s and '60s, when U.S. credibility was high.^^ In an important and convincing study, Ted Hopf examined over 500 articles and 300 leadership speeches made by Soviet policy- makers throughout the 1970s, and found that their public pronouncements did not show evidence of a belief that U.S. setbacks in the third world signaled a lack of resolution. "The most dominant inference Soviet leaders made after Vietnam," concluded Hopf, "was not about falling regional dominoes or bandwagoning American allies, but about the prospects of detente with the United States and Western Europe."^^ Soviet behavior did not change, despite the perception of incompetence that many Americans feared would inspire increased belligerence. Kissinger has referred to Soviet decisions to intervene in Angola and Ethiopia as evidence of the negative effect of Vietnam, but Hopf found no evidence that perceptions of U.S. credibility affected Soviet decision makers. It appears as if those interventions—which, of course, were in strategically irrelevant countries anyway—were indepen- dent events that probably would have occurred no matter what had happened in Vietnam. Other negative events in the 1970s, such as the fall of the Shah, seem even more independent of the catastrophe, despite half-hearted efforts to link them together." As it turns out, Vietnam was all but irrelevant to international politics, which is of course exactly what critics of the war had maintained all along. The immediate post-Vietnam era actually contains a good deal of evidence to bolster a conclusion opposite to the presumptions of deterrence theorists. Robert Jervis has argued that states often act more aggressively in periods of "low" credibility following a reversal, or in response to the perception of irresolution. The Soviets might well have expected the United States to act like a wounded animal, perhaps even more willing to defend its interests than before the withdrawal from Vietnam. "A statesman's will- ingness to resist," Jervis argued, "may be inversely related to how well he has done in the recent past."^'' Indeed, U.S. policymakers, believing that the national credibility had been damaged, seemed eager to reverse such perceptions abroad. The seizure of the Mayaguez, which occurred imme- diately after the fall of Saigon, provided the opportunity to do so. The re- sponse of the administration of Gerald Ford was rapid, decisive, and belligerent. As the President said at the time, "I have to show some strength in order to help us ... with our credibility in the world." Kissinger had told reporters off the record that "the United States must carry out some act somewhere in the world which shows its determination to continue to be a world power." He wanted to react rapidly, arguing that "indecision and weakness can lead to demoralized friends and emboldened adversaries." Even though a rapid military response might have put the captured crew at risk, their lives were unfortunately a "secondary consideration," argued Kissinger, since the "real issue was international credibility and not the safe return of the crew."^Âs will be argued below, the credibility imperative rarely supports negotiated solutions. This was by no means an isolated inci- dent. The invasion of Grenada, for example, cannot be understood without reference to the perceived loss of credibility that followed the removal of troops from Lebanon after the bombings of the embassy and Marine bar- racks. The intervention in Somalia was in large part a response to and cover for U.S. inaction in Bosnia.^\* Since Vietnam, scholars have been generally unable to identify cases in which high credibility helped the United States achieve its goals. The short- term aftermath of the Cuban Missile Crisis, for example, did not include a string of Soviet reversals, or the kind of benign bandwagoning with the West that deterrence theorists would have expected. In fact, the perceived rever- sal in Cuba seemed to harden Soviet resolve. As the crisis was drawing to a close, Soviet diplomat Vasily Kuznetsov angrily told his counterpart, "You Americans will never be able to do this to us again."^' Kissinger commented in his memoirs that "the Soviet Union thereupon launched itself on a de- termined, systematic, and long-term program of expanding all categories of its military power .... The 1962 Cuban crisis was thus a historic turning point—but not for the reason some Americans complacently supposed."^\* The reasser- tion of the credibility of the United States, which was done at the brink of nuclear war, had few long-lasting benefits. The Soviets seemed to learn the wrong lesson. There is actually scant evidence that other states ever learn the right lessons. Cold War history contains little reason to believe that the credibility of the superpowers had very much effect on their ability to influence others. Over the last decade, a series of major scholarly studies have cast further doubt upon the fundamental assumption of interdependence across foreign policy actions. Employing methods borrowed from social psychology rather than the economics-based models commonly employed by deterrence theorists, Jonathan Mercer argued that threats are far more independent than is com- monly believed and, therefore, that reputations are not likely to be formed on the basis of individual actions.^' While policymakers may feel that their decisions send messages about their basic dispositions to others, most of the evidence from social psychology suggests otherwise. Groups tend to interpret the actions of their rivals as situational, dependent upon the constraints of place and time. Therefore, they are not likely to form lasting impressions of irreso- lution from single, independent events. Mercer argued that the interdependence assumption had been accepted on faith, and rarely put to a coherent test; when it was, it almost inevitably failed.\* Mercer's larger conclusions were that states cannot control their reputa- tions or level of credibility, and that target adversaries and alhes will ultimately form their own perceptions. Sending messages for their consideration in future crises, therefore, is all but futile. These arguments echoed some of the broader critiques of the credibility imperative that had emerged in response to the war in Vietnam, both by reahsts hke Morgenthau and Waltz and by so-called area specialists, who took issue with the interdependence beliefs of the generahsts. As Jervis observed, a common axis of disagreement in American foreign policy has been between those who focus on the specific situation and the particular nations involved (often State Department officials or area experts), and those who take a global geopolitical perspective (often in the White House or outside foreign pohcy generalists). The former usually believe that states in a region are strongly driven by domestic concerns and local rivalries; the latter are pre- disposed to think that these states look to the major powers for their cues and have little control over their own fates."" Throughout most of the Cold War, since those who argued that events are interdependent won most of the pohcy debates, U.S. foreign policy was obsessed with credibility. A series of other studies have followed those of Hopf and Mercer, yielding similar results. The empirical record seems to suggest that there have been few instances of a setback in one arena influencing state behavior in a second arena. Daryl Press began his recent study expecting to find that perceptions of the opponent's credibility would be an important variable affecting state behavior.''^ He chose three cases in which reputation would presumably have been vital to the outcome—the outbreak of the First World War, the Berlin Crisis of the late 1950s, and the Cuban Missile Crisis—and found, to his surprise, that in all three cases, leaders did not appear to be influenced at all by prior actions of their rivals, for better or for worse. Crisis behavior appeared to be entirely independent; credibility, therefore, was all but irrelevant. Mercer's conclusions about reputation seem to have amassed a good deal more sup- porting evidence in the time since he wrote. Today the credibility imperative's academic defenders are small in number and influence.'\*'' In the policy world, however, the obsession with credibility lives on undiminished, and doubters are clearly in the minority. Shiping Tang considers the continued existence of the credibility impera- tive in spite of the overwhelming evidence to the contrary to be evidence of almost cultish behavior among policymakers.''^ The longevity of this cult seems to derive from a couple of foundations. First, since foreign policy is by necessity a worst-case-scenario business, prudence often counsels leaders to hedge against the most negative potential outcomes.''^ Since a loss of credibility offers a presumably plausible route to national ruin, the sagacious policymaker will often be very wary of damage to the reputation of the state, no matter what logic and the empirical evidence suggest. After all, while incorrect academics face virtually no consequences, missteps by leaders can be catastrophic. Second, the current academic conventional wisdom is counterintui- tive, and in some senses contradictory to normal daily experience. Indi- viduals certainly develop reputations in their daily lives that influence the way that others treat them. Parents understand that they must carry through on their threats and promises if they want their children to take their future instructions seriously, and we all have friends whose repeated fail- ures to deliver on past promises make us skeptical of their future assur- ances."' However, international relations differ drastically from interper- sonal. As Press explains, Children use past actions when they evaluate their parents' credibility to punish them, and perhaps we all use past actions to assess whether a friend will show up at the movies. But there is no logical basis to generalize from these mundane situations to the most critical decisions made by national leaders during crises. In fact it would be odd—even irrational—if people relied on the same mental shortcuts that they use to make unimportant split-second decisions of daily life when they confront the most important decisions of their lives—decisions on which their country's survival depends."\*^Press argues that national capabilities and interests—not past behavior— provide the foundation for the formation of perceptions. However, the credi- bility imperative has a powerful intuitive logic behind it, based upon lifetimes of interpersonal experience. There are therefore significant impediments in front of those who would challenge the wisdom of the pohcymaker's obsession with reputation. This divergence in conventional wisdom between policy and scholarship would not be a major issue for twenty-first-century international politics if policies that are primarily based upon the need to appear credible were not often counterproductive, costly, and dangerous. The imperative has clear effects upon policy, and is employed in debates in predictable, measurable, and uniformly unhelpful ways.

#### US decline will not spark wars.

MacDonald & Parent 11—Professor of Political Science at Williams College & Professor of Political Science at University of Miami [Paul K. MacDonald & Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

Our findings are directly relevant to what appears to be an impending great power transition between China and the United States. Estimates of economic performance vary, but most observers expect Chinese GDP to surpass U.S. GDP sometime in the next decade or two. 91 This prospect has generated considerable concern. Many scholars foresee major conflict during a Sino-U.S. ordinal transition. Echoing Gilpin and Copeland, John Mearsheimer sees the crux of the issue as irreconcilable goals: China wants to be America’s superior and the United States wants no peer competitors. In his words, “[N]o amount of goodwill can ameliorate the intense security competition that sets in when an aspiring hegemon appears in Eurasia.” 92

Contrary to these predictions, our analysis suggests some grounds for optimism. Based on the historical track record of great powers facing acute relative decline, the United States should be able to retrench in the coming decades. In the next few years, the United States is ripe to overhaul its military, shift burdens to its allies, and work to decrease costly international commitments. It is likely to initiate and become embroiled in fewer militarized disputes than the average great power and to settle these disputes more amicably. Some might view this prospect with apprehension, fearing the steady erosion of U.S. credibility. Yet our analysis suggests that retrenchment need not signal weakness. Holding on to exposed and expensive commitments simply for the sake of one’s reputation is a greater geopolitical gamble than withdrawing to cheaper, more defensible frontiers.

Some observers might dispute our conclusions, arguing that hegemonic transitions are more conflict prone than other moments of acute relative decline. We counter that there are deductive and empirical reasons to doubt this argument. Theoretically, hegemonic powers should actually find it easier to manage acute relative decline. Fallen hegemons still have formidable capability, which threatens grave harm to any state that tries to cross them. Further, they are no longer the top target for balancing coalitions, and recovering hegemons may be influential because they can play a pivotal role in alliance formation. In addition, hegemonic powers, almost by definition, possess more extensive overseas commitments; they should be able to more readily identify and eliminate extraneous burdens without exposing vulnerabilities or exciting domestic populations.

We believe the empirical record supports these conclusions. In particular, periods of hegemonic transition do not appear more conflict prone than those of acute decline. The last reversal at the pinnacle of power was the AngloAmerican transition, which took place around 1872 and was resolved without armed confrontation. The tenor of that transition may have been influenced by a number of factors: both states were democratic maritime empires, the United States was slowly emerging from the Civil War, and Great Britain could likely coast on a large lead in domestic capital stock. Although China and the United States differ in regime type, similar factors may work to cushion the impending Sino-American transition. Both are large, relatively secure continental great powers, a fact that mitigates potential geopolitical competition. 93 China faces a variety of domestic political challenges, including strains among rival regions, which may complicate its ability to sustain its economic performance or engage in foreign policy adventurism. 94

Most important, the United States is not in free fall. Extrapolating the data into the future, we anticipate the United States will experience a “moderate” decline, losing from 2 to 4 percent of its share of great power GDP in the five years after being surpassed by China sometime in the next decade or two. 95 Given the relatively gradual rate of U.S. decline relative to China, the incentives for either side to run risks by courting conflict are minimal. The United States would still possess upwards of a third of the share of great power GDP, and would have little to gain from provoking a crisis over a peripheral issue. Conversely, China has few incentives to exploit U.S. weakness. 96 Given the importance of the U.S. market to the Chinese economy, in addition to the critical role played by the dollar as a global reserve currency, it is unclear how Beijing could hope to consolidate or expand its increasingly advantageous position through direct confrontation. In short, the United States should be able to reduce its foreign policy commitments in East Asia in the coming decades without inviting Chinese expansionism. Indeed, there is evidence that a policy of retrenchment could reap potential benefits. The drawdown and repositioning of U.S. troops in South Korea, for example, rather than fostering instability, has resulted in an improvement in the occasionally strained relationship between Washington and Seoul. 97 U.S. moderation on Taiwan, rather than encouraging hard-liners in Beijing, resulted in an improvement in cross-strait relations and reassured U.S. allies that Washington would not inadvertently drag them into a Sino-U.S. conflict. 98 Moreover, Washington’s support for the development of multilateral security institutions, rather than harming bilateral alliances, could work to enhance U.S. prestige while embedding China within a more transparent regional order. 99 A policy of gradual retrenchment need not undermine the credibility of U.S. alliance commitments or unleash destabilizing regional security dilemmas. Indeed, even if Beijing harbored revisionist intent, it is unclear that China will have the force projection capabilities necessary to take and hold additional territory. 100 By incrementally shifting burdens to regional allies and multilateral institutions, the United States can strengthen the credibility of its core commitments while accommodating the interests of a rising China. Not least among the benefits of retrenchment is that it helps alleviate an unsustainable financial position. Immense forward deployments will only exacerbate U.S. grand strategic problems and risk unnecessary clashes. 101

## 2NC

### Legitimacy

#### No impact to the advantage – drones solve terrorism and special ops

Roberts 2013, Kristin Roberts is News Editor for National Journal. In this role, she leads the team of managing editors and guides NJ's coverage of the biggest stories, March 2013, “When the Whole World Has Drones”, http://www.realclearpolitics.com/2013/03/22/when\_the\_whole\_world\_has\_drones\_304444.html

Other countries, groups, and even individuals can and do fly drones. But no state or group has nearly the sophisticated network of intelligence and data analysis that gives the United States its strategic advantage. Although it would be foolish to dismiss the notion that potential U.S. adversaries aspire to attain that type of war-from-afar, pinpoint-strike capability, they have neither the income nor the perceived need to do so.¶ That's true, at least today. It's also irrelevant. Others who employ drones are likely to carry a different agenda, one more concerned with employing a relatively inexpensive and ruthlessly efficient tool to dispatch an enemy close at hand.¶ "It would be very difficult for them to create the global-strike architecture we have, to have a control cell in Nevada flying a plane over Afghanistan. The reality is that most nations don't want or need that,"� said Peter Singer, director of the Brookings Institution's Center for 21st Century Security and Intelligence and one of the foremost experts in advanced military technology. "Turkey's not looking to conduct strikes into the Philippines.... But Turkey is looking to be able to carry out long-duration surveillance and potentially strike inside and right on its border."�¶ And that's a NATO ally seeking the capability to conduct missions that would run afoul of U.S. interests in Iraq and the broader Middle East. Already, Beijing says it considered a strike in Myanmar to kill a drug lord wanted in the deaths of Chinese sailors. What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea? Or if India uses the aircraft to strike Lashkar-e-Taiba militants near Kashmir?¶ "

#### No impact

Lewis 11 (Michael W. Lewis, professor of international law and the law of war at Ohio Northern University School of Law, former Navy fighter pilot, and coauthor of ‘The War on Terror and the Laws of War: A Military Perspective,’ “Unfounded Drone Fears,” Los Angeles Times, October 17, 2011, http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race.

While it is true that some other nations have begun developing their own unmanned aerial vehicles, the extent of the alarm is unjustified. Much of it rests on myths that are easily dispelled.

Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are not effective weapons of conventional warfare. The unmanned aerial vehicles are slow and extremely vulnerable to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.

Myth 2: Terrorists could effectively use drones to strike targets that are otherwise safe. Though it would be preferable if terrorist groups did not acquire drones, the technology required to support them is not particularly advanced. If organizations such as Al Qaeda were intent on acquiring the technology, they probably could. One of the reasons Al Qaeda may not have spent the time and resources necessary to do so is that drones would be of limited value. In addition to being very vulnerable to even basic air defense systems, drones require a great deal of logistical support. They have to be launched, recovered and controlled from a reasonably large and secure permanent facility. Wherever Al Qaeda's drones landed would immediately become a target.

It is true that a small, hand-launched drone capable of delivering a small warhead over a reasonably short distance could be, like radio-controlled model airplanes, launched in a public park or other open area and flown to a target several miles away. However, the amount of explosives that such a drone can carry is very limited (at most a few pounds) and pales in comparison to the amount of explosives that can be delivered by a vehicle or even a suicide bomber. It seems likely that terrorist groups will continue to deliver their explosives by vehicle or suicide bomber.

Myth 3: The U.S. use of drones in cases such as the Awlaki killing in Yemen serves to legitimize their use by China or Russia. International law places the same restrictions on the use of drones that it places on any other use of military force. The U.S. used a drone on Yemeni territory to kill Awlaki because it was given permission to do so by the Yemeni government, and because Awlaki was an active member of an Al Qaeda affiliate who had repeatedly been involved in operations designed to kill Americans at home and abroad. With such permission, the U.S. could instead have employed special forces or a conventional airstrike.

Numerous commentators have suggested that U.S. drone use legitimizes Russian drone use in Chechnya or Chinese drone use against the Uighurs. If China or Russia were facing genuine threats from Chechen or Uighur separatists, they might be allowed under international law to use drones in neighboring states if those states gave them permission to do so. However, given the fact that Chechen separatists declared an end to armed resistance in 2009, and that the greatest concern Russians currently have with Chechnya is with the lavish subsidies that Russia is currently providing it, the likelihood of armed Russian drones over Chechnya seems remote at best.

Likewise, there is no Uighur separatist organization that even remotely resembles Al Qaeda. Uighur unrest has taken the form of uprisings in Urumqi and other areas, similar to the Tibetan unrest of a few years ago. The Chinese eliminated such unrest with widespread arrests and disappearances, which raised serious human rights concerns. But there has been no time in which Uighur opposition has met the threshold established by international law that would allow for the use of armed drones in response to Uighur actions.

It is important to recognize drones for what they are: slow, relatively low-tech anti-terrorism tools that would be of limited use on most modern battlefields and are particularly unsuited to use by terrorist organizations.

#### Drone prolif inevitable – plan doesn’t solve

Sennot 2012, Charles M. Sennott is the Vice President, Editor-at-Large and co-founder of GlobalPost, Nieman Fellowship at Harvard University, September 24, 2012, “Welcome to The Drone Age”, http://www.globalpost.com/dispatch/news/business/technology/120923/welcome-the-drone-age

Inside the world’s biggest air shows in Singapore, Dubai and Paris, leading weapons manufacturers gather to sell their lethal wares in the global marketplace, and nothing is selling these days like drones.¶ The global proliferation of drones is right there on display in the cavernous showroom floors where American, Israeli and other manufacturers of Unmanned Aerial Vehicles, or UAVs, are marketing the combat capabilities and extraordinary surveillance that these systems provide.¶ There are hot markets in the Middle East and increasingly in Asia for these robotic weapons and surveillance systems, as GlobalPost correspondent Michael Goldfarb reports from the grandfather of all air shows at Farnborough, England.¶ And as the drones proliferate throughout the world, their presence is felt in hot conflicts such as Syria where GlobalPost’s Hugh Macleod reports the Syrian regime is using Iranian-made drones to strike at rebels, and in low-simmering conflicts like in the Caucuses, as GlobalPost’s Nick Clayton reports, where Armenia and Azerbaijan are squaring off against each other with drones in a glimpse of the future of warfare in the post-9/11 world and how it is playing out in an often overlooked location. Pir Shah writes on the rising use of drones on the front lines in Afghanistan and Pakistan, and the impact they have on the ground in Waziristan where Shah is from and about which he writes with authority.¶ All of these field reports — by a total of 10 correspondents reporting from more than a dozen countries — document the proliferation of drones while raising disturbing questions about extrajudicial killing and the nature of human conflict itself.¶ They are questions that were first raised by the George W. Bush administration’s use of drones in Afghanistan and Pakistan to kill Taliban and Al Qaeda leaders, but they are questions that have intensified as the Obama administration dramatically steps up the use of drones to carry out its policy goals.¶ The Obama administration’s use of drones directly challenges international law and, as GlobalPost’s Jason Berry writes, their proliferation is steadily eroding more than 1500 years of thinking about the philosophy of what constitutes a moral conflict in a code known as Just War Theory.¶ Beyond the moral arguments, this 'Special Report' draws out the skeptics who question in very practical terms whether drones are as effective in counter-insurgency operations as some would like to believe, particularly in Yemen and Somalia where there is a growing consensus that US targeted strikes there have done more to enforce the ire of the enemy than it has to eradicate the militant leadership.¶ As the demand for drone technology surges, for use both in combat and for surveillance, these birds of prey are now visible in the skies over China, Russia, Brazil, Colombia, Pakistan and the US alike. David Axe reports for GlobalPost on the future of drones and the different way drones are being deployed and the rapidly evolving science behind them in the labs of Israel, the US and Iran.¶ As these GlobalPost correspondents bring you inside the use of drones around the world through a series of reports to be published over the next month, it is clear the planet has indeed entered The Drone Age. It is an era of uncertain boundaries and insidious growth, with no clear end in sight.

#### No causal link between U.S. drone doctrine and other’ countries choices---means can’t set a precedent

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. The methodology essentially looks at the US as the leader, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It then looks at the list of other countries that are following fast in US footsteps to both build and deploy, as well as purchase or sell the technology – noting, correctly, that the list is a long one, starting with China. The predicament is put this way:

Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat.

“Is this the world we want to live in?” asks Micah Zenko, a fellow at the Council on Foreign Relations. “Because we’re creating it.”

By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it – and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?)

It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be.

Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so.

But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.

Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

**Soft power is ineffective.**

**Miller, ‘10**

[2/3/2010, Aaron David, public-policy scholar at the Woodrow Wilson International Center for Scholars, Foreign Policy, “The End of Diplomacy?”, [http://www.foreignpolicy.com/articles/2010/02/03/the\_end\_of\_diplomacy?page=full](http://www.foreignpolicy.com/articles/2010/02/03/the_end_of_diplomacy?page=full" \t "_blank)]

Back in the day, there was a time when American diplomacy did big and important things. No more, it seems. The world's gotten complicated, America is a good deal weaker, and the U.S. administration is handicapping itself with a dysfunctional bureaucratic setup that makes it harder to focus and find its footing. Effective American diplomacy may well be going the way of the dodo, and the sad fact is there may be little Barack Obama can do about it. Lamenting the absence of great men years before his own shining moment, Winston Churchill wrote that in England, once upon a time, "there were wonderful giants of old." There's always a danger in idealizing what once was or seemed to be in order to make a point about the present. Still, looking back over the last 60 years, you really do have to wonder whether America's best diplomacy and foreign policy are behind it. America never ran the world (an illusion the left, right, and much of the third and fourth worlds believe; but there were moments (1945-1950, the early 1970s, 1988-1991) when the United States marshaled its military, political, and economic power toward impressive ends. There were, or course, disasters and plenty of dysfunction during these years, including the Vietnam War and out-of-control CIA operations. But there were also brilliant achievements: the Marshall Plan, NATO, effective Arab-Israeli diplomacy, détente with the Russians, opening to China, a competent American role in the acceleration and management of the end of the Cold War, and the first Gulf War. For most of the last 16 years, however -- under Bill Clinton and George W. Bush -- America has been in a diplomatic dry patch. In the face of terrorism, nuclear proliferation, wars of choice, and nasty regional conflicts, conventional diplomacy has either not been tried or not been very successful. The image of the shuttling secretary of state pre-empting crises or exploiting them to broker agreements, doggedly pursuing Middle East peace, achieving dramatic breakthroughs with spectacular secret diplomacy seems a world away. The Obama administration wants to do this kind of stuff. And it has done pretty well in managing the big relationships with Russia and Europe, though it has had its share of problems with China. But frankly, these are the easy ones. It's not from the big that the president's problems come; it's from the small. In garden spots like Iraq, Pakistan, Afghanistan, Yemen, and Somalia, the problems are four parts military, five parts nation-building, and maybe one part diplomacy. And America is unlikely to prevail in any meaningful sense of the word where corrupt, extractive regimes are unable to control their own territory and cut deals with anti-American elements and place their security and political concerns first. Even in areas where diplomacy might seem to work on paper -- Kashmir, Arab-Israeli peacemaking -- the United States is hampered by conflicts driven by deep ethnic and religious hostility and by internal politics in which its own allies (Israel, Pakistan, and India) can't be of much help. And in one of the cruelest ironies of all, the U.S. president who has gone further to engage Iran than any of his predecessors is watching any hope for diplomacy being ground up by a regime under siege in Tehran. What's more, the power of the small is being matched by the weakening of the big. You don't have to be a declinist (I'm not) to see how far the image of American power has fallen. Forget the economic meltdown, which has much of the world wondering about what kind of great power the United States really is. America's currently fighting two wars where the standard for victory is not whether it can win but when it can leave. Whether it's an inability to get tough sanctions from the international community against Iran, bring Tehran to heel, make North Korea play ball, get the Arabs and the Israelis to cooperate, or push the Pakistanis to hit the Taliban and al Qaeda in a sustained way, the world has gotten used to saying no to America without cost or consequence. And that's very bad for a great power. Finally, there's the issue of how the country organizes itself. A new bureaucratic flowchart won't replace skill and luck, better marshal American power, or create genuine opportunities for success abroad. But if you don't have the right structure, it makes success all that much harder. And the United States has departed from the one model that has proven successful: the strong foreign-policy president empowering the strong secretary of state who rides herd over subcabinet-level envoys in real time and in close coordination with the president on strategy. Instead, the Obama administration has created an empire of envoys with power concentrated in the White House but without real purpose or strategy. The nation's top diplomat (the secretary of state) seems to be everywhere and nowhere in terms of owning issues and finding a way to take on some of the nastiest challenges, which is what secretaries of state are supposed to do. It's still early, and maybe the Obama administration will get lucky. Perhaps the Iranian regime will collapse or the Arabs and Israelis will do something good by themselves. But the next several years are more likely to be tough ones for American diplomacy. And the image that comes to mind isn't a terribly kind one: America as a kind of modern-day Gulliver tied up by tiny tribes abroad and hobbled by its inability to organize its own house at home.

**The US doesn’t matter**

**Carpenter, 13**—a senior fellow at the Cato Institute and a contributing editor to The National Interest, is the author of nine books on international affairs, including Smart Power: Toward a Prudent Foreign Policy for America (Ted, “Delusions of Indispensability,”March 1, 2013, http://server1.nationalinterest.org/article/delusions-indispensability-8145)

THE NOTION that the United States is the indispensable nation is a conceit bordering on narcissism. It had some validity during an era of stark bipolarity when a weak, demoralized democratic West had to depend on American power to protect the liberty and prosperity of the non-Communist world from Soviet coercion. But the world has been multipolar economically for decades, and it has become increasingly multipolar diplomatically and politically in recent years. Yet so much of the American political and foreign-policy communities embrace a security role—and an overall leadership role—for the United States that was born in the era of bipolarity and perpetuated during what Charles Krauthammer described as the “unipolar moment” following the collapse of the Soviet empire.¶ That moment is gone, and that is not the world we live in today. The United States needs a security strategy appropriate for a world of ever-increasing multipolarity. Very few critics of U.S. hegemony advocate an abandonment of all of America’s security commitments. But an aggressive pruning of those commitments is overdue. It is well past time for the EU to assume primary responsibility for Europe’s security and for Japan to emerge as a normal great power with appropriate ambitions and responsibilities in East Asia. It is also past time for smaller U.S. allies, such as South Korea and Australia, to increase their defense spending and take more responsibility for their own defense. While the off-loading of Washington’s obligations needs to be a gradual process, it also needs to begin immediately and to proceed at a brisk pace. And Washington ought to make it clear to all parties concerned that it is entirely out of the business of nation building.¶ Those who desperately try to preserve a status quo with America as the indispensable nation risk an unpleasant outcome. A country with America’s financial woes will find it increasingly onerous to carry out its vast global-security commitments. That raises the prospect of a sudden, wrenching adjustment at some point when the United States simply cannot bear those burdens any longer. That is what happened to Britain after World War II, when London had no choice but to abandon most of its obligations in Africa, Asia and the Mediterranean. The speed and extent of the British move created or exacerbated numerous power vacuums. It is far better for the United States to preside over an orderly transition to an international system in which Washington plays the role of first among equals, rather than clinging to a slipping hegemony until it is forced to give way.

**Hegemony doesn’t prevent war – its absence would have zero effect on international stability
Friedman 10** [Ben, research fellow in defense and homeland security, Cato. PhD candidate in political science, MIT, Military Restraint and Defense Savings, 20 July 2010, <http://www.cato.org/testimony/ct-bf-07202010.html>]

Another argument for high military spending is that U.S. military hegemony underlies global stability. Our forces and alliance commitments dampen conflict between potential rivals like China and Japan, we are told, preventing them from fighting wars that would disrupt trade and cost us more than the military spending that would have prevented war. The theoretical and empirical foundation for this claim is weak. It overestimates both the American military's contribution to international stability and the danger that instability abroad poses to Americans. In Western Europe, U.S. forces now contribute little to peace, at best making the tiny odds of war among states there slightly more so.7 Even in Asia, where there is more tension, the history of international relations suggests that without U.S. military deployments potential rivals, especially those separated by sea like Japan and China, will generally achieve a stable balance of power rather than fight. In other cases, as with our bases in Saudi Arabia between the Iraq wars, U.S. forces probably create more unrest than they prevent. Our force deployments can also generate instability by prompting states to develop nuclear weapons. Even when wars occur, their economic impact is likely to be limited here.8 By linking markets, globalization provides supply alternatives for the goods we consume, including oil. If political upheaval disrupts supply in one location, suppliers elsewhere will take our orders. Prices may increase, but markets adjust. That makes American consumers less dependent on any particular supply source, undermining the claim that we need to use force to prevent unrest in supplier nations or secure trade routes.9 Part of the confusion about the value of hegemony comes from misunderstanding the Cold War. People tend to assume, falsely, that our activist foreign policy, with troops forward supporting allies, not only caused the Soviet Union's collapse but is obviously a good thing even without such a rival. Forgotten is the sensible notion that alliances are a necessary evil occasionally tolerated to balance a particularly threatening enemy. The main justification for creating our Cold War alliances was the fear that Communist nations could conquer or capture by insurrection the industrial centers in Western Europe and Japan and then harness enough of that wealth to threaten us — either directly or by forcing us to become a garrison state at ruinous cost. We kept troops in South Korea after 1953 for fear that the North would otherwise overrun it. But these alliances outlasted the conditions that caused them. During the Cold War, Japan, Western Europe and South Korea grew wealthy enough to defend themselves. We should let them. These alliances heighten our force requirements and threaten to drag us into wars, while providing no obvious benefit.

## Terror

### 2NC – No Nuclear Terrorism

#### Reject their piece meal internal link chain – our defense is conclusive – they cherry pic

Mueller 2009, John Mueller is Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at¶ the Cato Institute in Washington, D.C, ¶ 30 April 2009, “THE ATOMIC TERRORIST?”, http://webcache.googleusercontent.com/search?q=cache:o\_QEDpo\_FQ0J:icnnd.org/Documents/Mueller\_Terrorism.doc+&cd=2&hl=en&ct=clnk&gl=us

¶ Most discussions of atomic terrorism deal in a rather piecemeal fashion with the subject focusing separately on individual tasks such as procuring HEU or assembling a device or transporting it. However, as the Gilmore Commission, a special advisory panel to the President and Congress, stresses, setting off a nuclear device capable of producing mass destruction presents not only “Herculean challenges,” but it requires that a whole series of steps be accomplished: obtaining enough fissile material, designing a weapon “that will bring that mass together in a tiny fraction of a second,” and figuring out some way to deliver the thing. And it emphasizes that these merely constitute “the minimum requirements.” If each is not fully met, the result is not simply a less powerful weapon, but one that can’t produce any significant nuclear yield at all or can’t be delivered. ¶ ¶ Following this perspective, an approach that seems appropriate is to catalogue the barriers that must be overcome by a terrorist group in order to carry out the task of producing, transporting, and then successfully detonating an improvised nuclear device. Table 1 attempts to do this, and it arrays some 20 of these—all of which must be surmounted by the atomic aspirant. Actually, it would be quite possible to come up with a longer list: in the interests of keeping the catalogue of hurdles down to a reasonable number, some of the entries are actually collections of tasks and could be divided into two or three or more. For example, number 5 on the list requires that heisted highly-enriched uranium be neither a scam nor part of a sting nor of inadequate quality due to insider incompetence; but this hurdle could as readily be rendered as three separate ones.¶ ¶ In contemplating the task before them, would-be atomic terrorists effectively must go though a exercise that looks much like this. If and when they do so, they are likely to find their prospects daunting and accordingly uninspiring or even terminally dispiriting.¶ ¶ Assigning and calculating probabilities¶ ¶ The discussion thus far has followed a qualitative approach: synthesizing a considerable amount of material to lay out the route a terrorist group must take to acquire and detonate an atomic bomb in the most likely scenario. It seems to me that this exercise by itself suggests the almost breathtaking enormity of the difficulties facing the would-be atomic terrorist. This conclusion can be reinforced by a quantitative assessment.¶ ¶ Assigning a probability that terrorists will be able to overcome each barrier is, of course, a tricky business, and any such exercise should be regarded as rather tentative and exploratory, or perhaps simply as illustrative—though it is done all the time in cost/benefit analysis.¶ ¶ One might begin a quantitative approach by adopting probability estimates that purposely, and heavily, bias the case in the terrorists’ favor. In my view, this would take place if it is assumed that the terrorists have a fighting chance of 50 percent of overcoming each of the 20 obstacles displayed in Table 1, though for many barriers, probably almost all, the odds against them are surely much worse than that. Even with that generous bias, the chances that a concerted effort would be successful comes out to be less than one in a million, specifically 1,048,576. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds they will be able to pull off the deed drop to one in well over three billion—specifically 3,486,784,401. What they would be at the (still entirely realistic) level of one in ten boggles the mind. Moreover, all this focuses on the effort to deliver a single bomb. If the requirement were to deliver several, the odds become, of course, even more prohibitive.¶ ¶ Multiple attempts¶ ¶ The odds considered so far are for a single attempt by a single group, and there could be multiple attempts by multiple groups, of course. But the odds would remain long even with multiple concerted attempts. If there were a hundred such efforts over a period of time, the chance at least one of these would be successful comes in at less than one in over 10,000 at the one chance in two level. At the far more realistic level of one chance in three, it would be about one in nearly 35 million. ¶ ¶ Additionally, if there were a large number of concerted efforts, policing and protecting would presumably become easier because the aspirants would be exposing themselves repeatedly and would likely be stepping all over each other in their quest to access the right stuff. Furthermore, each foiled attempt would likely expose flaws in the defense system, holes the defenders would then plug, making subsequent efforts that much more difficult.¶ ¶ Also, the difficulties for the atomic terrorists are likely to increase over time because of much enhanced protective and policing efforts by self-interested governments. Already, for example, by all accounts Russian nuclear materials are much more adequately secured than they were ten or fifteen years ago. In addition, the science of nuclear forensics will advance.

#### No US nuclear retaliation

Neely 3/21, Meggaen Neely, The George Washington University¶ Master of Arts (M.A.), Security Policy Studies¶ 2012 – 2014 (expected)¶ Baylor University¶ Master of Arts (M.A.), Public Policy and Administration¶ 2010 – 2012¶ Grade: 3.89/4.0¶ Richard D. Huff Distinguished Masters Student in Political Science (2012)¶ Baylor University¶ Bachelor of Arts (B.A.), Political Science and Government, Research Assistant, Elliott School at George Washington University, Research Intern, Project on Nuclear Issues (PONI) at Center for Strategic and International Studies (CSIS)¶ Communications Intern at Federation of American Scientists¶ Graduate Assistant at Department of Political Science, Baylor University, 3/21, 2013, “Doubting Deterrence of Nuclear Terrorism”, http://csis.org/blog/doubting-deterrence-nuclear-terrorism

Because of the difficulty of deterring transnational actors, many deterrence advocates shift the focus to deterring state sponsors of nuclear terrorism. The argument applies whether or not the state intended to assist nuclear terrorists. If terrorists obtain a nuclear weapon or fissile materials from a state, the theory goes, then the United States will track the weapon’s country of origin using nuclear forensics, and retaliate against that country. If this is U.S. policy, advocates predict that states will be deterred from assisting terrorists with their nuclear ambitions.¶ ¶ Yet, let’s think about the series of events that would play out if a terrorist organization detonated a weapon in the United States. Let’s assume forensics confirmed the weapon’s origin, and let’s assume, for argument’s sake, that country was Pakistan. Would the United States then retaliate with a nuclear strike? If a nuclear attack occurs within the next four years (a reasonable length of time for such predictions concerning current international and domestic politics), it seems unlikely.¶ ¶ Why? First, there’s the problem of time. Though nuclear forensics is useful, it takes time to analyze the data and determine the country of origin. Any justified response upon a state sponsor would not be swift. Second, even if the United States proved the country of origin, it would then be difficult to determine that Pakistan willingly and intentionally sponsored nuclear terrorism. If Pakistan did, then nuclear retaliation might be justified. However, if Pakistan did not, nuclear retaliation over unsecured nuclear materials would be a disproportionate response and potentially further detrimental. Should the United States launch a nuclear strike at Pakistan, Islamabad could see this as an initial hostility by the United States, and respond adversely. An obvious choice, given current tensions in South Asia, is for Pakistan to retaliate against a U.S. nuclear launch on its territory by initiating conflict with India, which could turn nuclear and increase the exchanges of nuclear weapons.¶ ¶ Hence, it seems more likely that, after the international outrage at a terrorist group’s nuclear detonation, the United States would attempt to stop the bleeding without a nuclear strike. Instead, some choices might include deploying forces to track down those that supported the suicide terrorists that detonated the weapon, pressuring Pakistan to exert its sovereignty over fringe regions such as the Federally Administered Tribal Areas, and increasing the number of drone strikes in Waziristan. Given the initial attack, such measures might understandably seem more of a concession than the retaliation called for by deterrence models, even more so by the American public.¶ ¶ This is not an argument against those technologies associated with nuclear forensics. The United States and International Atomic Energy Agency (IAEA) should continue their development and distribution.¶ ¶ Instead, I question the presumed American response that is promulgated by deterrence advocates. By looking at possibilities for a U.S. response to nuclear terrorism, a situation in which we assume that deterrence has failed, we cast doubt on the likelihood of a U.S. retaliatory nuclear strike and hence cast doubt on the credibility of a U.S. retaliatory nuclear strike as a deterrent. Would the United States launch a nuclear weapon now unless it was sure of another state’s intentional sponsorship of nuclear terrorism? Any reasonable doubt of sponsorship might stay the United States’ nuclear hand. Given the opaqueness of countries’ intentions, reasonable doubt over sponsorship is inevitable to some degree. Other countries are probably aware of U.S. hesitance in response to terrorists’ use of nuclear weapons. If this thought experiment is true, then the communication required for credible retaliatory strikes under deterrence of nuclear terrorism is missing.

#### No retaliation

Spring 2001, Baker Spring is F. M. Kirby Research Fellow in National Security Policy in the Kathryn and Shelby Cullom Davis Institute for International Studies at The Heritage Foundation, September 2001, “Talking Points: Terrorist Attack on America Confirms the Growing Need for Missile Defense”, http://www.heritage.org/research/reports/2001/09/talking-points-terrorist-attack-on-america-confirms

Nuclear retaliation is not appropriate for every kind of attack against America. Some opponents of missile defense believe that the United States has an effective nuclear deterrent that, if necessary, could be used to respond to attacks on the homeland. But no responsible U.S. official is suggesting that the United States consider the use of nuclear weapons in response to the horrific September 11 attacks. In most cases of attack on the United States, the nuclear option would not be appropriate, but a defense response will almost always be appropriate. The United States needs to be able to resort to defensive options.

### 2NC – A2 – Morgan

#### Morgan concludes neg – only when there are high tensions can escalation occur

Dennis Ray Morgan, Hankuk University of Foreign Studies, Yongin Campus - South Korea Futures, Volume 41, Issue 10, December 2009, Pages 683-693, World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race

THERE CARD STARTS

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian “dead hand” system, “where regional nuclear commanders would be given full powers should Moscow be destroyed,” it is likely that any attack would be blamed on the United States” Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal “Samson option” against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even “anti-Semitic” European cities In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or “lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the “use them or lose them” strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to “win” the war. In other words, once Pandora's Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, “everyone else feels free to do so. The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors” In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons, and once even just one is used, it is very likely that many, if not all, will be used, leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter. In “Scenarios,” Moore summarizes the various ways a nuclear war could begin: Such a war could start through a reaction to terrorist attacks, or through the need to protect against overwhelming military opposition, or through the use of small battle field tactical nuclear weapons meant to destroy hardened targets. It might quickly move on to the use of strategic nuclear weapons delivered by short-range or inter-continental missiles or long-range bombers. These could deliver high altitude bursts whose electromagnetic pulse knocks out electrical circuits for hundreds of square miles. Or they could deliver nuclear bombs to destroy nuclear and/or non-nuclear military facilities, nuclear power plants, important industrial sites and cities. Or it could skip all those steps and start through the accidental or reckless use of strategic weapons. [10] THERE CARD ENDS She then goes on to describe six scenarios for catastrophic nuclear exchanges between various nations. Each scenario incorporates color-coded sections that illustrate four interrelated factors that will determine how a nuclear war will begin, proceed and escalate. These factors are labeled as accidental, aggressive, pre-emptive, and retaliatory. As for the accidental factor of nuclear war, both the U.S. and Russia have ‘‘launch on warning’’ systems that send off rockets before conﬁrmation that a nuclear attack is underway; thus, especially during a time of tensions, a massive nuclear war could take place within only 30 min after a warning—even if the warning is false. This scenario has almost happened on several occasions in the past. It was only because of individual human judgments, which disbelieved the false warnings, that nuclear war did not happen, but if the human judgment had indeed interpreted the warnings according to protocol, an all- out nuclear war would surely have taken place.

#### Morgan is just citing Moore

Dennis Ray Morgan, Hankuk University of Foreign Studies, Yongin Campus - South Korea Futures, Volume 41, Issue 10, December 2009, Pages 683-693, World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race

THIS IS THE FIRST PARAGRAPH OF THEIR CARD

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel.

#### AND – she has no qualifications and was high out of her mind when she wrote this

Carol Moore, NO DATE, <http://www.carolmoore.net/>

There are a lot of Carol Moores out there on the web, but I'm probably the most infamous! I am a longtime student of consciousness and libertarian decentralist pacifist activist, writer, songwriter and video producer. Brought up in New Jersey, educated in Ohio, Massachusetts and Michigan, I have lived in New York City, Los Angeles and for 20 years now in Washington, D.C. I have been active over the years in the radical feminist, anti-nuclear, peace, libertarian, Green/bioregional, radical decentralist, drug legalization and new age consciousness movements.

### 2NC – A2 – Steinbruner

#### Steinbruner concludes neg – low risk of extinction, terrorists don’t want to and can’t deploy it – prefer conventional weapons

John D. Steinbruner, their author, 1997, “Biological weapons: A plague upon all houses.”, <http://web.ebscohost.com/ehost/detail?sid=141e8338-ab8c-4b49-a7d1-c9b0ec63798e%40sessionmgr104&vid=1&hid=104&bdata=JmF1dGh0eXBlPWdlbyZnZW9jdXN0aWQ9czM2MTM5MDQmc2l0ZT1laG9zdC1saXZl#db=f5h&AN=50155>, KENTUCKY

THEIR CARD Although human pathogens are often lumped with nuclear explosives and lethal chemicals as potential weapons of mass destruction, there is an obvious, fundamentally important difference: Pathogens are alive, weapons are not. Nuclear and chemical weapons do not reproduce themselves and do not independently engage in adaptive behavior; pathogens do both of these things. That deceptively simple observation has immense implications. The use of a manufactured weapon is a singular event. Most of the damage occurs immediately. The aftereffects, whatever they may be, decay rapidly over time and distance in a reasonably predictable manner. Even before a nuclear warhead is detonated, for instance, it is possible to estimate the extent of the subsequent damage and the likely level of radioactive fallout. Such predictability is an essential component for tactical military planning. The use of a pathogen, by contrast, is an extended process whose scope and timing cannot be precisely con trolled. For most potential biological agents, the predominant drawback is that they would not act swiftly or decisively enough to be an effective weapon. But for a few pathogens-ones most likely to have a decisive effect and therefore the ones most likely to be contemplated for deliberately hostile use-the risk runs in the other direction. A lethal pathogen that could efficiently spread from one victim to another would be capable of initiating an intensifying cascade of disease that might ultimately threaten the entire world population. The 1918 influenza epidemic demonstrated the potential for a global contagion of this sort but not necessarily its outer limit. THEIR CARD ENDS Nobody really knows how serious a possibility this might be, since there is no way to measure it reliably. Before the first atomic device was tested, there was genuine concern that such an explosion could ignite the Earth's atmosphere. American physicists were able to provide a credible calculation that proved the contrary. It would be comparably important to establish that no conceivable pathogen could kill a substantial portion of the entire human population, but current scientific knowledge simply cannot support such a determination. If anything, the balance of uncertain judgment would probably have to lean the other way. The unique and unusually ominous characteristics of biological agents have been reflected in the military and diplomatic history of the subject. While aggressively developing other lethal technologies, most of the major military establishments of this century have treated biological agents with distinct caution. They have conducted dedicated programs both to develop biological agents for offensive use and to devise methods of protection against them. The offensive efforts have focused on agents such as anthrax and tularemia, however, that are highly lethal to those directly exposed but do not efficiently spread from one victim to another and thus do not present the problem of an uncontrollable chain reaction. There has been as yet no authoritative indication of a deliberate attempt to develop the type of biological agent that would be most sensationally destructive-one that combines lethality with efficiency of propagation. Moreover, with the exception of limited experimentation by Japanese forces in China prior to World War II, the major militaries have not attempted to use any biological agents in actual battles. Nor have they provisionally deployed them to the extent that they did with chemical and nuclear weapons. The Geneva Protocol reflected this wary attitude. It prohibited the actual use in warfare of what were termed bacteriological agents but did not attempt to prevent the development or deployment of weapons for that purpose. By 1972, the states signing the BWC were willing to extend the prohibition to all activities related to offensive application of biological agents but did so with limited expectations. The BWC explicitly acknowledges the legitimacy of defensive measures and implicitly concedes that it is exceedingly difficult to distinguish between defensive and offensive intent throughout most of the weapons development process. Experiments with infectious aerosols, for example, that are important for weapons design are similarly important for devising protective devices. Largely because of this difficulty, the BWC does not include specified provisions for enforcement of the sort that have accompanied formal limitations on nuclear and chemical weapons. Moreover, the current reporting rules associated with the convention are not being honored by a number of dissident countries widely believed to be conducting unacknowledged offensive development programs. Notable as it has been, the record of practical and legal restraint on biological weapons has all along been considered vulnerable to a decisive breakdown. That long-standing concern was reinforced during the Cold War by the fact that the Soviet Union and United States made strikingly different judgments about the military utility of biological agents. The United States concluded on the basis of its weapons-development program that biological agents offered no useful advantages in offensive operations, and the strength of that judgment was reflected in a unilateral renunciation of biological weapons issued by President Richard Nixon in 1969-an action that was not his usual inclination. He subsequently accepted the BWC without verification provisions at the same time that he was touting verification as an indispensable element of nuclear weapons limitations. By contrast, the Soviet Union apparently concluded that biological agents might have a central military role and conducted a clandestine offensive weapons-development program in defiance of the BWC. The succeeding Russian government admitted the Soviet violation in March of 1992 and ordered the effort terminated. Details of the Soviet effort have not been revealed, but it appears that the program was large, involving nearly 100,000 people at its peak, and that it was connected to an actual concept of military operations. The best guess from what is available on the public record at the moment is that Soviet military planners, instructed to prepare a decisive assault against Western Europe in case an unavoidable war should break out, at least provisionally thought they might have to use biological agents to complete such a mission. Presumably they realized that biological weapons could not effectively substitute for conventional munitions in direct battles against nato forces. But they might plausibly have calculated that with judicious selection of the agents and timing of their delivery, the urban populations of Western Europe might be sufficiently weakened to allow an occupying army to accomplish an otherwise impossible task. This history has become a contemporary problem. The unelaborated candor of the Russian government about the Soviet effort has not been rewarded with a presumption of its own adherence to the BWC. On the contrary, the United States has bluntly doubted that the offensive weapons program Russia inherited from the Soviet Union has been effectively terminated. Together with Great Britain, the United States has attempted to arrange for the direct inspection of suspect facilities. Russia has accepted that provision in principle in a trilateral declaration issued with Great Britain and the United States in September of 1992, but in practice has resisted full implementation. Efforts to negotiate the details of inspection are badly stalled in the trilateral channel, and that impasse in turn is retarding the broader diplomatic effort being undertaken by all the signatories of the BWC to provide the convention with specified enforcement mechanisms. The states that are parties to the convention have designated an Ad Hoc Group to work out a legally binding instrument that would set objective criteria for compliance, establish formal reporting requirements to provide reassurance of compliance, and define rights of inspection in the event of suspected violations. The Ad Hoc Group has generated a draft text but one that does not as yet settle on the basic elements of an agreed arrangement, let alone the legal details. As a practical matter, until Great Britain, Russia, and the United States-the three governments with the most prominent historical programs-come to terms, there is not much chance the others will do so, and there would be insufficient effect if they did. RULES OF DISCLOSURE The inspection dispute, however, is not the primary problem. It is reasonable to expect that the trilateral impasse will eventually be resolved and that the BWC will be provided with provisions for international inspections. That outcome will solidify the categorical prohibition of biological weapons as the formal international standard, but it will not guarantee universal adherence. Whatever provisions for formal inspection emerge, they are unlikely to resolve the suspicions currently aroused by the secretive programs of dissident states. And whatever the actual extent of those programs, popular fears of "poor man's bombs" and terrorist actions will undoubtedly persist. Fortunately, it is not as easy as widely imagined in Hollywood films and potboiler fiction to work out the technical details of an effective attack. And the most virulent agents are more dangerous to their handlers than other instruments of destruction, giving even the most implacable terrorists strong incentives to pursue other methods. But technical difficulty is not an insurmountable obstacle, and the guaranteed public sensation of a biological agent attack is unquestionably an ominous temptation to extremists.

### 2NC – No Impact To Deployment

#### Diseases cannot structurally cause extinction --- virulent germs are less likely to spread.

Posner ‘5 (Richard, Judge 7th Circuit Court of Appeals, Skeptic, “Catastrophe”, 11:3, Proquest)

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race. There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease.

### Russia

#### Russia relations on the brink – terrorism brings them together – solve global instability by forcing security cooperation

Tsygankov 2012, Andrei P. Tsygankov is Professor at the Departments of Political Science and International Relations, 5/10, 2012, “U.S.-Russia Relations in the Post-Western World”, http://www.academia.edu/3045099/US-Russia\_Relations\_in\_the\_Post-Western\_World

This paper describes the nature of U.S.-Russia relations since the end of the Cold War, with special attention to the period after September 11, 2001. Although the two nations have learned to cooperate on some issues, their relationship can be described as limited engagement with elements of rivalry, rather than cooperation. The United States’ support for expansion of NATO, competition for energy resources in Central Asia and the Caspian Sea, and methods of fighting terrorism in the region—among other issues—continue to put the two nations at odds with each other. Pressing the “reset button” in relations with Moscow, as suggested by U.S. President Barack Obama, will therefore not be easy. ¶ However, reengaging Russia in reciprocal relations is especially important today given the increasingly post-Western nature of the world. Although the exact direction and endpoint of global development remains unclear, there is hardly any doubt that the international system is moving away from its post-Cold War West-centeredness. Military involvement in the Middle East and Afghanistan, as well as the ongoing global financial crisis, has made it difficult for the West to function as the world’s economic and political authority. Economically, China and the rest of the Asia-Pacific region are emerging as new centers of global gravity. In security relations, the Western monopoly on the use of force has been undermined by Russia’s military intervention in Georgia in August 2008. In this increasingly post-Western world, the United States may require additional allies and may have to learn to respect Russia’s interests and act in consultation with the Kremlin and other key actors in the region.¶ This paper analyzes the respective strategic visions of the United States and Russia, focusing on their perceptions of political changes in the former Soviet region, security issues, and energy relations. The concluding section reflects on causes underlying the lack of cooperation between the U.S. and Russia and suggests some possible ways of moving forward.¶ 1.2 The U.S. Perception of Russia¶ Immediately following the 9/11 terrorist attacks on the United States, the American leadership attempted to develop a partnership with Russia. However, many within the American political class viewed Russia’s international strategy as threatening the U.S. position in the world, which greatly contributed to the failure of the U.S.-Russia coalition.¶ 1.2.1 American’s Attempted Partnership with Russia¶ The 9/11 tragedy took place on American soil, but it was seen as an equally tragic and dangerous development by Russia as well. By that time, Russia had already experienced multiple domestic terrorist attacks, and many Russians sympathized with the United States and extended their support to the American people and their government. President Vladimir Putin was among the first to call then-President George Bush to express his support and pledge resources to help America in its fight against terror. Against the reservations of the political class and a number of social strata, Putin offered America broad support for operations in Afghanistan that included intelligence sharing, opening Russian airspace to relief missions, taking part in search-and-rescue operations, rallying Central Asian countries to the American cause, and arming anti-Taliban forces inside Afghanistan. ¶ As the horrific attacks began to create a new social and political atmosphere in international relations, an important opportunity for establishing a partnership between the United States and Russia emerged. Initial developments following the terrorist attacks were encouraging. Bush responded to Putin’s offer of support by indicating a change in the American perception of Russia. Previously, the Bush administration did not foresee any breakthroughs in relations with Russia. It had made public the arrest of FBI agent Robert Hanssen, who had spied for the Russians, and it subsequently expelled fifty Russian diplomats. The Bush Administration has also threatened to end any economic aid except for nonproliferation projects, and Secretary of Defense Donald Rumsfeld accused Russia of proliferating nuclear materials and weapons technologies. As late as February 2001, Bush’s National Security Advisor Condoleezza Rice insisted that Russia was a threat to America and its European allies. ¶ Following the attacks, however, America was increasingly prepared to see Russia as an equal and potentially strategic partner in the global war on terror, rather than a threat. The already-established cordial relations between Bush and Putin that were established at their first meeting in Ljublana, Slovenia in 2001 were now strengthened in the name of redefined national interests. Convinced that “old suspicions are giving way to new understanding and respect,” President Bush now saw the two countries as “allies in the war on terror” moving “to a new level of partnership.” ¶ This changing perception had also begun to shape Washington’s attitudes toward several issues of prime significance to Russia: Chechnya, the nature of the Russia’s domestic political system, the military, and energy security. The White House showed greater sensitivity to Russian arguments that Chechnya was a part of a global war on terror. Although many in Washington’s policy circles continued to refer to Chechen terrorists as “rebels,” demanding that Russia “negotiate” peace with them, Bush differed in his assessment. For instance, he expressed strong support for Putin’s decision to storm a Moscow theatre after Chechen guerrillas took 700 hostages and threatened to blow up a theater in October 2002. While the American media was overwhelmingly focused on Russia’s negative role in the hostage crisis, Bush insisted that “the people who caused this tragedy to take place are terrorists who took hostages and endangered the lives of others.” He reiterated his conviction in further statements that “terrorists must be opposed wherever they spread chaos and destruction, including Chechnya.” Overall, Washington toned down its rhetoric about Russia’s role in escalating tensions and violating human rights in the region, and was more willing to accept the Kremlin’s attempts to stabilize the area. ¶ It was also around this time that Bush expressed his confidence in Russia’s commitment to principles of democratic governance. Despite the chorus of critiques from Western human rights agencies and experts, Bush called for patience and expressed his respect for Russia’s political path. ¶ U.S.-Russia relations also improved in the area of military security. Putin’s efforts to focus the security agenda on issues of counter-terrorism resonated with the White House. As the Russian leader expressed an interest in joining NATO, some NATO leaders indicated their support of Russia’s membership in the alliance. In late 2001, NATO secretary general Lord Robertson, supported by President Bush and Prime Minister Tony Blair, advocated the idea of giving Russia a status equal to the alliance’s 19 permanent members, including veto power over certain decisions. In an assessment by The New York Times, the plan promised a “fundamental shift in behavior for the 52-year-old organization, which was founded after World War II specifically to contain the military power of the Soviet Union” and Russia’s “full partnership with Western democracies.” An important step in that direction was the establishment at the May 28, 2002 summit in Rome of a new NATO-Russia Council for consultation on security principles and action against common threats. The U.S.-Russian Joint Declaration at the summit was the highest point in their fast-developing relations. It stated the two nations’ “belief that new global challenges and threats require a qualitatively new foundation for our relationship” and that “we are achieving a new strategic relationship. The era in which the United States and Russia saw each other as an enemy or strategic threat has ended. We are partners and we will cooperate to advance stability, security, and economic integration, and to jointly counter global challenges and to help resolve regional conflicts.” ¶ Finally, the U.S. government also demonstrated an interest in developing a major energy partnership with Russia to reinforce the strengthening of bilateral ties. Secretary of Energy Spencer Abraham was supportive of rebuilding relations with Russia, viewing them in terms of greater diversification of supplies away from the Middle East: “Greater energy security through a more diverse supply of oil for global markets—these are key elements of President Bush's National Energy Policy.” Abraham’s visit to Moscow in November 2001 reportedly ended the years of U.S.-Russian rivalry over Caspian Sea oil. Rather than trying to isolate Russia, Russian companies were invited to participate in the Baku-Tbilisi-Ceyhan pipeline. At about the same time, the Caspian Pipeline Consortium (CPC) was established to carry oil from Kazakhstan's Tenghiz oil field (the world's sixth largest) to the Russian Black Sea port of Novorossisk. Its membership included Chevron-Texaco, Arco, Mobil, Shell, and the governments of Russia and Kazakhstan. In May 2002, the U.S. and Russian presidents signed a joint declaration on energy cooperation with the intention, in President Bush’s words, to build a “major new energy partnership” that would unite Russia and America as close partners. ¶ However, in the early 2003, U.S.-Russia energy relations took a different direction. The U.S. investment flow to Russia’s energy sector stopped, which some attributed to the absence of “a good legal and business climate,” particularly in the area of taxation related to the production-sharing agreement (PSA). More importantly, as the next section shows, Washington begun to loose political capital necessary to prevent deterioration of relations with Russia, and the PSA story was only one aspect of the emerging political vacuum. ¶ 1.2.3 Partnership Unraveled ¶ The US-Russia partnership was not to last and soon the initially encouraging developments turned into renewed competition over a whole series of issues. The United States did not resort to policies of containment, nor did it push for severing Russia’s relations with the G8, NATO or foreign investors. Some elements of cooperation survived, including counter-terrorist intelligence information sharing, policy coordination against nuclear proliferation, and development of some economic ties. Nevertheless, Washington backed away from its initial commitment to take its relationship with Moscow to a new level of cooperation. As the immediate sense of the post-9/11 threat had subsided, the U.S. returned to expecting Russia to follow America’s foreign policy agenda.

### 2NC – A2 – Missile Defense Collapse Relations

#### Missile defense is a neg arg – current deployment and lack of security cooperation makes Russia miscalculation, global proliferation, US first strike, regional nuclear conflict inevitable – only terrorism changes the strategic calculations about Missile Defense and ease Russian security concerns about US aggression and hedge against run away proliferation – current missile defense only provides a BRINK to our impact – that’s Krieger and Starr

#### AND – Terrorism generates Russian support for Missile Defense and cooperation over the project – solves their defense and ensures effective Missile Defense

Tertrais 01, Bruno Tertrais, Senior Research Fellow at the Foundation for Strategic Research, 12/4/’1 (What are the Strategic and Geopolitical Consequences of the War Against Terrorism?, p. Google)

Other trends that are or will be accelerated by 9/11 and the "war on terrorism" include the reform of Western armed forces. That is certainly true for the United States. Before 9/11, the fate of Secretary Rumsfeld's ambitious transformation projects were uncertain. He now has a golden opportunity to advance his agenda. Likewise, the missile defense program benefits from 9/11. First, the political context in Washington is different: the Democrats have decided that it was not a good time to criticize the Bush missile defense plans. Second, missile defense benefits from the priority given to the overarching concept of "homeland security". In other words, even though some critics of missile defense were arguing before 9/11 that the "real" threat was that of terrorism, the idea according to which "We don't know where the next surprise will come from" has come to the support of missile defense. And third, the international ramifications of the issue have been "de-dramatized", due to the new atmosphere of cooperation between Washington, Moscow and Beijing. In a nutshell, the net effect of 9/11 is to bolster the missile defense project.

#### AND – That Russian Cooperation on Missile Defense creates resilient relationships – the impact is solving multiple inadvertent nuclear crisis and international nuclear wars throughout the planet

O'Hanlon and Gordon 2001, ¶ Michael E. O'Hanlon¶ Director of Research, 21st Century Defense Initiative¶ Senior Fellow, Foreign Policy, and ¶ Philip H. Gordon¶ Senior Fellow for U.S. Foreign Policy, Foreign Policy, Oct 17, 2001, “September 11 Verdict - Yes to Missile Defense, But Don't Alienate Russia or China”, http://www.brookings.edu/research/opinions/2001/10/17defense-gordon

President Bush weighed in on the debate last week, arguing that there is no better example of the new threats we face than the Sept. 11 attacks and that "the case is more strong today than it was on Sept. 10 that the Anti-Ballistic Missile Treaty is outmoded." Bush has a point that the attacks reinforce the case for missile defense, but only for a defense limited in size and scale, and deployed in a way that does not threaten other great powers. Bush will need to show that he understands this point when he meets with Russian and Chinese leaders this weekend at the Asia-Pacific Economic Cooperation summit in Shanghai.¶ Opponents of missile defense are clearly right that a wide range of threats to the United States exists and that addressing such threats requires resources. If missile defense becomes an exclusive obsession, we may devote too few dollars to counter other, more likely threats through means such as airport security, the Coast Guard, immigration and customs agencies and defenses against chemical or biological attack with "suitcase bombs." Leading Democrats already were making these arguments before Sept. 11.¶ Unconstrained pursuit of missile defense could also worsen relations among the major powers, impeding security cooperation on dangers that may be even more pressing. To deal with the terrorist threat, for example, we need the cooperation of Russia and China, primarily to cut off terrorists' access to financial resources and to track them down through intelligence, customs and law enforcement activities. We also need Russian and Chinese help to put diplomatic pressure on key regional players such as Pakistan and Iran and to halt proliferation so that the next terrorist attack does not involve a weapon of mass destruction.¶ These realities do not mean that U.S. foreign policy must be designed to please Beijing and Moscow. But we must avoid making them feel threatened if we want them on our side. Given their own sense of the threat from Islamic fundamentalism, China and Russia are likely to join forces with the United States in this fight if we play our cards right.¶ As missile defense proponents rightly argue, however, the Sept. 11 attacks remind us that seemingly remote or abstract dangers can become tragically real very quickly. That fact bolsters the case for some type of long-range missile defense. Currently, among extremist countries only North Korea is believed to be capable of developing a long-range missile within a few years, but countries such as Iraq and Iran might have them within a decade.¶ It is true that terrorists probably will never use long-range ballistic missiles against the United States. They do not have the resources to acquire them or the territory on which to base them. Moreover, they can seek to accomplish their hateful goals with less advanced means, such as dispersing biological agents at a sporting event or blowing up a cargo ship full of chemicals as it approaches a port.¶ Yet even if terrorists may not find ballistic missiles useful, an enemy country might. Being able to threaten the United States with a biological or nuclear weapon on a ballistic missile could allow an adversary state to act aggressively against its neighbors in the hopes that, with Americans at risk, Washington would not retaliate. A hostile state armed with ballistic missiles could also harbor terrorists such as Osama bin Laden, with the knowledge that a U.S. with no missile defense would be highly reluctant to threaten enough force to capture him or overthrow the country's ruling regime.¶ The lesson of the terrorist attacks is not that the U.S. should abandon all missile defense plans. Rather, it should pursue a limited long-range missile defense within a framework that reassures Russia and China and that does not hinder other efforts to defend the U.S. against threats that are even more imminent.

### Econ

#### No chance of war from economic decline---best and most recent data

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder.

The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “The average level of peacefulness in 2012 is approximately the same as it was in 2007.”38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”40

None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

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-my-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 preexisting 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.

## 1NR

### Yemen

#### Yemen instability won’t cause full collapse or war – history shifts the burden of proof

Caton 10Dr. Steve C. Caton is Professor of Contemporary Arab Studies in the Department of Anthropology at Harvard University. Yemen: not on the verge of collapse Posted By Steven C. Caton Wednesday, August 11, 2010 - 2:56 PM Share http://mideast.foreignpolicy.com/posts/2010/08/11/yemen\_not\_on\_the\_verge\_of\_collapse

History may provide some perspective. There has been a state or dawlah in Yemen for thousands of years, whether the Sabaean state that built Marib Dam and was the reputed homeland of the Queen of Sheba, or the Islamic state created shortly after the advent of Islam which lasted for a thousand years, or the republican state that came into being in 1962 and has lasted until the present day, despite two bitter civil wars. To be sure, the state has waxed and waned in power and contracted or expanded in territory during this history, and it has faced formidable outside opponents, beginning with the Romans and most recently with al-Qaeda, but it has never fully collapsed or disappeared from the scene. It is unlikely to do so in the present in spite of arguments that the current regime is at a tipping point and about to fall apart because of an unprecedented number of seemingly intractable problems facing it (an ever weakening economy, unsustainable water consumption, projected diminished oil reserves, conflicts between the state and certain regional populations, rampant corruption, and let us not forget al-Qaeda).

To those who would say to me, "How do you know it is not at a tipping point?" I can only respond with, "How do you know that it is?" and remind ourselves of the longue durée of Yemeni history.

But what does it mean to be a "weak state" in contemporary Yemen? Again, some historical perspective is helpful, though thankfully we need not go back three thousand years. When the current president of Yemen, Ali Abdullah Saleh, came to power in 1978 I remember people taking bets in the country's expatriate community that he would not last a year. Not only has he expanded his own personal power, he has managed to consolidate and broaden the state's presence in the country. In 1978, there were few military checkpoints along Yemen's highways; I could go from the capital, Sana'a, to the western town of Marib and be stopped at most two times along the way by state authorities. Now there are over a dozen such stops and identity papers are checked. Military outposts can be seen on most mountain-tops. And there is an administrative system doing the state's business in even the most far-flung regions of the county. Paved roads, state-run or sponsored schools, clinics, and hospitals represent a different aspect of state power and legitimacy, and perhaps they are more effective in that they penetrate into the everyday lives of people. Usually none of this context is taken into account when the western press glibly asserts that the state can barely control the capital, let alone the hinterlands beyond it.

#### There will be no AQAP takeover

Phillips 11 - Ph.D. from the Centre for Arab and Islamic Studies, Australian National University, in 2007. She is now a lecturer at the [Centre for International Security Studies](http://www.econ.usyd.edu.au/staff/sarahp) at the University of Sydney where she specialises in Yemeni and Middle Eastern politics, political reform, political Islam, and the politics of state-building (Sarah, “Al-Qaeda and the Struggle for Yemen,” Survival, February, Taylor and Francis database)

The West is right to worry about Yemen's ability to contain the conflict that is intensifying within its borders. As the regime grapples with dwindling oil reserves, an on-again, off-again insurgency on its northern border with Saudi Arabia, an increasingly hungry population that no longer has the means to produce or purchase sufficient food, and a movement for secession that is spreading throughout the south, AQAP has smelled blood and become more aggressive in targeting enemies both near and far. This aggressiveness has exacerbated fears that if the Yemeni regime falls, al-Qaeda elements may seize political control of territory in which to recruit radicalised local youth, build large-scale terrorist training facilities and plan further operations that target the West. Yemen is now commonly (though hyperbolically) compared to Afghanistan in terms of its potential as a militant safe haven. Other purported similarities, such as the perceived strength of Yemen's tribes against the weak Yemeni state,15 Yemen's tribes cannot, however, be said to be consistently for or against the state. See Lisa Wedeen, Peripheral Visions: Publics, Power, and Performance in Yemen (Chicago, IL: University of Chicago Press, 2008), p. 174. See also Sarah Phillips, Yemen's Democracy Experiment in Regional Perspective (New York: Palgrave Macmillan, 2008), p. 104. View all notes and the tribal tradition of providing refuge to those requesting protection,16 For discussion of this tradition see Paul Dresch, Tribes, Government and History in Yemen (Oxford: Clarendon Press, 1989), pp. 59–62. View all notes are also widely used in the media to fortify claims that Yemen may be the ‘next Afghanistan’.17 Robert F. Worth, ‘Is Yemen the Next Afghanistan?’, New York Times, 6 July 2010. According to this article, ‘Al Qaeda may have found the perfect combination of tribal hospitality, chaos and military opportunity’. View all notes However, the more appropriate comparison probably lies in the West's response to this threat. As the United States increases its level of military involvement in the country by conducting air-strikes against AQAP's leadership, it is also trying to determine how best to increase the legitimacy of the Yemeni government and ensure its ability to quell AQAP's call for greater support. Despite the Yemeni regime's persistent claims to the contrary, **a loss for the government is not necessarily a win for AQAP**, and grassroots support for AQAP is not as widespread as is often suggested. Much of what al-Qaeda stands for, including arbitrary violence that endangers civilians and the incitement of sectarianism, is highly objectionable to the Yemeni population. Yemenis are religiously conservative, but they are by no means innately radical.18 For analysis of the contemporary nature of Salafism in Yemen, see Laurent Bonnefoy, ‘Salafism in Yemen: A “Saudisation”?’, in Madawi al-Rasheed (ed.), Kingdom without Borders: Saudi Political, Religious and Media Frontiers (London: C. Hurst & Company, 2008), pp. 245–59. View all notes AQAP's best point of leverage is its provision of a narrative of injustice, but the group is neither the voice of the people nor a government in waiting.19 Barak Barfi similarly argues that ‘despite its hard work, AQAP does not have deep roots in Yemeni society’.

### Circumvention

#### AND, Botched withdrawal shatters NATO’s credibility and encourages Russian aggression. NASA computer models and climatologist conclude that will cause extinction

Starr 10—Director of Clinical Laboratory Science Program @ University of Missouri [Steven Starr (Senior scientist @ Physicians for Social Responsibility.), “The climatic consequences of nuclear war” | Bulletin of the Atomic Scientists, 12 March 2010, Pg. http://www.thebulletin.org/web-edition/op-eds/the-climatic-consequences-of-nuclear-war]

This isn't a question to be avoided. Recent scientific studies have found that a war fought with the deployed U.S. and Russian nuclear arsenals would leave Earth virtually uninhabitable. In fact, NASA computer models have shown that even a "successful" first strike by Washington or Moscow would inflict catastrophic environmental damage that would make agriculture impossible and cause mass starvation. Similarly, in the January Scientific American, Alan Robock and Brian Toon, the foremost experts on the climatic impact of nuclear war, warn that the environmental consequences of a "regional" nuclear war would cause a global famine that could kill one billion people.

#### Obama will try to use self defnese

**Barnes 12** – JD Candidate @ Boston University School of Law (13) & MA Candidate in Law and Diplomacy @ The Fletcher School of Law and Diplomacy at Tufts University (13) [[Barnes, Beau D.](http://www.heinonline.org.proxy.library.emory.edu/HOL/LuceneSearch?specialcollection=&terms=creator%3A%22Barnes,%20Beau%20D.%22&yearlo=&yearhi=&subject=ANY&journal=ALL&sortby=relevance&collection=journals&searchtype=advanced&submit=Search&base=js&all=true&solr=true" \t "_blank" \o "Search for results by Barnes, Beau D.), “Reauthorizing the War on Terror: The Legal and Policy Implications of the AUMF's Coming Obsolescence,” Military Law Review, Vol. 211, 211 Mil. L. Rev. 57 (2012) pp. 57-114

2. Effect on the International Law of Self-Defense

A failure to reauthorize military force would lead to significant negative consequences on the international level as well. Denying the Executive Branch the authority to carry out military operations in the armed conflict against Al Qaeda would force the President to find authorization elsewhere, most likely in the international law of self defense- the jus ad bellum.142 Finding sufficient legal authority for the United States's ongoing counterterrorism operations in the international law of self-defense, however, is problematic for several reasons. As a preliminary matter, relying on this rationale usurps Congress's role in regulating the contours of U.S. foreign and national security policy. If the Executive Branch can assert "self-defense against a continuing threat" to target and detain terrorists worldwide, it will almost always be able to find such a threat. 143 Indeed, the Obama Administration's broad understanding of the concept of "imminence" illustrates the danger of allowing the executive to rely on a self-defense authorization alone.144 This approach also would inevitably lead to dangerous "slippery slopes." Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of "imminence," 45 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the Obama Administration has disclaimed this manner of broad authority because the AUMF "does not authorize military force against anyone the Executive labels a 'terrorist,' 1 46 relying solely on the international law of self defense would likely lead to precisely such a result.

The slippery slope problem, however, is not just limited to the United States's military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration's "expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . ... 147 Indeed, "[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos." 48

Encouraging the proliferation of an expansive law of international self-defense would not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration's national security policy, sapping U.S. credibility. The Administration's National Security Strategy emphasizes U.S. "moral leadership," basing its approach to U.S. security in large part on "pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests." 49 Defense Department General Counsel Jeh Johnson has argued that "[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge."5 o Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the United States "must not make [legal authority] up to suit the moment.""' The Obama Administration's global counterterrorism strategy is to "adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy" of "turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation."'12

Widely accepted legal arguments also facilitate cooperation from U.S. allies, especially from the United States' European allies, who have been wary of expansive U.S. legal interpretations. Moreover, U.S. strategy vis-a-vis China focuses on binding that nation to international norms as it gains power in East Asia.154 The United States is an international "standard-bearer" that "sets norms that are mimicked by others,"155 and the Obama Administration acknowledges that its drone strikes act in a quasi-precedential fashion.156 Risking the obsolescence of the AUMF would force the United States into an "aggressive interpretation" of international legal authority, not just discrediting its own rationale, but facilitating that rationale's destabilizing adoption by nations around the world.'

United States efforts to entrench stabilizing global norms and oppose destabilizing international legal interpretations-a core tenet of U.S. foreign and national security policyl59-would undoubtedly be hampered by continued reliance on self defense under the jus ad bellum to authorize military operations against international terrorists. Given the presumption that the United States's armed conflict with these terrorists will continue in its current form for at least the near term, ongoing authorization at the congressional level is a far better choice than continued reliance on the jus ad bellum. Congress should reauthorize the use of force in a manner tailored to the global conflict the United States is fighting today. Otherwise, the United States will be forced to continue to rely on a statute anchored only to the continued presence of those responsible for 9/11, a group that was small in 2001 and, due to the continued successful targeting of Al Qaeda members, is rapidly approaching zero. Pg. 94-98

#### Showdown paralyzes the military. The dispute will spillover

Posner & Vermeule 7—Professor of Law @ The University of Chicago & Professor of Law @ Harvard Law School [Eric A. Posner & Adrian Vermeule, “Constitutional Showdown,” University of Chicago Law School, John M. Olin Law & Economics Working Paper NO. 348, July 2007, pg. http://ssrn.com/abstract\_id=1002996]

The cost of a showdown is simply that the government does not act—or, more precisely, that the energy of government officials is diverted from the problem at hand to the problem of asserting authority (in the case of top officials) or the problem of ascertaining the lines of authority (in the case of subordinate officials). Top officials stop arguing about whether the war should be terminated, a question involving difficult judgments about troop strength, home-front morale, and so forth, and start arguing about who should have the authority to terminate the war, a question involving difficult judgments about relative institutional advantage in conducting wars. Subordinate officials, like generals and soldiers, must make predictions about how the argument about top officials will be resolved. If they guess wrong, they could find themselves in trouble for disobeying the institution that ends up winning the showdown. Subordinate officials might end up acting excessively cautiously, so as to avoid offending the different authorities, or allowing policy and military judgments to be influenced by their implications for the resolution of the conflict about authority, to the extent that subordinate officials have preferences regarding it. And a showdown over one issue, like executive privilege, might metastasize, as each side refuses to cooperate in other policy dimensions (appointments, budgets, other areas of substantive legislation) until the other backs down with respect to the original source of dispute. Pg. 21-22

#### 3. Every president—including Obama—has adhered to a constitutional framework that rejects congressional intrusion.

Garrison 12—Professor of Criminal Justice at Kutztown University [Dr. Arthur H. Garrison, “History of Executive Branch Legal Opinions on the Power of the President as Commander-in-Chief from Washington to Obama,” Cumberland Law Review, Vol. 43, Issue 3 (2012-2013), pp. 375-494]

IV. CONCLUSION

Historically the State Department, 388 various Attorneys General, and the OLC, from the Washington through Obama Administrations, have issued formal and informal opinions supporting the broadest interpretation of the Article II Commander in Chief power of the President. Almost from the inception of the Constitution, presidents have been advised that they have plenary, if not exclusive, power over foreign policy and the use of military force with and without prior congressional approval. Historically, Congress has exercised a secondary role in the face of presidential decisionmaking regarding American foreign policy and has never successfully asserted that the power to declare war belonged primarily to the Legislative branch. The power to declare war has been a different power than the power to make war or respond to war inflicted upon the United States.3 From Lincoln to the modern Presidency, all presidents have asserted the power to deploy the military, even if that could entail military combat to protect American interests, and that congressional approval is not constitutionally required for such deployments to be lawful 390 The Obama Administration continued this traditional view and has continued to defend the theory of plenary power in foreign and military affairs as Commander in Chief.39' pg. 478-479

#### Congress is picking a fight they can’t win. The presidents have won every round over the last 160 years

**Kelly 93** – Judge Advocate General's Corps @ US Army [Major Michael P. Kelly (JD from University of California-Davis (87) and Graduate of The Judge Advocate General's School (92), “Fixing The War Powers,” Military Law Review, 141 Mil. L. Rev. 83, Summer 1993

Historically, exercise of the war powers has fluctuated depending on the relative strengths of the political branches at that time. Power in the war powers arena generally has flowed unidirectionally to the President. When courts abdicate their judicial review¶ function, the only two mechanisms which cause governmental¶ powers to fluctuate are legislative enactments3 00 and practices which rise to the level of legislative or constitutional facts.3 01 Given these two mechanisms and the absence of any textual delineation of¶ the war powers, the President frequently has been able to overpower the Congress in the war powers arena.3 o2 The very essence of the executive's role in government is to act with dispatch; legislative enactments take time and require a consensus.

Presidents began encroaching on Congress's powers by acting pursuant to alleged constitutional authority based on a variety of theories. Over a period of approximately 160 years, presidents gradually¶ and methodically captured the war powers through practice.¶ Congress eventually revolted by enacting the WPR, but nearly all¶ presidents have considered the contest settled and victory theirs. From a constitutional perspective, the presidents are incorrect, but not a single court has attempted to liberate Congress by taking on this "political" challenge. 30 3 pg. 145

#### Obama will act like every president in US history. They reject congressional intrusion—Libya proves

Garrison 12—Professor of Criminal Justice at Kutztown University [Dr. Arthur H. Garrison, “History of Executive Branch Legal Opinions on the Power of the President as Commander-in-Chief from Washington to Obama,” Cumberland Law Review, Vol. 43, Issue 3 (2012-2013), pp. 375-494]

After the attacks of September 11, 2001, President Bush asserted that the attacks were an act of war, not an international criminal act,3 and as such, certain constitutional powers of the President were activated, specifically the full war powers of the Commander in Chief.4 Subsequent to the Bush Administration, President Obama ordered the military of the United States to engage in a multinational force to prevent Colonel Muammar Gaddafi from using his security and armed forces to massacre the Libyan people5 and later to support Gaddafi's opponents in their effort to depose Gaddafi from power. President Obama, unlike President Bush, did not seek congressional approval for the action.6 The Office of Legal Counsel (OLC) provided the Obama Administration with an opinion that, not unlike the opinions written by John Yoo in the Bush Administration, asserted that congressional approval was not required because President Obama was exercising his powers as Commander in Chief to conduct foreign policy'-in this case, to prevent a humanitarian disaster and to enforce the will of the international community as reflected in a United Nations Security Council resolution.8

Many scholars and academics, including myself, have spilled much ink on the role of the OLC and the legal assertions made by the Bush Administration OLC.'o Alternatively, this Article will put the legal arguments of the Bush and Obama Administrations in the context of the legal interpretations of the Commander in Chief power made by the U.S. Attorneys General from the Washington through Truman Administrations, and subsequently by the OLC," beginning with the Eisenhower Administration through the Obama Administration.

This Article will assert two propositions: first, from the very early history of the American republic, Presidents have been advised that they possess broad and plenary powers to deal with foreign affairs and military policy, and secondly, the OLC opinions on the legal authority to use military force made by the Bush and Obama Administrations were in line with the historical and legal arguments provided to every president of the United States for more than a century and a half. In Part II, this Article will review the legal justifications and arguments posited to Presidents Washington through Clinton. This review will focus on how each successive Administration has developed the legal and constitutional framework for the assertion of presidential plenary authority to use military force to achieve foreign and/or military policy both with and without prior congressional approval. Each Administration from Washington through Clinton will be individually and sequentially discussed to review the legal justifications and development of the Commander in Chief power. Specific attention will be placed on the legal justifications provided to each of the presidents by their Attorneys General (and Assistant Attorneys General for the OLC) and later by their State Department Legal Advisors, regarding the broad scope of the President's power to conduct foreign and military policy with and without congressional approval. Part III of this Article places the OLC opinions provided to both Presidents Bush and Obama in the historical context of prior legal determinationsfor acting with and without prior congressional approval discussed in Part II. Part IV provides some final conclusions on the history of the Commander in Chief power and why the War Powers Resolution (WPR) as a check on presidential power has failed in its main objective. Pg. 376-381

#### It doesn’t matter what Obama personally wants. He can’t alter the standard practices of governance

Pyle 12—Professor of constitutional law and civil liberties @ Mount Holyoke College [Christopher H. Pyle, “Barack Obama and Civil Liberties,” Presidential Studies Quarterly, Volume 42, Issue 4, December 2012, Pg. 867–880]

Of course, attributing all these decisions to President Obama would be a mistake. As Harry Truman famously observed, the first thing General Eisenhower would discover upon taking office is how difficult it is to alter the government's course merely by issuing orders (Neustadt 1980, 9). Like the Nobel Prize committee, Obama's supporters invested so much hope in his promises that they forgot that the president's staff is tiny while the ship of state is immense, with a permanent crew that has already negotiated many of its standard practices, including secrecy, with congressional committees. Moreover, senators of the opposing party are usually determined to delay the confirmation of the president's key appointees, like the attorney in charge of the Justice Department's Office of Legal Counsel (OLC), so that reformers will not often have the president's ear. Among other things, this means that ex-CIA directors (like former defense secretary Robert Gates), and former CIA executives involved in the torture policy (like counterterrorism advisor John Brennan who was chief of staff to CIA Director George Tenet) would have more opportunity than torture opponents to make their case. Indeed, the CIA's defenders were so powerful that two prominent torture critics, White House Counsel Gregg Craig and the Pentagon's Chief of Detainee Affairs Phil Carter, left the administration within a year (Calabresi and Weisskopf 2009; Finn 2009).