# Off

#### Syria deal saved Obama’s capital- foreign policy issues trade off with Obama’s negotiating clout and push the debt ceiling out of priority position- undermines market confidence

Bohan 9-11 [Caren, Writer for Reuters, “Delay in Syria vote frees Obama to shift to hefty domestic agenda” http://www.reuters.com/article/2013/09/11/us-usa-obama-agenda-idUSBRE98A0Z920130911]

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

#### Reducing Obama’s war powers causes a crippling loss of credibility- causes republicans to put up a more concerted fight on the debt ceiling which would wreck the markets

Seeking Alpha 9-10

[“Syria Could Upend Debt Ceiling Fight” http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight]

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of ~~his~~ primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability. I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four. While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling. Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues. Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight. I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011. As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event. Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time. Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade. I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks. The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama. Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.

#### Destroys the global economy.

Milstead 9-12 [David, Writer for the Globe and Mail, “The under-the-radar threat to U.S. stocks” Factiva]

Conventional wisdom holds that the chief risk to the high-flying U.S. stock market is “tapering,” the potential cutback of the Federal Reserve's bond-buying program. It's an understandable view, given how the Fed's monetary policy has propped up the country's economy for years by helping to keep long-term interest rates at ultra-low levels. But it's also wrong. The greatest immediate hazard to stocks isn't the direction the six governors of the Federal Reserve will take. It's what the 535 members of Congress will do in the coming weeks when faced with two budgetary issues that ought to be routine – but will likely be anything but. The first issue is approving a federal budget for the fiscal year that begins Oct. 1, or at least a resolution that will keep the government open in its absence. The second is authorizing a new, higher number for the U.S. government's borrowing before Washington hits its debt ceiling, once again, possibly by mid-October. In the absence of such a vote, the U.S. must simply stop spending – and, in essence, default on its debt. If this sounds familiar, it's because we went through a similar showdown two years ago, in the summer of 2011. Yet it's easy to forget now how that fiscal gridlock roiled the markets. In the first day of trading after Standard & Poor's downgraded U.S. debt in early August, the S&P 500 fell nearly 7 per cent. The day after, the index was nearly 19 per cent below the level of early July. The rhetoric suggests this fiscal showdown could inflict similar damage. Eighty House Republicans recently signed a letter urging their leadership to use any new government-funding bill to cut all necessary money for President Barack Obama's signature accomplishment, the Affordable Care Act, more popularly known as Obamacare. The Republican House leadership, it is said, does not support such a move. That's apparently because they prefer to make it part of the showdown over the debt ceiling. (The National Review, one of the U.S.'s leading conservative publications, reported Tuesday that Eric Cantor, the House Majority Leader, told Republicans they will be demanding a one-year delay of Obamacare in exchange for an increase in the debt ceiling.) Failing to raise the debt ceiling doesn't mean default, its opponents argue. The Treasury can just do a better job of “prioritizing,” paying the creditors while axing other expenses. In the absence of a higher debt ceiling, the U.S. could pay the interest on Treasury securities, and keep on footing the tab for Medicare and Medicaid, Social Security, national defence and a handful of aid programs, according to the Bipartisan Policy Centre. But, starting Oct. 15, it won't be able to afford the salaries of other federal workers, or perform functions like road construction and air traffic control, or run the federal court system. Ted Yoho, the improbably named Republican representative from Florida, said this about a failure to raise the debt ceiling, according to a recording of one of his summertime town hall meetings leaked to the Huffington Post: “So they say that would rock the market, capital would leave, the stock market would crash … I think our credit rating would do better.” Better, I think, to take the U.S. Treasury's position that the markets will view the U.S. picking and choosing which bills to pay as an admission it simply can't pay them all. Deputy secretary Neil Wolin said during the last debt-ceiling showdown, in 2011, that it “would merely be default by another name.” That, however, is the view from the reality-based community, rather than the deeply irrational, anti-intellectual element that has hijacked the Republican Party and turned ordinary budgetary procedure into a partisan brawl. The liberal economic writer Jonathan Chait recently wrote “the chaos and dysfunction have set in so deeply that Washington now lurches from crisis to crisis, and once-dull, keep-the-lights-on rituals of government procedure are transformed into white-knuckle dramas that threaten national or even global catastrophe.” And yet stocks seem to be priced as if Democrats, Republicans and President Obama will come together to work something out. There is great faith that the United States will overcome its challenges and take the right path in the end. Investors could suffer double-digit losses in the coming weeks if that faith is misplaced.

#### Nuclear war.

Cesare Merlini 11, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? Survival, 53:2, 117 – 130

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

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#### a. the 1ac speech act orients itself towards pain and death as knowable metaphysical truths

Gianni **Vattimo**, Professor of Philosophy at the University of Turin “Nihilism and Emancipation” trans. William McCuaig 20**04** pg. 74-75

The "flaw" in metaphysics seen from a Heideggerian perspec­tive is the idea that, at the basis of things, there is a stable order, a structure necessary, eternal, and hence rational, which it is our task to gain knowledge of and adopt as a norm (even this much barely holds up: if it is a necessary datum, why a norm? This is an instance of what is improperly called "Hume's law": we cannot derive a norm from a fact, it simply makes no sense). For the Hei­degger of *Being and Time,* to think of true Being in this "objec­tivistic" manner implies that a) the historicity of human existence "is" not; b) authentically to be would mean escaping from this historicity—to conform to a necessary rational order; c) of which the implicit corollary would be the project for a rationalized soci­ety, overriding the quirks of individuality—the society that Adorno characterized as "total organization" and that Chaplin depicted in *Modern Times.* These are themes found in existential­ism and in the early-twentieth-century avant-garde; they pro­vided inspiration to Heidegger and in him more than in other thinkers they justify his polemic against metaphysics. But historicity, the opening up of human existence, the refusal to let it be reduced to the eternal structure of true Being (true because immutable)—all these signify mortality. In brief, then: **a** nonmetaphysical consideration of pain demands a non-metaphysical consideration of death**.** This is what Heidegger is striving to attain when, in his work of 1927, he gives a central place in his own teaching to the idea of "being-for-death" and the resolute anticipation of one's own death as the key to the authenticity of existence. Since the world is given as world only to the gaze that man is, to his "thrown project" (a position that Kantism had already reached), and this project is precisely finite, is born and dies, the conclusion must be that Being is not eter­nal structure given once and for all, set before *(ob-jectum)* the mind, which through ascesis becomes capable of seeing it. It is event, happening, historicity. From such a perspective, 'pain and death—we may reason­ably take the two terms as virtual synonyms: we are always suffering from and for mortality; even physical evil is a sign, consequence, and symptom of mortality—are both insuperable and irredeemable. They are beyond explanation or justification because they give no access to a truer truth; instead, they are what sets us free from slavery and resentment vis-à-vis any truer truth (a law of Being, God as creator or judge, baleful des­tiny). What Jesus said about the man born blind might even apply: it is not his fault, or that of his parents, but only "thus it pleased.... " These words should be taken to mean that it was an absolute happenstance. There is no reason for pain, not even a specific and mysterious divine will. With this the foundation has been laid for a twofold, non-metaphysical conception of and treatment for pain. On one hand, pain has no dignity, it merits no respect as such, it is only something that happens, and inasmuch as it is always some­thing that happens without our wishing for it (unlike things that happen for which we have wished, like pleasure and suc­cess), it is pure accident in every sense of the term, it is event *schlechthin,* pure and simple. (Sartre wrote some fine pages on death understood as senseless occurrence, in the belief, proba­bly mistaken, that in so doing he was critiquing Heidegger.)

#### b. reject the affirmative claims of absolute universal truth— otherwise extinction is inevitable

Gianni **Vattimo**, Professor of Philosophy at the University of Turin “Nihilism and Emancipation” trans. William McCuaig 20**04** pg. 55-56

If we do not want—as indeed we cannot, except at the risk of terrible new wars of extinction—to give way to the temptation of resurgent fundamentalisms grounded in race, religion, or even the defense of individual national cultures against invasion by "foreigners," we will have to imagine a humanity with at least some of the characteristics of Nietzsche's Ubermensch*.* The superficial image of some sort of brawny strongman prevailing in the process of natural selection through sheer muscle power need not detain us. Nietzsche said explicitly that he was no Darwinian ass, and what he means by the *Ubermensch* is someone who does have the capacity to move about like a tourist in the park of his­tory, in other words one who is able to look at many cultures with a gaze more esthetic than "objective" and truth seeking. Many ethical positions advanced in our time appear to incorporate an image of this kind; the first name that comes to mind is that of Michel Foucault, for whom morality is at bot­tom the construction of one's own life as a coherent work of art. This stance does not derive from decadentism or D'Annunzio; what Foucault means is the preoccupation with a choice of style and a coherence no less binding than an ethical imperative in the current sense of the term. But Foucault was certainly a thinker profoundly influenced by Nietzsche. If we turn our attention instead to the work of many analytic thinkers in the Anglo-Saxon tradition, we see that for them the task is to bring out the implications of concrete moral options with arguments along these lines: If you accept such and such a behavior, that entails also wishing for this or that consequence, but then you have to decide whether that is the outcome you really do desire. Except for some forms of utilitarianism too dogmatic and abstract ever to be applied, no ultimate foundation for impera­tives and maxims is ever supplied. The real goal of this approach, though, is a certain coherence: not necessarily just the coherence of an arbitrary, individual project but—and this holds for the moral styles of Foucault as well—coherence mostly with historical situations, with tables of shared values. The same is true of moral action as seen from the perspective of Kantian thinkers like Habermas, Hare, and Rawls: here the aim is to choose maxims of action that one could reasonably adopt vis-a-vis all possible interlocutors, with no claim to the status of apodictic proofs. Are we really to conclude that these ethical stances of today must be rejected because of some contamination by profound estheticism? In my opinion, we ought rather to heed this "esthetic" tendency in order to see how the culture of today can and should reconcile social peace with liberty. What we really need to do—and this does not necessarily have to conflict with religiosity, especially Christian religiosity—is to say farewell to claims to absolute truth. In a society in which we are more and more likely to encounter ethical and religious positions and cul­tural traditions unlike the ones we were born into and grew up with, the best stance to adopt is that of a "tourist" in a history park. The real enemy of liberty is the person who thinks she can and should preach final and definitive truth.

# XO CP

#### Text: The executive branch of the United States should

#### Self-restraint solves—signals credibility and curbs abuses of power

Posner and Vermeule 2007 (Eric and Adrian, Professor of Law and the University of Chicago, and Professor of Law at Harvard, University of Chicago Law Review, "The Credible Executive", Lexis)

We suggest that the executive's credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involves executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations. This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by "government" or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by "the people" to bind "themselves" against their own future decisionmaking pathologies, or relatedly, that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations. n72 Whether or not this picture is coherent, n73 it is not the question we examine here, although some of the relevant considerations are similar. n74 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government. [\*895] Furthermore, our question is subconstitutional: it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling mechanisms to generate public trust. Accordingly, we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations. In general, the solution is to engage in actions that are less costly for good types than for bad types. We begin with some relevant law, then examine a set of possible mechanisms -- emphasizing both the conditions under which they might succeed and the conditions under which they might not -- and conclude by examining the costs of credibility. A. A Preliminary Note on Law and Self-Binding: Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding. n75 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is yes, at least to the same extent that a legislature can. Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo. n76 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A [\*896] president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of self-binding: 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding. n77 However, there may be large political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so, too, the executive's issuance of a self-binding order can trigger reputational costs. In such cases, repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it. In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president's own future choices in ways that impose greater costs on ill-motivated [\*897] presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.

## \*\*Detention DA\*\*

### 1NC- Detention

#### Plan’s restriction of the President’s authority to detain causes attacks on the homeland.

John Yoo 2012 (Law Professor @ Cal Liebert, Hugh (Editor); McDowell, Gary L. (Editor); Price, Terry L. (Editor). Jepson Studies in Leadership : Executive Power in Theory and Practice. p 224-8.

<http://site.ebrary.com/lib/uiowa/Doc?id=10538928&ppg=224>

We can see these dynamics at work in Obama’s initial policies on the war on terrorism, issues on which I worked during my service in the Bush administration. Obama set his own course on controversial issues such as the detention, interrogation, and trial of terrorists, at first pleasing the base of the Democratic Party, but then tacking back toward Bush policies as he became aware, I believe, of the security challenges abroad. During his first week as commander in chief, for example, President Obama ordered the closure of detention facilities at Guantánamo Bay 43 and terminated the CIA’s special authority to question terrorists using tough interrogation methods that critics have claimed amount to torture. 44 He suspended the military commissions that were in the middle of the trials of al-Qaeda leaders for war crimes. 45 His Department of Justice, led by Attorney General Eric Holder, decided it would no longer use the phrase “enemy combatant” to describe terrorists nor describe the struggle with al-Qaeda as a “war.” 46 Obama released several secret Bush legal memos, some of which I worked on, regarding detention and interrogation policy, and went head-to-head on May 21, 2009, with former Vice President Dick Cheney in dueling speeches over whether the Bush administration policies on interrogation had proven effective. 47 While these actions certainly pleased the left wing of the Democratic Party, they also threatened to handicap our intelligence agencies in preventing future terrorist attacks. In issuing these executive orders, Obama favored the law enforcement approach to fighting terrorism that prevailed before September 11, 2001. He also dried up the most valuable sources of intelligence on al-Qaeda that, according to former CIA Director Michael Hayden, largely came out of the tough interrogation of high-level operatives. 48 The question President Obama should have asked immediately after the inaugural parade was: “What will happen after we capture the next Khalid Sheikh Mohammed or Abu Zubaydah?” More careful review of terrorism policy would have made clear that the civilian law enforcement system cannot prevent terrorist attacks. What is needed are the tools to gain vital intelligence, which is why, under President Bush, the CIA could hold and interrogate high-value al-Qaeda leaders. On the advice of his intelligence advisers, the president could authorize coercive interrogation methods like those used by Israel and Great Britain in their anti-terrorism campaigns. He could even authorize waterboarding, which Bush did three times in the years after 9/11. 49 President Obama’s stay of all military commission trials, and the transfer to the criminal justice system of the only al-Qaeda operative held by the military on U.S. soil, might have led to the shuttering of commissions entirely. 50 Military commission trials, however, have been used in most American wars, and their rules and procedures are designed to protect intelligence sources and methods from revelation in open court. Obama ordered that al-Qaeda leaders be protected from “outrages on personal dignity” and “humiliating and degrading treatment” in accordance with the Geneva Conventions. 51 Obama might even declare terrorists to be equal to prisoners of war under the Geneva Conventions. The Bush administration, by contrast, was well supported by legal and historical precedent in its decision to classify terrorists like pirates: illegal combatants who do not fight on behalf of a nation and refuse to obey the laws of war. 52 The CIA must now conduct interrogations according to the rules of the Army Field Manual, which prohibits coercive techniques, threats and promises, and the good-cop, bad-cop routines used in police stations throughout America. 53 President Bush had already banned torture or physical abuse in 2002 (the Bush administration concluded that waterboarding was neither), 54 but President Obama’s new order amounts to requiring— on penalty of prosecution— that CIA interrogators be polite. 55 Coercive measures are unwisely banned with no exceptions, regardless of the danger confronting the country. Eliminating the Bush system entirely risks losing timely information from captured al-Qaeda terrorists. Every prisoner will have the right to a lawyer (which they will surely demand), the right to remain silent, and the right to a speedy trial. 56 The first thing any lawyer will do is tell his client to shut up. The Khalid Sheikh Mohammeds or Abu Zubaydahs of the future will not respond to verbal questioning or trickery— which is precisely why the Bush administration felt compelled to use more coercive measures in the first place. Our soldiers and agents in the field will have to run more risks to secure physical evidence at the point of capture and maintain a chain of custody that will stand up to the standards of a civilian court. Relying on the civilian justice system not only robs us of the most effective intelligence tool to avert future attacks, it also provides an opportunity for our enemies to obtain intelligence on us. If terrorists are now to be treated as ordinary criminals, their defense lawyers will insist that the government produce in open court all U.S. intelligence on their clients along with the methods used by the CIA and NSA to get it. A defendant’s constitutional right to demand the government’s files often forces prosecutors to offer plea bargains to spies rather than risk disclosure of intelligence secrets. Zacarias Moussaoui, the only member of the 9/11 cell arrested before the attack, turned his trial into a circus with such demands. He was convicted after four years of pretrial wrangling only because he chose to plead guilty. 57 Efforts to use the criminal justice system to try al-Qaeda leaders will only lead to more of the same, but with far more valuable intelligence at stake. It is naïve to say, as Obama did in his inaugural speech, that we can “reject as false the choice between our safety and our ideals.” 58 That highflying rhetoric means that we must give al-Qaeda— a hardened enemy committed to our destruction— the same rights as garden-variety criminals at the cost of losing critical intelligence about real, future threats. All government policies involve tradeoffs between competing values, and the Obama administration cannot wish them away by claiming they don’t exist. As Obama has matured in office and learned more about the nation’s security environment, however, he has adopted policies that suggest more continuity with the past. As of mid-2010, Obama had decided against ending the NSA’s electronic surveillance program, which allows the warrantless interception of suspected terrorist communications entering or leaving the country. 59 The new administration not only kept in place, but even expanded, the use of un~~man~~ned aircraft to kill suspected al-Qaeda leaders in civilian areas— a far greater deprivation of civil liberties than detention, interrogation, and trial by the military. 60 In May 2009, Obama reversed his decision to suspend military commissions, and even though he has proposed the transfer of enemy combatants from Guantánamo Bay to the United States, he also conceded that many will not be tried in civilian courts but will instead be detained as prisoners of war. 61 In 2011, the administration finally accepted that al-Qaeda leaders would not be tried in New York City, Guantánamo Bay would remain open, and military commissions would restart— thanks in part to congressional funding bans on relocating any terrorists to the United States. None of these policies would be legal unless the United States were at war. Continuing a war that he inherited, Obama bears similarity not to FDR or even to Lincoln, to whom the president compares himself, but to Eisenhower. Ike was another president whose personal popularity outstripped the public support for his policies. The Eisenhower administration continued the basic strategy developed by his immediate predecessor, Harry Truman, to address the dire security challenge posed by the Cold War. Eisenhower initially campaigned on the grounds that the strategy of containment resigned millions to communist dictatorship, and his future secretary of state, John Foster Dulles, promised “rollback” of Soviet control of Eastern Europe. 62 Once in office, however, Eisenhower retained the fundamental strategy of containment, though with a lower defense budget and without triggering an all-out war. As John Lewis Gaddis has shown, he changed the means from symmetric to asymmetric force, but he remained true to Truman’s fundamental choice of containing the Soviet Union around its periphery. 63 Similarly, President Obama has come to recognize the wisdom of the goals of the Bush administration’s terrorism policies. Further, it should be clear that these policies are rooted in a broad view of presidential power. Obama has continued the American occupation of Iraq and even increased deployment to Afghanistan, based on the view of his national security team— not of Congress— that the battle against terrorism must be won there. 64 Continuing the NSA’s warrantless wiretapping power is primarily the result of the president’s decision to carry out signals intelligence against an enemy. Extensive use of Predator drones is a tactic carried out by the military pursuant to the president’s commander in chief authority. Suspending military commissions at Guantánamo, which had received congressional authorization in 2006, could only be done pursuant to the president’s Article II powers under the Constitution. 65 Even ordering the CIA to follow military rules in interrogating enemy combatants depends wholly on the president’s authority to command the military and determine operational tactics and strategy. Congress itself refused to place the CIA under the rules of the Army Field Manual on interrogation. In making and implementing these terrorism policies, Obama has done nothing less than exercise many of the executive’s broader powers in times of emergency or war. Counterterrorism policy also shows the effectiveness of Congress’s powers. A signal element of Obama’s plan was closing Guantánamo Bay and transferring the remaining detainees to the U.S. prison system. Congress responded by banning the use of any funds to allow any Guantánamo Bay detainee to enter the United States. 66 Obama’s buildup in Afghanistan would be impossible without congressional funding for the new deployments, and his policies on targeted killings with Predator drones or NSA surveillance could not continue without Congress’s financial support. Any effort to recharacterize the status of enemy combatants or to try them in civilian courts would be tested in the federal courts and could reach the U.S. Supreme Court. Both branches have the ability to impede, if not totally obstruct, President Obama’s policies against the leading external security threat of our day. Obama may have made his decisions on terrorism too swiftly after his inauguration. He may have opened the door to further terrorist acts on U.S. soil by shattering some of the nation’s most critical defenses. Or he may be right in reversing some of the Bush-era measures, if current classified threat assessments report that the chances of a terrorist attack have sharply declined. What remains important is that Obama, like Bush, has relied on his constitutional authority to make policy on everything from the number of troops in Afghanistan, to warrantless wiretapping, to use of Predator drones. If Obama wishes to guide the nation successfully through its period of economic crash and foreign threat, he must draw on the mainspring of presidential power as deeply as did his greatest predecessors. The early part of his presidency shows signs that he has learned this lesson reluctantly.

#### Extinction

Yonah Alexander 10, Director of the International Center for Terrorism Studies at the Potomac Institute for Policy Sciences, “Maghreb & Sahel Terrorism: Addressing the Rising Threat from al-Qaeda & other Terrorists in North & West/Central Africa,” January, <http://www.potomacinstitute.org/attachments/524_Maghreb%20Terrorism%20report.pdf>

Current and future perpetrators include the following: “freelance” and sub-state terrorist groups; individual terrorists; mentally deranged “crusaders” or “martyrs”; single-issue political extremists; ideological-based groups; ethnic, racial, and religious movements; nationalist and separatist actors; criminal and political mercenaries; and international networks, particularly al-Qaeda and its affiliates in Africa, Asia, and the Middle East. Terrorists’ impulses cover a broad range of motivations. These consist of political discontent— ideological (anarchism, ambitions, radicalism) and nationalistic (resistance, separatism, irredentism)— economic discontent (low living standards, lack of opportunity, unfulfilled expectations, loss or squandered resources); and cultural discontent (class constraints, ethnic discrimination, religious intolerance, technological and environmental irritants). There is also a long record of governments that provide terror groups both direct and indirect support (e.g., financing, training, intelligence, operations, and weaponry). A rogue nation utilizes terrorist proxies to further its own country’s interests. As formal, open, and direct malevolent actions undertaken by a government would call immediate attention to state sponsors, using terrorist groups to carry out operations such as assassinations and bombings enables the government sponsor to deny any claim. The roles played by Iran, Sudan, Cuba, previously Libya, and North Korea in such events come to mind. Currently, Iran and North Korea are of particular concern to the international community because of their nuclear ambitions. In addition, the latest focus of concern is so-called “failed states” wherein there are no effective government institutions to intercede and prevent the spread of terrorist facilities within a country. These lawless zones are increasingly becoming target-rich opportunities for the consolidation of terrorist assets and ventures. Current Trends Modern terrorism is characterized by an ideological and theological fanaticism, an education in hatred toward one’s enemy, which has coupled with rapid technological advancements in communications (e.g., the internet), transportation (e.g., modern international air travel), as well as conventional and unconventional weaponry to create a truly lethal threat. Indeed, this threat has become much more decentralized as it now emanates not only from established terrorist organizations but also from freelance individuals with the motives, means, and opportunity to visit harm upon civil society. Because of these developments, contemporary terrorism presents a multitude of threats to all nations, large and small. One measurement of evaluating the terrorist threat is to calculate the enormous cost to all societies in terms of the number of incidents, the human toll, and the economic damage. Indeed, since the 1960s, modern society has suffered dearly from the global disease of terrorism, a reality that grows in scope and brutality with every passing year. For example, in the 1970s, a total of 300 domestic and international terrorist attacks were recorded worldwide. Today, almost 40 years later, the count totals more than 80,000 incidents. Clearly, no community, country, or region is immune from the impact of terrorism. In the 9/11 attacks in New York City, citizens from 78 countries were killed. That year alone, 3,537 people died. During the period between 2002-2008, more than 113,000 persons perished and hundreds of thousands were wounded in terrorist attacks throughout the world. The economic, political, psychological, and strategic costs must also be considered in this assessment. Criminal-Terrorist Nexus Globalization and the information revolution have enabled criminals and organized crime to do business and engage in a broad range of criminal activities. For instance, “white collar” crimes are expanding. These crimes target sectors such as antitrust law, securities, commodities futures, environmental activities, maritime business, gaming, the internet, intellectual property, and tax customs. Trafficking in human beings (e.g., buying and selling of women and children, usually for sexual exploitation) represents another “new,” substantive, and transnational offense. In addition, serious organized criminal threats facing the international community (e.g., the Maghreb and Sahel regions) consist of current and emerging challenges to law enforcement, including drug trafficking (particularly in heroin, both powder and crack cocaine, and ecstasy), organized immigration crime, fraud (particularly in revenue fraud), money laundering, counterfeiting, illicit weapons possession and sales, and high-tech criminal activity (e.g., the Abdul Qadeer Khan nuclear smuggling network). Legitimate companies support terrorists and criminals—directly and unwittingly—to initiate their illicit activities. Numerous identifiable forums of these relationships include the following interfaces: funding and money laundering; employment and accessibility of personnel and equipment; generic tools (e.g., trucks); instruments of terror (e.g., dynamite or explosives); information about local landmarks and prospective targets (e.g., highlighting vulnerabilities and access to targets); communications, resources, and contacts; work permits (particularly for immigration-related criminal activity); and sponsorship (e.g., employment and resources). Terrorist groups and criminals also use front companies, which combine both legitimate and illicit sources of revenue, and shell companies, opaque firms used to hide a legitimate owner’s interests, to finance unlawful operations. In addition to the foregoing, terrorists and criminals feed off each other in a wide variety of criminal activities, including counterfeiting currency, credit card theft, misappropriating and using credit card information, forging documents, identity theft, money laundering, drug trafficking, corruption, and commercial espionage. Terrorist groups use a variety of means—from the simple to the complex—to secure funding for their activities. The initial sources of terrorist funding include both legal (e.g., personal savings and legitimate business revenue) and illicit avenues (e.g., criminal activity such as drug trafficking, kidnapping, and financial fraud). Once the funds are raised, they are distributed to various factions of terrorist groups through a variety of means. These include the use of traditional and alternative financial services entities (e.g., banks and hawalas—informal money-transfers systems firmly established in Asia and the Middle East), nonprofit organizations trading in commodities (e.g., “conflict diamonds” and gold), bogus financial instruments, smuggling of currency and products, wire transfers, drug trafficking, extortion, money laundering, securities fraud, and other scams. Future Outlook: Super Terrorism What is of particular concern is that unconventional weapons—biological, chemical, radiological, and nuclear—are slowly emerging upon the contemporary terrorist scene. That is, as technological developments offer new capabilities for terrorist groups, the modus operandi of these groups may subsequently alter most drastically. Reportedly, at least a dozen terrorist groups, in addition to al-Qaeda’s network, have shown an interest in acquiring or actively attempting to obtain nuclear weapons, which is a significant threat throughout the world. Thus, while the probability of nuclear terrorism remains low in comparison to the use of other weapons of mass destruction, the consequences of “super” terrorism could be enormous. If a nuclear bomb is stolen (or built by a terrorist group with reasonable resources and talent), it could result in massive devastation. For example, an explosion of about one kiloton (one-twentieth the power of the Hiroshima attack) in any major city has the potential to cause more than 100,000 fatalities and result in damage totaling billions of dollars. Another dangerous emerging trend of contemporary international life is the growing threat of cyberterrorism. The expanding concern is that not only criminal hackers but also terrorists will intensify the utilization of this form of electronic warfare as an equalizer weapon. It is evident that the threat of “non-explosive” terrorist assaults is growing with every passing day. Three contributing factors account for the reality. First, the “globalization” of the internet makes government and industry efforts to control cyber attacks much more challenging than ever before. Second, there are now tens of thousands of hacker-oriented sites on the internet resulting in “democratization” of the tools used for disruption and destruction. With their systematic cyber “cookbooks,” the exploitation of Trojan horses, logic bombs, and other electric modus operandi alternatives are becoming a permanent fixture of international life. Third, terrorist organizations have broken away from their place within the formerly bipolar world and have become multidirectional, causing further complications to our technologically vulnerable societies. These new developments have enhanced the threats and capabilities of terrorist groups to the degree in which they could forever alter our planet’s existence.

# \*\*\*Case\*\*\*

# CIL

#### No internal link --- they have no evidence that the Court would actually apply CIL to solve their impacts

#### No enforcement because Congress has not authorized CIL as a source of law

Bradley and Goldsmith ’97 (Curtis law prof at U of Colorado and Jack law prof at UVA, 110 Harv. L. Rev. 815, lexis)  
We have argued that, **in the absence of federal political branch authorization, CIL is not a source of federal law.** Certain doctrinal consequences follow from this argument. First, as a general matter, a case arising under CIL would not by that fact alone establish federal question jurisdiction. Second, **federal court interpretations of CIL would not be binding on the federal political branches or the states.** If a state chooses to incorporate CIL into state law, then the federal courts would be bound to apply the state interpretation of CIL on issues not otherwise governed by federal law. If a state did not, in fact, incorporate CIL into state law, the federal court would not be authorized to apply CIL as federal or state law. [345](http://web.lexis-nexis.com/universe/document?_m=40ad254a4521e0fbac9ca451597ece93&_docnum=1&wchp=dGLzVlz-zSkVA&_md5=8f35e3cc40a433cb7f6ac99cf56f95a0" \l "n345" \t "_self)

#### CIL does not affect state practice

Goldsmith and Posner ‘98 (Jack and Eric, law profs at U of Chicago, “A Theory of Customary International Law” John M. Olin Law & Economics Working Paper No. 63, http://www.law.uchicago.edu/Lawecon/WkngPprs\_51-75/63.Goldsmith-Posner.pdf)

No one, moreover, agrees about how widespread and uniform state practice must be. In theory the practice is supposed to be “general” in the sense that all or almost all of the nations of the world engage in it.16 But it is practically impossible to determine whether 190 or so nations of the world engage in a particular practice. CIL is thus usually based on a highly selective survey of state practice that includes major powers and interested nations.17 Increasingly, courts and scholars sometimes **ignore the state practice requirement altogether**.18 For example, they refer to a CIL prohibition on torture at the same time that they acknowledge that many nations of the world torture their citizens.19 It is thus unclear when, and to what degree, the state practice requirement must be satisfied.

#### CIL norms are an illusion – cooperation is a result of convergence of self-interest and coercion

Goldsmith and Posner ‘98 (Jack and Eric, law profs at U of Chicago, “A Theory of Customary International Law” John M. Olin Law & Economics Working Paper No. 63, http://www.law.uchicago.edu/Lawecon/WkngPprs\_51-75/63.Goldsmith-Posner.pdf)

One of the central claims of the standard account of CIL is that CIL norms govern all or almost all states, or at least all “civilized” states. This universality claim is rarely explained further. The idea is probably that certain public goods can be created only if all or most states participate by engaging in certain actions that they would not engage in if they acted independently. World peace, the preservation of the ozone layer, the maintenance of international fisheries, and coordination on standards for international communication and transportation are examples of such public goods. International scholars appear to believe that CIL norms evolve in order to enable states to create these n-state public goods. Our theory rejects this view. It holds that most instances of spontaneous international cooperation arise as the result of pairwise interactions. Apparently **cooperative** universal **behavioral regularities are illusory, the result of identical pairwise interactions, coincidence of interest, or coercion.** When n-state public goods are created, it is because states enter treaties and other agreements that solve n-state coordination games, **not because of** the evolution of universal and exogenous **CIL norms**. To understand the illusory quality of universal CIL norms, imagine that we observe that no state seizes civilian fishing vessels from enemies in times of war. The theory contemplates many possible explanations for this observation. First, states do not seize fishing boats because of coincidence of interest. The nations do not seize boats because their navies are more effectively used by attacking enemy warships or large merchant vessels. Second, many nations receive no benefit from seizing fishing boats, and those that otherwise would receive a benefit are deterred from doing so by powerful nations that have an interest in preventing seizures of their own boats. Third, two nations decline to seize fishing boats in a bilateral repeat prisoner’s dilemma, and all the other nations decline to do so because of coincidence of interest (or coercion), or -- it is possible -- all or most nations face each other in exclusive bilateral repeat prisoner’s dilemmas and refrain from seizing fishing vessels because of fear of retaliation from their (single) opponent. For example, all bodies of water containing fish under the conditions described above are bordered by exactly two states. Fourth, some or all nations face each other in bilateral coordination games which they solve, while any other nations engage in the same action because of coincidence of interest, coercion, or their participation in a bilateral prisoner’s dilemma. There are numerous other possible combinations of coincidence of interest, coercion, bilateral prisoner’s dilemmas, and bilateral coordination. In all these cases, some or many states refrain from seizing fishing vessels because they have better uses for their navy, or because they fear retaliation from the state whose fishing vessels they covet. In none of these cases is an n-state public good created through multilateral cooperation. Our essential claim is that all examples of robust CIL norms are explained in these ways. Although states often engage in virtually identical behavior -- protecting foreign ambassadors, for example57 -- they do so because they have no interest in deviating or because they fear retaliation from the state they victimize. The norm is universal in a **trivial sense only**, like the norm that states do not drill holes in the bottoms of their own ships**; it does not reflect true multilateral cooperation.**

#### CIL norms fail – 4 reasons

1. no consensus on what CIL is

2. Courts are structurally incapable of discovering what CIL is

3. nations have conflicting legal values

4. customary norms may be repugnant

Wilkins ’05 (Brinton, attorney at Holm Wright Hyde & Hays and editor of BYU Law Review, 2005 B.Y.U.L. Rev. 1415, lexis)

The second and third concerns that applying CIL norms without congressional direction create are related: (1) haphazard use, and (2) selective use. Although Justice Breyer may be correct in arguing that international law "casts an empirical light on the consequences of different solutions to a common legal problem," [221](http://web.lexis-nexis.com/universe/document?_m=fd1e5e378164cede3aec13ebf7c576ff&_docnum=109&wchp=dGLbVzz-zSkVA&_md5=ad2a4032ecb85caa267826b5db42d73f" \l "n221" \t "_self) the difficulty  [\*1458]  comes in finding the right kind of light - a cave viewed with a single flashlight is a different experience from a cave viewed with full National Park Service illumination. According to Alford, "in the international legal arena, where the Court has little or no expertise, the Court is unduly susceptible to selective and incomplete presentations of the true state of international and foreign affairs." [222](http://web.lexis-nexis.com/universe/document?_m=fd1e5e378164cede3aec13ebf7c576ff&_docnum=109&wchp=dGLbVzz-zSkVA&_md5=ad2a4032ecb85caa267826b5db42d73f" \l "n222" \t "_self) Attempts to systematize the use of international norms have been made, but they ultimately fail for at least four reasons: (1) it is difficult, if not impossible to determine true international consensus on any point; (2) courts are structurally ill-equipped to research and make such determinations; (3) nations have noncommensurate legal values; and (4) putative international norms may be fundamentally repugnant to individual nations. [223](http://web.lexis-nexis.com/universe/document?_m=fd1e5e378164cede3aec13ebf7c576ff&_docnum=109&wchp=dGLbVzz-zSkVA&_md5=ad2a4032ecb85caa267826b5db42d73f" \l "n223" \t "_self)

#### No chemical war – strong international taboo.

Richard Price 1/22/13, Professor of political science and a senior adviser to the president at the University of British Columbia, http://www.foreignaffairs.com/articles/138771/richard-price/how-chemical-weapons-became-taboo?page=2

According to the United Nations, the Syrian civil war has already claimed over 60,000 lives. Yet it is not these deaths -- however tragic -- but rather the use of chemical weapons that the United States has identified as the threshold beyond which the Syrian regime's conduct will become intolerable. "The use of chemical weapons is and would be totally unacceptable," President Barack Obama said, addressing Syrian President Bashar al-Assad, on December 3, 2012. "If you make the tragic mistake of using these weapons, there will be consequences and you will be held accountable." The same day, Secretary of State Hillary Clinton sounded similarly grave warnings, stating that the use of chemical weapons "is a red line for the United States." Now, with reports surfacing that the Syrian regime may have used a substance known as Agent 15 (a hallucinogenic chemical) in an attack last December, it is worth examining why countries such as the United States have singled out the use of chemical weapons as uniquely intolerable -- and what it will mean if Washington does not live up to its word and respond to Assad's attack with serious countermeasures. Some history is in order. The Chemical Weapons Convention (CWC), which came into force in 1997, prohibits not only the use of chemical weapons but also their production, possession, and transfer. With the support of 188 states around the world, the CWC is one of the most widely adhered-to international treaties, and it has come to symbolize the idea that it is possible to "civilize" the conduct of war -- seemingly against all odds. The CWC marked the culmination of over a century of diplomacy condemning chemical weapons, and, as time has gone by, the use and even the possession of such weapons have become an international taboo. This tradition underpins Clinton's recent statement that the Assad regime's "behavior is reprehensible; their actions against their own people have been tragic," she continued, "But there is no doubt that there's a line between even the horrors that they've already inflicted on the Syrian people and moving to what would be an internationally condemned step of utilizing their chemical weapons." Why are chemical weapons singled out as so intolerable? Observers have usually explained the taboo by speculating either that humans harbor a unique fear of poison or that militaries have never considered chemical weapons useful. But these theories do not stand up to scrutiny. From the crossbow to the firearm to the submarine, many new weapons technologies throughout history have been greeted with protestations that they cross the boundary of acceptable conduct even in war. Moreover, after World War I, the American Legion actually argued that poison gas was one of the most humane weapons of warfare, a preferable alternative to explosives and bayonets, which often left survivors maimed and suffering from horrifying infections. What galvanized the world's attention to try to ban these weapons after World War I was the fear that they could be employed with catastrophic lethality against civilian populations -- especially in future wars, in which air power might be used to devastate major cities. That fact undercuts the assumption that militaries have avoided chemical weapons because they thought they could never be useful. The effort to head off their use began in earnest with the Hague Convention of 1899, which banned the use of projectiles that diffused "asphyxiating or deleterious gases." After witnessing the wide and devastating use of chemical weapons during World War I, diplomats agreed to the Geneva Protocol of 1925, which broadened the prohibition beyond projectiles to any "asphyxiating, poisonous or other gases." During World War II, neither the Allies nor the Germans unleashed chemical weapons on the front lines or in bombing campaigns against cities. (Both sides assessed that they were not adequately prepared to initiate chemical war, and they feared mutual retaliation.) Importantly, the warring parties were also constrained by norms and laws that were already setting chemical agents apart from other types of weapons. U.S. President Franklin Roosevelt, for example, was staunchly opposed to the use of gas in warfare. It was difficult for military leaders to win appropriations for a weapon that Washington had committed not to use first, despite some assessments regarding their potential battlefield utility. (U.S. General Alden H. Waitt maintained that "gas is the most promising of all weapons for overcoming cave defenses," which the Japanese used with such brutal effectiveness during the war in the Pacific.) In other words, the taboo against chemical weapons is and always has been a distinctly moral and political limitation placed on war, requiring continual reinforcement. The fact that there has been an accumulated history of non-use -- whatever the reasons -- has itself come to constitute an important part of the sense that chemical weapons are taboo. The debates in the U.S. Congress over former Iraqi President Saddam Hussein's use of chemical weapons against Iran in the 1980s illustrate that point: it was remarked at the time that chemical weapons must be horrible, because even Hitler refused to use them against the Allies. Of course, no one participating in those debates knew the real reason why Nazi Germany did not unleash chemical weapons against Allied cities and soldiers on the fronts (and it is worth noting that the Nazis had no qualms about using poison gas to kill Jews and others during the Holocaust). But none of that mattered; at the time, the salient point was that chemical weapons must be especially egregious if even Hitler steered clear. The Iran-Iraq War proved the resilience of the taboo. When Iraq first used chemical weapons against Iran in 1982 -- a desperate measure to try to turn the tide of a seemingly lost war -- the international reaction was muted. Emboldened, Saddam turned his chemical arsenal against the Kurds. It is noteworthy, however, that Saddam initiated Iraq's use of chemical weapons incrementally -- gradually moving from nonlethal tear gas to mustard gas, and only after repeated warnings -- indicating a keen appreciation for the possibility of international reaction. Further, even as Saddam proceeded to use chemical weapons, he refused to admit it; such behavior actually reinforced the notion that chemical weapons were politically sensitive. Although Saddam was able to get away with using chemical weapons in the short term, this last significant episode of chemical warfare wound up strengthening the taboo in the long term. Eventually, the international community responded to Saddam's actions by crafting the CWC, which was signed in 1993 and extended the ban from the use of chemical weapons to possession, production, and transfer. Throughout the 1990s, UN enforcement of the intrusive weapons inspection regime in Iraq further cemented the reputation of chemical agents as "weapons of mass destruction." The world has come a long way since the days of World War I, but progress has been uneven. Syria has not joined the CWC, insisting that it will not give up its "poor man's bomb" until Israel disbands its nuclear program and joins the Nuclear Nonproliferation Treaty. (Egypt has also resisted joining the CWC on similar grounds.) Those states argue that their WMD of choice is the moral equivalent of nuclear weapons, but the nuclear powers have rejected their reasoning. With all the great powers aligned against the use of chemical weapons, Syria and other non-signatories are almost certainly incapable of destroying the taboo. As the world watches the situation in Syria unfold with horror, it is useful to bear in mind that the Assad regime is not unleashing mustard gas, sarin, or similar agents as if doing so were fair game. In fact, in light of the reaction to recent reports alleging the Syrian regime's limited use of a hallucinogenic agent, the taboo against chemical weapons will likely grow stronger -- and the moral noose around one of humankind's many agents of destruction will only tighten.

## Warming

#### Can’t solve climate – too fast, stays in the air, and cuts won’t happen.

David G. Victor et al 12, Professor at the School of International Relations and Pacific Studies at the University of California, San Diego, May/Jun (with Charles F. Kennel and Veerabhadran Ramanathan, Foreign Affairs, Vol. 91 Issue 3)

FOR MORE than two decades, diplomats have struggled to slow global warming. They have negotiated two major treaties to achieve that goal, the 1992 UN Framework Convention on Climate Change and the 1997 Kyoto Protocol. And last year, at the UN Climate Change Conference in Durban, South Africa, they agreed to start talking about yet another treaty. A small group of countries, including Japan and the members of the European Union, now regulate their emissions in accord with the existing agreements. But most states, including the largest emitters of greenhouse gases, China and the United States, have failed to make much progress. As a result, total emissions of carbon dioxide, the leading long-term cause of global warming, have risen by more than 50 percent since the 1980s and are poised to rise by more than 30 percent in the next two to three decades.¶ The ever-increasing quantity of emissions could render moot the aim that has guided international climate diplomacy for nearly a decade: preventing the global temperature from rising by more than two degrees Celsius above its preindustrial level. In fact, in the absence of significant international action, the planet is now on track to warm by at least 2.5 degrees during the current century -- and maybe even more. The known effects of this continued warming are deeply troubling: rising sea levels, a thinning Arctic icecap, extreme weather events, ocean acidification, loss of natural habitats, and many others. Perhaps even more fearsome, however, are the effects whose odds and consequences are unknown, such as the danger that melting permafrost in the Arctic could release still more gases, leading to a vicious cycle of still more warming.¶ All these risks are rising sharply because the traditional approach to international climate diplomacy has failed. For too long, climate science and policymaking have focused almost exclusively on emissions of carbon dioxide, most of which come from burning fossil fuels. Weaning the planet off fossil fuels has proved difficult, partly because expensive and rapid shifts to new energy systems could have negative effects on the competitiveness of modern economies. What is more, carbon dioxide inconveniently remains in the atmosphere for centuries, and so even keeping carbon dioxide at current levels would require deep cuts sustained over many decades -- with economic consequences that states are unlikely to be willing to bear unless they are confident that their competitors will do the same. No permanent solution to the climate problem is feasible without tackling carbon dioxide, but the economic and geophysical realities of carbon dioxide emissions almost guarantee political gridlock.

#### Warming won’t cause extinction

Scott Barrett 7, professor of natural resource economics – Columbia University

(Why Cooperate? The Incentive to Supply Global Public Goods, introduction)

First, climate change does not threaten the survival of the human species.5 If unchecked, it will cause other species to become extinction (though biodiversity is being depleted now due to other reasons). It will alter critical ecosystems (though this is also happening now, and for reasons unrelated to climate change). It will reduce land area as the seas rise, and in the process displace human populations. “Catastrophic” climate change is possible, but not certain. Moreover, and unlike an asteroid collision, large changes (such as sea level rise of, say, ten meters) will likely take centuries to unfold, giving societies time to adjust. “Abrupt” climate change is also possible, and will occur more rapidly, perhaps over a decade or two. However, abrupt climate change (such as a weakening in the North Atlantic circulation), though potentially very serious, is unlikely to be ruinous. Human-induced climate change is an experiment of planetary proportions, and we cannot be sur of its consequences. Even in a worse case scenario, however, global climate change is not the equivalent of the Earth being hit by mega-asteroid. Indeed, if it were as damaging as this, and if we were sure that it would be this harmful, then our incentive to address this threat would be overwhelming. The challenge would still be more difficult than asteroid defense, but we would have done much more about it by now.

#### Temperatures have peaked – best models prove.

Zhang and Liu 12 [Wenjun, School of Life Sciences, Sun Yat-sen University, and Chunhua, International Academy of Ecology and Environmental Sciences, Hong Kong, “Some thoughts on global climate change: will it get warmer and warmer?” Environmental Skeptics and Critics, 2012, 1(1):1-7]

Many studies discussed climate change without considering the complexity of climate system. In our view, climate system is a complex and non-linear system. It possesses all properties that a complex system will have, such as non-linearity, chaos, catastrophe, multiple stable or unstable equilibrium states, etc. It is increasingly obvious that the equilibrium state of climate system is being broken by destructive human activities. There are several possibilities that global climate will proceed. We would not exactly predict what outcome will finally occur if destructive human activities continue. In the farther future, in addition to the scenario of continuous warming, there is also possibility that the climate would proceed and reach a new stable or unstable equilibrium state, and the new equilibrium state would be realized in a smooth and continuous way, or realized in an abrupt way by jumping or plummeting. Recent years’ and the coming tens of years’ unusual change in global climate would be a prelude for dramatic climate change in the far future. We found that global annual mean temperature since 1880 has been rising in sinusoidal-type, similar to a superposition of sine curve and exponential curve, in which a periodicity of about 60 years existed and in the first ~40 years the temperature rose and in the second ~20 years it declined or approximately to be constant. Accordingly, we predicted that the global annual mean temperature had reached a peak around 2005, and would decline or be approximately constant until around 2030. Some models, equations and parameters on climate change were also developed based on past hundreds of years’ historical records.

#### Adaptation solves.

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006). These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

## Disease

#### Can’t solve disease spread – too many alt causes.

HSNW, 11(Homeland Security Newswire, 2/15/11, “US unprepared for climate-induced disease outbreaks”, <http://www.homelandsecuritynewswire.com/us-unprepared-climate-induced-disease-outbreaks>)

Officials warn that the United States is not equipped to handle the spread of infectious diseases caused by climate change. More than ten years ago, intelligence agencies warned that climate change would spread deadly infectious diseases to new regions. Yet, few advances have been made in bolstering U.S. disease detection and response capabilities. Increased heat, humidity, and rainfall has been steadily driving mosquitoes, ticks, and other parasites to new areas resulting in the spread tropical and subtropical diseases to populations who have not yet built up resistance. West Nile virus and dengue fever, once rare in the United States, have gained a foot hold once more. West Nile virus was first reintroduced in the United States in 1994 and has since spread to forty-four states, while dengue fever was spotted again in 2009 and is projected to spread to twenty-eight states, affecting more than 173.5 million Americans. Last year the Center for Disease Control and Prevention (CDC) reported 110 deaths out of 1,356 cases of West Nile virus. Each year more cases and fatalities have been reported. Officials say that, despite their repeated warnings, the United States is woefully underprepared to detect and respond to large disease outbreaks before they become national security threats. “We’re way behind the ball on this,” said Josh Michaud, a former member of the Department of Defense’s National Center for Medical Intelligence and its Global Emerging Infections Surveillance and Response System. According to Michaud, the U.S. disease monitoring system, which relies mainly on publicly available data and mathematical modeling, is insufficient to identify disease trends quickly. Officials also worry that local health systems lack adequate epidemiological equipment and health technicians who are able to diagnose new diseases they have not seen before. Howard Frumkin, the former director of the CDC’s National Center for Environmental Health said the U.S. ability to manage diseases spread by climate change was “shaky.” He explained, “It’s the entire range of preparedness work, from problem identification to preparedness action to adaptation actions to testing the programs,” that“[need] to be strengthened.” The federal government has not sufficiently funded disease detection infrastructure projects and ignored pleas to address shortfalls in the system. Joy M. Miller, the senior global health security adviser for the National Intelligence Council, specifically identified a “gap in our surveillance to even determine whether the vectors are changing and new diseases are being created and spread.” Yet, instead of investing to remedy this situation, the White House has cut all funding

#### No extinction—biological checks

Posner ‘4 (Richard, Senior Lecturer in Law University of Chicago, Catastrophe: Risk and Response, p. 23-4)

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

#### No escalation—prevention and treatment check

Britt ‘1 (Rober, Sr Science Writer for space.com, “Survival of the Elitist: Bioterrorism May Spur Space Colonies,” 10-30, <http://www.rezoweb.com/forum/technologie/aaaroskoforum/319.shtml>)

Many scientists argue that there is no need to worry about the mortality of civilization right now. Eric Croddy is an expert on chemical and biological weapons at the Monterey Institute of International Studies. Croddy said the threat of a virus wiping out the entire human species is simply not real. Even the most horrific virus outbreak in history, the 1918 Spanish Flu epidemic that killed between 20 million and 40 million people, including hundreds of thousands in the United States, eventually stopped. Experts say new strains of the influenza virus emerge every few decades and catch the human immune system unprepared, but prevention measures and ever-evolving medical treatments overcome the outbreaks.

## Heg General

#### Aff’s necessary but not sufficient – whole topic is key to solvency.

Glen Greenwald 12, 1/25, http://www.salon.com/2012/06/25/collapsing\_u\_s\_credibility/

Two Op-Eds in The New York Times this morning both warn of the precipitous decline of American credibility on matters of human rights and peace ushered in by the Obama presidency. Taken together, they explain much of why I’ve been writing what I’ve been writing over the last three years. The first is from Columbia Professor and cyber expert Misha Glenny, who explains the significance of the first ever deployment of cyberwarfare — by the U.S. (first under Bush and accelerated under Obama), along with Israel, against Iran: THE decision by the United States and Israel to develop and then deploy the Stuxnet computer worm against an Iranian nuclear facility late in George W. Bush’s presidency marked a significant and dangerous turning point in the gradual militarization of the Internet. Washington has begun to cross the Rubicon. If it continues, contemporary warfare will change fundamentally as we move into hazardous and uncharted territory. It is one thing to write viruses and lock them away safely for future use should circumstances dictate it. It is quite another to deploy them in peacetime. Stuxnet has effectively fired the starting gun in a new arms race that is very likely to lead to the spread of similar and still more powerful offensive cyberweaponry across the Internet. Unlike nuclear or chemical weapons, however, countries are developing cyberweapons outside any regulatory framework. . . . Stuxnet was originally deployed with the specific aim of infecting the Natanz uranium enrichment facility in Iran. This required sneaking a memory stick into the plant to introduce the virus to its private and secure “offline” network. But despite Natanz’s isolation, Stuxnet somehow escaped into the cyberwild, eventually affecting hundreds of thousands of systems worldwide. This is one of the frightening dangers of an uncontrolled arms race in cyberspace; once released, virus developers generally lose control of their inventions, which will inevitably seek out and attack the networks of innocent parties. Moreover, all countries that possess an offensive cyber capability will be tempted to use it now that the first shot has been fired. . . . The United States has long been a commendable leader in combating the spread of malicious computer code, known as malware, that pranksters, criminals, intelligence services and terrorist organizations have been using to further their own ends. But by introducing such pernicious viruses as Stuxnet and Flame, America has severely undermined its moral and political credibility. He also explains that the Obama administration opposes any treaties to regulate all of this in part because it “might undermine its presumed superiority in the field of cyberweaponry and robotics,” and because it claims Russia and China (but not, of course, the U.S.) would attempt to exploit such treaties to control the Internet. In case anyone thinks he’s being melodramatic in his warnings, the original New York Times article by David Sanger that confirmed U.S. responsibility for the cyber attack included this passage: “Mr. Obama, according to participants in the many Situation Room meetings on Olympic Games, was acutely aware that with every attack he was pushing the United States into new territory, much as his predecessors had with the first use of atomic weapons in the 1940s, of intercontinental missiles in the 1950s and of drones in the past decade.” It also explained that America’s maiden use of this new form of warfare “could enable other countries, terrorists or hackers to justify their own attacks.” The second is from former U.S. President Jimmy Carter, an actually meritorious Nobel Peace Prize winner, who describes the record of his fellow Nobel laureate, the current President, in an Op-Ed entitled “A Cruel and Unusual Record“: Revelations that top officials are targeting people to be assassinated abroad, including American citizens, are only the most recent, disturbing proof of how far our nation’s violation of human rights has extended. This development began after the terrorist attacks of Sept. 11, 2001, and has been sanctioned and escalated by bipartisan executive and legislative actions, without dissent from the general public. As a result, our country can no longer speak with moral authority on these critical issues. . . . . It is disturbing that, instead of strengthening these principles, our government’s counterterrorism policies are now clearly violating at least 10 of the [Declaration on Human Rights'] 30 articles, including the prohibition against “cruel, inhuman or degrading treatment or punishment.” Recent legislation has made legal the president’s right to detain a person indefinitely on suspicion of affiliation with terrorist organizations or “associated forces,” a broad, vague power that can be abused without meaningful oversight from the courts or Congress (the law is currently being blocked by a federal judge). This law violates the right to freedom of expression and to be presumed innocent until proved guilty, two other rights enshrined in the declaration. In addition to American citizens’ being targeted for assassination or indefinite detention, recent laws have canceled the restraints in the Foreign Intelligence Surveillance Act of 1978 to allow unprecedented violations of our rights to privacy through warrantless wiretapping and government mining of our electronic communications. . . . Despite an arbitrary rule that any man killed by drones is declared an enemy terrorist, the death of nearby innocent women and children is accepted as inevitable. After more than 30 airstrikes on civilian homes this year in Afghanistan, President Hamid Karzai has demanded that such attacks end, but the practice continues in areas of Pakistan, Somalia and Yemen that are not in any war zone. We don’t know how many hundreds of innocent civilians have been killed in these attacks, each one approved by the highest authorities in Washington. This would have been unthinkable in previous times. These policies clearly affect American foreign policy. Top intelligence and military officials, as well as rights defenders in targeted areas, affirm that the great escalation in drone attacks has turned aggrieved families toward terrorist organizations, aroused civilian populations against us and permitted repressive governments to cite such actions to justify their own despotic behavior. . . . At a time when popular revolutions are sweeping the globe, the United States should be strengthening, not weakening, basic rules of law and principles of justice enumerated in the Universal Declaration of Human Rights. But instead of making the world safer, America’s violation of international human rights abets our enemies and alienates our friends. One can reasonably object to Carter’s Op-Ed on the ground that it romanticizes a non-existent American past (systematic human rights abuses are hardly a new development in the post-9/11 world), but what cannot be reasonably disputed is the trend he denounces. Note that the most egregious examples he cites — assassinating U.S. citizens without due process, civilian-killing drone attacks, the indefinite detention provisions of the NDAA — had some genesis under Bush but are hallmarks of Obama policy (his other example, the rapid erosion of constraints on government domestic surveillance, took place under both, with the full support of Obama). It’s a remarkably scathing denunciation of the record of his own political party and its current leader. Many American pundits and foreign policy experts love to depict themselves as crusaders for human rights, but it almost always takes the form of condemning other governments, never their own. There’s no end to self-styled U.S. human rights moralizers who will oh-so-bravely (and inconsequentially) write one screed after the next about the oppressive acts of Syria, or Russia, or China, or Iran (the targets of their wrath are not just foreign governments, but usually ones serving the role as Current Enemy of the U.S. Government). But when it comes to the human rights violations they can actually do something about — the ones committed (or enabled) by their own government: the government for which they vote and to which they pay taxes and over which they are supposed to act as adversarial watchdogs — they are largely silent. They prefer the cheap, easy, self-satisfying and pointless sermons (look over there at how terrible that foreign country is) to the much harder and more purposeful opposition to their own government’s abuses (American commentators who devote substantial attention to the human rights abuses of other nations but the bulk of their time on their own government’s are commendable rarities). As Noam Chomsky perfectly explained when asked why he focuses more of his time and energy on the human rights abuses of the U.S. and its allies than other countries: My own concern is primarily the terror and violence carried out by my own state, for two reasons. For one thing, because it happens to be the larger component of international violence. But also for a much more important reason than that; namely, I can do something about it. So even if the U.S. was responsible for 2 percent of the violence in the world instead of the majority of it, it would be that 2 percent I would be primarily responsible for. And that is a simple ethical judgment. That is, the ethical value of one’s actions depends on their anticipated and predictable consequences. It is very easy to denounce the atrocities of someone else. That has about as much ethical value as denouncing atrocities that took place in the 18th century. Condemning the abusive acts of other countries while ignoring or sanctioning those of one’s own government is indeed easy. It’s cost-free. It’s inconsequential. It’s career-advancing (using purported human rights concerns to bash America’s Enemies converts one into an eager, useful instrument of U.S. policy and a perpetuator of D.C. orthodoxy). And, most of all, it’s self-affirming (those people over there are really bad, but not us, and by railing against them I show what a good and concerned person I am). That’s precisely why the prime dogma in U.S. political and media discourse on foreign policy is that serious human rights violations (along with Terrorism) are something that non-Westerners do, not the West (and certainly not the U.S.). What these two Op-Eds today demonstrate is that not only is this false, but the U.S. continues to be a key pioneer in these abuses. It’s easy to distinguish American pundits and experts with a genuine commitment to human rights from those who feign concern by the extent to which they work against their own government’s conduct.

#### Obama will exploit legal loopholes – Plan causes overseas detention, rendition, foreign detention, and targeted killings.

Jack Goldsmith 9, Henry L. Shattuck Professor at Harvard Law School. 5/31, http://articles.washingtonpost.com/2009-05-31/opinions/36819324\_1\_habeas-rights-detention-guantanamo-bay

But closing Guantanamo or bringing American justice there does not end the problem of terrorist detention. It simply causes the government to address the problem in different ways. A little-noticed consequence of elevating standards at Guantanamo is that the government has sent very few terrorist suspects there in recent years. Instead, it holds more terrorists -- without charge or trial, without habeas rights, and with less public scrutiny -- at Bagram Air Base in Afghanistan. Or it renders them to countries where interrogation and incarceration standards are often even lower. The cat-and-mouse game does not end there. As detentions at Bagram and traditional renditions have come under increasing legal and political scrutiny, the Bush and Obama administrations have relied more on other tactics. They have secured foreign intelligence services to do all the work -- capture, incarceration and interrogation -- for all but the highest-level detainees. And they have increasingly employed targeted killings, a tactic that eliminates the need to interrogate or incarcerate terrorists but at the cost of killing or maiming suspected terrorists and innocent civilians alike without notice or due process. There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries. The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse. It is tempting to say that we should end this pattern and raise standards everywhere. Perhaps we should extend habeas corpus globally, eliminate targeted killing and cease cooperating with intelligence services from countries that have poor human rights records. This sentiment, however, is unrealistic. The imperative to stop the terrorists is not going away. The government will find and exploit legal loopholes to ensure it can keep up our defenses.

#### Data proves there’s no impact to credibility.

Christopher Fettweis, professor of political science at Tulane, Credibility and the War on Terror, Winter 2008, Political Science Quarterly, Ingenta.

There is actually scant evidence that other states ever learn the right lessons. ColdWar history contains little reason to believe that the credibility of the superpowers had very much effect on their ability to influence others. Over the last decade, a series of major scholarly studies have cast further doubt upon the fundamental assumption of interdependence across foreign policy actions. Employing methods borrowed from social psychology rather than the economics-based models commonly employed by deterrence theorists, Jonathan Mercer argued that threats are far more independent than is commonly believed and, therefore, that reputations are not likely to be formed on the basis of individual actions. While policymakers may feel that their decisions send messages about their basic dispositions to others, most of the evidence from social psychology suggests otherwise. Groups tend to interpret the actions of their rivals as situational, dependent upon the constraints of place and time. Therefore, they are not likely to form lasting impressions of irresolution from single, independent events. Mercer argued that the interdependence assumption had been accepted on faith, and rarely put to a coherent test; when it was, it almost inevitably failed.

#### No spillover — lack of credibility in one commitment doesn’t affect others at all

Paul K. MacDonald 11, Assistant Professor of Political Science at Williams College, and Joseph M. Parent, Assistant Professor of Political Science at the University of Miami, Spring 2011, “Graceful Decline?: The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4, p. 7-44

Second, pessimists overstate the extent to which a policy of retrenchment can damage a great power's capabilities or prestige. Gilpin, in particular, assumes that a great power's commitments are on equal footing and interdependent. In practice, however, great powers make commitments of varying degrees that are functionally independent of one another. Concession in one area need not be seen as influencing a commitment in another area.25 Far from being perceived as interdependent, great power commitments are often seen as being rivalrous, so that abandoning commitments in one area may actually bolster the strength of a commitment in another area. During the Korean War, for instance, President Harry Truman's administration explicitly backed away from total victory on the peninsula to strengthen deterrence in Europe.26 Retreat in an area of lesser importance freed up resources and signaled a strong commitment to an area of greater significance.

#### Data disproves heg impacts

Christopher J. Fettweis 11, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global police~~man~~. Those who think otherwise base their view on faith alone.

#### Can’t solve decline – unipolar moment over.

Gideon Rachman 11, Financial Times chief foreign affairs commentator, Zero-Sum Future, pp 3-4

But the economic crisis that struck the world in 2008 has changed the logic of international relations. It is no longer obvious that globalization benefits all the world's major powers. It is no longer clear that the United States faces no serious international rivals. And it is increasingly apparent that the world is facing an array of truly global problems-such as climate change and nuclear proliferation-that are causing rivalry and division between nations. After a long period of international cooperation, competition and rivalry are returning to the international system. A win-win world is giving way to a zero-sum world. Both as individuals and as a nation, Americans have begun to question whether the "new world order" that emerged after the cold war still favors the United States. The rise of Asia is increasingly associated with job losses for ordinary Americans and with a challenge to American power from an increasingly confident China. The crash has heightened awareness of American economic vulnerability and the country's reliance on continued Chinese and Middle Eastern lending. Of course, even after the crash, the United States remains the most powerful country in the world-with its largest economy, its most powerful military, and its leading universities. But the United States will never recover the unchallenged superiority of the "unipolar moment" that began with the collapse of the Soviet Union

#### Aging makes heg inevitable.

Mark L Haas 7, Assistant Professor of Political Science at Duquesne University, “A Geriatric Peace? The Future of U.S. Power in a World of Aging Populations” International Security, Vol. 32, No. 1, Summer, p 112-147

**Global population aging will** influence U.S. foreign policies in five major ways in coming decades. First, this phenomenon will **be a potent force for the continuation of U.S. power dominance, both economic and military**. Aging populations are likely to result in the slowdown of states’ economic growth at the same time that governments face substantial pressure to pay for massive new expenditures for elderly care. This double economic dilemma will create such an austere fiscal environment that the other great powers will lack the resources necessary to overtake the United States’ huge power lead. Investments designed to improve overall economic growth and purchases of military weaponry will be crowded out. Compounding these difficulties, although the United States is growing older, it is doing so to a lesser extent and less quickly than all the other great powers. Consequently, the economic and fiscal costs for the United States created by social aging (although staggering, especially for health care) will be significantly lower for it than for potential competitors. **Global aging is** therefore **not only likely to extend U.S. hegemony** (because the other major powers will lack the resources necessary to overtake the United States’ economic and military power lead), **but deepen it as these others states are likely to fall even farther behind the United States**. Thus despite much recent discussion in the international relations literature and some policymaking circles about the likelihood of China (and to a lesser extent the European Union) balancing U.S. power in coming decades, the realities of social aging and its economic and military effects make such an outcome unlikely.6

#### Their laundry list of vague impacts is academic junk – conflicts can’t just emerge

Fettweis, 11 Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

Assertions that without the combination of U.S. capabilities, presence and commitments instability would return to Europe and the Pacific Rim are usually rendered in rather vague language. If the United States were to decrease its commitments abroad, argued Robert Art, “the world will become a more dangerous place and, sooner or later, that will redound to America’s detriment.”53 From where would this danger arise? Who precisely would do the fighting, and over what issues? Without the United States, would Europe really descend into Hobbesian anarchy? Would the Japanese attack mainland China again, to see if they could fare better this time around? Would the Germans and French have another go at it? In other words, where exactly is hegemony is keeping the peace? With one exception, these questions are rarely addressed. That exception is in the Pacific Rim. Some analysts fear that a de facto surrender of U.S. hegemony would lead to a rise of Chinese influence. Bradley Thayer worries that Chinese would become “the language of diplomacy, trade and commerce, transportation and navigation, the internet, world sport, and global culture,” and that Beijing would come to “dominate science and technology, in all its forms” to the extent that soon the world would witness a Chinese astronaut who not only travels to the Moon, but “plants the communist flag on Mars, and perhaps other planets in the future.”54 Indeed China is the only other major power that has increased its military spending since the end of the Cold War, even if it still is only about 2 percent of its GDP. Such levels of effort do not suggest a desire to compete with, much less supplant, the United States. The much-ballyhooed, decade-long military buildup has brought Chinese spending up to somewhere between one-tenth and one-fifth of the U.S. level. It is hardly clear that a restrained United States would invite Chinese regional, must less global, political expansion. Fortunately one need not ponder for too long the horrible specter of a red flag on Venus, since on the planet Earth, where war is no longer the dominant form of conflict resolution, the threats posed by even a rising China would not be terribly dire. The dangers contained in the terrestrial security environment are less severe than ever before. Believers in the pacifying power of hegemony ought to keep in mind a rather basic tenet: When it comes to policymaking, specific threats are more significant than vague, unnamed dangers. Without specific risks, it is just as plausible to interpret U.S. presence as redundant, as overseeing a peace that has already arrived. Strategy should not be based upon vague images emerging from the dark reaches of the neoconservative imagination. Overestimating Our Importance One of the most basic insights of cognitive psychology provides the final reason to doubt the power of hegemonic stability: Rarely are our actions as consequential upon their behavior as we perceive them to be. A great deal of experimental evidence exists to support the notion that people (and therefore states) tend to overrate the degree to which their behavior is responsible for the actions of others. Robert Jervis has argued that two processes account for this overestimation, both of which would seem to be especially relevant in the U.S. case.55 First, believing that we are responsible for their actions gratifies our national ego (which is not small to begin with; the United States is exceptional in its exceptionalism). The hubris of the United States, long appreciated and noted, has only grown with the collapse of the Soviet Union.56 U.S. policymakers famously have comparatively little knowledge of—or interest in—events that occur outside of their own borders. If there is any state vulnerable to the overestimation of its importance due to the fundamental misunderstanding of the motivation of others, it would have to be the United States. Second, policymakers in the United States are far more familiar with our actions than they are with the decision-making processes of our allies. Try as we might, it is not possible to fully understand the threats, challenges, and opportunities that our allies see from their perspective. The European great powers have domestic politics as complex as ours, and they also have competent, capable strategists to chart their way forward. They react to many international forces, of which U.S. behavior is only one. Therefore, for any actor trying to make sense of the action of others, Jervis notes, “in the absence of strong evidence to the contrary, the most obvious and parsimonious explanation is that he was responsible.”57 It is natural, therefore, for U.S. policymakers and strategists to believe that the behavior of our allies (and rivals) is shaped largely by what Washington does. Presumably Americans are at least as susceptible to the overestimation of their ability as any other people, and perhaps more so. At the very least, political psychologists tell us, we are probably not as important to them as we think. The importance of U.S. hegemony in contributing to international stability is therefore almost certainly overrated. In the end, one can never be sure why our major allies have not gone to, and do not even plan for, war. Like deterrence, the hegemonic stability theory rests on faith; it can only be falsified, never proven. It does not seem likely, however, that hegemony could fully account for twenty years of strategic decisions made in allied capitals if the international system were not already a remarkably peaceful place. Perhaps these states have no intention of fighting one another to begin with, and our commitments are redundant. European great powers may well have chosen strategic restraint because they feel that their security is all but assured, with or without the United States.

#### A ton of checks.

Friedman and Preble 10 (Benjamin Friedman is a research fellow in defense and homeland security studies at the Cato Institute, Christopher Preble is director of foreign policy studies at the Cato Institute, Budgetary Savings from Military Restraint, September 22, 2010 Cato Policy Analysis No. 667 September 23, 2010 http://www.cato.org/pubs/pas/PA667.pdf

The United States confuses what it wants from its military, which is global primacy or hegemony, with what its needs, which is safety. Our leaders tend to exaggerate the capability of the enemies we have and invent new enemies by defining traditional foreign troubles —geopolitical competition among states and instability within them, for example—as pressing threats to our security. Geography, wealth, and nuclear weapons provide us with safety that our ancestors would envy. Our hyperactive military policies damage it by encouraging rivalry and resentment. Global military primacy is a game not worth the candle.56