# 1AC

### Plan

#### The United States federal government should statutorily restrict presidential war powers authority to indefinitely detain U.S. citizens.

### Extradition 1ac

#### The President will never choose to use detention authority for domestic captures – but keeping it available ensures confusion and the misperception that it is a realistic option

Chesney and Wittes 13 (Robert M. Nonresident Senior Fellow, Governance Studies @ Brookings and Benjamin, Senior Fellow, Governance Studies @ Brookings, “Protecting U.S. Citizens’ Constitutional Rights During the War on Terror”, Testimony To Congress, May 22 http://www.brookings.edu/research/testimony/2013/05/22-war-on-terror-chesney-wittes)

In our view, **Congress should put this issue to rest at last by clarifying that neither the AUMF nor the NDAA** FY’12 **should be read to confer detention authority over persons captured in the United States** (regardless of citizenship). **The benefits of keeping the option open in theory are slim, while the offsetting costs are substantial. We say the benefits are slim chiefly because the executive branch has** **so little interest in using detention authority domestically.** **The Bush administration had little appetite for** military detention in **such cases** all along, **preferring in almost all instances involving al Qaeda suspects in the United States to stick with the civilian criminal justice system**. **The experiment of military detention with Padilla and al-Marri did little to encourage a different course, given the legal uncertainty** the cases exposed. **That uncertainty has, in turn, created** **an enormous disincentive for any administration**—of whatever political stripe—**to attempt this sort of detention again. A de facto policy thus developed in favor of using the criminal justice apparatus whenever humanly possible for terrorist suspects apprehended in the United States. And whenever humanly possible turned out to mean always**; **while military detention may remain potentially available as a theoretical matter**, **it is not functionally available for the simple reasons that** (i) **executive branch lawyers are not adequately confident that the Supreme Court would affirm its legality and** (ii) in any event, **they have a viable and far-more-reliable alternative in the criminal justice apparatus.** In September 2010, **the Obama administration made this unstated policy official, announcing that it would use the criminal justice system exclusively both for domestic captures and for citizens captured anywhere in the world**. In a speech at the Harvard Law School, then-White House official **John Brennan stated: it is the firm position of the Obama Administration that suspected terrorists arrested inside the United States will—in keeping with long-standing tradition—be processed through our Article III courts. As they should be.** Our military does not patrol our streets or enforce our laws—nor should it. . . . Similarly, when it comes to U.S. citizens involved in terrorist-related activity, whether they are captured overseas or at home, we will prosecute them in our criminal justice system. **To put the matter simply**, **military detention for citizens or for terrorist suspects captured domestically, was tried** a handful of times early in the Bush administration; **the strategy was abandoned;** **it has been many years since there was any appetite in the executive branch**—under the control of either party—**for trying it again; and it has** for some time **been the stated policy of the executive branch not to attempt it under any circumstances. We do not expect any administration of either party to break blithely with the consensus that has developed absent some dramatically changed circumstance**. **The litigation risk is simply too great, and the criminal justice system’s performance has been too strong to warrant assuming this risk. But ironically, even as this strong executive norm** **against military detention of domestic captures** and citizens **has developed, a fierce commitment to this type of detention has also developed** in some quarters. **The fact that the norm against detention is not currently written into law has helped fuel this commitment**, **enabling the persistent** **perception that there is greater policy latitude than functionally exists.** The result is that **every time a major terrorist suspect has been taken into custody** domestically in recent years—**the arrest of Djokhar Tsarnaev is only the most recent example**—**the country explodes in the exact same unproductive and divisive political debate.** **To caricature it only slightly, one side argues that the suspect should have been held in military custody, instead of being processed through the criminal justice system; it decries the reading of the suspect his Miranda rights; and it criticizes the administration, more generally, for a supposed return to a pre-9/11 law enforcement paradigm. The other side, meanwhile, defends the civilian justice system, while also demanding the closure of Guantánamo and attacking the performance of military commissions for good measure. This kabuki dance of a debate is not merely a matter of rhetoric**. Separate and apart from the U.S. citizen detention language we described above, **in the course of producing the 2012 NDAA Congress also explored the option of mandating military detention for suspects** (citizen or not) taken into custody within the United States. The administration resisted these efforts, and the resulting language in conference committee ultimately stopped far short of requiring military detention. The administration further softened the effects of that language, moreover, through its subsequent interpretation of the new language. All of **which brings us back to our point: there is a big gulf between the real, functional state of play** (**in which the criminal justice system provides the exclusive means of processing terrorist suspects captured within the United States**) **and the** **perception** in some quarters **that military detention remains a viable option, perhaps even a norm, for domestic and citizen terrorist captures. That gulf has real costs**. **Most obviously, it generates significant political friction every time a major terrorist arrest happens in the United States**. It increases the apparent political polarization of an area that should be above politics—and in which the counterterrorism reality is far less polarized than the inter-branch relations over the issue would suggest. **And it reinforces the perception that domestic military detention remains a viable option**, **needlessly alarming those who fear it** and needlessly misleading those who wish to see it. **The resulting confusion fuels sharp debate over something that is no longer meaningfully an option in functional terms.** That debate even spills over at times into litigation, most notably—and disruptively—in the context of the Hedges case in New York (in which journalists and activists persuaded a district judge to enjoin enforcement of detention authority, despite the utter implausibility of the claim that they might be subjected to it).

#### Military detention is a DEAL BREAKER for European extradition

Lamond 11 (James, Research Director @ National Security Network, "International Cooperation on CT Cases," http://webcache.googleusercontent.com/search?q=cache:vLOWVgOl98EJ:www.democracyarsenal.org/2011/08/international-cooperation-on-ct-cases.html+&cd=9&hl=en&ct=clnk&gl=us)

With so much going on this week, one piece of terrorism news went largely under the radar. Mahamud Said Omar, a suspect on charges of material support for terrorism was extradited from the Netherlands to the U.S. after being indicted by a U.S. federal court in 2009 and arrested in the Netherlands later that year. The FBI press release has more details here. ¶ What makes this case so interesting is what Robert Chesney points out over at Lawfare:¶ “the first important thing to note about the Omar case is that there almost certainly was no alternative to charging him in civilian court. He was arrested in the Netherlands, after all, and as we saw previously with the Delaema case, the Dutch are not likely to extradite if we plan to hold someone in military detention or use a military commission. This alone ought to be enough to stop Congress from passing legislation that would categorically bar civilian prosecution in all cases where military detention or a commission proceeding might also be a possibility." ¶ The importance of international cooperation in combatting and prosecuting terrorists is an often overlooked part of the discussion about terrorism prosecution and detention. David Kris, who served as assistant attorney general for national security until earlier this year outlined in a recent paper: ¶ “the criminal justice system may help us obtain important cooperation from other countries. That cooperation may be necessary if we want to detain suspected terrorists or otherwise accomplish our national security objectives. Our federal courts are well-respected internationally. There are well-established, formal legal mechanisms that allow the transfer of terrorism suspects to the United States for trial in federal court, and for the provision of information to assist in law enforcement investigations – i.e., extradition and mutual legal assistance treaties (MLATs). Our allies around the world are comfortable with these mechanisms, as well as with more informal procedures that are often used to provide assistance to the United States in law enforcement matters, whether relating to terrorism or other types of cases. Such cooperation can be critical to the success of a prosecution, and in some cases can be the only way in which we will gain custody of a suspected terrorist who has broken our laws. ¶ ¶ “In contrast, many of our key allies around the world are not willing to cooperate with or support our efforts to hold suspected terrorists in law of war detention or to prosecute them in military commissions. While we hope that over time they will grow more supportive of these legal mechanisms, at present many countries would not extradite individuals to the United States for military commission proceedings or law of war detention. Indeed, some of our extradition treaties explicitly forbid extradition to the United States where the person will be tried in a forum other than a criminal court. For example, our treaties with Germany (Article 13) and with Sweden (Article V(3)) expressly forbid extradition when the defendant will be tried in an ‘extraordinary’ court, and the understanding of the Indian government pursuant to its treaty with the United States is that extradition is available only for proceedings under the ordinary criminal laws of the requesting state.”¶ As Kris explains, this is not hypothetical, “There are a number of terror suspects currently in foreign custody who likely would not be extradited to the United States by foreign nations if they faced military tribunals.” In his foot notes, Kris points to specific examples. The Oussama Kassir, who in 2007, the Czech Republic extradited to the United States based on assurances that he would not be prosecuted in military tribunals. Kassir was eventually found guilty in the civilian court. He also cites the Syed Hashmi case, who was extradited to the U.S. in 2007 from the UK based on assurances from the US that he would not be prosecuted in military tribunals. He too, is in behind bars after pleading guilty last year. There are also a number of extradition cases, similar to the Omar case, pending , where the U.S. has had to provide assurances not to use military courts. This makes the efforts on Capitol Hill requiring military custody and tribunals all the more puzzling.

#### Extradition refusals are already happening – undermines cooperation and decks flexibility

Hathaway et al 13 (Oona, Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School along with Samuel Adelsberg, Spencer Amdur, Philip Levitz, Freya Pitts & Sirine Shebaya, "The Power To Detain: Detention of Terrorism Suspects After 9/11," http://www.yjil.org/docs/pub/38-1-hathaway-the-power-to-detain.pdf)

There is clear evidence that other countries recognize and respond to the difference in legitimacy between civilian and military courts and that they are, indeed, more willing to cooperate with U.S. counterterrorism efforts when terrorism suspects are tried in the criminal justice system. Increased international cooperation is therefore another advantage of criminal prosecution.¶ Many key U.S. allies have been unwilling to cooperate in cases involving law-of-war detention or prosecution but have cooperated in criminal prosecutions. In fact, many U.S. extradition treaties, including those with allies such as India and Germany, forbid extradition when the defendant will not be tried in a criminal court.252 This issue has played out in practice several times. An al-Shabaab operative was extradited from the Netherlands only after assurances from the United States that he would be prosecuted in criminal court.253 Two similar cases arose in 2007.254 In perhaps the most striking example, five terrorism suspects—including Abu Hamza al-Masr, who is accused of providing material support to al-Qaeda by trying to set up a training camp in Oregon and of organizing support for the Taliban in Afghanistan—were extradited to the United States by the United Kingdom in October 2012.255 The extradition was made on the express condition that they would be tried in civilian federal criminal courts rather than in the military commissions.256 And, indeed, both the European Court of Human Rights and the British courts allowed the extradition to proceed after assessing the protections offered by the U.S. federal criminal justice system and finding they fully met all relevant standards..257 An insistence on using military commissions may thus hinder extradition and other kinds of international prosecutorial cooperation, such as the sharing of testimony and evidence.¶ Finally, the criminal justice system is simply a more agile and versatile prosecution forum. Federal jurisdiction offers an extensive variety of antiterrorism statutes that can be marshaled to prosecute terrorist activity committed outside the United States, and subsequently to detain those who are convicted..258 This greater variety of offenses—military commissions can only punish an increasingly narrow set of traditional offenses against the laws of war259—offers prosecutors important flexibility. For instance, it might be very difficult to prove al-Qaeda membership in an MCA prosecution or a law-of-war habeas proceeding; but if the defendant has received training at a terrorist camp or participated in a specific terrorist act, federal prosecutors may convict under various statutes tailored to more specific criminal behavior.260 In addition, military commissions can no longer hear prosecutions for material support committed before 2006.261 Due in part to the established track record of the federal courts, the federal criminal justice system also allows for more flexible interactions between prosecutors and defendants. Proffer and plea agreements powerful incentives for defendants to cooperate, and often lead to valuable intelligence-gathering, producing more intelligence over the course of prosecution.

#### This results in European countries releasing terror suspects

Kris 11 (David S. Assistant Attorney General for National Security at the U.S. Department of Justice

from March 2009 to March 2011, “Law Enforcement as a Counterterrorism Tool”, June 15http://jnslp.com//wp-content/uploads/2011/06/01\_David-Kris.pdf)

Finally, the criminal justice system may help us obtain important ¶ cooperation from other countries. That cooperation may be necessary if we ¶ want to detain suspected terrorists or otherwise accomplish our national ¶ security objectives. Our federal courts are well-respected internationally. ¶ There are well-established, formal legal mechanisms that allow the transfer ¶ of terrorism suspects to the United States for trial in federal court, and for ¶ the provision of information to assist in law enforcement investigations – ¶ i.e., extradition and mutual legal assistance treaties (MLATs). Our allies ¶ around the world are comfortable with these mechanisms, as well as with ¶ more informal procedures that are often used to provide assistance to the ¶ United States in law enforcement matters, whether relating to terrorism or ¶ other types of cases. Such cooperation can be critical to the success of a ¶ prosecution, and in some cases can be the only way in which we will gain ¶ custody of a suspected terrorist who has broken our laws.184¶ ¶ In contrast, many of our key allies around the world are not willing to ¶ cooperate with or support our efforts to hold suspected terrorists in law of ¶ war detention or to prosecute them in military commissions. While we hope that over time they will grow more supportive of these legal ¶ mechanisms, at present many countries would not extradite individuals to ¶ the United States for military commission proceedings or law of war ¶ detention. Indeed, some of our extradition treaties explicitly forbid ¶ extradition to the United States where the person will be tried in a forum ¶ other than a criminal court. For example, our treaties with Germany ¶ (Article 13)185 and with Sweden (Article V(3))186 expressly forbid extradition ¶ when the defendant will be tried in an “extraordinary” court, and the ¶ understanding of the Indian government pursuant to its treaty with the ¶ United States is that extradition is available only for proceedings under the ¶ ordinary criminal laws of the requesting state.187 More generally, the ¶ doctrine of dual criminality – under which extradition is available only for ¶ offenses made criminal in both countries – and the relatively common ¶ exclusion of extradition for military offenses not also punishable in civilian ¶ court may also limit extradition outside the criminal justice system.188 Apart ¶ from extradition, even where we already have the terrorist in custody, many ¶ countries will not provide testimony, other information, or assistance in ¶ support of law of war detention or a military prosecution, either as a matter ¶ of national public policy or under other provisions of some of our ¶ MLATs.189 ¶ These concerns are not hypothetical. During the last Administration, ¶ the United States was obliged to give assurances against the use of military ¶ commissions in order to obtain extradition of several terrorism suspects to ¶ the United States.190 There are a number of terror suspects currently in ¶ foreign custody who likely would not be extradited to the United States by ¶ foreign nations if they faced military tribunals.191 In some of these cases, it ¶ might be necessary for the foreign nation to release these suspects if they cannot be extradited because they do not face charges pending in the ¶ foreign nation.

#### Extradition disputes makes Europe a safe haven for terrorists – risks WMD use

Rivkin and Casey 2 (David B. Rivkin, Jr., Associate Fellow of The Nixon Center and Lee A. Casey, partner in the Washington, DC office of Baker & Hostetler LLP., “A House Divided? War, Extradition, and the Atlantic Alliance, PART II”, The National Interest, October 9th 2002, http://nationalinterest.org/article/a-house-divided-war-extradition-and-the-atlantic-alliance-part-ii-2137?page=1)

The war on terrorism is not simply the disruption of terrorist plots and the detention of suspects. To be successful when carrying a long-term military engagement, democracies must be imbued with a shared sense of purpose, an agreed-upon strategy and a conviction that their cause is just. As the war on terrorism proceeds apace, long-standing and simmering disputes between the United States and its European allies over questions of extradition and the associated cultural contretemps threaten to derail the campaign against Al-Qaeda and weaken the Atlantic Alliance.¶ It's War, Stupid¶ The wartime transfer of "unlawful combatants" creates fundamentally different legal and policy considerations than normal, peacetime extradition cases. Significantly, all of the international legal instruments dealing with death penalty, including Europe's 1983 Protocol, expressly allow for the use of capital punishment in time of war. And, whatever their private misgivings about the proper nomenclature for the September 11 attack, by invoking Article V of the NATO Treaty, at least those European countries that are NATO members chose to treat September 11 as an act of war. Ironically, given this legal context, President Bush's military commission order, which applies during the time of an armed conflict (only to unlawful combatants) and draws upon the laws of war, should have made it easier for the Europeans to deal with American extradition requests. To put it in a nutshell, the American use of military commissions vividly demonstrates that the extradition requests being made are not a criminal justice matter, but rather are part and parcel of fighting a war against international terrorism.¶ These considerations aside, the state of war dramatically reshapes the death penalty's policy merits. European objections to capital punishment during peacetime--including its lack of "respect for life", failure to account for the possibility of rehabilitation, alleged lack of deterrent effect, and possibility of killing the innocent--have substantially less application during wartime. The innocent victims of terrorism, too, have a "right to life" and the state has an obligation to see that justice is done. At the same time, the possibility of rehabilitating Al-Qaeda members is close to zero. Bin Laden and his co-belligerents are unlikely to accept defeat as did Nazi Germany or Imperial Japan. In Afghanistan, they have frequently indicated a willingness to fight until they physically can no longer fight and, for many of them, this means death. They have declared a war of annihilation against the West, and there is every reason to take them at their word. Indeed, capital punishment may be the only effective response to the threats currently facing the United States and its allies.¶ The imprisonment of Al-Qaeda members, particularly its leadership, would merely create the incentive for supporters to commit further acts of terror in order to obtain their release. This particular drama has, in fact, already played on the Middle Eastern stage. Israel, for example, has periodically been forced to release hundreds of imprisoned terrorists to free their own intelligence operatives or soldiers. Similar tactics will certainly be used against the United States.¶ There is also a compelling set of war-related imperatives for the Western countries to suppress unlawful combatancy. As General William Tecumseh Sherman bluntly stated "[y]ou cannot qualify war in harsher terms than I will. War is cruelty, and you cannot refine it." Yet, from the very beginning of organized warfare, strenuous efforts have been made to develop and sustain a body of rules, governing who may use force, when and how. All civilized states, regardless of their position on capital punishment, have an inherent interest in limiting the resort of war to other states, or to those claiming to represent a state and thus acknowledge the limits imposed by the laws of war on their belligerent activities. Private men have no right to make war, and this is one of the oldest and best-established rules of international law. Those who do, and who fail to accept the minimum requirements of lawful belligerency -- a recognized command structure, some identifying "uniform," carrying arms openly and accepting the applicability of the rules of war -- can, and should, be treated harshly. As the 18th Century international law scholar Emmerich de Vattel explained in The Law of Nations: "A nation attacked by such sort of enemies [unlawful combatants] is not under any obligation to observe towards them the rules of wars. . . It may treat them as robbers."¶ This approach has particular merit in the current circumstances, when for the first time in human history, the very survival of organized states is threatened by terrorist organizations. These groups, aided and abetted by a few rogue regimes, are relentlessly seeking access to weapons of mass destruction. To deal with this threat successfully requires a concerted effort by all democracies, featuring cooperation of the military, law enforcement and intelligence.¶ In this context, Europe's extradition policies pose both symbolic and practical problems. Since "unlawful combatants" have reemerged as a scourge of humanity in the 21st century much as they were in the 14 th-15th centuries, when the original proscription against them was introduced by the fathers of modern international law, suppressing them has become one of the most important policy priorities for the entire international community. Delegitimizing these individuals is a vital element of the overall effort. This explains the harshness of the American condemnations of the Palestinian suicide bombers, another policy matter on which we and the Europeans disagree. No cause can justify deliberate attacks on civilians. Thus, treating unlawful combatants as ordinary criminals and obsessing about the nature of the process that they would be accorded in the United States or the punishments that might be meted out to them is exactly the wrong way to proceed.¶ Indeed, one can argue that, given the nature of this conflict, law enforcement operations have become just another version of low-intensity warfare. The current idiosyncratic European attitudes do more than just impede the U.S. ability to successfully prosecute this conflict; they pose *a major threat to European security* as well. To the extent that European attitudes towards extradition remain unchanged while the U.S. continues to uproot various terrorist support structures around the world, *Europe might well become a magnet for Al-Qaeda*, the Taliban and its terrorist allies. This is, in fact, a perennial feature of warfare; when a success by one side on a particular front causes the enemy to shift his resources to the less well defended areas. Unrealistic European law-enforcement attitudes may well make European capitals more attractive to terrorists than the warrens of Mogadishu or the slums of Sudan. In fact, recent investigations by German and Dutch authorities have already uncovered dozens of Al-Qaeda cells and demonstrated that many of the September 11 operatives spent considerable amounts of time in Europe.

#### Causes European bioterror attacks – they’re likely now

Bellamy and Guitta 13 (11/11, Dr Jill Bellamy van Aalst, CEO of Warfare Technology Analytics, is an internationally recognized expert on biological warfare who develops and runs biological and nuclear war-games for EU and NATO states and Olivier Guitta, Adjunct Fellow at the Foundation for Defense of Democracies. He is a Counterterrorism and Foreign Affairs consultant in Washington DC, briefed the 2008 presidential candidates on counterterrorism, “Al-Qaeda’s Biological Weapons Program” http://newmediajournal.us/indx.php/item/11049

Today, we are looking at very sophisticated recruitment techniques employed by AQ across North Africa. Intelligence sources have told us that in several countries, notably Morocco, Algeria, Sudan and Mauritania, AQ is training operatives in biological and chemical weapons and has successfully inserted terrorists into Europe through application processes for refugee status. The 2009 Algerian Incident On January 6, 2009 the Algerian newspaper Echorouk reported that a number of terrorists had died of plague in one of al-Qaeda in the Islamic Maghreb (AQIM) training camps in Tizi Ouzou.7Another Algerian newspaper, Ennahar, affirmed that 50 terrorists had been diagnosed with the plague, 40 of whom already died.8 1) Algerian authorities were totally silent at the time. Our trusted sources also declined to comment about the veracity of the story. One can suspect that Algerians authorities were not too happy about the story being confirmed by American sources. Indeed the Washington Times confirmed through a senior US intelligence official that an incident had taken place at an AQIM training camp that had to be shut down as a result.9 2) Coincidence or not: sixty terrorists from AQIM from Tizi Ouzou (the same region where the incident allegedly occurred) miraculously just decided they wanted to surrender to the authorities. It is very rare that such a large number of AQIM operatives defect at the same time. That could mean that they possibly became scared after watching several of their compatriots become infected with bubonic plague and did not want to participate further in the research and production of biological warfare agents which would likely result in their deaths. Unconfirmed reports further noted that many of these operatives were treated for bubonic plague. 3) In 2008, Pakistani terrorists came to train in AQIM training camps and may have one way or another contributed to the production of that biological agent. Interestingly, the Washington Times mentions an intercepted communication between AQIM leaders and AQ Central in Pakistan relating the mishap.10 There was concern that several AQIM operatives had travelled to Pakistan and may have infected AQ's terrorist training camps in Pakistan. 4) AQIM did not wait long to refute this story. On Jan. 21, 2009, in a communiqué the group accused "some hypocrites who quoted their masters at the Algerian intelligence agency" of being behind this false story. They added that the AQIM emirs (chiefs) quarantine the sick right away because the disease propagates itself very quickly.11 5) Al-Qaeda operatives in Europe had tried to develop biological weapons as mentioned earlier. 6) AQIM was "hired" by AQ central mostly because of its extensive network in Europe that could allow them to strike Europe at some point. AQIM's leadership has been under intense pressure to attack European targets in order to maintain its credibility. In fact, by not using a "conventional" weapon, AQIM would prove its value to AQ Central. If the group was indeed developing a biological weapon, it was surely destined for delivery in Europe, and most likely in France, a long time adversary and target of AQIM. Should such a strike occur, it would no doubt expose civilian populations to potentially highly lethal biological warfare agents. AQAP's Will to Acquire Biological Weapons Since 2010, US President Barack Obama has been briefed on the threat of biological weapons coming from al-Qaeda in Yemen. In fact, AQAP has been very active in trying to produce ricin, and possibly package it around explosives and explode in confined public spaces such as airports or malls. In its online Journal Inspire, AQAP has also publically called for, "Brothers with less experience in the fields of microbiology or chemistry, as long as they possess basic scientific knowledge, would be able to develop other poisons such as ricin or cyanide."12 The US-born cleric, Anwar al-Awlaki, before his own demise in September 2011, had said, "The use of chemical and biological weapons against population centres is allowed and is strongly recommended."13 As the New York Times reported in August 2011, the threat is taken very seriously and a secret US government task force was working with the Saudi and Yemeni services to counter this danger. Indeed the Saudis revealed that AQAP was trying to put the toxin in perfume bottles that were going to be sent to government, law enforcement and military officials.14 A Silent Attack The problem with bio-weapons, unlike chemical or nuclear, is the quality and weaponization for dispersal that counts, not the quantity. You do not need a stockpile and you do not need sophisticated delivery methods, in fact, that is no longer optimal. Bio-weapons are silent, and determining that an attack has occurred can be challenging. Failing to identify an attack at the earliest moment will lead to increased civilian mortality. To provide a couple of examples: One gram of crystalline Botulinum toxin could theoretically kill a million people. It's the most toxic substance known to man and it's easy to transport and easy to conceal. As most people know, in the 1990s the Aun Shinrikyo cult in Japan attempted three times to use aerosolized botulinum toxins as a weapon of terror against US military personnel. They obtained theClostridium Botulinum bacteria from soil samples in Northern Japan. The types of pathogens or biological agents terrorists are likely to use are variable. In many instances, a bio-weapon attack would be an international public health emergency, due to the inherent nature of biological pathogens, toxins and viruses that could spread like fire through the modern means of transportation. Such an attack could require drastic measures to be taken to counter the spread of an epidemic. Measure such as quarantine, voluntary or otherwise may need to be considered especially if the pathogen released was modified to be highly infective and transmissible. While forced quarantine was used during the Yugoslavian smallpox outbreak of 1972, a deliberate, well-orchestrated release of a weaponized biological agent would certainly present major obstacles to counter and control this in democratic states.

#### Bioterror causes extinction – new tech takes out your defense

Myhrvold 13 (Bynathan Myhrvold, former Chief Technology Officer at Microsoft, MA and PhD from Princeton University, he held a postdoctoral fellowship at the University of Cambridge working under Stephen Hawking¶ Strategic Terrorism a Call to Action, The Lawfare Research Paper Series¶ research paper no. 2 – 2013¶ July 2013¶ <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>)

In addition, numerous other agents are similar to anthrax in that they are highly lethal but not contagious. The ¶ lack of contagion means that an attacker must administer ¶ the pathogen to the people he wishes to infect. in a military context, this quality is generally seen as a good thing ¶ because the resulting disease can be contained in a specific ¶ area. Thus, the weapon can be directed at a well-defined ¶ target, and with luck, little collateral damage will result.¶ Unfortunately, many biological agents are communicable and so can spread beyond the people initially infected ¶ to affect the entire population. Infectious pathogens are ¶ inherently hard to control because there is usually no reliable way to stop an epidemic once it starts. This property ¶ makes such biological agents difficult to use as conventional weapons. A nation that starts an epidemic may see it ¶ spread to the wrong country—or even to its own people. Indeed, one cannot target a small, well-defined population ¶ with a contagious pathogen; by its nature, such a pathogen ¶ may infect the entire human race.¶ Despite this rather severe drawback, both the soviet ¶ Union and the United states, as well as imperial Japan, investigated and produced contagious bioweapons. The logic ¶ was that their use in a military conflict would be limited to ¶ last-ditch, “scorched earth” campaigns, perhaps with a vaccine available only to one side.¶ smallpox is the most famous example. It is highly contagious and spreads through casual contact. smallpox was ¶ eradicated in the wild in 1977, but it still exists in both U.s. ¶ and russian laboratories, according to official statements.7¶ Unofficial holdings are harder to track, but a number of ¶ countries, including north Korea, are believed to possess ¶ covert smallpox cultures.¶ Biological weapons were strictly regulated by international treaty in 1972. The United states and the soviet ¶ Union agreed not to develop such weapons and to destroy¶ existing stocks. The United States stopped its bioweapons ¶ work, but the russians cheated and kept a huge program ¶ going into the 1990s, thereby producing thousands of tons ¶ of weaponized anthrax, smallpox, and far more exotic biological weapons based on genetically engineered viruses. No ¶ one can be certain how far either the germs or the knowledge has spread since the collapse of the soviet Union.¶ Experts estimate that a large-scale, coordinated ¶ smallpox attack on the United states might kill 55,000 to ¶ 110,000 people, assuming that sufficient vaccine is available to contain the epidemic and that the vaccine works.8, 9¶ The death toll may be far higher if the smallpox strain has ¶ been engineered to be vaccine-resistant or to have enhanced virulence. Moreover, a smallpox attack on the United States could ¶ easily broaden into a global pandemic, despite the U.s. ¶ stockpile of at least 300 million doses of vaccine. All it ¶ would take is for one infected person to leave the country ¶ and travel elsewhere. If new york city were attacked with ¶ smallpox, infections would most likely appear on every ¶ continent, except perhaps antarctica, within two weeks. Once these beachheads were established, the epidemic ¶ would spread almost without check because the vaccine ¶ in world stockpiles and the infrastructure to distribute it ¶ would be insufficient. That is particularly true in the developing world, which is ill equipped to handle their current ¶ disease burden to say nothing of a return of smallpox. Even ¶ if “only” 50,000 people were killed in the United states, a ¶ million or more would probably die worldwide before the ¶ disease could be contained, and containment would probably require many years of effort. As horrible as this would be, such a pandemic is by ¶ no means the worst attack one can imagine, for several ¶ reasons. First, most of the classic bioweapons are based ¶ on 1960s and 1970s technology because the 1972 treaty ¶ halted bioweapons development efforts in the United ¶ states and most other Western countries. second, the russians, although solidly committed to biological weapons ¶ long after the treaty deadline, were never on the cutting ¶ edge of biological research. Third and most important, the ¶ science and technology of molecular biology have made ¶ enormous advances, utterly transforming the field in the ¶ last few decades. High school biology students routinely ¶ perform molecular-biology manipulations that would have ¶ been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. ¶ The biowarfare methods of the 1960s and 1970s are now ¶ as antiquated as the lumbering mainframe computers of ¶ that era. Tomorrow’s terrorists will have vastly more deadly bugs to choose from. ¶ Consider this sobering development: in 2001, australian researchers working on mousepox, a nonlethal ¶ virus that infects mice (as chickenpox does in humans), ¶ accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild ¶ symptoms, the new virus killed 60% of even those mice ¶ already immune to the naturally occurring strains of ¶ mousepox. The new virus, moreover, was unaffected ¶ by any existing vaccine or antiviral drug. a team of ¶ researchers at saint louis University led by mark Buller ¶ picked up on that work and, by late 2003, found a way to ¶ improve on it: Buller’s variation on mousepox was 100% ¶ lethal, although his team of investigators also devised ¶ combination vaccine and antiviral therapies that were ¶ partially effective in protecting animals from the ¶ engineered strain.12, 13 Another saving grace is that ¶ the genetically altered virus is no longer contagious. ¶ of course, it is quite possible that future tinkering ¶ with the virus will change that property, too.¶ Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other ¶ poxviruses and possibly for other classes of viruses as well. ¶ Might the same techniques allow chickenpox or another ¶ poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known ¶ antiviral therapy? i’ve asked this question of experts many ¶ times, and no one has yet replied that such a manipulation ¶ couldn’t be done.¶ This case is just one example. many more are pouring out of scientific journals and conferences every year. ¶ Just last year, the journal Nature published a controversial ¶ study done at the University of Wisconsin–madison in ¶ which virologists enumerated the changes one would need ¶ to make to a highly lethal strain of bird flu to make it easily ¶ transmitted from one mammal to another.14 Biotechnology is advancing so rapidly that it is hard to ¶ keep track of all the new potential threats. nor is it clear ¶ that anyone is even trying. in addition to lethality and drug ¶ resistance, many other parameters can be played with, ¶ given that the infectious power of an epidemic depends on ¶ many properties, including the length of the latency period ¶ during which a person is contagious but asymptomatic. ¶ Delaying the onset of serious symptoms allows each new ¶ case to spread to more people and thus makes the virus ¶ harder to stop. This dynamic is perhaps best illustrated by hiv, which ¶ is very difficult to transmit compared with smallpox and ¶ many other viruses. intimate contact is needed, and even then, the infection rate is low. The balancing factor is that ¶ hiv can take years to progress to aids, which can then ¶ take many more years to kill the victim. What makes hiv¶ so dangerous is that infected people have lots of opportunities to infect others. This property has allowed hiv to ¶ claim more than 30 million lives so far, and approximately ¶ 34 million people are now living with this virus and facing ¶ a highly uncertain future.15 A virus genetically engineered to infect its host quickly, ¶ to generate symptoms slowly—say, only after weeks or ¶ months—and to spread easily through the air or by casual ¶ contact would be vastly more devastating than hiv. it ¶ could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost ¶ impossible to combat because most of the infections would ¶ occur before the epidemic became obvious.¶ A technologically sophisticated terrorist group could ¶ develop such a virus and kill a large part of humanity with ¶ it. indeed, terrorists may not have to develop it themselves: ¶ some scientist may do so first and publish the details.¶ Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in ¶ the near future, someone may create artificial pathogens ¶ that could drive the human race to extinction. indeed, a ¶ detailed species-elimination plan of this nature was openly ¶ proposed in a scientific journal. The ostensible purpose of that particular research was ¶ to suggest a way to extirpate the malaria mosquito, but ¶ similar techniques could be directed toward humans.16 ¶ When i’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily ¶ detectable and could be fought with biotech remedies. If ¶ you challenge them to come up with improvements to the ¶ suggested attack plan, however, they have plenty of ideas. ¶ Modern biotechnology will soon be capable, if it is not ¶ already, of bringing about the demise of the human race—¶ or at least of killing a sufficient number of people to end ¶ high-tech civilization and set humanity back 1,000 years or ¶ more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in ¶ mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency ¶ been accessible to so few, so easily. Even more dramatically ¶ than nuclear proliferation, modern biological science has ¶ frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing ¶ mechanism throughout history. Access to extremely lethal ¶ agents—lethal enough to exterminate Homo sapiens—will ¶ be available to anybody with a solid background in biology terrorists included.¶ The 9/11 attacks involved at least four pilots, each of ¶ whom had sufficient education to enroll in flight schools ¶ and complete several years of training. Bin laden had a degree in civil engineering. Mohammed atta attended a german university, where he earned a master’s degree in urban ¶ planning—not a field he likely chose for its relevance to ¶ terrorism. A future set of terrorists could just as easily be ¶ students of molecular biology who enter their studies innocently enough but later put their skills to homicidal use. Hundreds of universities in europe and asia have curricula ¶ sufficient to train people in the skills necessary to make a ¶ sophisticated biological weapon, and hundreds more in the ¶ United states accept students from all over the world. ¶ Thus it seems likely that sometime in the near future a ¶ small band of terrorists, or even a single misanthropic individual, will overcome our best defenses and do something ¶ truly terrible, such as fashion a bioweapon that could kill ¶ millions or even billions of people. Indeed, the creation of ¶ such weapons within the next 20 years seems to be a virtual ¶ certainty. The repercussions of their use are hard to estimate. one approach is to look at how the scale of destruction they may cause compares with that of other calamities ¶ that the human race has faced.

#### European terrorists will use a dirty bomb - tanks the US and global economies

Bergen 4 (Peter, Schwartz fellow at the New America Foundation + an adjunct professor at Johns Hopkins University School for Advanced International Studies, "Al Qaeda and Europe in LA Times," http://webcache.googleusercontent.com/search?q=cache:skNOPSjKJRMJ:peterbergen.com/al-qaeda-and-europe-in-la-times/+&cd=15&hl=en&ct=clnk&gl=us)

The most pressing threat to Americans from Al Qaeda is not from within, but from without: its cells and affiliated groups based in Europe.¶ The attacks on three Madrid trains on March 11, which killed 191 commuters, demonstrated that Al Qaeda-inspired jihadist groups on the Continent are a real threat. And just as it is hard to imagine 9/11 without the “Hamburg cell,” future terrorist attacks damaging to U.S. national security probably will have a strong European connection. For example, European members of Al Qaeda could sneak into the United States to launch an attack on the scale of the one in Madrid or they could detonate a radioactive “dirty” bomb in London’s financial district, an event that would have a devastating effect on the global economy and, by extension, the U.S. economy.¶ How Al Qaeda succeeds or fails in Europe is critical to its future in the West. Although few American Muslims have embraced Al Qaeda’s ideology, that is not the case with Europe’s 20 million Muslims.¶ Part of the reason is alienation. In general, Muslims in Europe face more discrimination than their U.S. counterparts. Algerians in France and Pakistanis in Britain, for example, are often treated as second-class citizens and are less integrated into their host countries than Muslims in the U.S. As citizens of the European Union, however, adherents of Al Qaeda’s ideology have considerable latitude to move around Europe and visit other countries in the West.¶ A suicide attack in Israel illustrates the threat. On April 30, 2003, two middle-class Britons of Pakistani heritage walked into a popular cafe near the U.S. Embassy in Tel Aviv. One of them had attended meetings of Al Muhajiroun, a British Islamist group broadly sympathetic to the goals of Al Qaeda. Once inside the cafe, the younger man detonated a bomb, killing himself and three bystanders and wounding dozens. The other man fled. It was the first time that a citizen of Britain had committed an act of suicide terrorism in Israel.¶ If such an attack can happen in Israel, a country with the most rigorous counter-terrorist defenses in the world, it can happen in the United States. The so-called shoe bomber, Richard C. Reid, who failed to blow up an American Airlines flight between Paris and Miami in December 2001, is a British citizen. And the July 2004 terror alert in the United States was sparked by word that a British Al Qaeda operative, alias Issa al Britani, had scoped out U.S. financial institutions in New York and New Jersey before Sept. 11.¶ Just as light can be defined as both a wave and a particle, Al Qaeda is now both organization and political movement.¶ It lost its base and training camps in the Afghanistan war, which damaged its formal organization. But the war in Iraq has helped promote its ideological movement.¶ The most significant evidence of Al Qaeda’s growing ideological appeal in Europe beyond the Madrid bombings were last month’s assassination of filmmaker Theo van Gogh in Amsterdam by a Moroccan who said that Van Gogh had blasphemed Islam; the 2003 arrests of a group of men in London experimenting with ricin, a biological toxin used in assassinations; and the breakup by British police of an Al Qaeda plot to attack Heathrow Airport.¶ At a Dec. 2 conference on Al Qaeda in Washington, Steven Simon, former senior director for transnational threats at the National Security Council, described Europe as both a “new field of jihad” for Al Qaeda and a “ripening” threat. Rohan Gunaratna, author of “Inside Al Qaeda,” described Europe as a “staging ground” for future attacks against the U.S. and said European governments had been overly tolerant of the terrorist organization’s support networks in their countries. Ursula Mueller, a German diplomat, said the group posed a “greater risk” in Europe than it did in the United States.

#### Economic decline causes nuclear war

Harris and Burrows, 9 – \*counselor in the National Intelligence Council, the principal drafter of Global Trends 2025, \*\*member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis”, Washington Quarterly, http://www.twq.com/09april/docs/09apr\_burrows.pdf)

Increased Potential for Global Conflict Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

#### Large-scale attacks destroy European stability and deck US-EU relations

Arnas 9 (Neyla, Senior Research Fellow at the Center for Technology and National Security Policy, Fighting Chance: Global Trends and Shocks in the National Security Environment, p. 203)

Europe has long experience with both home-grown and international terrorism. Recent Muslim extremist terrorism in Europe, while disturbing, has not posed an existential threat to European societies. This could change. Many analysts believe that Western Europe is now more exposed than the United States to new forms of terrorism, including superterrorism using weapons of mass destruction (WMD). The next very large attack - on the scale of 9/11 or larger - could take place in a European city. A nuclear explosion in Europe would be a supreme test of social and political cohesion as well as of transatlantic solidarity (an even of this kind in the United States would pose similar challenges). It would be a "world historic event," in Cold War Soviet parlance. Even attacks well short of this scale could have a dramatic and isolating effect on Europe. In the early decades of Palestinian terrorism, Europe was a favored venue for attacks on airports and other targets. North Africa has already emerged as a leading source of jihadi terrorism, and this trend could be reinforced ina post-Iraq world. "Retail" terrorism, with a steady stream of acts on European territory (daily or weekly) is entirely possible and would, collectively, constitute a significant shock for Europe. NATO, for its part would either adapt to this new challenge or become irrelevant.

#### Independently solves multiple scenarios

Stivachtis 10 – (Dr. Yannis. A. Stivachtis Professor of Poli Sci @ Virginia Polytechnic Institute & Ph.D. in Politics & International Relations from Lancaster University, THE IMPERATIVE FOR TRANSATLANTIC COOPERATION,” The Research Institute for European and American Studies, 2010, pg. <http://www.rieas.gr/research-areas/global-issues/transatlantic-studies/78.html>)

**There is no doubt that US-European relations are in a period of transition**, and that the stresses and strains of globalization are increasing both the number and the seriousness of the challenges that confront transatlantic relations. The events of 9/11 and the Iraq War have added significantly to these stresses and strains. At the same time, **international terrorism**, **the nuclearization of North Korea and especially Iran, the proliferation of** weapons of mass destruction (**WMD), the transformation of Russia** into a stable and cooperative member of the international community, **the growing power of China, the political and economic transformation and integration of the Caucasian and Central Asian states, the integration and stabilization of the Balkan countries, the promotion of peace and stability in the Middle East, poverty, climate change, AIDS and other emergent problems and situations require further cooperation** among countries at the regional, global and institutional levels. Therefore, **cooperation between the U.S. and Europe is more imperative than ever to deal effectively with these problems**. It is fair to say that **the challenges of crafting a new relationship between the U.S. and the EU as well as between the U.S. and NATO are more regional than global, but the implications of success or failure will be global.** The transatlantic relationship is still in crisis, despite efforts to improve it since the Iraq War. This is not to say that differences between the two sides of the Atlantic did not exist before the war. Actually, post-1945 relations between Europe and the U.S. were fraught with disagreements and never free of crisis since the Suez crisis of 1956. Moreover, despite trans-Atlantic proclamations of solidarity in the aftermath of 9/11, the U.S. and Europe parted ways on issues from global warming and biotechnology to peacekeeping and national missile defense. Questions such as, the future role of NATO and its relationship to the common European Security and Defense policy (ESDP), or what constitutes terrorism and what the rights of captured suspected terrorists are, have been added to the list of US-European disagreements. There are two reasons for concern regarding the transatlantic rift. First, **if European leaders conclude that Europe must become counterweight to the U.S., rather than a partner, it will be difficult to engage in the kind of open search for a common ground than an elective partnership requires**. Second, there is a risk that public opinion in both the U.S. and Europe will make it difficult even for leaders who want to forge a new relationship to make the necessary accommodations. If both sides would actively work to heal the breach, a new opportunity could be created. **A vibrant transatlantic partnership remains a real possibility, but only if both sides make the necessary political commitment.** There are strong reasons to believe that the security challenges facing the U.S. and Europe are more shared than divergent. The most dramatic case is terrorism. Closely related is the common interest in halting the spread of weapons of mass destruction and the nuclearization of Iran and North Korea. This commonality of threats is clearly perceived by publics on both sides of the Atlantic.

### Posse Comitatus 1ac Adv (Rough Draft)

#### NDAA provisions authorizing the indefinite detention of American citizens repeals the Posse Comitatus Act

Pehle-Hill 11 (Melissa, Dallas Congress Examiner, "S1867 would overturn Posse Comitatus Act," http://webcache.googleusercontent.com/search?q=cache:Sb0PHIuuUS4J:www.examiner.com/article/s1867-would-overturn-posse-comitatus-act+&cd=2&hl=en&ct=clnk&gl=us)

According to a CBS poll done earlier this month, Congress' approval rating is at an all-time low of 9%. Certainly Congress either isn't aware of this or they don't care as they are continuing to attack the rights of the American people, this time with S. 1867, the National Defense Authorization Act.¶ This bill would, in the words of Senator Lindsey Graham (R-SC), “basically say in law for the first time that the homeland is part of the battlefield.” In other words this bill would allow the military to arrest and detain American citizens in America as though they were enemy combatants without having actually been involved in the theater of war.¶ According to Rep. Justin Amash, who voted against it, this act would “permit the federal government to indefinitely detain American citizens on American soil, without charge or trial, at the discretion of the President.”¶ Senator Mark Udall (D-CO) said of this bill, “One section of these provisions, section 1031, would be interpreted as allowing the military to capture and indefinitely detain American citizens on U.S. Soil. Section 1031 essentially repeals the Posse Comitatus Act of 1878 by authorizing the U.S. Military to preform law enforcement functions on American soil. That alone should alarm my colleagues on both sides of the aisle, but there are other problems with these provisions that must be resolved.”

#### And FUTURE presidents will exploit the NDAA’s detention provisions to repeal the Posse Comitatus Act – Congressional action is key

ACLU 12 ("Indefinite Detention, Endless Worldwide War and the 2012 National Defense Authorization Act," http://webcache.googleusercontent.com/search?q=cache:zcpn8z1YBfYJ:https://www.aclu.org/indefinite-detention-endless-worldwide-war-and-2012-national-defense-authorization-act+&cd=4&hl=en&ct=clnk&gl=us)

On December 31, 2011, President Obama signed the National Defense Authorization Act (NDAA), codifying indefinite military detention without charge or trial into law for the first time in American history. The NDAA’s dangerous detention provisions would authorize the president — and all future presidents — to order the military to pick up and indefinitely imprison people captured anywhere in the world, far from any battlefield. ¶ The breadth of the NDAA’s worldwide detention authority violates the Constitution and international law because it is not limited to people captured in an actual armed conflict, as required by the laws of war. Under the Bush administration, similar claims of worldwide detention authority were used to hold even a U.S. citizen captured on U.S. soil in military custody, and many in Congress assert that the NDAA should be used in the same way. The ACLU does not believe that the NDAA authorizes military detention of American citizens or anyone else in the United States. Any president’s claim of domestic military detention authority under the NDAA would be unconstitutional and illegal. Nevertheless, there is substantial public debate around whether the NDAA could be read even to repeal the Posse Comitatus Act and authorize indefinite military detention without charge or trial within the United States. ¶ Although President Obama issued a signing statement saying he had “serious reservations” about the NDAA’s detention provisions, the statement only applies to how his administration would use them, and would not affect how the law is interpreted by subsequent administrations. The provisions – which were negotiated by a small group of members of Congress, in secret, and without proper congressional review – are inconsistent with fundamental American values. ¶ Both Congress and the president need to clean up the mess they have created. No one should live in fear of this or any future president misusing the NDAA’s detention authority. The NDAA’s detention provisions must be repealed.

#### Weakening the Posse Comitatus Act diverts focus and resource away from warfighting and ensures military failure

Owens 5 (Mackubin Thomas, an associate dean of academics and a professor of national-security affairs at the Naval War College + Contributing Editor @ National Review, "Maintaining the Divide," http://old.nationalreview.com/owens/owens200510260824.asp)

Of course there are many things the military can do on the domestic front, especially during natural disasters. But before we take steps to further involve the U.S. military in domestic affairs, we need to answer two fundamental questions: Do we really want the American public turning to the military for solutions to the country's problems? And do we really want to saddle the military with a variety of new, non-combat missions, vastly escalating its commitment to formerly ancillary duties?¶ If we do, we will find that we have involved the military in the political process to an unprecedented and perhaps dangerous degree. These additional assignments will also divert focus and resources from the military's central mission of combat training and war-fighting.¶ The United States has avoided such extreme manifestations of "bad" civil-military relations as coups and military dictatorship. Nonetheless, some observers have argued that the state of American civil-military relations has deteriorated seriously since the end of the Cold War. They fear that current trends will result in a large, semi-autonomous military so different and estranged from society that it will become unaccountable to those whom it serves. They are also concerned about the politicization of the military, and the increased employment of the military in domestic affairs will only exacerbate this trend.¶ Indeed, concern about politicization of the military was the catalyst for passage of the Posse Comitatus Act in 1878. A perusal of recent articles reveals the undeniable fact that most commentators do not understand the Posse Comitatus Act at all: It does not constitute a bar to the use of the military in domestic affairs. It does, however, ensure that such use is authorized only by the highest constitutional authority: Congress and the president.¶ Posse Comitatus has a Valuable History¶ The Constitution itself does not prohibit the use of the military in domestic affairs. Indeed, the U.S. military has intervened in domestic affairs some 167 times since the founding of the Republic. In the Anglo-American tradition, the first line of defense in enforcing the law is the posse comitatus, literally "the power of the county," understood to be the people at large who constituted the constabulary of the shire. When order was threatened, the "shire-reeve" or sheriff would raise the "hue and cry" and all citizens who heard it were bound to render assistance in apprehending a criminal or maintaining order. Thus, the sheriff in the American West would "raise a posse" to capture a lawbreaker.¶ If the posse comitatus was not able to maintain order, the force of first resort was the militia of the various states, the precursor of today's National Guard. In 1792, Congress passed two laws that permitted implementation of Congress's constitutional power "to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions": the Militia Act and the "Calling Forth" Act, which gave the president limited authority to employ the militia in the event of domestic emergencies. In 1807, at the behest of Pres. Thomas Jefferson, who was troubled by his inability to use the regular Army as well as the militia to deal with the Burr Conspiracy of 1806-07, Congress declared the Army to be an enforcer of federal laws, not only as a separate force, but as a part of the posse comitatus.¶ Accordingly, troops were often used in the antebellum period to enforce the fugitive slave laws and suppress domestic violence. The Fugitive Slave Act of 1850 permitted federal marshals to call on the posse comitatus to aid in returning a slave to his owner, and in 1854, Franklin Pierce's attorney general, Caleb Cushing, issued an opinion that included the Army in the posse comitatus:¶ A marshal of the United States, when opposed in the execution of his duty, by unlawful combinations, has authority to summon the entire able-bodied force of his precinct, as a posse comitatus. The authority comprehends not only bystanders and other citizens generally, but any and all organized armed forces, whether militia of the states, or officers, soldiers, sailors, and marines of the United States.¶ Troops were also used to suppress domestic violence between pro- and anti-slavery factions in "Bloody Kansas." Soldiers and Marines participated in the capture of John Brown at Harpers Ferry in 1859.¶ After the Civil War, the U.S. Army was involved in supporting the Reconstruction governments in the southern states and it was the Army's role preventing the intimidation of black voters and Republicans at southern polling places that led to the passage of the Posse Comitatus Act. In the election of 1876, Pres. Ulysses S. Grant deployed Army units as a posse comitatus in support of federal marshals' maintaining order at the polls. In that election, Rutherford B. Hayes defeated Samuel Tilden with the disputed electoral votes of South Carolina, Louisiana, and Florida. Southerners claimed that the Army had been misused to "rig" the election.¶ If It Ain't Broke¶ While the Posse Comitatus Act is usually portrayed as the triumph of the Democratic Party in ending Reconstruction, the Army welcomed the legislation. The use of soldiers as a posse removed them from their own chain of command and placed them in the uncomfortable position of taking orders from local authorities who had an interest in the disputes that provoked the unrest in the first place. As a result, many officers came to believe that the involvement of the Army in domestic policing was corrupting the institution.¶ And this is the crux of the issue. The Posse Comitatus Act prohibits the use of the military to aid civil authorities in enforcing the law or suppressing civil disturbances except in cases and under circumstances expressly authorized by the Constitution or by an act of Congress. As the foremost authority on the use of the military in domestic affairs writes:¶ All that [the Posse Comitatus Act] really did was to repeal a doctrine whose only substantial foundation was an opinion by an attorney general [Caleb Cushing], and one that had never been tested in the courts. The president's power to use both regulars and militia remained undisturbed by the Posse Comitatus Act. . . .But the Posse Comitatus Act did mean that troops could not be used on any lesser authority than that of the president and he must issue a "cease and desist" proclamation before he did so. Commanders in the field would no longer have any discretion but must wait for orders from Washington. [Italics added.]¶ Do we really want to return to the days when "lesser authority" than the president could use the military for domestic purposes?¶ Derek observes that the U.S. military is respected and trusted by the American people. But what happens to this trust and respect the first time a soldier shoots an American citizen? As it is, the U.S. military has had to fend off attempts by domestic law-enforcement agencies to rope them into cooperation that could have resulted in the death of U.S. citizens. For example, an Army officer observed that "had legal advisers to Joint Task Force 6 [the military's counter-drug taskforce] which supported the BATF [Bureau of Alcohol, Tobacco, and Firearms] during the siege at the Branch Davidian Compound in Waco, Texas, not questioned that agency's request for support, the Armed Forces would have been inappropriately and illegally involved in an operations that ultimately led to the deaths of U.S. citizens."¶ Even so, the fact is that Congress may at any time authorize the president to employ the U.S. military for domestic purposes, including law enforcement. Separately, the president has all the power he needs to employ the military in domestic affairs if he needs to do so. It is the so-called Insurrection Act. Although intended as a tool for suppressing rebellion when circumstances "make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings," presidents used this power on five occasions during the 1950s and 60s to counter resistance to desegregation decrees in the south. Reports indicate that President Bush chose not to invoke the Insurrection Act in the case of Katrina because of concerns that such an action would have been viewed as federal bullying of a southern Democratic governor.¶ Posse Comitatus is Still Relevant¶ Derek's comments notwithstanding, increasing the use of the military for domestic purposes will adversely affect its ability to wage war. The U.S. military is structured to play "away games." It is good at protecting the United States by threatening the sanctuary of our adversaries abroad. There are, of course, things the military can do to enhance the security of the American homeland, but we should not be blurring further the distinction between military activities and domestic affairs. To paraphrase what Casper Weinberger said in opposition to the use of the military in the drug war, further weakening the Posse Comitatus Act in response to terrorism makes for terrible national security policy, poor politics, and guaranteed failure in the terror war.¶ The response to Katrina indicates that procedures at all levels of government must be streamlined. But the maintenance of both healthy civil-military relations and a combat-ready force dictates that we don't repeal or modify the Posse Comitatus Act or give the president power beyond that of the Insurrection Act. And by no means should we expect the military to go beyond its current mission of supporting civil authorities in the event of domestic emergencies.

#### The relationship is DIRECT and LINEAR –military efforts in domestic law enforcement trades-off with combat readiness and undermine warfighting skills

Bennett 6 (Dan, JD Candidate @ Lewis and Clark Law School, "THE DOMESTIC ROLE OF THE MILITARY IN AMERICA: WHY MODIFYING OR REPEALING THE POSSE COMITATUS ACT WOULD BE A MISTAKE," http://law.lclark.edu/live/files/9587-lcb104bennettpdf)

Even if it were not for the concerns noted above, there is no reason to ¶ assume that the military is often, or even ever, suited to tasks of domestic law ¶ enforcement. As Lawrence Korb, the former Assistant Secretary of Defense put ¶ it, the armed forces are “trained to vaporize, not Mirandize.”43 The tools the ¶ military possesses, such as fighter jets, tanks, heavy weaponry, and battleships, ¶ are simply not appropriate for law enforcement or disaster relief purposes. ¶ Those tools that are appropriate for use, such as communications devices, are ¶ unlikely to be put to any use that qualifies as “active” law enforcement, which ¶ is what the PCA prohibits. ¶ Further, the time that the military spends either undertaking these law ¶ enforcement activities or training to undertake them is time spent away from its ¶ primary mission, defense. Although politicians often claim that military ¶ effectiveness will not be harmed by domestic, peacetime uses of combat ¶ soldiers, this is not borne out by the evidence.44 A GAO report, while ¶ acknowledging that peace operations can provide valuable experience, states ¶ that “such participation can also degrade a unit’s war-fighting capability.”45 ¶ Such non-combat uses of military forces can cause their skills to “atrophy” and may render them unable to perform combat activities without a lengthy ¶ retraining period of as much as six months.46¶ Serving as domestic law enforcement officers detracts from the primary mission of the United States military. The purpose of the armed forces is not to handle such operations, but rather to train for, fight in, and win wars. Non-combat missions represent "time away from training and exposure to circumstances that resemble combat as closely as possible." Such time away represents a distraction for the armed forces, and undermines their ability to carry out their primary function in the same manner as extended periods of peacekeeping operations in foreign nations can dull their combat affectiveness.

#### Declines in readiness signal US foreign policy weakness and encourage the emergence of hostile global rivals

Spencer 2K (Jack, Policy Analyst for Defense and National Security in the Kathryn and Shelby Cullom Davis Institute for International Studies at The Heritage Foundation, "The Facts About Military Readiness," http://www.heritage.org/Research/MissileDefense/BG1394.cfm)

U.S. military readiness cannot be gauged by comparing America's armed forces with other nations' militaries. Instead, the capability of U.S. forces to support America's national security requirements should be the measure of U.S. military readiness. Such a standard is necessary because America may confront threats from many different nations at once.¶ America's national security requirements dictate that the armed forces must be prepared to defeat groups of adversaries in a given war. America, as the sole remaining superpower, has many enemies. Because attacking America or its interests alone would surely end in defeat for a single nation, these enemies are likely to form alliances. Therefore, basing readiness on American military superiority over any single nation has little saliency.¶ The evidence indicates that the U.S. armed forces are not ready to support America's national security requirements. Moreover, regarding the broader capability to defeat groups of enemies, military readiness has been declining. The National Security Strategy, the U.S. official statement of national security objectives, 3 concludes that the United States "must have the capability to deter and, if deterrence fails, defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames." 4 According to some of the military's highest-ranking officials, however, the United States cannot achieve this goal. Commandant of the Marine Corps General James Jones, former Chief of Naval Operations Admiral Jay Johnson, and Air Force Chief of Staff General Michael Ryan have all expressed serious concerns about their respective services' ability to carry out a two major theater war strategy. 5 Recently retired Generals Anthony Zinni of the U.S. Marine Corps and George Joulwan of the U.S. Army have even questioned America's ability to conduct one major theater war the size of the 1991 Gulf War. 6¶ Military readiness is vital because declines in America's military readiness signal to the rest of the world that the United States is not prepared to defend its interests. Therefore, potentially hostile nations will be more likely to lash out against American allies and interests, inevitably leading to U.S. involvement in combat. **A high state of military readiness is more likely to deter potentially hostile nations from acting aggressively in regions of vital national interest, thereby preserving peace**.

#### Readiness decline causes global nuclear conflict - withdrawal sparks power vacuums and global transition wars

Brooks et al 13 (Stephen G. Brooks is Associate Professor of Government at Dartmouth College.G. John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs. He is also a Global Eminence Scholar at Kyung Hee University.William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College. “Don't Come Home, America: The Case against Retrenchment”, Winter 2013, Vol. 37, No. 3, Pages 7-51,[http://www.mitpressjournals.org/doi/abs/10.1162/ISEC\_a\_00107](http://www.mitpressjournals.org/doi/abs/10.1162/ISEC_a_00107%22%20%5Ct%20%22_blank))

A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive wartemptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without theAmerican pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers. What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins toswing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimismregarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by astill-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on itsparticular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however,undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and theyengage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts thatthe withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war).

#### AND Weakening the PCA undermines civil-military relations

Bennett 6 (Dan, JD Candidate @ Lewis and Clark Law School, "THE DOMESTIC ROLE OF THE MILITARY IN AMERICA: WHY MODIFYING OR REPEALING THE POSSE COMITATUS ACT WOULD BE A MISTAKE," http://law.lclark.edu/live/files/9587-lcb104bennettpdf)

The PCA is a crucial bulwark for liberty. The military is not trained for ¶ domestic law enforcement operations, and they should not be placed in a ¶ position of trying to enforce laws in conformity with the principles of civil ¶ liberty when that is not their mission. The PCA is not an archaic relic, nor does ¶ it hamper the ability of the federal government to keep its people safe when ¶ disaster strikes. ¶ The Posse Comitatus Act embodies a principle that many people ¶ erroneously believe lies in the constitution itself: that the military has no place ¶ becoming involved in domestic law enforcement, and that such an involvement ¶ is a slippery slope. That belief is reasonable, as the idea of domestic law ¶ enforcement activities at the hands of our military forces is repugnant to the ¶ nature of our society. Modern Americans would no more appreciate the sight of ¶ the Army or Marines patrolling our streets than did the colonists appreciate ¶ redcoats marching through the streets of Boston just prior to the Revolution. ¶ Even if there were no such concerns, the military is a singularly ¶ inappropriate entity to undertake the role of a domestic law enforcement body. ¶ Its training is wrong for such a task, it has the wrong equipment for such a task, ¶ and time spent enforcing the laws is time not spent training for its primary ¶ mission: the protection of this nation in combat. The military should not be ¶ taken away from that mission and placed into one for which it was not ¶ designed. ¶ The PCA does not prohibit disaster relief efforts. In considering the ¶ wisdom of modifying or eliminating the PCA, it is important to be forthright ¶ about what the Act does and does not prohibit. The PCA’s prohibitions target ¶ law enforcement, not disaster relief. There is nothing in the text or ¶ interpretation of the PCA that can be read to rule out the option of the military ¶ pitching in with its unique talents and capabilities in the event of a disastrous, ¶ Katrina-style incident. Instead, the PCA prohibits only active, law enforcement ¶ activity, and even that prohibition does not apply during a disaster due to the ¶ exceptions. The PCA prevents the nation’s armed forces from arresting its ¶ citizens, or searching their homes. It prevents the armed forces from spying on ¶ Americans on American soil.74 The PCA does not, however, prevent the armed forces from delivering food and water to a hurricane ravaged community, and it ¶ does not prevent them from restoring order when order has been destroyed. ¶ Even if restoring order involved active law enforcement responsibilities this ¶ would be acceptable under the constitutional and statutory exceptions of the ¶ PCA. The key distinction is that these law enforcement functions can only be ¶ undertaken when there is a pressing disaster, at any other time the PCA ¶ prevents this role. Anyone who argues that the Act must be eliminated to allow ¶ the armed forces to serve these vital functions in the case of an unpredictable ¶ emergency is either ignorant of the law or arguing disingenuously. ¶ Many Americans would be shocked to learn that what they consider a ¶ fundamental principle of our democratic system, that the military cannot ¶ operate domestically, is enshrined only in a statute. For better or worse, ¶ however, the PCA is the only source for that principle in American law. If ¶ anything, the discussion should be whether the PCA should be strengthened75 ¶ or perhaps even enshrined as a constitutional amendment. Regardless, the PCA ¶ continues to serve an important purpose and it must be kept intact. Modifying, ¶ weakening, or doing away with the Posse Comitatus Act is as unwise as it is ¶ unnecessary, and is not an idea that should be seriously maintained.

#### Break-down of CMR is modeled globally

Cohen 97 (Eliot, Professor of Strategic Studies – Johns Hopkins U., “Civil-Military Relations”, Orbis, Spring)

Left uncorrected, the trends in American civil-military relations could breed certain pathologies. The most serious possibility is that of a dramatic civil-military split during a crisis involving the use of force. In the recent past, such tensions did not result in open division; for example, Franklin Roosevelt insisted that the United States invade North Africa in 1942, though the chiefs of both the army and the navy vigorously opposed such a course, favoring instead a buildup in England and an invasion of the continent in 1943. Back then it was inconceivable that a senior military officer would leak word of such a split to the media, where it would have reverberated loudly and destructively. To be sure, from time to time individual officers broke the vow of professional silence to protest a course of action, but in these isolated cases the officers paid the accepted price of termination of their careers. In the modern environment, such cases might no longer be isolated. Thus, presidents might try to shape U.S. strategy so that it complies with military opinion, and rarely in the annals of statecraft has military opinion alone been an adequate guide to sound foreign policy choices. Had Lincoln followed the advice of his senior military advisors there is a good chance that the Union would have fallen. Had Roosevelt deferred to General George C. Marshall and Admiral Ernest J. King there might well have been a gory debacle on the shores of France in 1943. Had Harry S Truman heeded the advice of his theater commander in the Far East (and it should be remembered that the Joint Chiefs generally counseled support of the man on the spot) there might have been a third world war. Throughout much of its history, the U.S. military was remarkably politicized by contemporary standards. One commander of the army, Winfield Scott, even ran for president while in uniform, and others (Leonard Wood, for example) have made no secret of their political views and aspirations. But until 1940, and with the exception of periods of outright warfare, the military was a negligible force in American life, and America was not a central force in international politics. That has changed. Despite the near halving of the defense budget from its high in the 1980s, it remains a significant portion of the federal budget, and the military continues to employ millions of Americans. More important, civil-military relations in the United States now no longer affect merely the closet-room politics of Washington, but the relations of countries **around the world**. American choices about the use of force, the shrewdness of American strategy, the soundness of American tactics, and the will of American leaders have **global consequences**. What might have been petty squabbles in bygone years are now magnified into **quarrels of a far larger** scale, and conceivably with far more **grievous consequences**. To ignore the problem would neglect one of the cardinal purposes of the federal government: "to provide for the common defense" in a world in which security cannot be taken for granted.

#### CMR key to Pakistani stability

Barton and Unger 9 (Frederick Barton and Noam Unger, ‘9. Barton is Codirector, Post-Conflict Reconstruction Project and Senior Adviser, International Security Program at the CSIS. Unger is fellow and policy director of the Foreign Assistance Reform project at Brookings. “civil-military relations, fostering development, and expanding civilian capacity ,” <http://csis.org/publication/civil-military-relations-fostering-development-and-expanding-civilian-capacity>)

The security rationale for stability and development in poor and fragile states is based on the understanding that strengthening the economy of states and ensuring social equity are in the short and long term interests of the United States. Stable states pose the United States with far fewer security challenges than their weak and fragile counterparts. Indeed, stable states with healthy economies offer the United States opportunities for trade and represent potential partners in the fields of security and development. In contrast, weak and failing states pose serious challenges to the security of United States, including terrorism, drug production, money laundering and people smuggling. In addition, state weakness has frequently proven to have the propensity to spread to neighboring states, which in time can destabilize entire regions. While the group acknowledged that the cases of Iraq and Afghanistan are particular in scope and complexity (and may not be repeated in the near future by the U.S.), participants broadly concurred that the lessons of these challenges are that the United States must improve and expand its stabilization and development capabilities. In particular, cases such as Pakistan and Nigeria, huge countries with strategic importance, make clear that a military response to many internal conflicts will be severely limited. As such, increased emphasis on civilian capacity within the U.S. government and civil-military relations in general, will greatly improve the United States’ ability to respond to such crises in the future.

#### Pakistani instability sparks Indo-Pak war and global nuclear escalation

**Pitt 9 (**William Pitt 9 is a New York Times and internationally bestselling author of two books: "War on Iraq: What Team Bush Doesn't Want You to Know" and "The Greatest Sedition Is Silence”, 5/8, “Unstable Pakistan Threatens the World,” <http://www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=2183>)

But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were **beheaded by militants** in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. **This**, unfortunately, **is a whole new ballgame**. It is part of another conflict that is brewing, **one which puts what is happening in Iraq and Afghanistan in deep shade**, and which represents a grave and growing threat to us all. Pakistan is now trembling on the edge of violent chaos, and is doing so with **nuclear weapons** in its hip pocket, right in the middle of one of **the most dangerous neighborhoods in the world**. The situation in brief: Pakistan for years has been a nation in **turmoil**, run by **a shaky government** supported by **a corrupted system**, dominated by a blatantly criminal security service, and threatened by **a large fundamentalist Islamic population** with deep ties to the Taliban in Afghanistan. **All this is piled atop an ongoing standoff with neighboring India** that has been the center of political gravity in the region for more than half a century. The fact that Pakistan, and India, and Russia, and China all possess nuclear weapons and share the same space means any ongoing or escalating violence over there has the real potential to crack open the very gates of Hell itself. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and used artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools. About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that **Pakistan could collapse under the mounting threat of Taliban forces there**. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "**Security was deteriorating rapidly**," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believed Pakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, **fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real.** "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "**senior American officials** say they are increasingly concerned about new vulnerabilities for Pakistan's **nuclear arsenal**, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spines of those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, **if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can,** according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells **trouble for everyone**, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. If Pakistani militants ever succeed in toppling the government, several very dangerous events could happen at once. **Nuclear-armed India could be galvanized into military action** of some kind, **as could nuclear-armed China or nuclear-armed Russia**. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured, the specter (or reality) of loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster. We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner.

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We meet – we restrict indef detention authority codified to detain americans

#### Indefinite detention is without trial until the end of hostilities ---resolves their T arg

Greenwald 11 [Glenn Greenwald, former Constitutional and civil rights litigator, Dec 16 2011, “Three myths about the detention bill,” http://www.salon.com/2011/12/16/three\_myths\_about\_the\_detention\_bill/]

Section 1021 of the NDAA governs, as its title says, “Authority of the Armed Forces to Detain Covered Persons Pursuant to the AUMF.” The first provision — section (a) — explicitly “affirms that the authority of the President” under the AUMF ”includes the authority for the Armed Forces of the United States to detain covered persons.” The next section, (b), defines “covered persons” — i.e., those who can be detained by the U.S. military — as “a person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners.” With regard to those “covered individuals,” this is the power vested in the President by the next section, (c):¶ (c) Disposition under law of war.—The disposition of a person under the law of war as described in subsection (a) may include the following:¶ (1) Detention under the law of war without trial until the end of hostilities authorized by the Authorization for Use of Military Force.¶ It simply cannot be any clearer within the confines of the English language that this bill codifies the power of indefinite detention. It expressly empowers the President — with regard to anyone accused of the acts in section (b) – to detain them “without trial until the end of the hostilities.” That is the very definition of “indefinite detention,” and the statute could not be clearer that it vests this power. Anyone claiming this bill does not codify indefinite detention should be forced to explain how they can claim that in light of this crystal clear provision.

## Ext

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## PCA

### 2AC Circumvention

#### No circumvention – we codify the squo – Obama isn’t using the power now – that’s 1AC Chesney and Wittes

#### Not about the aff

**Obama believes he is constrained by statute – won’t circumvent**

Saikrishna **Prakash 12,** professor of law at the University of Virginia and Michael Ramsey, professor of law at San Diego, “The Goldilocks Executive” Feb, SSRN

We accept that the President’s lawyers search for legal arguments to justify presidential action, that they find the President’s policy preferences legal more often than they do not, and that the President sometimes disregards their conclusions. But the close attention the Executive pays to legal constraints suggests that the President (who, after all, is in a good position to know) **believes** himself constrained by **law**. Perhaps Posner and Vermeule believe that the President is mistaken. But we think, to the contrary, it represents the President’s **recognition of** the various **constraints** we have listed, and his **appreciation** that attempting to operate **outside the bounds of law** would **trigger censure from Congress, courts, and the public**.

## Off

### XO CP

#### Perm – do both – executive order shields Obama

#### Can’t solve – statutory clarification of domestic detention authority is key to European willingness to cooperate and extradite – that’s Chesney Waxman and Bellinger

#### Congressional action solves certainty and effectively limits presidential authority

Cronogue 12 (Graham, Duke University School of Law, J.D. expected 2013, “A New AUMF: Defining Combatants in the War on Terror,” Duke Journal of Comparative & International Law, Vol. 22:377, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil>)

Though the President’s inherent authority to act in times of emergency and war can arguably make congressional authorization of force unnecessary, it is extremely important for the conflict against al-Qaeda and its allies. First, as seen above, the existence of a state of war or national emergency is not entirely clear and might not authorize offensive war anyway. Next, assuming that a state of war did exist, specific congressional authorization would further legitimate and guide the executive branch in the prosecution of this conflict by setting out exactly what Congress authorizes and what it does not. Finally, Congress should specifically set out what the President can and cannot do to limit his discretionary authority and prevent adding to the gloss on executive power. Even during a state of war, a congressional authorization for conflict that clearly sets out the acceptable targets and means would further legitimate the President’s actions and help guide his decision making during this new form of warfare. Under Justice Jackson’s framework from Youngstown, presidential authority is at its height when the Executive is acting pursuant to an implicit or explicit congressional authorization.74 In this zone, the President can act quickly and decisively because he knows the full extent of his power.75 In contrast, the constitutionality of presidential action merely supported by a president’s inherent authority exists in the “zone of twilight.”76 Without a congressional grant of power, the President’s war actions are often of questionable constitutionality because Congress has not specifically delegated any of its own war powers to the executive.77 This problem forces the President to make complex judgments regarding the extent and scope of his inherent authority. The resulting uncertainty creates unwelcome issues of constitutionality that might hinder the President’s ability to prosecute this conflict effectively. In timesensitive and dangerous situations, where the President needs to make splitsecond decisions that could fundamentally impact American lives and safety, he should not have to guess at the scope of his authority. Instead, Congress should provide a clear, unambiguous grant of power, which would mitigate many questions of authorization. Allowing the President to understand the extent of his authority will enable him to act quickly, decisively but also constitutionally. Finally, a grant or denial of congressional authorization will allow Congress to control the “gloss” on the executive power. There is considerable tension between the President’s constitutional powers as Commander in Chief and Congress’s war making powers.78 This tension is not readily resolved simply by looking at the Constitution.79 Instead courts look to past presidential actions and congressional responses when evaluating the constitutionality of executive actions.80 Indeed Justice Frankfurter noted in Youngstown that “a systematic, unbroken, executive practice, long pursued to the knowledge of the Congress and never before questioned . . . may be treated as a gloss on ‘executive Power’ vested in the President by § 1 of Art. II.”81 Thus, congressional inaction can be deemed as implicit delegation of war making power to the executive. Whether the United States is in a state of war or not, an authorization of force provides legitimacy and clarity to the war effort. If the President acts pursuant to such an authorization his authority is at its height; consequently, he can operate with greater certainty that his actions are constitutional.83 Absent such a declaration, the President’s power is much less clear. While the President has the authority to frame the conflict and he might still be able to act pursuant to his inherent powers, he is operating in the zone of twilight.84 Congressional authorizations remove this uncertainty by stamping specific acts with congressional approval or disapproval. This process also allows Congress to exert control over what the President can do in the future and prevents the “gloss” that comes from congressional acquiescence.

#### Doesn’t solve extradition - CP alienates allies

Schwarz 7 (Frederick A.O., Jr., senior counsel, and Huq, associate counsel at the Brennan Center for Justice at NYU School of Law, partner at Cravath, Swaine & Moore, chief counsel to the Church Committee, and Aziz Z, former clerk for the U.S. Supreme Court, Unchecked and Unbalanced: Presidential Power in a Time of Terror, p. 201)

The Administration insists that its plunge into torture, its lawless spying, and its lock-up of innocents have made the country safer. Beyond mere posturing, they provide little evidence to back up their claims. Executive unilateralism not only undermines the delicate balance of our Constitution, but also lessens our human liberties and hurts vital counterterrorism campaigns. How? Our reputation has always mattered. In 1607, Massachusetts governor John Winthrop warned his fellow colonists that because they were a "City on a Hill," "the eyes of all people are upon us."4 Thomas Jefferson began the Declaration of Independence by invoking the need for a "decent respect to the opinions of mankind:' In today's battle against stateless terrorists, who are undeterred by law, morality, or the mightiest military power on earth, our reputation matters greatly.¶ Despite its military edge, the United States cannot force needed aid and cooperation from allies. Indeed, our status as lone superpower means that only by persuading other nations and their citizens—that our values and interests align with theirs, and so merit support, can America maintain its influence in the world. Military might, even extended to the globe's corners, is not a sufficient condition for achieving America's safety or its democratic ideals at home. To be "dictatress of the world," warned John Quincy Adams in 1821, America "would be no longer the ruler of her own spirit." A national security policy loosed from the bounds of law, and conducted at the executive's discretion, will unfailingly lapse into hypocrisy and mendacity that alienate our allies and corrode the vitality of the world's oldest democracy.5

#### Perm – do the CP – doesn’t textually compete with the plan

#### Only Congress can send a credible signal of durability

Wittes 9 (Benjamin, senior fellow and research director in public law at the Brookings Institution, Stuart Taylor, an American journalist, graduated from Princeton University and Harvard Law School, Legislating the War on Terror: An Agenda for Reform, November 3, 2009, pg. 329-330)

While President Obama’s policy makes a clean break with the Bush record, it actually does not effectively answer the question of how best to handle this group. Indeed, the new policy seems likely to fail on both a substantive and a procedural level. First, it goes too far by banning all coercion all the time. Second, the rule is unstable because it can so easily be changed **at the whim of the president**, whether Obama or, perhaps, a successor more like Bush. An administration down the road that wanted to resume waterboarding could rescind the current order and adopt legal positions like those of the prior administration. Unless the Obama administration and Congress hammer out rules that provide interrogators with clear guidance about what is and is not allowed and write those rules into statute, the United States risks vacillating under the vagaries of current law between overly permissive and overly restrictive guidance. The general goals of new legislation should be threefold: —To make it a crime beyond cavil to use interrogation methods considered by reasonable people to be torture. The torture statute already does that to some degree, but the fact that it arguably permitted techniques as severe as waterboarding suggests that it may require some tightening. The key here is that the statute should cover all techniques the use of which ought to prompt criminal prosecution. —To subject CIA interrogators in almost all cases to rules that, without relaxing current law’s ban on cruel, inhuman, and degrading treatment, permit relatively mild forms of coercion that are properly off limits to military interrogators. —To allow the president, subject to strict safeguards, to authorize use of harsher methods short of torture (as defined in the revised criminal statute) in true emergencies or on extraordinarily high-value captives such as KSM. Only Congress can provide the democratic legitimacy and the fine-tuning of criminal laws that can **deliver such a regime**. Only Congress can, for example, pass a new law making it clear that waterboarding— or any other technique of comparable severity— will henceforth be a federal crime. Only Congress can offer clear assurances to operatives in the field that there exists a safe harbor against prosecution for conduct ordered by higher-ups in a crisis in the genuine belief that an attack may be around the corner. **Only Congress**, in other words, can create a regime that plausibly turns away from the past without giving up what the United States **will need in the future**.

#### The CP is the status quo – The President has already given these assurances but as long as the power is granted by Congress the perception of its use will persist – that’s Chesney

#### Executive fiat bad

#### A) Topic education – shifts the focus of the debate from whether the president should have the authority and to whether the president should be the person to stop it – causes stale debate about process

#### B) Fairness- steals the entirety off the aff and makes it impossible to generate offense

#### \*C) Object fiat – fiats the object of the resolution which makes clash impossible- no way to have a stable source of aff offense

#### Conditionality is a voter-

#### A – it results in argument irresponsibility because it encourages contradictory positions

#### B – creates time and strat skews by making the neg a moving target

#### no cost options in the 1nc make the 2ac impossible- one condo advocacy/ dispo solves your offense

#### Uniquely worse with multiple worlds – forces us into strategic double binds and tradeoffs

#### Indefinite detention of US citizens undermines our ability to diplomatically resolve the Israel-Palestine conflict

Atwood et al 9 (J. Brian Atwood served as Under Secretary for Management in 1993 and as Administrator of the United States Agency for International Development from 1993 to 1999. Harry G. Barnes, Jr. served as Ambassador to Romania from 1974 to 1977, Director General of the Foreign Service and Director of Personnel in the Department of State from 1977 to 1981, Ambassador to India from 1981 to 1985, and Ambassador to Chile from 1985 to 1988. F. Allen "Tex" Harris retired after serving with the United States Department of State for thirty-five years, including Foreign Service posts in Argentina, Australia, South Africa, and Venezuela. Mr. Harris is a past President of the American Foreign Service Association. Samuel F. Hart served as Ambassador to Ecuador from 1982 to 1985 John L. Hirsch served as Ambassador to Sierra Leone from 1995 to 1998. Genta Hawkins Holmes served as Ambassador to Namibia from 1990 to 1992, Director General of the Foreign Service and Director of Personnel for the Department of State from 1992 to 1995, and Ambassador to Australia from 1997 to 2000. Gilbert D. Kulick served as a Foreign Service Officer from 1966 to 1989, retiring as Deputy Director of Southern Africa Affairs. L. Bruce Laingen served as Ambassador to Malta from 1977 to 1979 and Charges D’Affaires in Tehran from 1979 to 1981. Elijah Parish Lovejoy IV served as a consular officer at the Bridgetown, Barbados Embassy from 1997 to 1999. Laurence E. Pope served as Associate Coordinator for Counter-terrorism from 1991 to 1993, Ambassador to Chad from 1993 to 1996, and Political Advisor to the Commander in Chief, U.S. Central Command, from 1997 to 2000. Paul K. Stahnke is Minister Counselor, retired. Among other posts, he was Counselor of Mission at the United States Mission to the Organization for Economic Cooperation and Development in Paris from 1978 to 1982, and Permanent Representative to the United Nations ESCAP (Economic and Social Council for Asia and the Pacific) from 1982 to 1988, while also serving as Economic Counselor in the United States Embassy in Bangkok during the same period. Alexander F. Watson served as Ambassador to Peru from 1986 to 1989, Ambassador and Deputy Permanent Representative to the United Nations from 1989 to 1993, and Assistant Secretary of State for Western Hemisphere Affairs from 1993 to 1996, Amicus Brief, Al-Marri v Spagone, Jan 28, 2009, http://www.brennancenter.org/sites/default/files/legacy/Justice/20090128.Almarri.v.Sapgone.Amicus.Brief-Former.U.S.Diplomats.pdf)

It is not our purpose to argue the merits of the ¶ parties’ respective legal positions in this case. ¶ Rather, we hope to expand on their presentation and ¶ what the Court may consider in its decision by ¶ setting forth our collective professional experience as ¶ to the significance for American diplomacy and ¶ international relations of the holdings of the court ¶ below. ¶ ¶ We understand that in the case below, the ¶ United States Court of Appeals for the Fourth ¶ Circuit held that Congress, in the Authorization for ¶ Use of Military Force (“AUMF”), Pub. L. No. 107-40, ¶ 115 Stat. 224 (2001), vested the Executive with the ¶ power to seize individuals residing in this country, ¶ even Americans, and detain them indefinitely in ¶ military custody without criminal charge or trial ¶ based solely on a determination by the Executive ¶ that the individual planned to engage in terrorist ¶ activities. We also understand that the procedures ¶ for determining whether such detentions are ¶ justified are at best murky and leave uncertain the ¶ potential scope of the exercise of this unprecedented ¶ executive authority. We profess no special expertise ¶ in these issues from a constitutional perspective. ¶ ¶ However, our professional experience ¶ convinces us that American diplomatic credibility ¶ and effectiveness in many areas of international ¶ relations suffer greatly from the widely shared ¶ perception that the United States has abandoned the ¶ rule of law and lost its bearings with regard to its ¶ traditional bulwarks against the unchecked ¶ authority of its government to seize and detain its ¶ residents without criminal charge or trial. The ¶ ¶ Petitioner here, who was lawfully residing the ¶ United States with his family while pursuing a ¶ master’s degree, was arrested at his home in the ¶ middle-American city of Peoria, Illinois, and has ¶ been held within the territorial boundaries of the ¶ United States for the better part of eight years ¶ without criminal trial or any currently pending ¶ criminal charges. The Petitioner alleges that, during ¶ this period, he has been held in solitary confinement, ¶ held nearly incommunicado, and subjected to abuses ¶ that have never previously been tolerated in the ¶ modern American penal system. ¶ ¶ One hallmark of a dictatorship is the ¶ government’s assertion of a right to arrest and ¶ indefinitely imprison anyone within its borders, ¶ citizen or non-citizen, without criminal trial or ¶ charges, and to confine such individuals in harsh ¶ and inhumane conditions. Aside from undercutting ¶ our ability to exercise moral suasion against such ¶ regimes, a decision upholding such a claimed right ¶ by the United States Executive will ill-serve our ¶ country as we seek to restore our international ¶ reputation and to obtain more cooperation from our ¶ allies in combating terrorism, in supporting our ¶ efforts in the wars in Afghanistan and Iraq, and in ¶ dealing with the Israeli-Palestinian conundrum.

#### Impact is extinction

Chomsky 99 (Noam, Political Commentator + Prof of Linguistics @ MIT, Fateful Triangle: The United States, Israel, and the Palestinians, p. 449)

The disasters threatening the Palestinians and Israel are evident enough. It also does not take a great deal of thought to perceive the risks to the United States, and in fact the entire world, from the unresolved Israel-Arab conflict. The world contains many trouble spots, but none pose such dangers of superpower confrontation as the Middle East, and of the many conflicts in this region, none approaches the Israel-Arab conflict--and at its heart, the conflict between Israel and the Palestinians--in the threat it poses of global, nuclear war. In comparison, the threat of a superpower confrontation in Europe, or elsewhere, seems slight. Sheer self-interest alone, apart from anything else, should make it a priority item for Americans--of for anyone interested in survival--to seek a resolution of this conflict. The question is a particularly urgent one for Americans to address in light of the role of U.S. rejectionism in perpetuating the conflict and undermining the possibility for political settlement.

### 2AC Legalism

#### Framework- the role of the ballot is to weigh the plan against a competitive policy option

#### Net benefits-

#### First- Fairness- they moot the entirety of the 1ac, makes it impossible to be affirmative

#### Second – Education- Policy education is good- it teaches future decisionmaking

#### K doesn’t come first

**Owens 2002** (David – professor of social and political philosophy at the University of Southampton, Re-orienting International Relations: On Pragmatism, Pluralism and Practical Reasoning, Millenium, p. 655-657)

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for example, one need not be sympathetic to rational choice theory to recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one theoretical approach which gets things right, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises.

#### Perm do both - Critical approaches to the law fail – working within legal restrictions is key to positive jurisprudence

Litowitz 97 (Douglas, Prof of Law @ Ohio Northern University College of Law, Postmodern philosophy and law, p. 5-6)

In chapter 8 I argue that although the postmodern treatment of law is useful as a critique or "check" against the existing terms and concepts within both the practice of law and the enterprise of mainstream legal scholarship, it nevertheless fails to offer a positive jurisprudence. Although various postmodern thinkers have met with varying degrees of success, none have set forth a workable, normative vision for the reform of the legal system. I argue that postmodern legal theory correctly points out that we can no longer naively rely on the foundations once offered in support of our legal system, and that we must perform a genealogy and deconstruction of our existing legal concepts. But this interesting critical effort is accompanied by a less successful effort to build a new vision for the law. When postmodern antifoundationalism is wedded to an external perspective on the legal system, the result is a line of thought which is of limited value to the players within the legal system, who must decide cases and enact statutes from an internal perspective. While I am generally critical of postmodern legal theory, I nevertheless attempt to explain four significant contributions postmodernism can make to legal theory.

#### Appeals for legal restraint are a crucial supplement to political resistance to executive power – political restraints alone fail

**Cole 12 (**David, Prof of Law @ Georgetown, “The Politics of the Rule of Law: The Role of Civil Society in the Surprising Resilience of Human Rights in the Decade after 9/11” http://www.law.uchicago.edu/files/files/Cole%201.12.12.pdf p. 51-53)

As I have shown above, while political forces played a significant role in checking President Bush, what was significant was the particular substantive content of that politics; it was not just any political pressure, but pressure to maintain fidelity to the **rule of law**. Politics standing alone is as likely to fuel as to deter executive abuse; consider the lynch mob, the Nazi Party in Germany, or xenophobia more generally. What we need if we are to check abuses of executive power is a politics that **champions the rule of law**. Unlike the politics Posner and Vermeule imagine, this type of politics cannot be segregated neatly from the law. On the contrary, it will often coalesce around a distinctly legal challenge, objecting to departures from **distinctly legal norms**, heard in a court case, as we saw with Guantanamo. Congress’s actions make clear that had Guantanamo been left to the political process, there would have been few if any advances. The litigation generated and **concentrated** **political pressure** on claims for a **restoration** of the values of **legality**, and, as discussed above, that pressure then played a critical role in the litigation’s outcome, which in turn affected the political pressure for reform. There is, to be sure, something paradoxical about this assessment. The rule of law, the separation of powers, and human rights are designed to discipline and constrain politics, out of a concern that pure majoritarian politics, focused on the short term, is likely to discount the long-term values of these principles. Yet without a critical mass of political support for these legal principles, they are unlikely to be effective checks on abuse, for many of the reasons Posner andVermeule identify. The answer, however, is not to abandon the rule of law for politics, but to develop and nurture a political culture that values the rule of law itself. Civil society organizations devoted to such values, such as Human Rights Watch, the Center for Constitutional Rights, and the American Civil Liberties Union, play a central role in facilitating, informing, and generating that politics. Indeed, they have no alternative. Unlike governmental institutions, civil society groups have no formal authority to impose the limits of law themselves. Their recourse to the law’s limits is necessarily indirect: they can file lawsuits seeking judicial enforcement, lobby Congress for statutory reform or other legislative responses, or seek to influence the executive branch. But they necessarily and simultaneously pursue these goals through political avenues – by appealing to the public for support, educating the public, exposing abuses, and engaging in public advocacy around rule-of-law values. Unlike ordinary politics, which tends to focus on the preferences of the moment, the politics of the rule of law is committed to a set of long-term principles. Civil society organizations are uniquely situated to bring these long-term interests to bear on the public debate. Much like a constitution itself, civil society groups are institutionally designed to emphasize and reinforce our long-term interests. When the ordinary political process is consumed by the heat of a crisis, organizations like the ACLU, Human Rights First, and the Center for Constitutional Rights, designed to protect the rule of law, are therefore especially important. While Congress and the courts were at best compromised and at worst complicit in the abuses of the post-9/11 period, civil society performed admirably. The Center for Constitutional Rights brought the first lawsuit seeking habeas review at Guantanamo, and went on to coordinate a nationwide network of volunteer attorneys who represented Guantanamo habeas petitioners. The ACLU filed important lawsuits challenging secrecy and government excesses, and succeeded in disclosing many details about the government’s illegal interrogation program. Both the ACLU and CCR filed lawsuits and engaged in public advocacy on behalf of torture and rendition victims, and challenging warrantless wiretapping. Human Rights Watch and Human Rights First wrote important reports on detention, torture, and Guantanamo, and Human Rights First organized former military generals and admirals to speak out in defense of humanitarian law and human rights. These efforts are but a small subset of the broader activities of civil society, at home and abroad, that helped to bring to public attention the Bush administration’s most questionable initiatives, and to portray the initiatives as contrary to the rule of law. At their best, civil society organizations help forge a politics of the rule of law, in which there is a symbiotic relationship between politics and law: the appeal to law informs a particular politics, and that politics reinforces the law’s appeal, in a mutually reinforcing relation. Posner and Vermeule understand the importance of politics as a checking force in the modern world, but fail to see the critical qualification that the politics must be organized around a commitment to fundamental principles of liberty, equality, due process, and the separation of powers – in short, the rule of law. Margulies and Metcalf recognize that politics as much as law determines the reality of rights protections, but fail to identify the unique role that civil society organizations play in that process. It is not that the “rule of politics” has replaced the “rule of law,” but that, properly understood, a politics of law is a critical supplement to the rule of law. We cannot survive as a constitutional democracy true to our principles without both. And our survival turns, not only on a vibrant constitution, but on a vibrant civil society dedicated to reinforcing and defending constitutional values

#### Ceding legal restriction leads to authoritarianism – turns their impact

Scheuerman 6 (William, Prof of Poli Sci @ Indiana, “Survey Article: Emergency Powers and the Rule of

Law After 9/11\*” The Journal of Political Philosophy: Volume 14, Number 1 p. 73-74\_

By the conclusion of Tushnet’s argument, however, it remains unclear what remains of the rule of law. Like Cole, Tushnet accurately identifies a key tension in Gross’ argument: Gross insists on the extra-legality of emergency action while simultaneously suggesting how various legal mechanisms (e.g., a retrospective judicial condemnation) might work to restrain the executive. Tushnet resolves this tension, however, by systematically eliminating Gross’ residual legalistic impulses. Contra Gross, courts “can neither endorse nor condemn” emergency action, since “extra-constitutional powers are ‘reviewed’—and disciplined—not by law but by a mobilized citizenry.”51 Because Schmitt was right to argue that emergency power and legality do not mix, the only effective restraints on their exercise are somehow non-legal: only “the vigilance of the public acting, as it was put in the era of the American Revolution, ‘out of doors,’” can protect us from potentially abusive forms of emergency rule.52 Tushnet’s proposal is even more vulnerable to some of the criticisms directed against Gross. Most obviously, a model which condones executive crisis measures beyond the bounds of the law while disparaging the possibility of legal controls altogether hardly seems supportive of the rule of law. Tushnet’s radical democratic allusions to a “mobilized citizenry” obviously distinguishes him from Schmitt. Yet his sharp conceptual juxtaposition of democratic politics to traditional elements of liberal legality (e.g., the idea of a people acting “out of [legal] doors”) echoes Schmitt’s attempt to draw a bright line between democracy and liberalism. As has been widely noted in the secondary literature in Schmitt, however, this leaves Schmitt with a portrayal of democracy amounting to little more than mass-based authoritarian rule**,** in which “the people” become a plaything of their rulers. Democracy without civil liberties, the rule of law, or constitutionalism is not, in fact, democracy, but instead most likely rule of the mob by politically manipulative elites. The same can probably be expected of a democracy in which the citizenry lacks effective legal restraints on executive emergency action. Given Tushnet’s endorsement of some of Schmitt’s ideas, it might be useful for him better to explain how his model of crisis government would help secure us from yet another variety of executive-centered mass rule. Recent political history provides examples galore of political leaders relying on the specter of crises—real or otherwise—to generate “vigilant” public support while undertaking illegal and unconstitutional action. Authoritarian emergency government and some measure of popular mobilization are by no means necessarily opposed.

#### -- Alt fails – they view power as top-down – makes resistance impossible

**Hardt 00** (Michael Hardt, Literature @ Duke, 2000, Theory and Event, 4.3, p Muse)

But still none of that addresses the passivity you refer to. For that we have to look instead at Agamben’s notions of life and biopower. Agamben uses the term “naked life” to name that limit of humanity, the bare minimum of existence that is exposed in the concentration camp. In the final analysis, he explains, modem sovereignty rules over naked life and biopower is this power to rule over life itself What results from this analysis is not so much passivity, I would say, but powerlessness. There is no figure that can challenge and contest sovereignty. Our critique of Agamben’s (and also Foucault’s) notion of biopower is that it is conceived only from above and we attempt to formulate instead a notion of biopower from below, that is, a power by which the multitude itself rules over life. (In this sense, the notion of biopower one finds in some veins of ecofeminism such as the work of Vandana Shiva, although cast on a very different register, is closer to our notion of a biopower from below.) What we are interested in finally is a new biopolitics that reveals the struggles over forms of life.

### Flexibility DA

#### No link – Obama isn’t using this power now, it’s only he has on the books, not one he needs to fight wars

#### Obama will continue to consult for military actions – takes out the link

Rothkopf 13

[David, CEO and editor at large of Foreign Policy, The Gamble, 8/31/13, <http://www.foreignpolicy.com/articles/2013/08/31/the_gamble?page=0,1>]

Whatever happens with regard to Syria, the larger consequence of the president's action will resonate for years. The president has made it highly unlikely that at any time during the remainder of his term he will be able to initiate military action without seeking congressional approval. It is understandable that many who have opposed actions (see: Libya) taken by the president without congressional approval under the War Powers Act would welcome Obama's newly consultative approach. It certainly appears to be more in keeping with the kind of executive-legislative collaboration envisioned in the Constitution. While America hasn't actually required a congressional declaration of war to use military force since the World War II era, the bad decisions of past presidents make Obama's move appealing to the war-weary and the war-wary. But whether you agree with the move or not, it must be acknowledged that now that Obama has set this kind of precedent -- and for a military action that is exceptionally limited by any standard (a couple of days, no boots on the ground, perhaps 100 cruise missiles fired against a limited number of military targets) -- it will be very hard for him to do anything comparable or greater without again returning to the Congress for support. And that's true whether or not the upcoming vote goes his way. 4. This president just dialed back the power of his own office. Obama has reversed decades of precedent regarding the nature of presidential war powers -- and whether you prefer this change in the balance of power or not, as a matter of quantifiable fact he is transferring greater responsibility for U.S. foreign policy to a Congress that is more divided, more incapable of reasoned debate or action, and more dysfunctional than any in modern American history. Just wait for the Rand Paul filibuster or similar congressional gamesmanship. The president's own action in Libya was undertaken without such approval. So, too, was his expansion of America's drone and cyber programs. Will future offensive actions require Congress to weigh in? How will Congress react if the president tries to pick and choose when this precedent should be applied? At best, the door is open to further acrimony. At worst, the paralysis of the U.S. Congress that has given us the current budget crisis and almost no meaningful recent legislation will soon be coming to a foreign policy decision near you. Consider that John Boehner was instantly more clear about setting the timing for any potential action against Syria with his statement that Congress will not reconvene before its scheduled September 9 return to Washington than anyone in the administration has been thus far. Perhaps more importantly, what will future Congresses expect of future presidents? If Obama abides by this new approach for the next three years, will his successors lack the ability to act quickly and on their own? While past presidents have no doubt abused their War Powers authority to take action and ask for congressional approval within 60 days, we live in a volatile world; sometimes security requires swift action. The president still legally has that right, but Obama's decision may have done more -- for better or worse -- to **dial back the imperial presidency than anything his predecessors or Congress have done for decades.**

#### Case turns the DA – repealing PCA makes warfighting impossible and flex irrelevant – that’s Owens

#### Congressional legislation necessary to prevent Court evisceration of War Powers

Wittes 8 (Benjamin, Senior Fellow in Governance Studies at the Brookings Institution, co-founder and editor-in-chief of the Lawfare blog, member of the Hoover Institution’s Task Force on National Security Law, Law and the Long War: The Future of Justice in the Age of Terror, google books)

What the Supreme Court has done is carve itself a seat at the table. It has intimated, without ever deciding, that a constitutional basis for its actions exists—in addition to the statutory bases on which it decided the cases—meaning that its authority over overseas detentions may be an inherent feature of judicial power, not a policy question on which the legislature and executive can work their will. Whether the votes exist on the court to go this extra step we will find out soon enough. But the specter of a vastly different judicial posture in this area now haunts the executive branch—one in which the justices assert an inherent authority to review executive detention and interrogation practices, divine rights to apply with that jurisdiction based on due process and vaguely worded international humanitarian law principles not clearly implemented in U.S. law, and allow their own power to follow the military’s anywhere in the world. Such a posture would constitute an earthquake in the relationships among all three branches of government, and the doctrinal seeds for it have all been planted. Whether they ultimately take root depends on factors extrinsic to the war on terror—particularly the future composition of a Supreme Court now closely divided on these questions. It will also pivot on the manner in which the political branches posture the legal foundations of the war in the future. Building a strong legislative architecture now may be the only way to avert a major expansion of judicial power over foreign policy and warfare.

#### No link – the plan is only a restriction on the ability to indefinitely detain – not the counter-terror forces their impact evidence assumes

#### Court rules against executive now – non uniques flex

Wong 13 -- PhD dissertation in Government to Georgetown University (U Jin, 4/22/2013, "THE BLANK CHECK: SUPREME COURT DECISION - MAKING IN NATIONAL SECURITY CLAIMS AND DURING WARTIME," http://repository.library.georgetown.edu/bitstream/handle/10822/558286/Wong\_georgetown\_0076D\_12276.pdf?sequence=1)

This study started out with two questions. The first was: ?Does war influence judicial decision - making?? The second was: ?Do **national security** claims influence judicial decision - making?? The answer to the first question is: In a general hypothetical s ignificant war, there is a **statistically significant finding** of voting against the government. In the models run using the Spaeth database where the government is a party, the influence of all significant wars on judicial decision - making generally was to vote against the government. Presidential approval ratings are statistically significant only in wartime, but with a positive coefficient. Outside of wartime, presidential approval ratings are not statistically likely to influence Supreme Court behavior. This result suggests that while Courts vote strategically and support a popular president, they are still statistically likely to find against the government in a significant war. These findings altogether suggest that that the Supreme Court votes strat egically with an eye towards the popularity of the president, but revert to skepticism of government‘s wartime claims as the war progresses. The answer to the second question is: National security claims brought by the government achieve a **statistically significant likelihood** that the Supreme Court will vote against the government. National security claims were statistically significant with a negative signifier. **This finding is consistent across all the major wars as well as peacetime**. It also suggest s that the Supreme Court generally is not predisposed to defer to the executive branch‘s arguments when it comes to national security claims

### A2: Don’t Ovterturn PCA

#### Perm do both

#### Doesn’t solve the extradition advantage

#### Russia will use the option of domestic detention to repress Chechen rebels

Daskal 13 (Jennifer, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, "THE GEOGRAPHY OF THE BATTLEFIELD:

A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE “HOT” CONFLICT ZONE," http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2049532)

The stakes are high. If the United States were permitted to launch a¶ drone strike against an alleged al Qaeda operative in Yemen, why not in¶ London—so long as the United States had the United Kingdom’s consent¶ and was confident that collateral damage to nearby civilians would be¶ minimal (thereby addressing sovereignty and proportionality concerns)?¶ There are many reasons why such a scenario is unlikely, but the United States has yet to assert any limiting principle that would, as a matter of law,¶ prohibit such actions. And in fact, the United States did rely on the laws of¶ war to detain a U.S. citizen picked up in a Chicago airport for almost four¶ years.15¶ Even if one accepts the idea that the United States now exercises its¶ asserted authority with appropriate restraint, what is to prevent Russia, for¶ example, from asserting that it is engaged in an armed conflict with Chechens¶ and that it can target or detain, without charge, an alleged member of a¶ Chechen rebel group wherever he or she is found, including possibly in the¶ United States?

#### That sparks Chechen instability

Jensen 7 (Katherine, PhD Student @ Univ. of Oklahoma + member of John Birch Society, The Birch Journal, "The Role of Islamic Fundamentalism in the Chechen Conflict," http://webcache.googleusercontent.com/search?q=cache:hHaiH1ZN5C4J:thebirchonline.org/the-role-of-islamic-fundamentalism-in-the-chechen-conflict/+&cd=7&hl=en&ct=clnk&gl=us)

However, the use of jihadists and the eventual radicalization of Chechen warlords, such as Raduev and Shamil Basayev, was a direct result of the brutal nature of the war – had the war not been so relentless and all-encompassing, the population may not have accepted the influence that radical Islam played in Chechen politics. The bombing of Grozny in 1994 alone resulted in the death of over 24,000 civilians.16 It was also common practice for the Russian military to set up “filtration camps,” where Chechens were detained, tortured and often killed.17 These transgressions along with instances of rape and execution allowed Islam to become a vehicle to express separatist desires.18 Russia’s use of brute force during the first war forced Chechens to turn to novel avenues of support to fight the Russians, which jihadists eagerly offered.19 The persistent use of overwhelming force against the Chechen infantry, as well as Chechen civilians, allowed Yandarbiev and other Islamic fundamentalists room to cultivate an opposition; in Islamic fundamentalism Chechens found a means to express their discontent with and rage towards the Russian government.20 When Russia invaded Chechnya in 1994, foreign jihadists made their way to the battle- field, bringing not only monetary support but radical Islamic ideology as well.21¶ Insufficient control over Chechnya prior to and during the first war allowed the Jihadist threat to spread. To the radicals, the goal of spreading Islamic ideology rises above recognition of state borders and the Chechen secession they opportunistically supported. Moreover, they aspire for the result of their efforts to encompass other territories in the region as well, threatening the stability of the Caucuses and creating a haven for terrorism.22 This threat of destabilization in the Caucasus is hardly hypothetical. The 1999 holy war waged in Dagestan by Chechen warlords, Shamil Basayev and Omar Ibn al-Khattab, nearly caused war to erupt in the Caucasus.23 Perhaps more menacing is the fact that even the prospect of war and institutionalized religious extremism in areas like Dagestan could provoke the mass emigration of the ethnic Russians living in those areas; this in turn would negatively impact the Russian economy.24 Such emigration would also tarnish the image of the Russian government as a failure to maintain control over its regions and its “inability to protect ethnic Russians” would make the government appear weak in its struggle with a poor failing nation.25 Therefore, despite low levels of extremism among the general population, the Russian government is forced to address the actions of a violent minority or risk endangering their national security.¶ While nationalism and corruption help prolong the conflict, it is Russia’s inability to provide Chechnya political and economic stability without the use of repression that guarantees its continuation. Furthermore, even if Russia is willing and able to provide such support to Chechen leadership, the nation faces significant obstacles, including Islamic fundamentalist leaders who reject any form of Russian administration in Chechnya and a severe Chechen distrust of Russian motives. In order to foster trust between Chechen and Russian leadership, Russia would likely need to refrain from the use of violence as a diplomatic tool. Normal relations will also require Moscow to negotiate with Chechen leaders whose views are representative of the overall population, rather than simply working with figures who are friendly towards Russia.

### China SoPo 2AC

#### ---There is no link to this DA – their link evidence is all about the US asserting its western values and specific security concerns

#### Chinese soft power will increase due to their underlying values – plan doesn’t affect that – plus US militarism prevents

**Hölkemeyer 12-6**-13 [Patricia Rodríguez Hölkemeyer, research professor and deputy director of the School of Political Science at the University of Costa Rica, Honorary Member of the Academy Research Center of Central Private, “China's forthcoming soft power as a natural result of international events,” <http://www.china.org.cn/china/Chinese_dream_dialogue/2013-12/06/content_30822607.htm>]

On the other side, Deng'saphorism that China should never strive to attain global hegemony has been widely respected by its leaders and reformers. Nevertheless, today circumstances have changed. China's ancient thinkers rejected the idea of searching for hegemony through stratagems, and favored instead the accomplishment of what Mencius and Xuzi called humane authority. Nevertheless, at the present moment China does not need to strive for the attainment of a leading role because the present world circumstances are catapulting her to become a world superpower. What are the present world circumstances that have put China in the position to have a say in international affairs without having to strive for hegemony? Why is the Western 'presumptive paradigm' (Rodrik)for development failing contrastingly to the pragmatic and experimental learning paradigm of the Chinese reformers that Joshua Cooper Ramo dubbed the Beijing Consensus? The ex-ante presumption of knowledge, a characteristic of the Western countries and global institutions, very probably will be ceding its place to a Deweyian pragmatic change of paradigm, according to which, even the mere conception of what is the best form of democracy is fallible and contextual. ¶ Very probably, the paradigm of 'arrogance' will be giving place to a paradigm based on what the political scientist, Karl Deutsch, once called 'humility'. Deutsch defined its opposite "arrogance" as the posture of permitting oneself the luxury of not to learn (because it is supposed that one has already learned everything), while he defines 'humility' as the attitude of the political leader who is always open to learning from others. The West has forgotten that the **concept of feedback** (learning form the other) is the biggest bite to the tree of knowledge that humanity has undertaken in the last two thousand years (Bateson). A new concept of democracy has to take into consideration this advancement as the Chinese reform process has done. Western countries' presumptive **frame of mind** has been slowly losing momentum. The present circumstances provide a clear indication that one of the most cared institutions, the Western multiparty democracy system, has been losing its ability to learn, and thus, its capacity to offer creative solutions to its own and the world's problems. As a former US Ambassador to China said two years ago, the willingness of Chinese leaders to learn from their errors and adapt to new circumstances "differs sharply from what one encounters in Washington, where there's such concern over our inability to correct the problems that are making our political system — in the eyes of many Americans — increasingly dysfunctional."¶ The US has to enhance its learning capacity if it wants to lead in world affairs in cooperation with the newly emerging superpower. The West has to acknowledge that the so called **American values are not universal**, that **harmony implies unity in diversity**, that the concept of **democracy is fallible** and mutable, and that hegemony has to cede to a well gained humane authority, not only abroad but domestically.¶ Since W. W. II, the US attained the soft power that China lacked. Nevertheless, the US insistence in the **maintenance of an hegemonic international order a**pplying the smart power (a new concept of Joseph Nye) stratagems, has culminated in the observed failure of the misnamed Arab Spring, even if the application of smart power (instigation through political activism, and the posterior use of military power if necessary) was partially successful in the so called Color Revolutions (Rodríguez-Hölkemeyer, 2013).¶ Given the present circumstances (as the effects of 9/11, the global financial crisis, the formation of the G20, the global rejection of US espionage stratagems, the **failure of the Pivot to the East** policy due to the attention the US had to devote to the failed Arab Spring, to an ailing Europe, and to its own domestic financial and political problems) China's possibilities to acquire soft power and to exert its positive influence way the international governing institutions and in international relations, are now real. The world needs a new international relations paradigm, other than the Western style democracy promotion policy through political activism (see the book of the present US Ambassador to Russia, Michael McFaul, Advancing Democracy Abroad)orchestrated by organized minorities (NGOs) who want to impose the so called 'American values' in countries with different historical paths, culture and aspirations. The new paradigm will have to be founded in ethics, wisdom, cooperation, confidence-building, and on the recognition that knowledge is fallible and hypothetical, and that with globalization world circumstances and interactions are prone to change. This new paradigm has already been successfully tested in the 35 years of China's own economic and institutional reform process and diplomatic practice. This adaptive and learning-prone attitude of the Chinese leaders, even to the point of adapting (not adopting) western suggestions and institutions when necessary, is the underlying cause of the success of the admirable and unique Chinese development path. As Mencius and Xuzi's observations suggest that a country cannot exert international influence if its own house is not in order.¶ In sum, the present article states that now China possesses a substantive experiential wisdom to start a very productive dialogue with the World. Especially in a moment when it is beginning to be clear to many in the World, that to strive for maintaining a hegemonic world order (Mearsheimer) by means of dubious stratagemsis --according to Lao Tzu thought—the kind of response when intentions are going against the natural course of events.

#### ---Chinese influence isn’t zero-sum with the US – we share regional values

Bitzinger and Desker 8 (Richard A. and Barry, Senior Fellow and Dean – S. Rajaratnam School of International Studies, “Why East Asian War is Unlikely,” Survival, December)

The argument that there is an emerging Beijing Consensus is not premised on the rise of the East and decline of the West, as sometimes seemed to be the sub-text of the earlier Asian-values debate.7 However, like the earlier debate, the new one reflects alternative philosophical traditions. The issue is the appropriate balance between the rights of the individual and those of the state. This emerging debate will highlight the shared identity and values of China and the other states in the region, even if conventional realist analysts join John Mearsheimer to suggest that it will result in ‘intense security competition with considerable potential for war’ in which most of China’s neighbours ‘will join with the United States to contain China’s power’.8 These shared values are likely to reduce the risk of conflict and result in regional pressure for an accommodation of and engagement with an emerging China, rather than confrontation.

#### ---Status quo disproves the impact – US has diplomatic ties with many regional powers such as South Korea – plan wouldn’t change those ties

#### ---Huang concludes aff – the US needs to remain diplomatically powerful in the region & Chinese soft power alone is bad

**Huang ’13** [Chin-Hao Huang, Ph.D. Candidate and a Russell Endowed Fellow in the Political Science and International Relations (POIR) Program at the University of Southern California (USC). Until 2009, he was a researcher at the Stockholm International Peace Research Institute (SIPRI) in Sweden. He specializes in international security and comparative politics, especially with regard to China and Asia, and he has testified before the Congressional U.S.-China Economic and Security Review Commission on Chinese foreign and security policy, “China’s Soft Power in East Asia,” <http://dornsife.usc.edu/assets/sites/451/docs/Huang_FINAL_China_Soft_Power_and_Status.pdf>]

China’s authoritarian regime is thus the biggest obstacle to its efforts to construct and project soft ¶ power. At the same time, if the government decides to take a different tack—a more constructive ¶ approach that embraces multilateralism—**Chinese soft power could be a positive force multiplier that contributes to peace and stability in the region**. A widely read and cited article published in ¶ Liaowang, a leading CCP publication on foreign affairs, reveals that there are prospects for China being socialized into a less disruptive power that complies with regional and global norms: ¶ Compared with past practices, China’s diplomacy has indeed displayed a new face. If China’s diplomacy before the 1980s stressed safeguarding of national ¶ security, and its emphasis from the 1980s to early this century is on the creation ¶ of an excellent environment for economic development, then the focus at ¶ present is to take a more active part in international affairs and play the role that a responsible power should on the basis of satisfying the security and ¶ development interests.47 The newly minted leadership in Beijing provides China with an opportunity to reset its soft-power approach and the direction of its foreign policy more generally. If the new leadership pursues a ¶ different course, Washington should seize on this opportunity to craft an effective response to ¶ better manage U.S.-China relations and provide for greater stability in the Asia-Pacific region. For example, strengthening regional alliances and existing security and economic architectures could help restrain China’s more bellicose tendencies. At the same time, Washington should be cognizant of the frustrations that are bound to occur in bilateral relations if Beijing continues to define national interest in narrow, self-interested terms. The U.S. should engage more deeply with regional partners to persuade and incentivize China to take on a responsible great-power role commensurate with regional expectations.¶ • **The U.S. pivot to the region could be further complemented with an** increase in soft-power promotion**, including increasing the level of support for Fulbright and other educational exchanges that forge closer professional and interpersonal ties between the U.S. and the Asia-Pacific.** Washington should also encourage philanthropy, development assistance, and intellectual engagement by think tanks and civil society organizations that address issues such as public health and facilitate capacity-building projects. China’s rising economic, political, and military power is the most geopolitically significant¶ development of this century. Yet while the breadth of China’s growing power is widely¶ understood, a fulsome understanding of the dynamics of this rise requires a more¶ systematic assessment of the depth of China’s power. Specifically, the strategic, economic,¶ and political implications of China’s soft-power efforts in the region require in-depth analysis.¶ The concept of “soft power” was originally developed by Harvard University professor Joseph Nye¶ to describe the ability of a state to attract and co-opt rather than to coerce, use force, or give money¶ as a means of persuasion.1 The term is now widely used by analysts and statesmen. As originally¶ defined by Nye, soft power involves the ability of an actor to set agendas and attract support on the¶ basis of its values, culture, policies, and institutions. In this sense, he considers soft power to often¶ be beyond the control of the state, and generally includes nonmilitary tools of national power—such¶ as diplomacy and state-led economic development programs—as examples of hard power.¶ Partially due to the obvious pull of China’s economic might, several analysts have broadened Nye’s¶ original definition of soft power to include, as Joshua Kurlantzick observes, “anything outside the¶ military and security realm, including not only popular culture and public diplomacy but also more¶ coercive economic and diplomatic levers like aid and investment and participation in multilateral¶ organizations.”2 This broader definition of soft power has been exhaustively discussed in China¶ as an element of a nation’s “comprehensive national power” (zonghe guoli), and some Chinese¶ commentators argue that it is an area where the People’s Republic of China (PRC) may enjoy some¶ advantages vis-à-vis the United States. These strategists advocate spreading appreciation of Chinese¶ culture and values through educational and exchange programs such as the Confucius Institutes.¶ This approach would draw on the attractiveness of China’s developmental model and assistance¶ programs (including economic aid and investment) in order to assuage neighboring countries’¶ concerns about China’s growing hard power.3 China’s soft-power efforts in East Asia—enabled by its active use of coercive economic and social¶ levers such as aid, investment, and public diplomacy—have already accrued numerous benefits for the PRC. Some view the failure of the United States to provide immediate assistance to East and¶ Southeast Asian states during the 1997 Asian financial crisis and China’s widely publicized refusal¶ to devalue its currency at the time (which would have forced other Asian states to follow suit) as a turning point, causing some in Asia to question which great power was more reliable.4 China also uses economic aid, and the withdrawal thereof, as a tool of national power, as seen in China’s considerable aid efforts in Southeast Asia, as well as in its suspension of $200 million in aid to¶ Vietnam in 2006 after Hanoi invited Taiwan to attend that year’s Asia-Pacific Economic Cooperation¶ (APEC) summit.5

#### --- Doesn’t trade off – your ev assumes our soft power is used towards hegemonic ends – also Chinese politics outweigh

**Dynon ’13** [Nicholas, PhD candidate at Macquarie University and is coordinator of the Line 21 project, an online resource on Chinese public diplomacy, has served diplomatic postings in Shanghai, Beijing and the Fiji Islands, worked in Australia’s Parliament House as a departmental liaison officer to the Immigration Minister, holds postgraduate degrees from the ANU and the University of Sydney, “Soft Power: A U.S.-China Battleground?” June 19, <http://thediplomat.com/2013/06/soft-power-a-u-s-china-battleground/>]

Strip away the ostensibly benign surface of public diplomacy, cultural exchanges and language instruction, and it becomes clear that the U.S. and China are engaged in a soft power conflagration – a protracted cultural cold war. On one side bristles incumbent Western values hegemon, the U.S. On the other is China, one of the non-Western civilizations that Samuel Huntington noted back in 1993 “increasingly have the desire, the will and the resources to shape the world in non-Western ways.”¶ But to shape the world in non-Western ways means engaging in a soft power battlespace against an incumbent who already holds the high ground. Liu comments that in regions deeply influenced by Western cultures, political systems and values, the “latecomer” China is considered a “dissident force." Under such circumstances, “it is rather difficult for China to attract Western countries with its own political and cultural charisma, let alone to replace their positions.”¶ According to this and similar viewpoints, China’s difficulty in projecting soft power across the world is in part due to the way the U.S. leverages its own soft power. Wu Jianmin, the former president of China’s Foreign Affairs University, puts the point well when explaining that **U.S. soft power is driven by the imperative of “maintaining US hegemony** in changing the world, of letting the world listen to the United States.”¶ Thus, the state of global post-colonial, post-communist ideational hegemony is such that large swathes of the earth’s population see the world through lenses supplied by the West. Through these lenses, perceptions of China are dominated by such concepts as **the “China threat theory,”** which portrays China as a malevolent superpower upstart.¶ But it’s actually inside China’s borders where the soft power struggle between China and the U.S. is most prominent.¶ Official pronouncements from Chinese leaders have long played up the notion that Western culture is an aggressive threat to China’s own cultural sovereignty. It has thus taken **myriad internal measures** to ensure the country’s post-Mao reforms remain an exercise in modernization without “westernization.” Since the 1990s, for example, ideological doctrine has been increasingly infused with a new cultural nationalism, and the Party’s previously archaic propaganda system has been massively overhauled and working harder than ever.¶ Especially after the June 4th crackdown and the collapse of the Soviet Union, China’s leaders under Jiang Zemin began addressing the cultural battlespace with renewed vigor. Resolutions launched in 1996 called for the Party to “carry forward the cream of our traditional culture, prevent and eliminate the spread of cultural garbage, [and] resist the conspiracy by hostile forces to ‘Westernize’ and ‘split’ our country….” Hu Jintao trumpeted the same theme in early 2012 when he warned that international hostile forces are intensifying the strategic plot of Westernising and dividing China … Ideological and cultural fields are the focal areas of their long-term infiltration.”

#### ---Asian war is unlikely --- regional initiatives check

Bitzinger and Desker ‘8 (senior fellow and dean of S. Rajaratnam School of International Studies respectively (Richard A. Bitzinger, Barry Desker, “Why East Asian War is Unlikely,” Survival, December 2008, http://pdfserve.informaworld.com-/678328\_731200556\_906256449.pdf)

The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world’s most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnationa terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing); and contains overlapping claims for maritime territories (the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints**. Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect**. To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however, the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common eopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit, ASEAN+3 (China, Japan and South Korea) and the ASEAN Regional Forum. **All this suggests that war in Asia – while not inconceivable – is unlikely.**

# 1AR

### Asia War

#### No escalation --- economic interdependence checks

Weissmann, 09 --- senior fellow at the Swedish School of Advanced Asia Pacific Studies (Mikael Weissmann, “Understanding the East Asian Peace: Some Findings on the Role of Informal Processes,” Nordic Asia Research Community, November 2, 2009, http://barha.asiaportal.info/blogs/in-focus/2009/november/understanding-east-asian-peace-some-findings-role-informal-processes-mi)

Economic integration and interdependence   (EII) and the interlinked functional cooperation have been important, as they have pushed positive relations towards a durable peace. This includes not only increasing cooperation and economic growth and development, but also developing a feeling of security as the economic integration and interdependence decreases the fear of others. EII and functional cooperation have also encouraged and created a need for diplomatic relations and intergovernmental communication and agreements. They have also been catalysts for all forms of cross-border contacts including being a driving force for regionalisation. This is clearly seen in Sino–ASEAN relations and the ASEAN+3 process, but also across the Taiwan Strait where it was part of the cause of the shift in power in the 2008 elections. Together with the Chinese acceptance of multilateralism and its shift from big-power oriented foreign policy to a focus on soft power and the building of good relations with China’s neighbours, EII has been essential for the medium to longer-term overarching peace-building process in East Asia. In this context, what has been of particular importance for peace is both the high degree of economic interdependence that has developed, as well as the forces of the pan-regional ‘economics first’ policy focus. Here, the general acceptance of the ASEAN Way as the norm for diplomacy, with its emphasis on conflict avoidance, has worked together with the **economic incentives in preventing conflict escalations and building peace.**

#### No soft power lack of integration

**Albaredi, 11** (Angel Alvarez Alberdi, “European Myth”

http://www.europeandme.eu/12brain/627-european-myth-eu-global-player)

The EU is not a state, it's a complex joint venture of sovereign nations - which is fine as long as there's the will to work together. For example, it works for policies such as Economic Affairs, Fisheries or Consumer Protection, where Member States are obliged to take decisions together. In contrast, foreign policy is a pure intergovernmental matter subjected to consensus rule. If no agreement is reached then there's no action at the EU level and hence each Member State is free to pursue its own interests. When national interests are at stake not a single leader thinks about what the EU should do and very often the result is just broadcasted confusion. In the event of an international crisis, Ms. Clinton might want to call Ms. Ashton, but what for? To wait online until 27 countries reach a consensus agreement or to be informed about how 27 countries agree to disagree?

We are decades away from a coherent, integrated foreign policy. When will we get there? When lower policy areas are more integrated, making national interests more convergent. Good news, then - just remember that the entire story of the EU started with [pooling the coal and steel production of six countries](http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_ecsc_en.htm)... But will history wait for us?

#### Doesn’t escalate

Washburn 3/10/13

Taylor, a lawyer studying Northeast Asia at the Johns Hopkins School of Advanced International Studies, “a lawyer studying Northeast Asia at the Johns Hopkins School of Advanced International Studies.,” http://journal.georgetown.edu/2013/03/10/averting-asias-great-war-by-taylor-washburn/

In a recent Financial Times essay, “The Shadow of 1914 Falls Over the Pacific,” Gideon Rachman compares the current situation in East Asia to that in Europe a century ago. Like Germany in the early 20th century, China is a country on the rise, concerned that status quo powers will seek to block its ascent. In prewar Europe, a German military buildup and growing nationalism around the region helped create a dynamic in which the assassination of an obscure Austrian noble could trigger a devastating multinational war. The parallels with East Asia today are clear, Rachman says, and “the most obvious potential spark is the unresolved territorial dispute between Japan and China over the islands known as the Diaoyu to the Chinese and the Senkaku to the Japanese.” There is no denying the gravity of the danger posed by this row. Violent anti-Japanese riots erupted across China last fall after Japan’s government purchased the islands from a private owner, and Tokyo has recently claimed that a Chinese frigate locked its missile-guidance radar on a Japanese destroyer in the East China Sea. With ships and planes from both nations mingling in the vicinity of the islands, peace depends not only on the prudence of politicians in Beijing and Tokyo, but also the temperament and skill of a handful of sailors and pilots. The U.S.-Japan security treaty has played a pivotal role in ensuring Asia’s postwar stability, and will help deter Chinese aggression going forward, but as Rachman observes, the pact also recalls the alliance network that contributed to the expansion of World War I. Nevertheless, it is important to remember that major powers have often clashed without escalation. The example of 1914, in which a seemingly insignificant event forced all of Europe’s great military machines to shudder to life, is the exception rather than the rule. Since the bloody aftermath of their 1947 partition, India and Pakistan have skirmished repeatedly–and even engaged in several limited wars–without descending into full-scale conflict. In the 1960s, China fought with first India and then the Soviet Union over land, yet on neither occasion did combat spread beyond the frontier. Indeed, large interstate wars since World War I have not generally begun with a trigger akin to an assassination or a scuffle between forces on a remote perimeter, but rather with a major attack or colonial collapse.

#### Multiple factors make Asia war unlikely

Vannarith 10—Executive Director of the Cambodian Institute for Cooperation and Peace. PhD in Asia Pacific Studies, Ritsumeikan Asia Pacific U (Chheang, Asia Pacific Security Issues: Challenges and Adaptive Mechanism, <http://www.cicp.org.kh/download/CICP%20Policy%20brief/CICP%20Policy%20brief%20No%203.pdf>)

Some people look to China for economic and strategic interests while others still stick to the US. Since, as a human nature, change is not widely acceptable due to the high level of uncertainty. It is therefore logical to say that most of the regional leaders prefer to see the status quo of security architecture in the Asia Pacific Region in which US is the hub of security provision. But it is impossible to preserve the status quo since China needs to strategically outreach to the wider region in order to get necessary resources especially energy and raw materials to maintain her economic growth in the home country. It is understandable that China needs to have stable high economic growth of about 8 percent GDP growth per year for her own economic and political survival. Widening development gap and employment are the two main issues facing China. Without China, the world will not enjoy peace, stability, and development. China is the locomotive of global and regional economic development and contributes to global and regional peace and stability. It is understandable that China is struggling to break the so-called containment strategy imposed by the US since the post Cold War. Whether this tendency can lead to the greater strategic division is still unknown. Nevertheless, many observers agree that whatever changes may take place, a multi-polar world and multilateralism prevail. The reasons or logics supporting multilateralism are mainly based on the fact that no one country can really address the security issues embedded with international dimension, no one country has the capacity to adapt and adopt to new changes alone, and it needs cooperation and coordination among the nation states and relevant stakeholders including the private sector and civil societies. Large scale interstate war or armed conflict is **unthinkable** in the region due to the high level of interdependency and democratization. It is believed that economic interdependency can reduce conflicts and prevent war. Democracy can lead to more transparency, accountability, and participation that can reduce collective fears and create more confidence and trust among the people in the region. In addition, globalism and regionalism are taking the center stage of national and foreign policy of many governments in the region except North Korea. The combination of those elements of peace is necessary for peace and stability in the region and those elements are **present and being improved in this region.**

#### They confuse conflict and competition.

Lamb 3-21 [Gregory M., Christian Science Monitor, Good Reads: US-China relations, 'Lean In,' ballet's whodunit, Ireland's Downton, http://www.csmonitor.com/World/Global-News/2013/0321/Good-Reads-US-China-relations-Lean-In-ballet-s-whodunit-Ireland-s-Downton]

Competition between the US and China is inevitable, but conflict is not, Mr. Lee argues in an excerpt from his new book in The Atlantic.¶ “This is not the Cold War. The Soviet Union was contesting with the United States for global supremacy. China is acting purely in its own national interests. It is not interested in changing the world.”¶ The complex Chinese-US relationship is underpinned by an essential truth: Each side needs the other.¶ “Chinese leaders know that U.S. military superiority is overwhelming and will remain so for the next few decades,” he writes. “[T]he Chinese do not want to clash with anyone – at least not for the next 15 to 20 years.”

#### No impact to U.S.-China cooperation---it’s impossible to sustain

Aaron L. Friedberg 12, Professor of Politics and International Affairs at the Woodrow Wilson School of Public and International Affairs at Princeton University, September/October 2012, “Bucking Beijing,” Foreign Affairs, Vol. 91, No. 5, p. 48-58

Recent events have raised serious doubts about both elements of this strategy. Decades of trade and talk have not hastened China's political liberalization. Indeed, the last few years have been marked by an intensified crackdown on domestic dissent. At the same time, the much-touted economic relationship between the two Pacific powers has become a major source of friction. And despite hopes for enhanced cooperation, Beijing has actually done very little to help Washington solve pressing international problems, such as North Korea's acquisition of nuclear weapons or Iran's attempts to develop them. Finally, far from accepting the status quo, China's leaders have become more forceful

 in attempting to control the waters and resources off their country's coasts. As for balancing, the continued buildup of China's military capabilities, coupled with impending cuts in U.S. defense spending, suggests that the regional distribution of power is set to shift sharply in Beijing's favor.

WHY WE CAN'T ALL JUST GET ALONG

TODAY, CHINA'S ruling elites are both arrogant and insecure. In their view, continued rule by the Chinese Communist Party (CCP) is essential to China's stability, prosperity, and prestige; it is also, not coincidentally, vital to their own safety and comfort. Although they have largely accepted some form of capitalism in the economic sphere, they remain committed to preserving their hold on political power.

The CCP'S determination to maintain control informs the regime's threat perceptions, goals, and policies. Anxious about their legitimacy, China's rulers are eager to portray themselves as defenders of the national honor. Although they believe China is on track to become a world power on par with the United States, they remain deeply fearful of encirclement and ideological subversion. And despite Washington's attempts to reassure them of its benign intentions, Chinese leaders are convinced that the United States aims to block China's rise and, ultimately, undermine its one-party system of government.¶ Like the United States, since the end of the Cold War, China has pursued an essentially constant approach toward its greatest external challenger. For the most part, Beijing has sought to avoid outright confrontation with the United States while pursuing economic growth and building up all the elements of its "comprehensive national power," a Chinese strategic concept that encompasses military strength, technological prowess, and diplomatic influence. Even as they remain on the defensive, however, Chinese officials have not been content to remain passive. They have sought incremental advances, slowly expanding China's sphere of influence and strengthening its position in Asia while working quietly to erode that of the United States. Although they are careful never to say so directly, they seek to have China displace the United States in the long run and to restore China to what they regard as its rightful place as the preponderant regional power. Chinese strategists do not believe that they can achieve this objective quickly or through a frontal assault. Instead, they seek to reassure their neighbors, relying on the attractive force of China's massive economy to counter nascent balancing efforts against it. Following the advice of the ancient military strategist Sun-tzu, Beijing aims to "win without fighting," gradually creating a situation in which overt resistance to its wishes will appear futile.

The failure to date to achieve a genuine entente between the United States and China is the result not of a lack of effort but of a fundamental divergence of interests. Although limited cooperation on specific issues might be possible, the ideological gap between the two nations is simply too great, and the level of trust between them too low, to permit a stable modus vivendi. What China's current leaders ultimately want -- regional hegemony -- is not something their counterparts in Washington are willing to give. That would run counter to an axiomatic goal of U.S. grand strategy, which has remained constant for decades: to prevent the domination of either end of the Eurasian landmass by one or more potentially hostile powers.

The reasons for this goal involve a mix of strategic, economic, and ideological considerations that will continue to be valid into the foreseeable future.