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#### A. Interpretation – Restriction requires prohibition

Northglenn 11

(City of Northglenn Zoning Ordinance, “Rules of Construction – Definitions”, http://www.northglenn.org/municode/ch11/content\_11-5.html)

Section 11-5-3. Restrictions. As used in this Chapter 11 of the Municipal Code, the term "restriction" shall mean a prohibitive regulation. Any use, activity, operation, building, structure or thing which is the subject of a restriction is prohibited, and no such use, activity, operation, building, structure or thing shall be authorized by any permit or license.

#### “In the area” means all of the activities

United Nations 13

(United Nations Law of the Sea Treaty, http://www.un.org/depts/los/convention\_agreements/texts/unclos/part1.htm)

PART I¶ INTRODUCTION¶ Article 1

Use of terms and scope¶ 1. For the purposes of this Convention:¶ (1) "Area" means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction;¶ (2) "Authority" means the International Seabed Authority;¶ (3) "activities in the Area" means all activities of exploration for, and exploitation of, the resources of the Area;

#### B. Vote Neg:

#### 1. Limits – The topic is huge – 4 areas times 2 mechanisms all with separate literature and unique advantages – Allowing subsets creates an impossible research burden

#### 2. Bidirectionality – Absent prohibition they can create conditions that functionally increase authority

Posner 12 (Eric, University of Chicago Law, “Deference to the Executive in the United States After September 11: Congress, the Courts, and the Office of Legal Counsel”, <http://ericposner.com/DEFERENCE%20TO%20THE%20EXECUTIVE.pdf>)

To see why, consider an example in which the President must choose an action that lies on a continuum, such as electronic surveillance. At one extreme, the President can engage in actions that are clearly lawful—for example, spying on criminal suspects after obtaining warrants from judges. At the other extreme, the President can engage in actions that are clearly unlawful—for example, spying on political opponents. OLC opinions will not affect Congress's or the public's reaction to either the obviously lawful or the obviously unlawful actions. But then there are middle cases. Consider Policy L, which is just barely legal, and Policy I, which is just barely illegal. The President would like to pursue Policy L but fears that Congress and others will mistakenly believe that Policy L is illegal. As a result, political opposition to Policy L will be greater than it would be otherwise. In such a case, a favorable advisory opinion from a neutral legal body that has credibility with Congress will help the President.\* OLC approval of Policy L would cause political opposition (to the extent that it is based on the mistaken belief that Policy L is unlawful) to melt away. Thus, the OLC enables the President to engage in Policy L, when without OLC participation that might be impossible. True, the OLC will not enable the President to engage in Policy I, assuming OLC is neutral. Indeed, OLC's negative reaction to Policy / might stiffen Congress's resistance. Nevertheless, the President will use the OLC only because he believes that on average, the OL C will strengthen his hand. An analogy to contract law might be illuminating. People enter contracts because they enable them to do things ex ante by imposing constraints on them ex post. For example, a debtor can borrow money from a creditor only because a court will force the debtor to repay the money ex post. It would be strange to say that contract law imposes "constraints" on people because of ex post enforcement. In fact, contract law enables people to do things that they could not otherwise do—it extends their power. If it did not, people would not enter contracts.

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#### The United States federal government should provide the United States criminal legal system with exclusive jurisdiction over the United States’ indefinite detention policy.

#### A National Security Court devastates US credibility and violates several tenets of international law – normalized protections are key

Paust 8 - Professor at the University of Houston, a former U.S. Army JAG officer and member of the faculty of the Judge Advocate General’s School

(The Case Against a National Security Court, http://warisacrime.org/node/37079)

JURIST Contributing Editor Jordan Paust of the University of Houston Law Center says that instituting a special "national security court" to try terrorism and related cases outside of the regular federal court structure would perpetuate illegality and serve neither our traditional values nor the best interests of the United States....¶ JURIST noted in June that a group of high-level national security experts convened by the Constitution Project had issued a report [PDF] opposing creation of a special national security court because it would pose “a grave threat to our constitutional rights”, and observed that a similar report issued by Human Rights First in May had stated that terrorism cases should be tried in the ordinary federal district courts [PDF]. Shortly afterward, also on JURIST, Professor Ben Davis warned against creating “Star Chamber justice” by establishing such a body.¶ Now, however, proponents of what Ben termed “un tribunal d’exception” are pushing the matter before Congress. For this reason, it is important to note several additional reasons why a special national security court should not be created.¶ During an actual armed conflict to which the laws of war apply, a national security court would have to comply with the customary and treaty-based requirements set forth in common Article 3 of the 1949 Geneva Conventions which, as noted in my book Beyond the Law, are absolute and minimum requirements applicable with respect to any person detained during either an internal or an international armed conflict. These mandate that a court be “regularly constituted” and afford “all the judicial guarantees” of due process that are reflected in customary international law – which include, at a minimum, those mirrored in Article 14 of the International Covenant on Civil and Political Rights (ICCPR).¶ The Supreme Court aptly affirmed in Hamdan v. Rumsfeld that the “core meaning” of the phrase “regularly constituted” has been authoritatively set forth in general commentary by the International Committee of the Red Cross and excludes “‘all special tribunals’” and requires that courts be “‘established ... [and] already in force in a country.’” While concurring in Hamdan, Justice Kennedy noted that there is little doubt that the phrase relates to “standards deliberated upon and chosen in advance.” As Hamdan recognized, a court (1) must not be a “special” tribunal, and (2) must already be in existence. A special national security court simply could not meet the first test and, if otherwise proper, could only operate prospectively with respect to incidents arising after its creation.¶ Additionally, a national security court would comply with common Article 3 only if it provides “all the judicial guarantees” of due process reflected in customary international law. As the Supreme Court stated in Hamdan, “[i]nextricably intertwined with the question of regular constitution is the evaluation of the procedures governing the tribunal,” and “the phrase ‘regularly constituted court’ ... must be understood to incorporate the barest of those trial protections that have been recognized by customary international law.” The Supreme Court correctly added that “[m]any of these [due process requirements] are described in Article 75 of [Geneva] Protocol I” and in “the same basic protections set forth” as minimum human rights to due process in Article 14 of the ICCPR. Importantly, customary minimum human rights to due process reflected in Article 14 of the ICCPR apply in any social context and pertain, therefore, even when the laws of war are not applicable.¶ As documented in Beyond the Law and recognized by the Supreme Court in Hamdan, violations of customary rights to due process would include: (1) preclusion of the accused and defense counsel from learning what evidence was presented in closed hearings, (2) admission of hearsay evidence, (3) admission of unsworn statements, (4) denial of access by an accused and defense counsel to evidence in the form of classified information, (5) denial of confrontation of all witnesses against an accused, (6) use of “evidence obtained through coercion,” (7) denial of the right to be tried in one’s presence (absent disruptive conduct or consent), and (8) denial of review by a competent, independent, and impartial court of law (i.e., an Article III court). It seems unavoidable that a special national security court with special procedures that deviate from the federal rules of criminal procedure would not be designed to enhance fairness, fully meet bilateral and multilateral treaty requirements of equality of treatment, or provide more general equal protection of the law to criminal accused.¶ It is likely that some will propose the creation of a special court in order to facilitate convictions that would not be possible in a regular federal district court, especially through use of “evidence obtained through coercion” as part of what John Yoo and President Bush have admitted was a “common, unifying” plan or “program” of coercive interrogation that most know involves several manifest violations of customary and treaty-based international law and that can form the basis for criminal prosecution of (1) direct perpetrators, including those who authorized or ordered coercive interrogation; (2) leaders who were also or merely derelict in duty; (3) those who participated in a “joint criminal enterprise;” and (4) those who aided and abetted coercive interrogation or who were otherwise complicit (through memos or elsewise) in denials of rights under the laws of war, other violations of the laws of war, and violations of other international criminal law such as violations of the Convention Against Torture and customary prohibitions of secret detention. Quite clearly, lack of an intent to commit a crime would not obviate such forms of criminal responsibility and orders or authorizations will not lessen criminal responsibility for conduct that is manifestly unlawful. For example, an aider and abettor need only be aware that his or her conduct would or does assist that of a direct perpetrator. It is pertinent in this regard that there are reports that during multiple sessions in the White House beginning in 2002 Condoleezza Rice, Dick Cheney, George Tenet, Donald Rumsfeld, John Ashcroft, John Bellinger, and others viewed simulations of and/or discussed and approved use of waterboarding, the “cold cell,” use of dogs to instill intense fear in detainees, and stripping naked, among other patently illegal tactics that were to be used as part of the admitted program of coercive interrogation.¶ Perpetuating illegality with a national security court would not serve our traditional values and the best interests of the United States, especially as we seek to regain our honor and international stature during a new Administration committed to the rule of law.

#### Article 3 courts don’t link to politics

Nick Sibilla 12, "Bipartisan effort to ban indefinite detention, amend the NDAA", May 18, www.constitutioncampaign.org/blog/?p=7479#.UjHhXz8uhuk

Democrats and Tea Party Republicans are advocating a new proposal to ban indefinite detention on American soil. After President Obama signed the National Defense Authorization Act (NDAA) last year, anyone accused of being a terrorist, committing any “belligerent act” or even providing “material support,” can now be detained indefinitely by the military without a trial. This includes American citizens.¶ Fortunately, a bipartisan coalition is working to stop the NDAA. Congressmen Adam Smith (D-WA), a Ranking Member of the House Armed Services Committee, and Justin Amash (R-MI), who Reason magazine called “the next Ron Paul,” have sponsored an amendment to the latest defense authorization bill, currently on the House floor.¶ If adopted, the Smith-Amash Amendment would make three significant changes to the NDAA. First, it would amend Section 1021 (which authorizes indefinite detention) to ensure that those detained will not be subject to military commissions, but civilian courts established under Article III of the Constitution. As Congressman Smith put it, this would “restore due process rights.”¶ Second, the Smith-Amash Amendment would ban “transfer to military custody:”¶ No person detained, captured, or arrested in the United States, or a territory or possession of the United States, may be transferred to the custody of the Armed Forces for detention…¶ Finally, their amendment would repeal Section 1022 of the NDAA, which mandates military custody for those accused of foreign terrorism.¶ Both Smith and Amash have criticized the NDAA. Amash blasted the NDAA as “one of the most anti-liberty pieces of legislation of our lifetime.” In a letter urging his Republican colleagues to support the amendment, Amash writes:¶ A free country is defined by the rule of law, not the government’s whim. Americans demand that we protect their right to a charge and trial.¶ Meanwhile, in an interview with The Hill, Smith was concerned about the potential abuses of power:¶ It is very, very rare to give that amount of power to the president [and] take away any person’s fundamental freedom and lock them up without the normal due process of law…Leaving this on the books is a dangerous threat to civil liberties.¶ The Smith-Amash Amendment is expected to be voted on later this week. So far, it has 60 co-sponsors in the House. Meanwhile, Senators Mark Udall (D-CO) and Patrick Leahy (D-VT) have introduced a similar bill in the Senate.

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#### Text: The United States Executive Branch should create a National Security Court with exclusive jurisdiction over the United States’ indefinite detention policy.

#### Only executive action solves the aff

Joscelyn 13

Thomas, “Obama, Not Congress, Is the Reason Guantánamo Is Still Open” [http://www.thedailybeast.com/articles/2013/05/03/obama-not-congress-is-the-reason-guantanamo-is-still-open.html] May 3 //mtc

Congressional restrictions have made it more difficult to transfer or relocate Guantánamo detainees. But congressional opposition is not the only reason Guantánamo’s cells are occupied. Closing Guantánamo has always been a tricky proposition—one that is far more difficult than the president’s rhetoric implies.¶ Consider the findings of Obama’s own Guantánamo Review Task Force, which reviewed the files on the 240 detainees held as of January 2009. The task force’s final report, issued in January 2010, outlined the various national security challenges closing Guantánamo entails. Indeed, the report goes a long way toward explaining why 166 detainees remain in their cells to this day.¶ The task force split the detainee population into three general categories: those who will stay in indefinite detention, those who should be prosecuted, and detainees who have been approved for transfer. Forty-eight detainees were placed in the first category, as they were “determined to be too dangerous to transfer but not feasible for prosecution.” They will stay in indefinite detention at Guantánamo or some other location for the foreseeable future.¶ Oddly, the president’s discussion of Guantánamo this week was at odds with his own task force’s recommendations. The president ticked off the reasons why he believes indefinite detention is unnecessary. “Why are we doing this?” Obama asked rhetorically. “I mean, we’ve got a whole bunch of individuals who have been tried who are currently in maximum-security prisons around the country. Nothing’s happened to them. Justice has been served.”¶ But the Obama administration has determined that dozens of men must remain in detention without prosecution. Moving them to a maximum-security prison without trial simply substitutes Gitmo North for Gitmo South.¶ The task force referred a second category of detainees, 36 in all, “for prosecution either in federal court or a military commission.” These proceedings have progressed far too slowly, and few trials have been brought to a close. Still, the task force slated these detainees for prosecution, not freedom.¶ The precise counts have changed since the task force issued its final report in 2010, but about half of today’s detainee population falls into these first two categories. According to a recent article published by Reuters, 80 of the 166 detainees are held in indefinite detention, awaiting prosecution, or have already been either charged or convicted by a military commission.¶ The final 86 detainees have been “approved for transfer,” but their status is widely misunderstood. The press frequently reports that these detainees have been “cleared for release.” The implication is that these detainees have been deemed innocent and can be safely released without any cause for concern. If that were true, of course it would be outrageous for the U.S. government to continue holding them. It is not true, however. Obama’s task force made it clear that other than 17 Chinese Uighur detainees, most of whom have since been released from Guantánamo, “no detainees were approved for ‘release’ during the course” of its review. Instead, the task force “approved for transfer” 126 detainees “subject to security measures.” Dozens of the detainees “approved for transfer” have since left Cuba, but 86 of them remain in detention.¶ The task force did not “clear” these men of any wrongdoing, nor does the Obama administration think transferring them out of Guantánamo is a risk-free endeavor.¶ “There were considerable variations among the detainees approved for transfer,” the task force wrote in its final report. “For a small handful of these detainees, there was scant evidence of any involvement with terrorist groups or hostilities against Coalition forces in Afghanistan.” However, “for most of the detainees approved for transfer, there were varying degrees of evidence indicating that they were low-level foreign fighters affiliated with al-Qaida or other groups operating in Afghanistan.”¶ The task force stressed “that a decision to approve a detainee for transfer does not reflect a decision that the detainee poses no threat or no risk of recidivism.” On the contrary, the task force concluded that “any threat posed by the detainee can be sufficiently mitigated through feasible and appropriate security measures in the receiving country.”¶ And there’s the rub. Mitigating the threat posed by transferred detainees is an inherently difficult proposition. The Obama administration worked hard to transfer detainees, to both their home countries and allied nations. But 56 of the remaining 86 detainees who have been “approved for transfer” are from Yemen. The task force approved 30 of the 56 Yemeni detainees for “conditional” detention. They can only be transferred home if security conditions improve and other measures are met. That isn’t happening anytime soon.¶ Obama himself issued a moratorium on transfers to Yemen on Jan. 5, 2010. The move was in response to al Qaeda in the Arabian Peninsula’s attempted attack on a Detroit-bound airliner on Christmas Day 2009. The White House said this week that the moratorium “remains in place,” despite the president’s pledge “to go back at this.”¶ Look at the numbers again. Obama’s task force slated 80 of the current detainees for indefinite detention or prosecution. An additional 56 Yemeni detainees have been approved for transfer but are in custody because of al Qaeda’s rise in their home country and the president’s subsequent moratorium on transfers.¶ The bottom line is that most of the Guantánamo detainees—136 out of 166—are in U.S. custody because that is where the Obama administration thinks they belong.

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#### Republicans will cave if Obama holds the line – PC key

Allen 9/12

Jonathan, Politico, White House determined not to give ground on Obamacare, 9/12/13, http://dyn.politico.com/printstory.cfm?uuid=73E5268E-11F6-4056-B961-28B3CE23A8B2

Don’t blink first.¶ That’s the strategy President Barack Obama and Capitol Hill Democrats are pursuing as the nation faces a government shutdown, a historic default on its debt and the final phase of Obamacare.¶ Obama’s domestic agenda — headed up by infrastructure spending, gun control and immigration reform — has long since stalled. Now, with the basic functions of government on the line again, he’s defining his goal as not giving any more ground to House Republicans — no budget cuts and no concessions on the Affordable Care Act or the debt limit.¶ Obamacare, the crown jewel of the president’s legislative legacy, is truly non-negotiable for the administration, according to Democrats privy to conversations behind closed doors at the White House and on Capitol Hill.¶ Rob Nabors, Obama’s deputy chief of staff for policy, told that to House Democratic leaders during a closed-door session on Thursday, according to a Democratic source on Capitol Hill.¶ “They’re willing to negotiate, but not on ACA,” the source said of Nabors’s message. The bigger problem, the source said, is that “Republicans can’t get their s—t together to sit down and talk.”¶ With the exception of a Wednesday meeting on the debt limit with Treasury Secretary Jack Lew, Boehner and his aides haven’t talked fiscal matters with the White House recently, according to Boehner spokesman Brendan Buck. Nabors told House Democrats that there have been no back channel conversations with the speaker.¶ The White House position is a defensive posture struck as much out of necessity as from choice, and one that remains unchanged after Washington lost more than two weeks on domestic matters while it was fixated on the Syria crisis. The idea is to prevent further damage to party priorities. Administration officials also believe that Republicans will back down to avoid economic catastrophe and the ensuing political fallout.¶ “The combination of those two incentives will compel them to come up with a solution,” White House press secretary Jay Carney said Thursday. “We have drawn the lines we have drawn, and we’ll see what they produce.”\

#### Plan’s unpopular—seen as harming war on terror

McAuliff 6/15

(Michael, covers Congress and politics for The Huffington Post, “Indefinite Detention Of Americans Survives House Vote,” June 15, 2013, http://www.informationclearinghouse.info/article35289.htm)

June 15, 2013 "Information Clearing House - WASHINGTON -- The U.S. House of Representatives voted again Thursday to allow the indefinite military detention of Americans, blocking an amendment that would have barred the possibility. Congress wrote that authority into law in the National Defense Authorization Act two years ago, prompting outrage from civil libertarians on the left and right. President Barack Obama signed the measure, but insisted his administration would never use it. Supporters of detention argue that the nation needs to be able to arrest and jail suspected terrorists without trial, including Americans on U.S. soil, for as long as there is a war on terror. Their argument won, and the measure was defeated by a vote of 200 to 226. But opponents, among them the Rep. Adam Smith (D-Wash.), who offered the amendment to end that authority, argued that such detention is a stain on the Constitution that unnecessarily militarizes U.S. law enforcement. "It is a dangerous step toward executive and military power to allow things like indefinite detention under military control within the U.S.," Smith said. "That's the heart and essence of this issue." Smith's amendment, which also had Republican sponsors including Reps. Chris Gibson (N.Y.) and Justin Amash (Mich.), would guarantee that anyone arrested in the United States gets a trial. Republican opponents argued that such a move would just invite terrorists to come to the United States, citing the recent Boston bombings and the consulate attacks in Benghazi, Libya, as evidence that terrorists were determined to harm the U.S. They said that applying the Constitution on U.S. soil amounted to a free pass to people bent on trying to destroy the country. Rep. Tom Cotton (R-Ark.), compared ending indefinite detention to giving someone a free pass in a game of hide-and-seek. "There was a phrase in that game called 'olly olly oxen free' -- meant you could come out, you were safe, you no longer had to hide," Cotton argued. "This amendment is the olly olly oxen free amendment of the war on terrorism. It invites Al Qaeda and associated forces to send terrorists to the Untied States and recruit terrorists on U.S. soil."

#### If Obama caves, it triggers never-ending debt fights

Chait 9/13

Jonathan, New York Mag, Boehner to Obama: Can I Please Take You Hostage?, 9/13/13, http://nymag.com/daily/intelligencer/2013/09/boehner-to-obama-can-i-please-take-you-hostage.html

But Boehner isn’t proposing to attach a perfunctory debt-ceiling hike to “bipartisan solutions,” as has happened in the past. He is proposing that the opposition party extract unacceptable conditions as the price of lifting the debt ceiling. That is an unprecedented demand. Under the Bush presidency, Democrats objected that tax cuts had created un unsustainable fiscal position for the government, but it never even occurred to them to threaten to trigger a debt default to force Bush to repeal his tax cuts. Before 2011, the debt ceiling was an occasion for posturing by the out-party and was sometimes raised in conjunction with mutually agreeable policy changes, but the opposition never used the threat of default as a hostage.¶ Boehner’s correct that the hostage-taking negotiation he wants to hold again did occur once before in 2011. But that was a white-knuckle experience that very nearly led to default, has put in place an extremely stupid policy, and amounted to a gigantic blunder by Obama that he is rightly determined not to repeat. Enshrining the precedent that the opposition party can use the debt ceiling to extract otherwise unacceptable conditions would create a permanent cycle of crisis, where every fiscal negotiation carries a systemic risk. Democrats would be much better off letting Republicans default on the debt right now than submitting to a new normal whereby they get jacked up for concessions over and over until eventually there’s a default anyway. That is why Obama can’t go along with Boehner’s innocuous-sounding request to combine debt-ceiling negotiations with fiscal-policy negotiations.

#### Collapses the global economy and US competitiveness

Davidson 9/10

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

Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### Nuclear war, terrorism, democratic backsliding

Harris and Burrows 9 - \*PhD in Euro History, \*\*member of the NIC’s Long Range Analysis Unit

Mathew, PhD European History @ Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer is a member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>

Increased Potential for Global Conflict

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

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#### Obama is shifting from drones to detention

Dillow 13 (Clay, “Obama Set To Reboot Drone Strike Policy And Retool The War On Terror “, 5/23/13, <http://www.popsci.com/technology/article/2013-05/obama-set-reboot-drone-strike-policy-and-retool-war-terror>)

These three topics are deeply intertwined, of course. With the drawdown of troops in Iraq and Afghanistan and a reduced American presence in the regions regarded as power bases for the likes of al-Qaeda, al-Shabab, and the Taliban, American security and intelligence forces have only two real options. Strike at suspected terrorists with drones, or somehow capture those suspects and detain them (at some place like Guantanamo). It would seem that if the war on terror is going to continue (and it is--for another 10 or 20 years according to one recently-quoted Pentagon official) then it seems that either detention or the use of lethal strikes must increase. But that’s not really the case, and in today’s speech Obama is expected to outline why the administration thinks so. In his first major counterterrorism address of his second term, the President is expected to announce new restrictions on the unmanned aerial strikes that have been the cornerstone of his national security agenda for the last five years. For all the talk about drone strikes--and they did peak under Obama--such actions have been declining since 2010. And it seems the administration finally wants to come clean (somewhat) about what it has been doing with its drone program, acknowledging for the first time that it has killed four American citizens in its shadow drone wars outside the conflict zones of Afghanistan and Iraq, something the public has known for a while now but the government has refused to publicly admit. The Obama administration will also voluntarily rein in its drone strike program in several ways. A new classified policy signed by Obama will more sharply define how drones can be used, the New York Times reports, essentially extending to foreign nationals the same standards currently applied to American citizens abroad. That is, lethal force will only be used against targets posing a “continuing, imminent threat to Americans” and who cannot be feasibly captured or thwarted in any other way. This indicates that the administration’s controversial use of “signature strikes”--the killing of unknown individuals or groups based on patterns of behavior rather than hard intelligence--will no longer be part of the game plan. That’s a positive signal, considering that signature strikes are thought to have resulted in more than a few civilian casualties. Reportedly there’s another important change in drone policy in the offing that President Obama may or may not mention in today’s speech: the shifting of the drone wars in Pakistan and elsewhere (likely Yemen and Somalia as well) from the CIA to the military over the course of six months. This is good for all parties involved. The CIA’s new director, John Brennan, has publicly said he would like to transition the country’s premier intelligence gathering agency back to actual intelligence gathering and away from paramilitary operations--a role that it has played since 2001 but that isn’t exactly in its charter. Putting the drone strike program in the Pentagon also places it in a different category of public scrutiny. The DoD can still do things under the veil of secrecy of course, but not quite like the CIA can (the military is subject to more oversight and transparency than the clandestine services in several respects, and putting drones in the hands of the military also changes the governing rules of engagement). So what does this all mean for the war on terror? If Obama plans to create a roadmap for closing Guantanamo Bay and draw down its drone strike program, it suggests that the administration thinks we are winning--as much as one can win this kind of asymmetric war. It appears the war on terror is shifting toward one in which better intelligence will lead to more arrests and espionage operations to thwart terrorists rather hellfire missile strikes from unseen robots in the sky.

#### Restricted detention leads to increased drone use

Chesney 11 (Robert, Charles I. Francis Professor in Law, University of Texas School of Law, “ARTICLE: WHO MAY BE HELD? MILITARY DETENTION THROUGH THE HABEAS LENS”, Boston College Law Review, 52 B.C. L. Rev 769, Lexis)

The convergence thesis describes one manner in which law might respond to the cross-cutting pressures associated with the asymmetric warfare phenomenon—i.e., the pressure to reduce false positives (targeting, capture, or detention of the wrong individual) while also ensuring an adequate capacity to neutralize the non-state actors in question. One must bear in mind, however, that detention itself is not the only system of government action that can satisfy that latter interest. Other options exist, including the use of lethal force; the use of rendition to place individuals in detention at the hands of some other state; the use of persuasion to induce some other state to take custody of an individual through its own means; and perhaps also the use of various forms of surveillance to establish a sort of constructive, loose control over a person (though for persons located outside the United States it is unlikely that surveillance could be much more than episodic, and thus any resulting element of “control” may be quite weak).210¶ From the point of view of the individual involved, all but the last of these options are likely to be far worse experiences than U.S.-administered detention. In addition, all but the last are also likely to be far less useful for purposes of intelligence-gathering from the point of view of the U.S. government.211 Nonetheless, these alternatives may grow attractive to the government in circumstances where the detention alternative becomes unduly restricted, yet the pressure for intervention remains. The situation is rather like squeezing a balloon: the result is not to shrink the balloon, but instead to displace the pressure from one side to another, causing the balloon to distend along the unconstrained side. So too here: when one of these coercive powers becomes constrained in new, more restrictive ways, the displaced pressure to incapacitate may simply find expression through one of the alternative mechanisms. On this view it is no surprise that lethal drone strikes have increased dramatically over the past two years, that the Obama administration has refused to foreswear rendition, that in Iraq we have largely (though not entirely) outsourced our detention operations to the Iraqis, and that we now are progressing along the same path in Afghanistan.212¶ Decisions regarding the calibration of a detention system—the¶ management of the convergence process, if you will—thus take place in the shadow of this balloon-squeezing phenomenon. A thorough policy review would take this into account, as should any formal lawmaking process. For the moment, however, our formal law-making process is not directed at the detention-scope question. Instead, clarification and development with respect to the substantive grounds for detention takes place through the lens of habeas corpus litigation.

#### Increased drone use sets a precedent that causes South China Sea conflict

Roberts 13 (Kristen, News Editor at National Journal, “When the Whole World Has Drones”, 3/22/13, <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>)

And that’s a NATO ally seeking the capability to conduct missions that would run afoul of U.S. interests in Iraq and the broader Middle East. Already, Beijing says it considered a strike in Myanmar to kill a drug lord wanted in the deaths of Chinese sailors. What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea? Or if India uses the aircraft to strike Lashkar-e-Taiba militants near Kashmir? “We don’t like other states using lethal force outside their borders. It’s destabilizing. It can lead to a sort of wider escalation of violence between two states,” said Micah Zenko, a security policy and drone expert at the Council on Foreign Relations. “So the proliferation of drones is not just about the protection of the United States. It’s primarily about the likelihood that other states will increasingly use lethal force outside of their borders.” LOWERING THE BAR Governments have covertly killed for ages, whether they maintained an official hit list or not. Before the Obama administration’s “disposition matrix,” Israel was among the best-known examples of a state that engaged, and continues to engage, in strikes to eliminate people identified by its intelligence as plotting attacks against it. But Israel certainly is not alone. Turkey has killed Kurds in Northern Iraq. Some American security experts point to Russia as well, although Moscow disputes this. In the 1960s, the U.S. government was involved to differing levels in plots to assassinate leaders in Congo and the Dominican Republic, and, famously, Fidel Castro in Cuba. The Church Committee’s investigation and subsequent 1975 report on those and other suspected plots led to the standing U.S. ban on assassination. So, from 1976 until the start of President George W. Bush’s “war on terror,” the United States did not conduct targeted killings, because it was considered anathema to American foreign policy. (In fact, until as late as 2001, Washington’s stated policy was to oppose Israel’s targeted killings.) When America adopted targeted killing again—first under the Bush administration after the September 11 attacks and then expanded by President Obama—the tools of the trade had changed. No longer was the CIA sending poison, pistols, and toxic cigars to assets overseas to kill enemy leaders. Now it could target people throughout al-Qaida’s hierarchy with accuracy, deliver lethal ordnance literally around the world, and watch the mission’s completion in real time. The United States is smartly using technology to improve combat efficacy, and to make war-fighting more efficient, both in money and manpower. It has been able to conduct more than 400 lethal strikes, killing more than 3,500 people, in Afghanistan, Pakistan, Yemen, Somalia, and North Africa using drones; reducing risk to U.S. personnel; and giving the Pentagon flexibility to use special-forces units elsewhere. And, no matter what human-rights groups say, it’s clear that drone use has reduced the number of civilians killed in combat relative to earlier conflicts. Washington would be foolish not to exploit unmanned aircraft in its long fight against terrorism. In fact, defense hawks and spendthrifts alike would criticize it if it did not. “If you believe that these folks are legitimate terrorists who are committing acts of aggressive, potential violent acts against the United States or our allies or our citizens overseas, should it matter how we choose to engage in the self-defense of the United States?” asked Rep. Mike Rogers, R-Mich., chairman of the House Intelligence Committee. “Do we have that debate when a special-forces team goes in? Do we have that debate if a tank round does it? Do we have the debate if an aircraft pilot drops a particular bomb?” But defense analysts argue—and military officials concede—there is a qualitative difference between dropping a team of men into Yemen and green-lighting a Predator flight from Nevada. Drones lower the threshold for military action. That’s why, according to the Council on Foreign Relations, unmanned aircraft have conducted 95 percent of all U.S. targeted killings. Almost certainly, if drones were unavailable, the United States would not have pursued an equivalent number of manned strikes in Pakistan. And what’s true for the United States will be true as well for other countries that own and arm remote piloted aircraft. “The drones—the responsiveness, the persistence, and without putting your personnel at risk—is what makes it a different technology,” Zenko said. “When other states have this technology, if they follow U.S. practice, it will lower the threshold for their uses of lethal force outside their borders. So they will be more likely to conduct targeted killings than they have in the past.” The Obama administration appears to be aware of and concerned about setting precedents through its targeted-strike program. When the development of a disposition matrix to catalog both targets and resources marshaled against the United States was first reported in 2012, officials spoke about it in part as an effort to create a standardized process that would live beyond the current administration, underscoring the long duration of the counterterrorism challenge. Indeed, the president’s legal and security advisers have put considerable effort into establishing rules to govern the program. Most members of the House and Senate Intelligence committees say they are confident the defense and intelligence communities have set an adequate evidentiary bar for determining when a member of al-Qaida or an affiliated group may be added to the target list, for example, and say that the rigor of the process gives them comfort in the level of program oversight within the executive branch. “They’re not drawing names out of a hat here,” Rogers said. “It is very specific intel-gathering and other things that would lead somebody to be subject for an engagement by the United States government.”

#### Extinction

Wittner 11 (Lawrence S., Emeritus Professor of History at the State University of New York/Albany, Wittner is the author of eight books, the editor or co-editor of another four, and the author of over 250 published articles and book reviews. From 1984 to 1987, he edited Peace & Change, a journal of peace research., 11/28/2011, "Is a Nuclear War With China Possible?", [www.huntingtonnews.net/14446](http://www.huntingtonnews.net/14446))

The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

### Legitimacy

#### Restrictions cause Obama to claim detention power under article 2 – Broadens detention

McAuliff 13 (Michael, Covers Congress and politics for The Huffington Post, “AUMF Repeal Bill Would End Extraordinary War Powers Granted After 9/11”, 6/10/13, <http://www.huffingtonpost.com/2013/06/10/aumf-repeal-bill-war-powers_n_3416689.html>)

But without the AUMF in force, Congress and the administration would have to decide how to deal with prisoners of war in the absence of a specific war. While dozens of captives at Guantanamo are cleared to be released, many are deemed threats to the United States who cannot be tried or let go. "That is the most difficult kernel to pop," said Schiff. "There is still a remaining group of people for whom the evidence is either highly classified or highly problematic because it was a product of torture. And that problem remains to be solved." Simply freeing those Guantanamo detainees is not an option, he said. "There will be a need for continued detention, even after the expiration of the AUMF," Schiff said, citing a World War II precedent for handling prisoners of war. "I don't know that the authority to detain enemy combatants would end with AUMF. But I do think that Guantanamo ought to come to an end, ideally to match up with the expiration of the AUMF in about 18 months," he said. Schiff's effort comes amid the recent revelations of the breadth of the National Security Agency's ability to spy on Americans -- an authority that stems from a separate law also inspired by the 2001 terror attacks, the PATRIOT Act. It also comes as observers on both the left and right have expressed greater suspicion of the executive branch's use of power in targeting reporters, whistleblowers and conservative groups. Schiff, a member of the House Intelligence Committee, said the broader debate provides "context" for his measure, but evaluating the AUMF and the type of force Congress allows the president to use in the war on terror is a separate, if equally difficult, matter. "There's probably a more substantial consensus that the existing AUMF is outdated and probably should be replaced," he said. "There's a lot less consensus about what should come after." Ending the AUMF, he said, would either force Congress to grapple with that question -- and confront the defacto policy of perpetual war -- or allow the president to grow even more powerful. "If we authorize a new and more limited AUMF, we are nonetheless continuing a war footing," Schiff said. "On the other hand, if we don't and the president takes these actions under his Article II power [of the Constitution], then we're broadening the power of the presidency to act unilaterally."

#### Obama will redefine policies to sidestep detention restrictions

NYT 12 (New York Times, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will”, 5/29/12, <http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?pagewanted=all&_r=0>)

What the new president did not say was that the orders contained a few subtle loopholes. They reflected a still unfamiliar Barack Obama, a realist who, unlike some of his fervent supporters, was never carried away by his own rhetoric. Instead, he was already putting his lawyerly mind to carving out the maximum amount of maneuvering room to fight terrorism as he saw fit. It was a pattern that would be seen repeatedly, from his response to Republican complaints that he wanted to read terrorists their rights, to his acceptance of the C.I.A.’s method for counting civilian casualties in drone strikes. The day before the executive orders were issued, the C.I.A.’s top lawyer, John A. Rizzo, had called the White House in a panic. The order prohibited the agency from operating detention facilities, closing once and for all the secret overseas “black sites” where interrogators had brutalized terrorist suspects. “The way this is written, you are going to take us out of the rendition business,” Mr. Rizzo told Gregory B. Craig, Mr. Obama’s White House counsel, referring to the much-criticized practice of grabbing a terrorist suspect abroad and delivering him to another country for interrogation or trial. The problem, Mr. Rizzo explained, was that the C.I.A. sometimes held such suspects for a day or two while awaiting a flight. The order appeared to outlaw that. Mr. Craig assured him that the new president had no intention of ending rendition — only its abuse, which could lead to American complicity in torture abroad. So a new definition of “detention facility” was inserted, excluding places used to hold people “on a short-term, transitory basis.” Problem solved — and no messy public explanation damped Mr. Obama’s celebration. “Pragmatism over ideology,” his campaign national security team had advised in a memo in March 2008. It was counsel that only reinforced the president’s instincts. Even before he was sworn in, Mr. Obama’s advisers had warned him against taking a categorical position on what would be done with Guantánamo detainees. The deft insertion of some wiggle words in the president’s order showed that the advice was followed. Some detainees would be transferred to prisons in other countries, or released, it said. Some would be prosecuted — if “feasible” — in criminal courts. Military commissions, which Mr. Obama had criticized, were not mentioned — and thus not ruled out. As for those who could not be transferred or tried but were judged too dangerous for release? Their “disposition” would be handled by “lawful means, consistent with the national security and foreign policy interests of the United States and the interests of justice.” A few sharp-eyed observers inside and outside the government understood what the public did not. Without showing his hand, Mr. Obama had preserved three major policies — rendition, military commissions and indefinite detention — that have been targets of human rights groups since the 2001 terrorist attacks.

#### The U.S. will still functionally detain through rendition – Takes out every advantage

OSJI 13 (Open Society Justice Initiative, “Globalizing Torture: CIA Secret Detention and Extraordinary Rendition”, February 2013, <http://www.opensocietyfoundations.org/reports/globalizing-torture-cia-secret-detention-and-extraordinary-rendition>)

Following the terrorist attacks of September 11, 2001, the U.S. Central Intelligence Agency (CIA) commenced a secret detention program under which suspected terrorists were held in CIA prisons, also known as “black sites,” outside the United States, where they were subjected to “enhanced interrogation techniques” that involved torture and other abuse. At about the same time, the CIA gained expansive authority to engage in “extraordinary rendition,” defined here as the transfer— without legal process—of a detainee to the custody of a foreign government for purposes of detention and interrogation. 2 Both the secret detention program and the extraordinary rendition program were highly classified, conducted outside the United States, and designed to place detainee interrogations beyond the reach of the law. Torture was a hallmark of both. The two programs entailed the abduction and disappearance of detainees and their extra-legal transfer on secret flights to undisclosed locations around the world, followed by their incommunicado detention, interrogation, torture, and abuse. The administration of President George W. Bush embraced the “dark side,” a new paradigm for countering terrorism with little regard for the constraints of domestic and international law. Today, more than a decade after September 11, there is no doubt that highranking Bush administration officials bear responsibility for authorizing human rights violations associated with secret detention and extraordinary rendition, and the impunity that they have enjoyed to date remains a matter of significant concern. But responsibility for these violations does not end with the United States. Secret detention and extraordinary rendition operations, designed to be conducted outside the United States under cover of secrecy, could not have been implemented without the active participation of foreign governments. These governments too must be held accountable. However, to date, the full scale and scope of foreign government participation—as well as the number of victims—remains unknown, largely because of the extreme secrecy maintained by the United States and its partner governments. The U.S. government has refused to publicly and meaningfully acknowledge its involvement in any particular case of extraordinary rendition or disclose the locations of secret overseas CIA detention facilities. While President Bush acknowledged that the CIA had secretly detained about 100 prisoners, the U.S. government has only identified 16 “high value detainees” as individuals who were secretly held in CIA detention prior to being transferred to U.S. Defense Department custody in Guantánamo Bay. The United States also has refused to disclose the identities of the foreign governments that participated in secret detention or extraordinary rendition, and few of these governments have admitted to their roles. This report provides for the first time the number of known victims of secret detention and extraordinary rendition operations and the number of governments that were complicit. Based on credible public sources and information provided by reputable human rights organizations, this report is the most comprehensive catalogue of the treatment of 136 individuals reportedly subjected to these operations. There may be many more such individuals, but the total number will remain unknown until the United States and its partners make this information publicly available. The report also shows that as many as 54 foreign governments reportedly participated in these operations in various ways, including by hosting CIA prisons on their territories; detaining, interrogating, torturing, and abusing individuals; assisting in the capture and transport of detainees; permitting the use of domestic airspace and airports for secret flights transporting detainees; providing intelligence leading to the secret detention and extraordinary rendition of individuals; and interrogating individuals who were secretly being held in the custody of other governments. Foreign governments also failed to protect detainees from secret detention and extraordinary rendition on their territories and to conduct effective investigations into agencies and officials who participated in these operations. The 54 governments identified in this report span the continents of Africa, Asia, Australia, Europe, and North America, and include: Afghanistan 3 , Albania, Algeria, Australia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Ethiopia, Finland, Gambia, Georgia, Germany, Greece, Hong Kong, 4 Iceland, Indonesia, Iran, Ireland, Italy, Jordan, Kenya, Libya, Lithuania, Macedonia, Malawi, Malaysia, Mauritania, Morocco, Pakistan, Poland, Portugal, Romania, Saudi Arabia, Somalia, South Africa, Spain, Sri Lanka, Sweden, Syria, Thailand, Turkey, United Arab Emirates, United Kingdom, Uzbekistan, Yemen, and Zimbabwe. 5 By engaging in torture and other abuses associated with secret detention and extraordinary rendition, the U.S. government violated domestic and international law, thereby diminishing its moral standing and eroding support for its counterterrorism efforts worldwide as these abuses came to light. By enlisting the participation of dozens of foreign governments in these violations, the United States further undermined longstanding human rights protections enshrined in international law—including, in particular, the norm against torture. As this report shows, responsibility for this damage does not lie solely with the United States, but also with the numerous foreign governments without whose participation secret detention and extraordinary rendition operations could not have been carried out. By participating in these operations, these governments too violated domestic and international laws and further undermined the norm against torture. Torture is not only illegal and immoral, but also ineffective for producing reliable intelligence. Indeed, numerous professional U.S. interrogators have confirmed that torture does not produce reliable intelligence, and that rapport-building techniques are far more effective at eliciting such intelligence. A telling example of the disastrous consequences of extraordinary rendition operations can be seen in the case of Ibn al-Sheikh al-Libi, documented in this report. After being extraordinarily rendered by the United States to Egypt in 2002, al-Libi, under threat of torture at the hands of Egyptian officials, fabricated information relating to Iraq’s provision of chemical and biological weapons training to Al Qaeda. In 2003, then Secretary of State Colin Powell relied on this fabricated information in his speech to the United Nations that made the case for war against Iraq. In December 2012, the U.S. Senate Select Committee on Intelligence voted to approve a comprehensive report on CIA detention and interrogation. Although the report is classified, and was not publicly available at the time of this writing, the committee chairman, Senator Dianne Feinstein, stated that she and a majority of the committee believed that the creation of long-term, clandestine black sites and the use of so-called enhanced interrogation techniques were “terrible mistakes.” She added that the report would “settle the debate once and for all over whether our nation should ever employ coercive interrogation techniques such as those detailed in the report.” Despite the scale of torture and other human rights violations associated with secret detention and extraordinary rendition operations, the United States and most of its partner governments have failed to conduct effective investigations into secret detention and extraordinary rendition. The U.S. Justice Department’s investigation into detainee abuse was limited to ill-treatment that went beyond what its Office of Legal Counsel had previously authorized, and concluded without bringing any criminal charges, despite ample evidence of CIA torture and abuse. Italy is the only country where a court has criminally convicted officials for their involvement in extraordinary rendition operations. Canada is the only country to issue an apology to an extraordinary rendition victim, Maher Arar, who was extraordinarily rendered to, and tortured in, Syria. Only three countries in addition to Canada—Sweden, Australia, and the United Kingdom—have issued compensation to extraordinary rendition victims, the latter two in the context of confidential settlements that sought to avoid litigation relating to the associated human rights violations. Moreover, it appears that the Obama administration did not end extraordinary rendition, choosing to rely on anti-torture diplomatic assurances from recipient countries and post-transfer monitoring of detainee treatment. As demonstrated in the cases of Maher Arar, who was tortured in Syria, and Ahmed Agiza and Muhammed al-Zery, who were tortured in Egypt, diplomatic assurances and posttransfer monitoring are not effective safeguards against torture. Soon after taking office in 2009, President Obama did issue an executive order that disavowed torture, ordered the closure of secret CIA detention facilities, and established an interagency task force to review interrogation and transfer policies and issue recommendations on “the practices of transferring individuals to other nations.” But the executive order did not repudiate extraordinary rendition, and was crafted to preserve the CIA’s authority to detain terrorist suspects on a shortterm transitory basis prior to rendering them to another country for interrogation or trial. Moreover, the interagency task force report, which was issued in 2009, continues to be withheld from the public. The administration also continues to withhold documents relating to CIA Office of Inspector General investigations into extraordinary rendition and secret detention. In addition, recent reports of secret detention by or with the involvement of the CIA or other U.S. agencies remain a source of significant concern. These include reports of a secret prison in Somalia run with CIA involvement, secret Defense Department detention facilities in Afghanistan where detainees were abused, and the twomonth long secret detention of a terrorist suspect aboard a U.S. Navy ship. Despite the efforts of the United States and its partner governments to withhold the truth about past and ongoing abuses, information relating to these abuses will continue to find its way into the public domain. At the same time, while U.S. courts have closed their doors to victims of secret detention and extraordinary rendition operations, legal challenges to foreign government participation in these operations are being heard in courts around the world. Maher Arar’s U.S. lawsuit was dismissed on grounds that judicial intervention was inappropriate in a case that raised sensitive national security and foreign policy questions. Similarly, U.S. courts dismissed on state secrets grounds Khaled El-Masri’s lawsuit challenging his abduction, torture, and secret detention by the CIA. In contrast, the European Court of Human Rights recently held that Macedonia’s participation in that operation violated El-Masri’s rights under the European Convention on Human Rights, and that his ill-treatment by the CIA amounted to torture. In addition, Italy’s highest court recently upheld the convictions of U.S. and Italian officials for their role in the extraordinary rendition of Abu Omar to Egypt. Moreover, at the time of this writing, other legal challenges to secret detention and extraordinary rendition are pending before the European Court of Human Rights against Poland, Lithuania, Romania, and Italy; against Djibouti before the African Commission on Human and Peoples’ Rights; and against domestic authorities or officials in Egypt, Hong Kong, Italy, and the United Kingdom. In the face of this trend, the time has come for the United States and its partner governments to own up to their responsibility for secret detention and extraordinary rendition operations. If they do not seize this opportunity, chances are that the truth will emerge by other means to embarrass them. The taint of torture associated with secret detention and extraordinary rendition operations will continue to cling to the United States and its partner governments as long as they fail to air the truth and hold their officials accountable. The impunity currently enjoyed by responsible parties also paves the way for future abuses in counterterrorism operations. There can be no doubt that in today’s world, intergovernmental cooperation is necessary for combating terrorism. But such cooperation must be effected in a manner that is consistent with the rule of law. As recognized in the Global CounterTerrorism Strategy adopted by the United Nations General Assembly in 2006, “effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing.” Consistent with this principle, it is incumbent on the United States and its partner governments to repudiate secret detention and extraordinary rendition, secure accountability for human rights violations associated with these operations, and ensure that future counterterrorism operations do not violate human rights standards.

#### All evidence shows heg impacts are wrong

Fettweis 10 (Christopher, Assistant professor of political science at Tulane, Survival, Volume 52, Issue 2, April)

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

#### Empirics go neg

MacDonald and Parent 11 (Paul K. and Joseph M., Professors of Political Science at Williams and Miami, “Graceful Decline?”, International Security, Spring 2k11, Volume 35, Number 4, Project Muse)

In this article, we question the logic and evidence of the retrenchment pessimists. To date there has been neither a comprehensive study of great power retrenchment nor a study that lays out the case for retrenchment as a practical or probable policy. This article fills these gaps by systematically examining the relationship between acute relative decline and the responses of great powers. We examine eighteen cases of acute relative decline since 1870 and advance three main arguments. First, we challenge the retrenchment pessimists' claim that domestic or international constraints inhibit the ability of declining great powers to retrench. In fact, when states fall in the hierarchy of great powers, peaceful retrenchment is the most common response, even over short time spans. Based on the empirical record, we find that great powers retrenched in no less than eleven and no more than fifteen of the eighteen cases, a range of 61-83 percent. When international conditions demand it, states renounce risky ties, increase reliance on allies or adversaries, draw down their military obligations, and impose adjustments on domestic populations.

#### existing Co2 makes it inevitable

Hamilton 10 – Professor of Public Ethics @ ANU

Clive Hamilton, Professor of Public Ethics in Australia, 2010, “Requiem for a Species: Why We Resist the Truth About Climate Change,” pg 27-28

The conclusion that, **even if we act promptly and resolutely**, the world is on a path to reach 650 ppm is almost too frightening to accept. That level of greenhouse gases in the atmosphere will be associated with warming of about 4°C by the end of the century, well above the temperature associated with tipping points that would trigger further warming.58 So it seems that even with the most optimistic set of assumptions—the ending of deforestation, a halving of emissions associated with food production, global emissions peaking in 2020 and then falling by 3 per cent a year for a few decades—**we have no chance** of preventing emissions rising well above a number of critical tipping points that will spark uncontrollable climate change. The Earth's climate would enter a chaotic era lasting thousands of years before natural processes eventually establish some sort of equilibrium. Whether human beings would still be a force on the planet, or even survive, is a moot point. One thing seems certain: there will be far fewer of us. These conclusions arc alarming, co say the least, but they are not alarmist. Rather than choosing or interpreting numbers to make the situation appear worse than it could be, following Kevin Anderson and Alice Bows 1 have chosen numbers that err on the conservative side, which is to say numbers that reflect a more buoyant assessment of the possibilities. A more neutral assessment of how the global community is likely to respond would give an even bleaker assessment of our future. For example, the analysis excludes non-CO2, emissions from aviation and shipping. Including them makes the task significantly harder, particularly as aviation emissions have been growing rapidly and are expected to continue to do so as there is no foreseeable alternative to severely restricting the number of flights.v' And any realistic assessment of the prospects for international agreement would have global emissions peaking closer to 2030 rather than 2020. The **last chance to reverse the trajectory of global emissions** by 2020 **was forfeited** at the Copenhagen climate conference in December 2009. As a consequence, a global response proportionate to the problem was deferred for several years.

#### It’s not caused by humans

Spencer 10 —former head climate scientist @ NASA

(Roy, principal research scientist at the University of Alabama and former senior scientist for climate studies at NASA. He now leads the US science team for the Advanced Microwave Scanning Radiometer for EOS on NASA’s Aqua Satellite “The Great Global Warming Blunder: How Mother Nature Fooled the World’s Top Climate Scientists,” pg 119-120)

Our most accurate global satellite data, collected from 2000 to 2008, show the Pacific Decadal Oscillation does indeed cause a change in the Earth’s energy balance. Over the nine-year period of record, the radiative imbalance varied over a range of at least 2.5 watts per square meter. Even though this natural source of radiative forcing is only 1 percent of the average flows of sunlight into and infrared radiation out of the climate system, the simple model analysis shows that it is sufficient to explain most of the temperature variability experienced during the twentieth century- up to 75 percent of the long-term temperature trend. This supports my original claim that a mere I percent change in naturally occurring processes can cause global warming or cooling. Thus, the PDO by itself can potentially explain most of what is popularly called global warming. And while the anthropogenic explanation for global warming involves a forcing mechanism that can only be computed theoretically, the PDO forcing mechanism is actually observed by satellite. In fact, recently published research has finally begun to make this connection between the PDO and climate change, so maybe the tide is turning.

#### Warming won’t cause extinction

Hsu ‘10

Jeremy, Live Science Staff, July 19, pg. http://www.livescience.com/culture/can-humans-survive-extinction-doomsday-100719.html

His views deviate sharply from those of most experts, who don't view climate change as the end for humans. Even the worst-case scenarios discussed by the Intergovernmental Panel on Climate Change don't foresee human extinction. "The scenarios that the mainstream climate community are advancing are not end-of-humanity, catastrophic scenarios," said Roger Pielke Jr., a climate policy analyst at the University of Colorado at Boulder. Humans have the technological tools to begin tackling climate change, if not quite enough yet to solve the problem, Pielke said. He added that doom-mongering did little to encourage people to take action. "My view of politics is that the long-term, high-risk scenarios are really difficult to use to motivate short-term, incremental action," Pielke explained. "The rhetoric of fear and alarm that some people tend toward is counterproductive." Searching for solutions One technological solution to climate change already exists through carbon capture and storage, according to Wallace Broecker, a geochemist and renowned climate scientist at Columbia University's Lamont-Doherty Earth Observatory in New York City. But Broecker remained skeptical that governments or industry would commit the resources needed to slow the rise of carbon dioxide (CO2) levels, and predicted that more drastic geoengineering might become necessary to stabilize the planet. "The rise in CO2 isn't going to kill many people, and it's not going to kill humanity," Broecker said. "But it's going to change the entire wild ecology of the planet, melt a lot of ice, acidify the ocean, change the availability of water and change crop yields, so we're essentially doing an experiment whose result remains uncertain."

#### No wide spread pandemics—biophysical limitations

Gladwell ‘95

Malcom Gladwell, New York Bureau Chief of the Washington Post. The New Republic. July 17, 1995. “The Plague Year”. http://www.tnr.com/article/books-and-arts/the-plague-year

This is what is wrong with the Andromeda Strain argument. Every infectious agent that has ever plagued humanity has had to adopt a specific strategy, but every strategy carries a corresponding cost, and this makes human counterattack possible. Malaria is vicious and deadly, but it relies on mosquitoes to spread from one human to the next, which means that draining swamps and putting up mosquito netting can all but halt endemic malaria. Smallpox is extraordinarily durable, remaining infectious in the environment for years, but its very durability, its essential rigidity, is what makes it one of the easiest microbes to create a vaccine against. aids is almost invariably lethal because its attacks the body at its point of great vulnerability, that is, the immune system, but the fact that it targets blood cells is what makes it so relatively uninfectious. I could go on, but the point is obvious. Any microbe capable of wiping us all out would have to be everything at once: as contagious as flu, as durable as the cold, as lethal as Ebola, as stealthy as HIV and so doggedly resistant to mutation that it would stay deadly over the course of a long epidemic. But viruses are not, well, superhuman. They cannot do everything at once. It is one of the ironies of the analysis of alarmists such as Preston that they are all too willing to point out the limitations of human beings, but they neglect to point out the limitations of microscopic life forms. If there are any conclusions to be drawn about disease, they are actually the opposite of what is imagined in books such as The Hot Zone and The Coming Plague. It is true that the effect of the dramatic demographic and social changes in the world over the past few decades is to create new opportunities for disease. But they are likely to create not homogeneous patterns of disease, as humans experienced in the past, so much as heterogeneous patterns of disease. People are traveling more and living in different combinations. Gene pools that were once distinct are mixing through intermarriage. Adults who once would have died in middle age are now living into their 80s. Children with particular genetic configurations who once died at birth or in infancy are now living longer lives. If you talk to demographers, they will tell you that what they anticipate is increasing clusters of new and odd diseases moving into these new genetic and demographic niches. Rare diseases will be showing up in greater numbers. Entirely unknown diseases will emerge for the first time. But the same diversity that created them within those population subgroups will keep them there. Laurie Garrett's book is mistitled. We are not facing "the coming plague." We are facing "the coming outbreaks."

### Democracy

#### The president can still detain suspected terrorists under immigration powers

Cole 9 (David, Law professor at the Georgetown University Law Center, “Out of the Shadows: Preventive Detention, Suspected Terrorists, and War”, 97 California Law Review 693 (2009), http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1370&context=facpub)

The vast majority of persons detained in antiterrorism measures in the wake of 9/11 were foreign nationals detained pursuant to immigration law. 122 Under that law, if a foreign national is placed into immigration proceedings for having allegedly violated the terms of her visa, she may be denied bond and held pending resolution of the removal proceeding if she poses a risk of flight or a danger to the community. 123 This form of preventive detention is analogous to that imposed on persons awaiting a criminal trial, and is not objectionable in itself. However, this authority was widely abused after 9/11, resulting in the detention of many persons without any objective justification for their detention. 124 Immigration law should be amended to ensure that preventive detention is available on the same terms—and with the same safeguards—as in the criminal bail context. The immigrant facing a deportation hearing and the criminal defendant awaiting trial have identical interests in not being arbitrarily deprived of their liberty. Similarly, the government has identical interests in detaining the immigrant and the criminal defendant if they pose a risk of flight or a danger to the community. We treat foreign nationals and citizens awaiting criminal trial identically; why should it matter that a foreign national is being detained pending an immigration proceeding rather than a criminal trial? There is no justification for a double standard here. Accordingly, a statute modeled on the Bail Reform Act should be enacted to govern preventive-immigration detention. In addition to adopting Bail Reform Act procedures and standards, several other reforms would be necessary to achieve parity between the treatment of foreign nationals in immigration proceedings and defendants in criminal proceedings. First, foreign nationals arrested for alleged immigration violations should be charged and brought before a judge for a probable cause hearing within forty-eight hours of their arrest. Under current immigration rules and regulations, foreign nationals can be arrested without charges, and the regulations merely require that they be charged within a “reasonable period of time” in emergencies. 125 That language, introduced by Attorney General John Ashcroft in the first weeks after 9/11, ultimately led to hundreds of foreign nationals being held for days, weeks, and sometimes even months without being charged with any immigration violation. 126 A criminal arrest is “unreasonable” absent probable cause, found by a judge either before or within forty-eight hours after arrest. 127 An immigration arrest ought to require the same showing and procedure. Second, if the government is unable to meet its burden of demonstrating that an individual poses a danger to the community or risk of flight, release on bond or the individual’s own recognizance should be ordered. The Justice Department’s Inspector General found that in the wake of the 9/11 attacks, immigration authorities frequently delayed bond hearings solely because they had no objective evidence that would justify denying bond, and they did not want to risk a hearing that would expose that fact and lead to the individual’s release. 128 The Bush administration’s official policy was to hold individuals in detention until they were “cleared” of any connection to terrorism, and government officials exploited immigration law to obtain that result. 129 Third, indigent foreign nationals detained during removal proceedings should be entitled to government-provided counsel at least with respect to the issue of their detention. Existing immigration law does not entitle indigent foreign nationals to receive legal representation at the government’s expense in immigration hearings, despite the gravit y of such hearings for individuals’ lives, and the difficulty of navigating the complex immigration system. The kind of justice foreign nationals receive often depends on whether they have legal assistance, and on the quality of that assistance. 130 Irrespective of whether the United States should provide indigent foreign nationals legal assistance for removal hearings in general, the government should certainly provide legal assistance when it seeks to detain them. Foreign nationals often languish in detention for long periods while their cases are pending. 131 While detention may be necessary for some, appointment of counsel would help to ensure that we detain only those who truly need to be detained. Over time, such a reform might even save the government money, by saving on the cost of unnecessary detentions. Fourth, the government should rescind its regulation providing an automatic stay of release orders where i mmigration authorities appeal a grant of release on bond. 132 Under this regulation, which Attorney General Ashcroft promulgated in the wake of 9/11, the government need not show that it has any chance of success on appeal in order to keep a foreign national detained, even after an immigration judge has found no basis for detention. 133 The mere filing of the appeal automatically stays the fo reign national’s release for the duration of the appeal. Appeals can easily take several months to resolve. Where an immigration judge has found no basis for detention, there is no legitimate rationale for giving the government a stay without requiring it to show that it is likely to succeed on appeal, the showi ng traditionally required for stays and injunctions pending appeal. 134 For these reasons, many courts have declared the automatic-stay provision unconstitutional. 135 Finally, immigration law should be clarified to make explicit that immigration detention must end once removal can be effectuated. After 9/11, the government often kept foreign nationals in detention long after they could have been released. 136 In some instances, individuals admitted that they had overstayed their visas and agreed to leave, and immigration judges granted “voluntary departure” orders, which provide that the alien is free to leave. 137 At that point, the only action remaining was for the foreign national to leave the country. Yet under the Bush administration’s “hold until cleared” policy, the government would not allow the detainee to leave the country until it was satisfied that he was not connected to terrorism even where there were no other obstacles to his immediate departure. 138 Such detention should be unlawful, for the only legitimate purpose of an immigration detention is to aid removal. Once a person has agreed to leave and can leave, there is no legitimate immigration reason to keep him detained any further. These reforms would place preventive de tention in the context of pending immigration proceedings on the same foo ting as preventive detention pending a criminal trial. By ensuring that the go vernment must promptly demonstrate that detention without bond is actually necessary, such reforms would reduce the likelihood that immigration detention is employed unnecessarily to detain persons who pose no threat. Preventive detention unquestionably has a place in immigration enforcement, but under current law it can too easily be imposed without an objective basis—as the aftermath of 9/11 illustrated.

#### The democratic peace theory is obsolete

Henderson 2

Errol Henderson, Assistant Professor, Dept. of Political Science at the University of Florida, 2002, Democracy and War The End of an Illusion?, p. 145

I n this chapter, I summarize the main findings of the study and briefly discuss their research and policy implications. The main finding resulting from the statistical analyses is that democracy is not significantly associated with a decreased likelihood of internation­al wars, militarized disputes, or civil wars in postcolonial states. There does not appear to be a dyadic democratic peace or a monadic one. To the extent that a democratic peace obtains, it does for extrastate wars, which are more than likely relics of a bygone era; nevertheless, even for these wars, while democracies in general are less likely to become involved in them, Western states—especially Western democracies— are more likely to fight them. These findings result from analyses using straightforward research designs, similar data, and identical sta­tistical techniques as those found in research supporting the DPP. They suggest that politico-economic factors in the postwar era greatly con­tributed to the phenomenon that is erroneously labeled the “democrat­ic peace.” Further, they imply that foreign policy strategies aimed at increasing the likelihood of peace in the future by spreading democra­cy are likely to be ineffective, at best, or conflict exacerbating, at worst.

#### THE DOUBLE BIND

#### A. The impact is inevitable - the US will continue to fund and support Uyghur separatist movements and enable their connection to other separatist movements in China

Gulevich 13

Vladisav, Global Research, “Washington Promotes Islamism and Political Destabilization in Xinjiang Uygur, China’s Oil and Gas Rich Region,” Centre for Research on Globalization, March 30, http://www.globalresearch.ca/us-promotes-islamism-and-political-destabilization-in-xinjiang-chinas-oil-and-gas-rich-province/5329016

The US goes to any length to support the Uygur separatists abroad, for instance the World Uyghur Congress headed by Rabiya Kadir , one of the richest Chinese in the world… She meets US congressmen and even has had a meeting with George Bush. She is a hyped symbol of Uyghur resistance. The 10 Conditions of Love movie devoted to her was shot in 2009. Despite the protests from Beijing, it was included into the Melbourne festival’s program.¶ The World Uyghur Congress cooperates with the so-called Tibetan government in exile and has branches in many countries, even in Australia. It should be noted that Anglo-Saxon powers (the United States of America, Great Britain, New Zealand and Australia) have been including China into their agenda for a number of years, some time ago Australia became a host country to US Marine Corps unit.¶ Washington predominantly uses three issues to exert pressure on China: Taiwan, Tibet and Xinjiang, where separatist protests are on the rise. That’s why the United States is well disposed towards the growth of Uyghur nationalism, using every opportunity to spur its radicalization…

#### OR

#### B. Empirically Denied – conflict has been going on for 4 years and no regional spillover and independently the crackdown in Urumqi should have caused the impact in 2009 – either no impact or empirically denied

Radio Free Asia, 8/10

Three Uyghurs Shot Dead, 20 Injured in Eid Eve Clashes, http://www.rfa.org/english/news/uyghur/clashes-08102013000244.html

He said he was informed by the ruling Chinese Communist Party's local committee secretary that youths overturned two police cars and attacked the police when those from the neighboring town were not allowed to perform their prayers in Aykol town.¶ The woman and farmer estimated that hundreds were arrested and that the number of casualties was very much higher than that provided by the police.¶ Uyghurs in Xinjiang say they have long suffered ethnic discrimination, oppressive religious controls, and continued poverty and joblessness, blaming their hardships partly on a massive influx of Han Chinese into the region.¶ Xinjiang has seen a string of violent incidents since June 26, leaving at least 64 dead in total, as the region marked the anniversary last month of July 5, 2009 clashes in the regional capital Urumqi between the minority Uyghurs and majority Han Chinese.¶ The rioting left some 200 people dead and 1,700 injured, according to official media reports.

#### Relations are resilient – issues are insulated – this evidence is predictive

Selee and Diaz-Cayeros 13 – PhD, Director of the Wilson Center’s Mexico Institute

(Andrew and Alberto, “Mexico and the United States: the politics of partnership,” ISBN-13: 978-1588268938)

Yet positive factors favor prospects for more effective partnership and are likely to drive cooperation over time. First among these is the genuine interdependence of interests that underlies integration between the two countries. Everyday issues that need to be resolved – from the GM bailout to drug trafficking to natural disasters and water shortages at the border – create a dynamic of constant engagement around highly concrete topics that policymakers on the two sides of the border need to address. Moreover, the growing complexity of the relationship means that even when disputes arise among the two countries’ political leaders, progress continues along a number of other areas, driven by federal agencies, state, and local governments, and nongovernmental actors. Increasingly, interactions between the two countries take place simultaneously along a wide number of different points of engagement, which are largely independent of each other and have their own particular dynamics. Progress on one does not necessarily augur progress on another; nor does failure in one area lead to failure in another. Nonetheless, progress in deepending engagement between the two countries will constantly be challenged by the persistent asymmetries that condition the relationship. The different in geopolitical realities of the two countries, the continuing intequality in average income between them and the dissimilar capacities of the two states are likely to continue to limit some efforts at greater cooperation. Recent tendencies have softened the impact of some of these asymmetries. Democraticization in Mexico has made the political systems of the two countries more similar. Increased economic and social exchanges have built ties that mitigate some of the most visible asymmetries and forced the two countries to seek solutions to shared problems. Public opinion studies show how far the two countries have gone in recognizing their mutual interest in working together despite their differences, with ordinary citizens generally far ahead of political elites. Over the long term, interdependence will force the two countries closer and complexity will allow the relationship to lay down even deeper roots along multiple points of engagement. However, asymmetry will continue to create frictions and provide a brake on progress in cooperation. The relationship between the United States and Mexico will continuously deepen, but wil be a process fraught with tension. The countries have ceased to be distant neighbors but as yet they remain far away from being strategic partners whose relationship is guided by a common vision of mutually beneficial shared outcomes.

#### Biodiversity is not critical survival of ecosystems.

Grime ‘97

J.P. Grime, biologist at the University of Sheffield. Science Vol. 277. August 29, 1997. “Biodiversity and ecosystem function: the debate deepens” Academix OneFile

This view that "biodiversity begets superior ecosystem function" is not shared by all ecologists[5, 6]. There are obvious conflicts with published evidence from work on natural rather than synthesized ecosystems. As early as 1982, Leps et al.[7] had suggested that ecosystem processes were determined primarily by the functional characteristics of component organisms rather than their number. The same conclusion was drawn by MacGillivray et al.[8] who showed that differences between five adjacent ecosystems in northern England in their responses to frost, drought, and burning were predictable from the functional traits of the dominant plants but were independent of plant diversity. This edition of Science (pages 1296, 1300, and 1302) includes three contributions[9-11] to this important debate. One is a report of results from the Cedar Creek synthesized plant assemblages, whereas the two others describe biodiversity-ecosystem studies conducted on natural systems (mediterranean grassland in California and northern forest in Sweden). In all three, variation in ecosystem properties is found to be related to differences in the functional characteristics, especially resource capture and utilization, of the dominant plants, and there is no convincing evidence that ecosystem processes are crucially dependent on higher levels of biodiversity. The evidence presented by Wardle et al.[10] is particularly compelling because it involves an extensive study of ecosystem properties on 50 relatively pristine forested islands of varied size and plant biodiversity. It is clearly shown that a suite of ecosystem properties -- including higher microbial biomass, high litter quality, and more rapid rates of litter decomposition and nitrogen mineralization -- coincide with the lower botanical diversity and the earlier successional state of the vegetation on larger islands (both consequences of the higher incidence of lightning strikes and more frequent fire history of larger islands). On small islands, succession proceeds uninterrupted to more species-rich vegetation, but here the dominant plants, Picea abies and Empetrum hermaphroditum, are extremely stress tolerant and produce litter of poor quality, thereby slowing the rates of ecosystem processes. This strongly supports the contention of MacGillivray et al.[8] that it is the biological characteristics of the dominant plants rather than their number that control ecosystem productivity and biogeochemistry. This same conclusion is prompted by the new data presented by Tilman et al.[9] and Hooper et al.[11]. Both of these groups have adopted a more experimental approach and created ecosystems in field plots where they can control both the functional composition and species richness of the vegetation. Here again, there is strong evidence that productivity and nutrient cycling are controlled to an overwhelming extent by the functional characteristics of the dominant plants, and evidence of immediate benefits of species-richness within functional groups remains weak.

#### BioD impacts empirically denied—past mass extinctions and continued species loss

Science Daily ‘2

“Extinction Rate Across the Globe Reaches Historical Proportions.” 1/10/2002.

http://www.sciencedaily.com/releases/2002/01/020109074801.htm

Levin's column noted that on average, a distinct species of plant or animal becomes extinct every 20 minutes. Donald Levin, who works in the section of integrative biology in the College of Natural Sciences, said research shows the rate of current loss is highly unusual -- clearly qualifying the present period as one of the six great periods of mass extinction in the history of Earth. "The numbers are grim," he said. "Some 2,000 species of Pacific Island birds (about 15 percent of the world total) have gone extinct since human colonization. Roughly 20 of the 297 known mussel and clam species and 40 of about 950 fishes have perished in North America in the last century. The globe has experienced similar waves of destruction just five times in the past." Biological diversity ultimately recovered after each of the five past mass extinctions, probably requiring several million years in each instance. As for today's mass extinction, Levin said some ecologists believe the low level of species diversity may become a permanent state, especially if vast tracts of wilderness area are destroyed.

# 2nc

## Drone Shift

#### This outweighs the case – The South China Sea is the most probable flashpoint for conflict escalation

Wesley 12 (Michael, Former Professor of International Relations and Director of the Griffith Asia Institute at Griffith University, Former Executive Director of the Lowy Institute for International Policy, “What's at stake in the South China Sea?”, 7/25/12, <http://www.lowyinstitute.org/publications/whats-stake-south-china-sea>)

The South China Sea is the flashpoint in the Pacific where conflict is most likely to break out through miscalculation. It is a crowded maritime environment contested by some inexperienced maritime forces with underdeveloped naval doctrine, among whom there are no established and accepted rules for managing maritime incidents.[1] And the combination of the claimant states’ power asymmetries, overlapping prerogatives, and growing nationalism mean that incidents, once they occur, are likely to escalate.

#### Drones are worse than detention for international perception

Rohde 13 (Stephen, Constitutional lawyer and Chair of the ACLU Foundation of Southern California, “Bush Detained Alleged Terrorists Without Due Process - Obama Is Killing Them With Drones”, 3/13/13, <http://www.truth-out.org/opinion/item/15086-bush-detained-terrorists-without-due-process-obama-is-killing-them-with-drones>)

In the context of the serious constitutional issues surrounding Obama's drone policy, there is much to learn from these Supreme Court decisions. Before and after 9/11, the US military has been fully capable of capturing and detaining alleged terrorists. Even in the war on terror, the court has consistently held that before alleged terrorists, Americans and noncitizens alike, can be denied "life, liberty or property," they are entitled to due process. The court has consistently rejected the presidential claim to unilateral authority to detain suspected terrorists, without charges, without lawyers and without trial. Since alleged terrorists - Americans and noncitizens alike - cannot be denied "liberty" without due process, surely they cannot be denied "life" without due process. The men whom Bush detained in Guantanamo Bay, like the men whom Obama killed by targeted drones, were all accused of being dangerous terrorists who posed a grave threat to America. Yet once Rasul, Iqbal, Hicks, Hamdi, Hamdan and Boumediene were afforded due process, they were eventually released and are alive today. When Padilla and al-Marri were afforded due process, represented by legal counsel, they were duly tried and convicted in a court of law and are serving their sentences. But al-Awlaki, his 16-year-old son, Khan and the others were NOT afforded due process. Instead, they were placed on Obama's "kill list" and were systematically targeted and summarily killed by drones. Summary execution is illegal, as it violates the right of the accused to a fair trial before a punishment of death. Almost all constitutions or legal systems based on common law have prohibited execution without the decision and sentence of a competent judge. The UN's International Covenant on Civil and Political Rights declares that "Every human being has the inherent right to life. This right shall be protected by law. No man shall be deprived of his life arbitrarily." "[The death] penalty can only be carried out pursuant to a final judgment rendered by a competent court." (ICCPR Articles 6.1 and 6.2) Major treaties such as the Geneva Convention and Hague Convention protect the rights of captured regular and irregular members of an enemy's military, along with civilians from enemy states. Prisoners of war must be treated in carefully defined ways which ban summary execution. "No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality." (Second Protocol of the Geneva Conventions (1977) Article 6.2) Obama's use of a "kill list" and the systematic targeting and summary killing of individuals by drones is an unspeakable violation of the constitution, international law and human rights. President Obama's legacy will forever be tarnished, and our constitutional system forever diminished, unless he immediately suspends his illegal policy of targeted drone killings and subjects the entire program to open, transparent and independent review.

#### Obama is self-restricting drone use now – Pivot to detention

Corn 13 (David, Washington Bureau Chief, “Obama's Counterterrorism Speech: A Pivot Point on Drones and More?”, 5/23/13, <http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties>)

So Obama's speech Thursday on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes. The New York Times received the customary pre-speech leak and reported: A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists. Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured, Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted. These moves may not satisfy civil-liberties-minded critics on the right and the left. Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo—though he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here is Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?) Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis. With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism. But the speech may well mark a pivot point. Not shockingly, Obama is attempting to find middle ground, where there is more oversight and more restraint regarding activities that pose serious civil liberties and policy challenges. The McCainiacs of the world are likely to howl about any effort to place the effort to counter terrorism into a more balanced perspective. The civil libertarians will scoff at half measures. But Obama, at the least, is showing that he does ponder these difficult issues in a deliberative manner and is still attempting to steer the nation into a post-9/11 period. That journey, though, may be a long one.

#### Drone strikes are way down

Farshori 8/27 (Kokab, “Are US Drone Strikes in Pakistan Winding Down?”, 8/27/13, <http://www.voanews.com/content/drone-strikes/1737799.html>)

But now, more than four years later, the number of drone strikes is way down. According to the New America Foundation, which tracks the strikes, there have only been 17 drone strikes this year so far. In the first eight months of last year, there were 36 strikes, while the number of drone strikes in the first eight months of 2011 and 2010 there were 56 and 57 respectively. Under the Bush administration, there were 46 strikes in Pakistan from 2004 to 2008. The total number of strikes carried out by the Obama administration from 2009 to 2012 was 297. Experts in Washington offer a variety of reasons for the shrinking number of drone strikes in recent months. Stephen Tankel, a counter-terrorism expert and an assistant professor at American University in Washington D.C., says one of the reasons is that there aren’t many high-value targets left to be hit in the Pakistan and Afghanistan region. Tankel also says the pressure from Pakistan and international human rights organizations may be at play as well. “I think there is certainly pressure from Pakistan, from human rights organizations, and quite frankly from elements within the U.S. that the drone strikes should be reduced, if not ended entirely,” he said.

#### The detention-drones tradeoff is empirically true

Goldsmith 12 – Professor of Law @ Harvard

(Jack, “Proxy Detention in Somalia, and the Detention-Drone Tradeoff,” June, http://www.lawfareblog.com/2012/06/proxy-detention-in-somalia-and-the-detention-drone-tradeoff/)

There has been speculation about the effect of the Obama administration’s pinched detention policy – i.e. no new detainees brought to GTMO, and no new detainees to Parwan (Afghanistan) from outside Afghanistan – on its other counterterrorism policies. I have long believed there must be some tradeoff between narrowing U.S. detention capabilities and other counterterrorism options, at least implicitly, and not necessarily for the better. As I wrote three years ago, in response to news reports that the Obama administration’s cutback on USG detentions resulted in more USG drone strikes and more outsourcing of rendition, detention, and interrogation:¶ 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.¶ The main response to this argument – especially as it applies to the detention-drone tradeoff – has been to deny any such tradeoff on the ground that there are no terrorists outside of Afghanistan (a) whom the United States is in a position to capture on the ground (as opposed to kill from the sky), and (b) whom the USG would like to detain and interrogate. Dan Klaidman’s book provides some counter-evidence, but I will save my analysis of that for a review I am writing. Here I would like to point to an important story by Eli Lake that reveals that the “United States soldiers have been hunting down al Qaeda affiliates in Somalia”; that U.S. military and CIA advisers work closely with the Puntland Security Force in Somalia, in part to redress piracy threats but mainly to redress threats from al-Shabab; that the Americans have since 2009 captured and brought to the Bosaso Central Prison sixteen people (unclear how many are pirates and how many are al-Shabab); and that American interrogators are involved in questioning al-Shabab suspects. The thrust of Lake’s story is that the conditions of detention at the Bosaso Central Prison are atrocious. But the story is also important for showing that that the United States is involved outside of Afghanistan in capturing members of terrorists organizations that threaten the United States, and does have a national security need to incapacitate and interrogate them. It does not follow, of course, that the USG can or should be in the business of detaining every al-Shabab suspect currently detained in the Bosaso Central Prison. But the Lake story does show that the alternatives to U.S. detention are invariably worse from a human rights perspective. It portends (along with last month’s WPR Report and related DOD press release) that our creeping involvement on the ground in places like Somalia and Yemen mean that the USG will in fact be in a position to capture higher-level terrorists in al Qaeda affiliates. And that in turn suggests that the factual premise underlying the denial of a detention-drone tradeoff will become harder and harder to defend.

### China Models

#### China models our drone use – Risks South China Sea conflict

Zhou 12 (Dillon, Graduate of the International Relations Program at the University of Massachusetts, “China Drones Prompt Fears of a Drone Race With the US”, December 2012, <http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us>)

For China, their nascent drone program provides a valuable tool for projecting its power in Asia, especially in a time when it’s engaged in territorial disputes with its neighbors. More importantly, China feels a need to meet the threat in perceives in President Obama’s so-called “Asia Pivot.” The drones could act as the ideal surveillance tool in tracking U.S. and its Asian allies' military movements in the event of a crisis or international spat and act as a proxy weapon to deter assertive behavior over the South China Sea and Senkaku Islands. At the same time, the cheaper Chinese drones are a hot export product line for the Chinese defense industry. Many African and Asian states have placed orders for the economic Chinese drones. "We've been contacting many countries, especially from Africa and Asia," Guo Qian, a director at a division of the state-owned China Aerospace Science and Technology Corporation. The geostrategic impact of the advent of these new "dragons" is to stoke fears of a drone race between the U.S. and China, which have already manifested at the Pentagon. Worried About the Dragons’ Reach The U.S. is deeply concerned with the speed of the Chinese drone program and the growing resources being devoted to the program. The main concern, according to the DSB report, is as follows: “The military significance of China’s move into unmanned systems is alarming. [China] has a great deal of technology, seemingly unlimited resources and clearly is leveraging all available information on Western unmanned systems development. China might easily match or outpace U.S. spending on unmanned systems, rapidly close the technology gaps and become a formidable global competitor in unmanned systems.” Basically, the U.S. is afraid that it won't be able to keep up with a China that has invested itself in a intensive government-sponsored effort to compete with the U.S. drone program in terms of technical quality, quantity, and as a export product to clients in the developing world. On a strategic level, the Chinese drones could be the "tipping point" for giving the Chinese the edge in possible future disputes in Asia with the U.S. as it attempts to create regional security as part of its "Asia Pivot." There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge to the American drone program. First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present. Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years. Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation. The U.S. shouldn't be alarmed given these facts. Nor should it be overly critical of the Chinese drone program. Scott Shane of The New York Times observes that the U.S. has set the "international norms" for using drones: "If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them."

### AT – SCS Impact Defense

#### Drones change the game

Standaert 12 (Michael, China correspondent for Global Post, “Stage set for drone chess match in Asia-Pacific”, 11/5/12, http://www.globalpost.com/dispatch/news/regions/asia-pacific/121102/china-drone-UAV-proliferation\_

China’s plans to deploy surveillance drones in the East China and South China seas hint at the future of warfare in the region, but are also a reminder of how far ahead leading drone manufacturing nations like the United States and Israel remain on aviation technology.¶ Experts say interest in unmanned aerial vehicles (UAVs) is surging throughout the Asia-Pacific region without a framework of controls curtailing their proliferation and use.¶ Add the Obama administration’s policy refocusing American attention on the region — the so-called “Asia Pivot” — along with US announcements of further deployments of advanced UAVs to the area, and a massive game of drone chess looks increasingly likely.¶ In September, China commissioned its first aircraft carrier, the Liaoning, and announced plans to use drones to monitor disputed territories including the Senkaku Islands that have caused recent friction with Japan. China detailed further plans to develop drone bases in 11 coastal provinces to be operational by 2015.¶ China has been playing catch-up with drone technology leaders, having purchased some technology from Israel already and showing strong interest in increasing its own share of the global UAV market, currently estimated at $6.6 billion per year and climbing.¶ “Many of my colleagues are creating a China that is 10 feet tall, like many of us did in the Cold War.”¶ ~Dennis Gormley, Ridgway Center for International Security Studies¶ Later this month the Zhuhai Air Show will be an important place to see what technology advancements Chinese companies have made as well as what countries might be interested in purchasing Chinese UAVs. Pakistan is known to have ordered drones from China, and countries such as Brunei and Malaysia in Southeast Asia have shown interest in China's drones.¶ Dennis Gormley, a senior research fellow at the Ridgway Center for International Security Studies, said that US defense and aviation industry logic is that if it doesn’t “satisfy the growing requirement for UAVs, other states will develop their own or turn to Israel or other developers.”¶ “Of greatest concern are the intentions of China,” said Gormley, author of the book “Missile Contagion,” published in 2010.¶ In the Asia-Pacific region, the list of countries who have developed or purchased drones already includes Australia, China, India, Indonesia, Japan, South Korea, Russia, Singapore, Malaysia, Taiwan, Thailand and the Philippines, according to a report published by the US Government Accountability Office (GAO) in July this year.¶ In June, a Chinese frigate was also photographed testing a helicopter UAV, said Wilson VornDick, a lieutenant commander in the US Navy Reserves and an analyst on China’s military for the Jamestown Foundation.¶ At the end of August, China’s State Oceanic Administration (SOA) announced plans to set up UAV patrols out of 11 airbases in coastal provinces for maritime surveillance. According to state media reports a pilot program last year ran UAVs out of Liaoning province to monitor an ocean area of around 380 square miles.¶ More recently, immediately following renewed conflict with Japan over the Senkakus, the SOA announced on Sep. 23 that it was deploying UAVs to monitor specifically monitor the disputed islands as well as territories in the South China Sea, which China claims almost in its entirety.¶ Reports also indicate that Japan is using drones to monitor the Senkakus, and the Philippines is reportedly looking to purchase more UAVs from the US for monitoring its own claims in the South China Sea.¶ While most experts say China is not yet ready to launch a UAV fleet to rival US dominance in this technology with the capabilities and ranges of such UAVs as Global Hawk or Predator, they say it is only a matter of time before China is ready to deploy a basket of armed and unarmed UAVs suited to its needs. "They are definitely showing some robust interest," VornDick told GlobalPost.¶ VornDick, who penned an article earlier this year for the Jamestown Foundation speculating that China could “leapfrog” its naval warfare development by outfitting its Liaoning carrier with UAVs instead of traditional manned war planes because of the difficulty of training pilots to land on carriers, said another great motivation for China to develop its own drones is their low cost.

## Legitimacy

#### The only way to resolve this is if the courts step in – Zero chance of that

Glennon 8 (Michael, Professor of international law at the Fletcher School of Law & Diplomacy, “A Conveniently Unlawful War”, http://www.hoover.org/publications/policyreview/26119169.html)

John marshall is famous for having fathered a system of judicial supremacy, reflected in his ringing assertion in Marbury v. Madison, 5 U.S. 137 (1803) that it is “emphatically the province and duty of the judicial department to say what the law is. ” As Bas v. Tingy, Talbot v. Seeman, and Little v. Barreme all reveal, Marshall and his colleagues did not hesitate to decide cases bearing upon war and peace. But American courts today say little on such matters, strikingly less than did their Federalist predecessors, whose power was more recently claimed and more precariously held. The courts today routinely decline to hear war powers cases for three doctrinal reasons, any one of which would likely prove fatal to an effort to achieve judicial redress in the war in Iraq. The first is the political question doctrine. The reach of the doctrine was summarized by the Supreme Court in the 1962 reapportionment case of Baker v. Carr. It said: Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court ’s undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question.21 A dispute that falls into one of more of those categories will be dismissed in the belief the courts should leave its resolution to the political branches. In recent decades, the courts have not reached the merits in any war powers controversy, and the political question doctrine has been a frequent rationale for abstaining. This is lamentable, because it undercuts the American commitment to a rule of law enforced by independent courts against all law violators, high or low. John Marshall well knew that some cases present political questions not appropriate for adjudication, something he noted explicitly (and only in passing) in Marbury. Yet his Court decided Bas, Talbot, and Little without ever noting that any of these cases might have presented a political question; the possibility was not even worth addressing. And with good reason: In such cases, arguments for the political question doctrine are in fact arguments for unfettered executive hegemony. The executive always wins when it can present Congress and the country with a fait accompli, using force free of judicial review. Such abstention, it is true, keeps the courts out of the political hot-seat and in a sense protects their legitimacy. But it is worth remembering that political legitimacy is a double-edged sword: Not deciding a case that presents a manifest constitutional violation can undermine public respect for the courts even more than deciding it. When the political system is incapable of righting itself and re-establishing an equilibrium of power, the courts ’ legitimacy is enhanced by intervening.

#### Congress will acquiesce to violations

Greenwald 11 (Glenn, Former Constitutional and civil rights litigator, recipient of the I.F. Stone Award for Independent Journalism, “Obama’s new view of his own war powers”, 3/31/11, <http://www.salon.com/2011/03/31/executive_power_2/>)

Matt Yglesias is absolutely right when he points out that, in reality, Congress is happy to have the President usurp its powers in these cases because it alleviates them of responsibility to act. But the same was true of the Democratic Congress under Bush, and that didn’t justify anything Bush did; it just meant that Congress shared the blame for acquiescing to it. It may be common, and it may produce good outcomes, and it may be a longstanding problem, but there’s no question that Obama’s commencement of this war without Congressional approval, and especially Hillary Clinton’s announcement that Congress has no power to restrict the President in any way, are acts of pure imperial lawlessness. Daniel Larison put it best:

#### Obama will use article 2 to bypass restrictions

The New American 13 (“Congress Looks to Revise, Expand President's War Powers”, 6/4/13, <http://www.thenewamerican.com/usnews/constitution/item/15616-congress-looks-to-revise-expand-president-s-war-powers>)

President Obama has pledged he will not sign any law to expand the president's war-making authority under the joint resolution known as the Authorization for the Use of Military Force, passed by both houses of Congress three days after the September 11, 2001 attacks on New York and Washington. What's more, the president said in the major foreign policy address he delivered at National Defense University nearly two weeks ago that he looked forward to "engaging Congress and the American people in efforts to refine, and ultimately repeal, the AUMF's mandate." Yet in rejecting the concept of a "boundless 'global war on terror,'" Obama promised a continued "series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America." These efforts will continue in Afghanistan and Pakistan, and in places such as Yemen, Somali, and North Africa, he said. The question he did not acknowledge, not to mention answer, is where does the president find the legal basis for wielding that military force in all those far-off places if the congressional authority for using it has been repealed? The AUMF says: The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons. Under the Bush and Obama administrations, it has been claimed as authority for everything from the invasion of Afghanistan to extensive bombing in Pakistan, Yemen, and Somalia, and covert operations in who knows where. The Bush administration claimed its authority to defend the United States covered warrantless monitoring of Americans' international phone calls, and Obama has claimed the power to target individuals overseas, including American citizens, for killing by drone attack. Both administrations have claimed the power to imprison terror suspects, including U.S. citizens, indefinitely and without trial, and Congress has codified that power in sections of the National Defense Authorization Act. The enemy has been redefined to include not only al-Qaeda and those who harbored or assisted the 9/11 attackers, but "associated forces," some of which, such as the Pakistani Taliban and al-Shabaab in Somalia, were not yet in existence in on September 11, 2001. In recent congressional hearings, Sen. Angus King (I-Maine) pointed out that "associated forces" appears nowhere in the AUMF, while Sen. Carl Levin (D-Mich.), chairman of the Armed Services Committee, has argued the authorization applies to organizations that have since allied with al-Qaeda and have "joined the fight against us." Sen. John McCain, seldom bashful about the use of military force, has called the inclusion of associated forces "certainly a liberal interpretation of AUMF." McCain, the ranking Republican on the Armed Services Committee, said he was considering offering amendments to the defense spending bill for Fiscal Year 2014 to make changes in the counterterrorism law. "It's something whose time has come," he said. But change in what direction? Sen. Lindsey Graham (R-S.C.), who is usually allied with McCain on defense and foreign policy issues, made clear the direction he thinks he thinks the Congress should move. "I just think we need to broaden the definition," said Graham, "and look at who is the enemy and where is the war in 2013." Broadening the definition of the enemy would necessarily mean broadening the war, which is what the president has been doing anyway, despite his statements about wanting a narrower focus and an end to the "global war on terror." A recent Washington Post editorial warned of "a danger that dropping the AUMF — as opposed to tailoring it to the new conditions Obama described — will result in less restraint on presidential power, not more." That, the Post explained, is because "top legal advisers at the State and Defense departments" have publicly said that absent the AUMF, "military attacks on terrorists can still be carried out under Article II of the Constitution, which grants the president power to defend the country against imminent attack. Most legal experts agree with that view," the Post informed its readers.

#### Obama could easily do the plan if he wanted to

Daily Kos 13

“How Obama could close Guantanamo” [http://www.dailykos.com/story/2013/07/25/1226653/-How-Obama-could-close-Guantanamo] July 25 //mtc

It was part of a campaign promise the president made, to close the camp and "determine how to deal with those who have been held there." But five years on, the controversial prison remains open. Congress has made it impossible for the military to close that awful place, but Obama - if he wanted to - could easily transfer the prisoners out of there so they can be tried as our Constitution promises and requires.¶ Here's how. The federal prison system are in the executive branch, they can be directed to do Obama's bidding via executive order, no congressional action needed. And the US Marshall Service is subject to Obama's orders too. They have large passenger aircraft based in Oklahoma City for the sole purpose of transporting prisoners. No appropriations involved.¶ So send the Marshalls to Gitmo, order the military to open the doors (this costs the military zero thus no congressional prohibition) and fly the prisoners to the states to await trial in federal prisons, which unlike state prisons, have plenty of room. And get on with administering justice.

#### The NDAA explicitly allows it

Eviatar 13

Daphne, “Obama can close Guantanamo” [http://www.japantoday.com/category/opinions/view/obama-can-close-guantanamo] May 4 //mtc

The National Defense Authorization Act that Congress passed last year specifically allows the president to transfer detainees out of Guantanamo if the defense secretary certifies that it’s in the interest of U.S. national security and that measures will be taken to substantially mitigate any risks they may pose.

#### Guantanamo hearings prove

IPS 13 (Inter Press Service, “U.S. Claims No Indefinite Detention at Guantánamo”, 3/13/13, <http://www.ipsnews.net/2013/03/u-s-claims-no-indefinite-detention-at-guantanamo/>)

In an unusual public testimony, the U.S. government has publicly stated that no “indefinite detention” is taking place among detainees at the military prison in Guantánamo Bay. “The United States only detains individuals when that detention is lawful and does not intend to hold any individual longer than is necessary,” Michael Williams, a senior legal advisor for the State Department, told a hearing at the Inter-American Commission on Human Rights. The testimony took place Tuesday as a panel of human rights lawyers appealed before an international human rights body over what they called an “unfolding humanitarian crisis” at the military prison, calling for an end to ongoing human rights violations they say are being committed against the detainees. The hearing, at the Organisation of American States headquarters here in Washington, marked the first time since President Barack Obama’s re-election that the U.S. government has had to publicly answer questions concerning Guantánamo Bay. Legal representatives for the detainees also presented disturbing eyewitness accounts of prisoner despair at the facility, brought on by prolonged indefinite detention and harsh conditions that has led to a sustained hunger strike involving more than 100 prisoners at the U.S. base in Cuba. Established in 2002, the Guantánamo Bay military prison held, at its height, more than 700 suspects of terrorism. The facility currently holds 166 prisoners, of whom 90 – most of them Yemenis – have reportedly been cleared for repatriation, while another 36 are due to be prosecuted in federal courts, although those trials have yet to take place. The remaining are being held indefinitely without trial because evidence of their past ties to terrorist groups is unlikely to be admissible in court. In some cases, this is reportedly due to its acquisition by torture, while in other cases because the U.S. government believes that the suspects would return to extremist activities if they were to be released. The IACHR has repeatedly called for the closure of the Guantánamo Bay detention centre, and has requested permission to meet with the men detained there. The U.S. government has failed to allow the hemispheric rights body permission to make such a visit, however. The IACHR held Tuesday’s hearing to learn more about the unfolding humanitarian crisis at the Guantánamo prison. It also focused on new components to the National Defense Authorization Act (NDAA), signed earlier this year, which has been criticised for authorising indefinite detention and restricts the transfer of Guantánamo detainees. Tuesday’s hearing saw testimony from experts in law, health and international policy, covering the psychological impact of indefinite detention, deaths of some suspects at Guantánamo, the lack of access to fair trials, and U.S. policies that have restricted the prison’s closure. On taking office four years ago, President Obama famously promised to close the prison and ordered an end to certain interrogation tactics that rights groups called “torture”, including “extraordinary rendition” to third countries known to use torture. Yet he has since relied to a much greater extent on drone strikes against “high value” suspected terrorists from Afghanistan, Pakistan, Yemen and Somalia, while failing to close the prison. “In the 2008 campaign, both [presidential candidate John] McCain and Obama were squarely opposed to Guantánamo and agreed that this ugly hangover from the Bush/Cheney era had to be abandoned,” Omar Farah, staff attorney at the Center for Constitutional Rights (CCR), told IPS. “But four years later, the political whims have completely reversed and there is almost unanimity that Guantánamo needs to remain open aside from occasional platitudes from the president.” Yet Farah is clear in his view that reversing this trend is still well within President Obama’s power. “This is something that really calls for leadership from the president – he needs to decide if he wants Guantánamo to be part of his legacy,” Farah says. “If the U.S. isn’t willing to charge someone in a fair process and can’t produce proper evidence of their crimes, then those prisoners have to be released. There is just no other way to have a democratic system. We’ve never had this kind of an alternative system of justice, and yet that’s what we have in Guantánamo.” Pervasive health crisis Human rights activists claim the Obama administration has not only broken his promise to rapidly close Guantánamo, but that his administration has also extended some of the worst aspects of the system. They point to the administration’s continuance of indefinite detention without charge or trial, employing illegitimate military commissions to try some suspects, and blocking accountability for torture. At Tuesday’s hearings, the State Department’s Williams made extensive note of the health facilities and services that the U.S. government has made available for the detainees. And while critics do admit that the government facilities do meet international standards for detainees’ physical needs, they note that the mere fact of indefinite detention inflicts a toll all its own. “The hopelessness and despair caused by indefinite detention is causing an extremely pressing and pervasive health crisis at Guantánamo,” Kristine Huskey, a lawyer with Physicians for Human Rights, an advocacy group, told IPS. “A person held in indefinite detention is a person deprived of information about their own fate. They are in custody without knowing when, if ever, they will be released. Additionally, they do not know if they will be charged with crimes, receive a trial, or ever see their families again. If they have been abused or mistreated, they also do not know if this will happen again.” At Tuesday’s hearing, however, Williams refused even to admit that indefinite detention was taking place at Guantánamo. CCR’s Farah called the whole experience “very disheartening”. “It was shocking – they explicitly denied that there is indefinite detention, despite the fact that most of the prisoners there have been there for more than a decade without charge or trial,” Farah said. “So we are looking for the IACHR to remain actively engaged and hope that they will continue to put pressure on the U.S. government to comply with their international legal obligations toward these prisoners.”

#### Regional balancers, nuclear deterrence, and offshore balancing solve the impact

Layne 6 (Christopher, Professor of Political Science, “The Peace of Illusions: American Grand Strategy from 1940 to Present”)

The received wisdom is that since the early twentieth century (at least), America’s grand strategy has been counterhegemonic. That is, the United States has sought to prevent a single great power from achieving a Mackinderesque dominance of the Eurasian heartland, because a Eurasian hegemon would control enough hard power to threaten the American homeland. This fear is invoked by U.S. strategists, along with the economic Open Door and oil access concerns, as a reason that the United States cannot abandon its hegemonic grand strategy in favor of offshore balancing. The prospect that a threatening hegemon will emerge in Eurasia is remote, and the United States does not need to maintain a permanent Eurasian military presence to guard against this possibility. The United States has three lines of defense against a potential Eurasian hegemon: regional power balances, distance, and its own military capabilities. Regional power balances are America’s first line of defense against a rising Eurasian hegemon, and an offshore balancing strategy would rely on the balance-of power dynamics of a twenty-first-century multipolar system to thwart a distant great power seeking Eurasian predominance. The major powers in Eurasia have a much more immediate interest in stopping a rising hegemon in their midst than does the United Sates, and it’s money in the bank that some of them will step up to the plate and balance against a powerful, expansionist state in their own neighborhood. In a multipolar system, the question is not whether balancing will occur, hut which state(s) will to do it. Here is where the logic of passing the buck comes into play.68 Offshore balancing would aim to capitalize on the strategic advantages of America’s insular position and pass the buck for stopping a Eurasian hegemon to those whose security would be most immediatelyjeopardized.69 Insularity allows the United States to stand aloof from others’ security competitions and engage in bystanding and buck-passing behavior that compels others to take on the risks and costs of counterhegemonic balancing in Eurasia.° Offshore balancing is a hedging strategy. It recognizes that if regional power balances fail, the United States might need to intervene counterhegemonicallv, because a Eurasian hegemon might pose a threat to American security. However, an offshore balancing strategy would not assume that the rise of a twenty-first-century Eurasian hegemon inevitably would threaten the United States. There is a strong case to be made that the nuclear revolution has transformed the geopolitical context with respect to America’s interests in Eurasia in two crucial ways. First, nuclear weapons have made the Eurasian balance less salient to the United States. Because of nuclear deterrence (and geography), fear that a future Eurasian hegemon would command sufficient resources to imperil the United States arguably is a strategic artifact of the pre-nuclear era.7’ Second, even as the impact of the Eurasian balance of power has declined as a factor in America’s security, in a nuclear world the likely cost of U.S. intervention in a great power war in Eurasia has risen.

## Democracy

#### Relations are resilient – issues are insulated – this evidence is predictive

Selee and Diaz-Cayeros 13 – PhD, Director of the Wilson Center’s Mexico Institute

(Andrew and Alberto, “Mexico and the United States: the politics of partnership,” ISBN-13: 978-1588268938)

Yet positive factors favor prospects for more effective partnership and are likely to drive cooperation over time. First among these is the genuine interdependence of interests that underlies integration between the two countries. Everyday issues that need to be resolved – from the GM bailout to drug trafficking to natural disasters and water shortages at the border – create a dynamic of constant engagement around highly concrete topics that policymakers on the two sides of the border need to address. Moreover, the growing complexity of the relationship means that even when disputes arise among the two countries’ political leaders, progress continues along a number of other areas, driven by federal agencies, state, and local governments, and nongovernmental actors. Increasingly, interactions between the two countries take place simultaneously along a wide number of different points of engagement, which are largely independent of each other and have their own particular dynamics. Progress on one does not necessarily augur progress on another; nor does failure in one area lead to failure in another. Nonetheless, progress in deepending engagement between the two countries will constantly be challenged by the persistent asymmetries that condition the relationship. The different in geopolitical realities of the two countries, the continuing intequality in average income between them and the dissimilar capacities of the two states are likely to continue to limit some efforts at greater cooperation. Recent tendencies have softened the impact of some of these asymmetries. Democraticization in Mexico has made the political systems of the two countries more similar. Increased economic and social exchanges have built ties that mitigate some of the most visible asymmetries and forced the two countries to seek solutions to shared problems. Public opinion studies show how far the two countries have gone in recognizing their mutual interest in working together despite their differences, with ordinary citizens generally far ahead of political elites. Over the long term, interdependence will force the two countries closer and complexity will allow the relationship to lay down even deeper roots along multiple points of engagement. However, asymmetry will continue to create frictions and provide a brake on progress in cooperation. The relationship between the United States and Mexico will continuously deepen, but wil be a process fraught with tension. The countries have ceased to be distant neighbors but as yet they remain far away from being strategic partners whose relationship is guided by a common vision of mutually beneficial shared outcomes.

#### No democratic peace—other domestic political factors are more important than regime type for determining war and peace decisions

Elman 97

Miriam Elman, Assistant Professor in the Department of Political Science at Arizona State University, 1997, Paths to Peace Is Democracy the Answer?, p. 483

MISSING DOMESTIC-LEVEL VARIABLES. The democratic peace theory presents a truncated view of domestic politics in general, and demo­cratic politics in particular. Specifically, the theory ignores the role of leaders; underemphasizes norms that are not associated with domes­tic political ideology; obscures the role of political parties; and discounts how civil-military relations can concentrate or disperse war powers. First, the theory requires us to believe that it matters little who controls the state; that is, the democratic peace theory suggests that regime type predominates, hence the identity and beliefs of the governing coalition do not matter. We suggest that this is a very misleading and apolitical argument. For example, in Chapter 1, Layne argues that individual leaders made a difference in determining whether Anglo-French relations were conflictual or cooperative. The presence of Lord Palmerston in the British Foreign Office increased cross-Channel friction. Palmerston’s replacement, Lord Aberdeen, had a more collegial diplomatic style. Thus, it is not surprising that in the 1840s Anglo-French relations shifted toward increasing concilia­tion and cooperation. Instead of changes of regime type, changes in foreign policy leadership made the difference. Similarly, Kacowicz (Chapter 8) finds that domestic changes with­in regimes can bring to power new and moderate leaders, thus facil­itating the resolution of militarized disputes. For example, leadership changes in Peru can explain why its conflict with Colombia was resolved short of war. In addition, in Chapter 7, I suggest that democracies will be more likely to initiate conflicts and use force if ruling coalitions favor the use of force to solve international conflicts. In Israel, since the two main political parties—Labor and the Likud— had different views regarding the legitimacy of using force, changes in leadership dramatically affected Israel’s war-proneness. These intra-regime changes led to changes in Israel’s foreign policy toward Lebanon even though Israel’s regime type—democracy—remained constant. In short, the important consideration may not be whether a coun­try is democratic or not, but whether its ruling coalition is committed to peaceful methods of conflict resolution. By focusing solely on domestic regime type, the democratic peace theory obscures the extent to which hard-line leaders are often a prerequisite for war.14 Second, the democratic peace theory obscures the fact that war and peace decision making often reflects normative and cultural factors that have little to do with different political ideologies. For example, in Chapter 2, Rock suggests that beliefs in a common racial identity led Britain to retreat from the brink of war with the United States dur­ing the Venezuelan crisis. Anglo-Saxonism also explains the great rapprochement between the United States and Britain at the turn of the century; the British perceived the United States as less menacing than Germany because of the racial and cultural affinity they felt for Americans. Furthermore, public expressions of Anglo-Saxonist sentiment were loudest when diplomatic relations between the United States and Britain were at their worst, suggesting that Anglo­Saxonism was not merely a consequence of Anglo-U.S. reconciliation, as neorealists would argue. Ganguly (Chapter 6) also argues that the norms that drive foreign policy may only partly be related to political organization and regime type. In the war between Pakistan and India in 1971, political ideology—support for democracy and democratiza­tion—was less important than ensuring India’s secular way of life. Similarly, Freedman (Chapter 5) argues that while democratic peace theorists are right to emphasize the importance of norms in explaining a state’s foreign policy choices, political ideology is not necessarily the most powerful normative justification for war or peace decisions. Consistent with the dyadic democratic peace argu­ment, Freedman finds that support for democratic norms goes far in explaining Britain’s decision to reoccupy the Faildand Islands by force. Argentina’s regime type was a permissive condition for war: a military response was a more acceptable and feasible option than it might have been had Argentina been a liberal democracy. Nevertheless, Freedman points out that Britain justified its war deci­sion on the grounds that it was upholding the international principle of self-determination, and not rewarding aggression. Instead of liber­al ideology and the nature of the Argentine regime, these interna­tional rights were crucial in the British decision making calculus. Third, the democratic peace theory discounts the fact that it is not regime type—democracy versus nondemocracy—that explains war and peace decisions, but particular attributes of democracy, such as the nature of political parties. According to John C. Matthews Ill (Chapter 11), the democratic peace is not a result of democracy, but of strong parties. Strong parties that favor the use of force only as a last resort can screen out more radical actors from the foreign policy making process. Finally, the democratic peace theory ignores civil-military rela­tions. The institutional argument for the democratic peace phenome­non asserts that democracies are less war-prone because the power to wage war is not concentrated in the hands of one person. But even democracies delegate war powers, increasing the chances that war and peace decisions will reflect the views of a small group of civilian and military figures. For example, in Chapter 7, I argue that due to the nature of civil-military relations in Israel, Defense Minister Sharon was able to direct and control the war in Lebanon. The cabi­net was presented with faits accomplis that escalated actions in Lebanon and incrementally led to the implementation of a far larger military initiative than the cabinet had originally approved. Similarly, Layne (Chapter 1) suggests that Britain’s Lord Palmerston had a great deal of power to decide war and peace issues due to the way m which foreign policy was delegated. In sum, like democratic peace proponents, we argue that internal characteristics of the state are relevant for predicting whether states will or will not fight each other. However, we reject the claim that crude attributes of states’ domestic political systems—democracy versus nondemocracy—provide sufficient information about the domestic sources of foreign policy. While domestic politics matters, it is not regime type that crucially accounts for variations in foreign policies, but other variables that may be present or absent in democ­racies (and nondemocracies).

# 1nr

### OV

#### Turns their heg args

Friedberg and Schoenfeld 8

Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

### U/X

#### Debt ceiling will be raised – it’s only a question of how messy the process will be

Sahadi 9/12

Jeanne, CNN, The never-ending charade of debt ceiling fights, 9/12/13, http://money.cnn.com/2013/09/12/news/economy/debt-ceiling/?source=cnn\_bin

Lawmakers are tied up in knots over increasing the debt ceiling this fall. But they eventually will. The only question is how messy the process will be.¶ Why assume they'll raise it? Because they have no real choice if they want to avoid a U.S. default. A default would hurt the economy and markets, and most lawmakers know this. That's why they regularly raise the debt ceiling before it comes to that.¶ In fact, since 1940, Congress has effectively approved 79 increases to the debt ceiling. That's an average of more than one a year.

#### Political pressure ensures passage – question of how

Birnbaum 9/10

Jeffrey Birnbaum is a columnist for The Washington Times, a Fox News contributor and president of BGR Public Relations, The other approaching war; The debt-ceiling struggle is soon to envelop Capitol Hill, again, Washington Times, 9/10/13, Lexis

Neither side wants a government shutdown or a debt default (though a minority have said they do). Congressional Republican leaders understand that they would be blamed politically if either of those happened and do not wish to destroy their already tenuous standing with the public. Congressional Democrats are also leery of these outcomes because they (and President Obama) would surely have to share blame if economic reversals resulted from such avoidable calamities.¶ In the end, it's hard to imagine that the parties' leaders will be so self-destructive that they would permit either a government shutdown or a default. What no one on Capitol Hill or the White House knows is how those things will be avoided.¶ More likely is a series of short-term extensions of the current budget, essentially at sequestration levels. If history is a guide, Congress and the president have been unable for years to do anything but put off hard choices or accept automatic changes for which they can escape responsibility. Extending current law, first for short periods and, eventually. for a longer period, would fit that trend.

#### GOP will cave because they have no leverage – Obama can hold the line

Bolton 9/14

Alexander, The Hill, Confident Dems want separate showdowns on fiscal battles, 9/14/13, http://thehill.com/homenews/senate/322247-confident-democrats-want-separate-showdowns-on-shutdown-and-debt-limit

“We’re not negotiating on the debt ceiling. We think we have the high ground in both of those fights,” said a senior Senate Democratic aide.¶ The Senate Democratic strategy over the next several weeks will be to stand pat and refuse to make any significant concessions in exchange for funding the government or raising the debt ceiling.¶ “If push comes to shove on debt ceiling, I’m virtually certain they’ll blink,” said Sen. Charles Schumer (N.Y.), the third-ranking member of the Senate Democratic leadership. “They know they shouldn’t be playing havoc with the markets.”¶ Schumer said Republicans are on stronger political ground if there’s a government shutdown, but warned “even on that one, they’re on weak ground because the public sort of is finally smelling that these guys are for obstructing.”¶ A CNN poll released Wednesday showed that 51 percent of the public would blame Republicans for a government shutdown, an increase from the 40 percent who would have pointed the finger at the GOP earlier this year. Only a third of respondents said they would blame President Obama.¶ The survey also showed that the 2010 Affordable Care Act has become steadily more unpopular.¶ Democrats acknowledge political problems associated with Obama’s signature domestic accomplishment. They say, however, the public backlash hasn’t been strong enough to give cover to Republicans if a congressional fight over the law shuts down the government.¶ “Polling shows that Republicans will be blamed for a shutdown,” said a senior Democratic aide. “There may be some problems with the overall popularity of the healthcare law but very few people would say shut down the government or risk default to defund it.”¶ The Senate Republican leadership agrees with this assessment.¶ “I think that’s accurate,” said a senior Senate GOP aide. “Republicans acknowledge that."¶ The aide predicted that the GOP conferences in the Senate and House would begin to splinter as public pressure grew on Congress to resume government funding.¶ “At some point there some Republicans are going to crack and vote to reopen the federal government,” the aide said.¶ Sen. Tom Coburn (R-Okla.) said this is what happened the last time Congress shuttered the government in the mid 1990s.

### TOA

#### Shift to domestic issues now – Obama balancing

Felsenthal 9/12

Mark, Reuters, Obama says is shifting to domestic priorities from Syria focus, 9/12/13, http://www.reuters.com/article/2013/09/12/us-usa-obama-syria-idUSBRE98B0RF20130912

President Barack Obama said on Thursday he is shifting his focus to domestic priorities from a tense period during which he sought congressional approval to use military force against Syria for its suspected use of chemical weapons.¶ "Even as we have been spending a lot of time on the Syria issue and making sure that international attention is focused on the horrible tragedy that occurred there, it is still important to recognize that we've got a lot more stuff to do here in this government," the president said before a meeting with his Cabinet at the White House.¶ The president said he hopes meetings between Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov will result in action to eliminate Syria's ability to use chemical weapons again.¶ Obama has asked Congress to authorize military strikes against Syria in response to what the United States says was a chemical weapons attack by the government that killed more than 1,400 people on August 21. The issue is on hold pending diplomatic efforts to disarm Syria of chemical weapons.¶ "I am hopeful that the discussions that Secretary Kerry had with Foreign Minister Lavrov as well as some of the other players in this can yield a concrete result," Obama said.¶ Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov were to hold talks on Syria in Geneva.¶ The president cited the budget, immigration, and implementation of his signature healthcare legislation as concerns he is turning to.¶ The administration faces daunting obstacles on all three fronts and a ticking clock on the budget in particular. Congressional Republicans have sought to eliminate funding for the health law, known as Obamacare, and want the president to agree to spending cuts in exchange for raising the nation's debt limit.¶ Lawmakers must pass legislation to continue funding for government operations by the end of the month or force a government shutdown. Failure to raise the nation's debt limit after a date expected in mid-October would trigger a debt default.

### Yes PC

#### Yes PC – multiple reasons

Kornblum 9/11

John, Former U.S. ambassador to Germany, Judy Asks: Is Obama a Lame-Duck President?, 9/11/13, http://carnegieeurope.eu/strategiceurope/?fa=52932&lang=en

U.S. President Barack Obama is far from a lame-duck president.¶ Such charges often arise when a politician is facing difficulties, and it is true that Obama has not been as adroit as he might have been on issues such as Syria. But if Syrian stocks of poison gas are put under international control, as was proposed this week, he will in fact gain in both influence and reputation.¶ And the reality is that the U.S. economy is improving, the nation’s overseas military involvements are being cut back, and the Republicans continue to self-destruct.¶ There is rough sledding ahead, but the president has more than enough political capital to deal with the problems he faces.

### AT: Syria Thumper

#### Russia deal provides cover – no loss of PC

Bohan 9/11

Caren, Reuters, Delay in Syria vote frees Obama to shift to hefty domestic agenda, 9/11/13, 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.

#### Capital key – overcomes GOP Obamacare holdout

Sargent 9/13

Greg, Washington, Post, The Morning Plum: Delusions and lies about Obamacare come back to haunt GOP leaders, 9/13/13, http://www.washingtonpost.com/blogs/plum-line/wp/2013/09/13/the-morning-plum-delusions-and-lies-about-obamacare-come-back-to-haunt-gop-leaders/

The new NBC/WSJ poll contains bad news for Dems. But the poll is even worse news for the whole country, because it may make Republicans more likely to think they have the leverage they need to use this fall’s confrontations to somehow undermine Obamacare.¶ The key findings are that 44 percent of Americans say they oppose a debt ceiling increase, versus only 22 percent who favor one. In a reversal, Republicans are now more favored on the economy by by four points, and on the deficit by 13 points.¶ Of course, public opinion always tilts against the debt limit — that didn’t stop Republicans from caving on it earlier this year — and as the NBC write-up notes, Obama has the bully-pulpit, which ultimately flipped opinion on it last time. But for conservatives looking for ways to rally the shock troops for the coming confrontation, this poll could boost their case that the GOP must hold firm in its demand to block or delay Obamacare, probably in the debt ceiling fight, where GOP leaders say they will make their stand against the law. Some are already pointing to it as proof of leverage.¶ But the poll also finds that an astonishingly low 23 percent favor the GOP as the party that is looking out for the middle class. As the GOP pollster who helped conduct the poll put it: “The Republican Party is not on the playing field in terms of who’s being considered as representing the values of the middle class. That is fundamental positioning problem.” Indeed, it’s a terrible place to be, heading into a war in which Republicans will be armed with little more than an austerity message as justification for unleashing more economic havoc.

### Link

#### Obama pushes the plan

Ralph 13

(Talia, April 30, 2013, “President Obama answers tough questions on the 'red line' in Syria, Guantanamo (VIDEO)” http://www.globalpost.com/dispatch/news/regions/americas/united-states/130430/watch-live-president-obama-takes-questions-domes)

"It's no surprise to me we have problems in Guantanamo. I said when I was elected that we need to close Guantanamo. I still think that," Obama answered. Though Congress has prevented the prison's closure despite recommendations that many of the prisoners could be returned to their own countries or third-party nations, Obama said he was going to re-engage with Congress "to make the case that this is not in the best interest of the American people. It's not sustainable." The president reiterated his feeling that Guantanamo is "not necessary to keep America safe." "It is expensive, it is inefficient, it hurts our international standing, it lessens cooperation with our allies, it is a recruitment tool for extremists," he said. The president added that it is a "tough problem" because "for many

#### Obama can hold the line on Obamacare now, but injecting new issues into the political landscape upsets the balance of power and triggers negotiations

Denver Post 9/14

Political games on the debt ceiling and Obamacare, 9/14/13, http://www.denverpost.com/politics/ci\_24082710/political-games-debt-ceiling-and-obamacare

In an ominous sign, Republican leaders in the U.S. House last week had to delay a vote to keep the government running through mid-December because they didn't have enough support. Once again, unfortunately, budget hard-liners in the GOP caucus are threatening to shut down the government in order to extract spending concessions.¶ In this case, however, the desired concession — defunding the Affordable Care Act, aka Obamacare — is beyond unlikely. It has essentially no chance of occurring without a major change in the political landscape in Washington.¶ So long as President Obama resides in the White House and the Senate is controlled by Democrats, Obamacare is not going away.¶ In contrast with some of their backbenchers, House Republican leaders had proposed — and hope to revive this week — a plan to continue funding the government through mid-December that includes the same level of sequester cuts. Meanwhile, they'd float a separate measure to defund Obamacare.¶ That second measure would, of course, be ignored in the Senate, but that is the sort of thing that happens in a divided Congress. Each side is often able to check the other.¶ It's not as if the GOP leadership is squishy on Obamacare. As The New York Times reported last week, those leaders have signaled that "Republicans would support an essential increase in the nation's debt limit in mid-October only if Presidaent Obama and Democrats agree to delay putting his health insurance program into full effect."¶ To be clear, the debt limit is a separate issue from the funding of government. Unless the ceiling is raised, the government will be unable to pay its bills and the nation's credit rating would be jeopardized.¶ But holding the debt ceiling hostage to Obamacare — or anything else — is equally misguided, in our view, and probably fated to hurt Republicans more than Democrats. The nation is obligated to pay its debts, and political gamesmanship shouldn't be injected into the process.

#### The plan is a huge win for the tea party.

Grim 2013 (Ryan Grim, June 11, 2013, “Divisions Over National Security State Scramble Old Alliances, Political Coalitions,” Huffington Post, http://www.huffingtonpost.com/2013/06/11/nsa-leak\_n\_3421415.html)

The contours of the debate around security and civil liberties that began the day after the 9/11 attacks have been steadily shifting ever since, but have recently become contorted in the wake of revelations about the depth and breadth of the National Security Agency's secret surveillance. The debate coincides and overlaps with disagreement over indefinite detention, the use of force abroad and, specifically, the employment of drones in a sprawling array of countries in the so-called global war on terror.¶ The debate has taken on a partisan bent, with grassroots Democrats broadly lining up in surveys to defend the administration, and Republicans charging that presidential authority goes too far. But among the leaders in Washington and the media, alliances are scrambling, with the greatest dissension within conservative ranks.¶ The battle inside the GOP has left leading tea party figures such as Sens. Rand Paul (R-Ky.) and Mike Lee (R-Utah), Glenn Beck and Rush Limbaugh in uncomfortable alignment with independent Sen. Bernie Sanders, a self-described Democratic socialist from Vermont who caucuses with Democrats; Michael Moore; Glenn Greenwald; Julian Assange and Daniel Ellsberg. They are pitted against establishment figures from both sides, such as Republican Sen. Lindsey Graham (S.C.), liberal Democratic Sen. Barbara Boxer (Calif.), and diplomat Richard Haass.¶ Democrats, owing partly to the simple fact that they control the levers of executive power, are more likely to back the extensive use of that authority. Two recent surveys differed in how respondents reacted to the NSA's surveillance programs, but they found similar patterns of partisanship.

#### Tea party members are unwilling to compromise on the budget when in power

McConnell and Todd 11 (Dugald and Brian, "Analysis: Debt fight shows tea party's influence - so far," July 30, politicalticker.blogs.cnn.com/2011/07/30/analysis-debt-fight-shows-tea-partys-influence-so-far/)

As lawmakers this weekend try to reconcile the two dueling debt bills in the House and Senate, one of the strongest forces they have to reckon with is the influence of the tea party lawmakers.¶ Their numbers are not overwhelming – of the 435 lawmakers in the House of Representatives, only 60 are members of the tea party caucus. Still, analysts say they have wielded outsized influence on the trajectory of the debt fight so far - but are also using tactics that could risk a backlash with the public. Their influence was clear on Thursday night, when House Speaker John Boehner had to postpone a vote on his debt-ceiling bill. On Friday, Boehner added a balanced budget amendment requirement - a provision dear to conservatives - to assure the bill passed.¶ Of the lawmakers who forced the change, thanks to their willingness to vote "no," more than half were members of the tea party caucus, according to an analysis by the blog fivethirtyeight.¶ The change in the bill means that, in whatever negotiations ensue to reconcile the Republican bill from the House and the Democratic bill in the Senate, House Republican leaders begin from a more conservative starting point.¶ "The tea party has forced Speaker Boehner more to the right. That involves deeper spending cuts, and also support for the balanced budget amendment," Darrell West at the Brookings Institution said. "They have had disproportionate impact on the entire congressional debate."¶ West says it is their unity, their determination and their inflexibility that have allowed the tea party lawmakers to punch far above their weight.¶ Last fall the tea party captured political lightning in a bottle and helped elect dozens of new members of Congress. They came to Washington in January on the promise to shock the political system into spending less and cutting more.¶ Their unwillingness to compromise has changed the debate in Washington over the way the government handles its debt.¶

### Winners Win

#### Winners don’t win

Eberly 13 - assistant professor in the Department of Political Science at St. Mary's College of Maryland

Todd, “The presidential power trap,” Baltimore Sun, 1/21/13, Lexis

Only by solving the problem of political capital is a president likely to avoid a power trap. Presidents in recent years from have been unable to prevent their political capital eroding. When it did, their power assertions often got them into further political trouble. Through leveraging public support, presidents have at times been able to overcome contemporary leadership challenges by adopting as their own issues that the public already supports. Bill Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes — in Mr. Clinton's case, welfare reform and budget balance, in Mr. Bush's tax cuts and education reform — that at the time received popular approval.¶ However, short-term legislative strategies may win policy success for a president but do not serve as an antidote to declining political capital over time, as the difficult final years of both the Bill Clinton and George W. Bush presidencies demonstrate. None of Barack Obama's recent predecessors solved the political capital problem or avoided the power trap. It is the central political challenge confronted by modern presidents and one that will likely weigh heavily on the current president's mind today as he takes his second oath of office.

#### Hirsh concedes political capital matters

Hirsh 2/7

Michael, chief correspondent, There’s No Such Thing as Political Capital, 2/7/13, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”

### AT: Hum Rights

#### Human rights don’t matter anymore –proliferation of statues

Mchangama and Verdirame 13 \*Jacob, Director @ the Freedom Rights Project and Director of legal affairs @CEPOS \*\* Guglielmo, Professor of International Law at King's College London in the Department of War Studies

(July 24, 2013, “The Danger of Human Rights Proliferation” <http://www.foreignaffairs.com/articles/139598/jacob-mchangama-and-guglielmo-verdirame/the-danger-of-human-rights-proliferation>)

If human rights were a currency, its value would be in free fall, thanks to a gross inflation in the number of human rights treaties and nonbinding international instruments adopted by international organizations over the last several decades. These days, this currency is sometimes more likely to buy cover for dictatorships than protection for citizens. Human rights once enshrined the most basic principles of human freedom and dignity; today, they can include anything from the right to international solidarity to the right to peace. ¶ Consider just how enormous the body of binding human rights law has become. The Freedom Rights Project, a research group that we co-founded, counts a full 64 human-rights-related agreements under the auspices of the United Nations and the Council of Europe. A member state of both of these organizations that has ratified all these agreements would have to comply with 1,377 human rights provisions (although some of these may be technical rather than substantive). Add to this the hundreds of non-treaty instruments, such as the resolutions of the UN General and Human Rights Council (HRC). The aggregate body of human rights law now has all the accessibility of a tax code.¶ Supporters of human rights should worry about this explosion of regulation. If people are to demand human rights, then they must first be able to understand them -- a tall order given the current bureaucratic tangle of administrative regulation.¶ Compounding this problem is the adoption of conflicting norms on particular human rights. For example, the 1948 Universal Declaration of Human Rights states, without qualification, that “everyone has the right to freedom of opinion and expression.” Yet during the Cold War, at the instigation of communist states, conventions such as the International Covenant on Civil and Political Rights (ICCPR), which is still at the heart of the international human rights system, prohibited certain forms of “hate speech,” with no clear guidelines on how to resolve the inherent conflict with freedom of expression. The consequence of this legal and moral confusion is that human rights are now sometimes invoked to restrict rather than protect free speech. Several UN member states, including Egypt and Pakistan, insist that derogatory statements about religion constitute advocacy of religious hatred, which is prohibited under the ICCPR.