## 1nc CIR

#### Immigration will pass – Obama PC is key

Lopez 1/1

Oscar, Latin Times, New Year 2014: 4 Reasons Immigration Reform Will Pass In 2014, 1/1/14, http://www.latintimes.com/new-year-2014-4-reasons-immigration-reform-will-pass-2014-141778

4. Leadership: As immigration reform comes to the fore, party leaders will step up in 2014 to ensure change is achieved. While President Obama has made clear his support for comprehensive reform, House Speaker John Boehner previously stated that he had “no intention” of negotiating with the Senate on their comprehensive immigration bill. ¶ However, towards the end of 2013, it seemed that Representative Boehner was changing his tune. In November, President Obama revealed that “the good news is, just this past week Speaker Boehner said that he is “hopeful we can make progress” on immigration reform.” As if to prove the point, Boehner has recently hired top aide Rebecca Tallent to work on immigration reform.¶ With bipartisan leadership firmly focused on immigration reform and party members on both sides realizing the political importance of the issue, comprehensive legislation is one thing we can be sure of in 2014.

#### Limitations on war powers sap political capital

Kriner ‘10

Douglas L., assistant professor of political science at Boston University, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, pages 68-69

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the¶ president to expend energy and effort defending his international agenda. Political capital¶ spent shoring up support for a president’s foreign policies is capital that is unavailable for his¶ future policy initiatives.¶ . Moreover, any weakening in the president’s political clout may have¶ immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest¶ casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital¶ and reputation, such partisan losses in Congress only further imperil his programmatic¶ agenda, both international and domestic. Scholars have long noted¶ that President Lyndon¶ Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### Reform key to competitiveness and growth

Trujillo and Melgoza 13

Mr. Trujillo is chairman of the Trujillo Group, LLC and co-chairman of the Latino Donor Collaborative. Mr. Melgoza is the CEO of Geoscape International Inc. The Economic—and Demographic—Case for Immigration Reform, 2/21/13, http://online.wsj.com/article/SB10001424127887323951904578290471589119346.html?mod=googlenews\_wsj

Since the November election, there has been much talk in Washington and on the pundit circuit about America's changing demographics, especially the "Latino vote" and the new realities of political campaigning. There has also been considerable wrangling over immigration and what it means for a country that is a nation of immigrants but is more crowded than it once was.¶ The immigration debate is significant to America's politics and culture, but it is also crucial to the country's economics, a subject that receives too little attention. Let's be blunt: The future wealth and well-being of the American people—the country's economic security, national security, business innovation, GDP growth and status in the global marketplace—require a comprehensive solution to the chronic problems caused by a broken immigration policy. In particular, the status of 11 million unauthorized Latino immigrants now living here must be resolved.¶ The economics are simple: Latinos spur demand. Seventy percent of the nation's gross domestic product is fueled by consumer spending. That means the Latino population—large, growing and increasingly prosperous—will play a key role in America's economic future.¶ Latinos are now by far the country's biggest minority-market segment. Including unauthorized residents, the Latino population now exceeds 54 million (not counting nearly four million in Puerto Rico). Blacks, in second place, number 39 million. The Latino population has increased by more than 52% since 2000. In the same period, the non-Latino white population grew less than 2% and blacks by 14%.¶ According to U.S. Census forecasts, the Latino population in America will reach 133 million by 2050. Those 133 million American Latinos will outnumber the populations of Japan and Russia, whose numbers are already in decline.¶ With growing numbers comes more spending: Latino purchasing power now exceeds $1.2 trillion and, according to the University of Georgia's Selig Center, will top $1.5 trillion by 2015. From a global perspective, that means America's Latino market would be the 11th-largest economy in the world—just below France, Italy and Mexico, and above South Korea, Spain and Indonesia. At $20,400 per capita, Latino America's purchasing power already exceeds the GDP per capita of all four BRIC countries—Brazil, Russia, India and China.¶ But Latinos' beneficial economic effect is hardly restricted to the demand side. A vital element of supply-side health is labor—workers, from the most talented who invent new products or start a business, to those just beginning to climb the ladder of self-improvement, whether through formal education or on-the-job training.¶ Nearly one in six American workers (16%) is Latino, with nearly 23 million Latinos in the U.S. holding jobs. You might not know it from media coverage of immigration issues, but Latinos have the highest labor-force participation rate (nearly 67%) of any American demographic group.¶ Slightly more than a quarter of children in the U.S. under age 18 are Latino. Based on existing trends, at least 1.1 million Latino youths will turn 18 each year for the next 20 years. Politicians may see 1.1 million new voters a year, but business owners see 1.1 million new workers with a strong work ethic. Given the aging of the country's baby boom generation—retiring at the rate of 10,000 a day for the next 18 years—the strength of the economy is increasingly linked to the promise of these younger workers.¶ Dire demographics threaten the economies in many developed nations, and the U.S. is not immune to the challenges posed by an aging population. But the problem will be considerably mitigated by immigrants who revitalize the workforce. The average later-life American, whose life expectancy nearly doubled during the 20th century, is already asking: Who is going to pay for the Social Security and Medicare promises of the federal government?¶ The answer: America's expanding, youthful immigrant population—another reason why ensuring educational opportunities at every level for all residents is in the national interest.¶ Getting the U.S. economy moving again requires action on many fronts: tax and regulatory reform, new approaches to energy, education and health care. But nothing is more important than immigration reform. Despite the impression left by much of the rhetoric in Washington, immigration reform is not just about politics. It's about jobs, growth and competitiveness—economic security, which in turn means national security.¶ To achieve these benefits, immigration policies and practices must be attuned to welcoming hardworking immigrants and to dealing fairly and smartly with those who are already in the U.S. regardless of their legal status. Legal immigration, including a guest-worker program that will bolster American business productivity, should be expanded in an intelligent way that is pro-investment and pro-growth. U.S. borders need to be secured against further illegal immigration.¶ Washington must send a clear signal—to the American people and to every level of government—that a coherent and enforceable immigration policy is in place and here to stay.

#### Nuclear war

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.

## 1nc T

#### Restrictions are prohibitions on action – The aff is not

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. ¶ Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; ¶ A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. ¶ In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. ¶ Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### B. Vote Neg:

#### 1. Limits – The topic is huge – 4 areas times 2 mechanisms all with separate literature and unique advantages – Allowing oversight 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.

## 1nc Security K

#### Threat construction is a self-fulfilling prophecy resulting in endless war

Wendt 99 (Alexander, Ralph D. Mershon Professor of International Security at the Ohio State University, “Social Theory of International Politics”, pg. 261-266)

Enemy images have a long pedigree, and some states continue to position each other in such terms today. The Greeks represented the Persians as “barbarians”; the Crusaders perceived the Turks as “infidels”; medieval Europeans feared their defeat at Liegnitz at the hands of the Mongols heralded Armageddon; later Europeans treated the peoples of the Americas as savages; conservatives thought civilization was threatened by the French Revolution; and, in our own century, we have the Armenian genocide, the Holocaust, the early Cold War, Northern Ireland, Pol Pot, Palestinian and Israeli fundamentalists, the Bosnian Civil War, Hutus and Tutsis ± all based on representations of the Other as intent on destroying or enslaving the Self. It is important to emphasize that this concept implies nothing about whether enemy images are justified. Some enemies are “real,” in that the Other really does existentially threaten the Self, as the Nazis did the Jews, and others are “chimeras,” as the Jews were to the Nazis.43 This difference may affect the dynamics of enmity and whether it can be overcome, but it does not affect the reality of Hobbesian cultures. Real or imagined, if actors think enemies are real then they are real in their consequences.44 Representing the Other as an enemy tends to have at least four implications for a state’s foreign policy posture and behavior, which in turn generate a particular logic of interaction. First, states will tend to respond to enemies by acting like deep revisionists themselves, i.e., they will try to destroy or conquer them. This does not necessarily mean their interests will be revisionist; a state might actually have status quo interests, but the threat of the enemy forces it to behave “as if ” it were a deep revisionist, on the principle of “kill or be killed.” Second, decision-making will tend to heavily discount the future and be oriented toward the worst-case. (Negative) possibilities rather than probabilities will dominate, which reduces the likelihood of reciprocating any cooperative moves made by the enemy. One might say that prospect theory rather than expected-utility theory will be the basis of “rational” behavior.45 Third, relative military capabilities will be seen as crucial.46 Since the enemy’s revisionist intentions are “known,” the state can use the enemy’s capabilities to predict his behavior, on the assumption that he will attack as soon as he can win. Power becomes the key to survival, and as such even status quo states will vigorously arm themselves on the principle of “if you want peace, prepare for war.” Enmity, in short, gives capabilities a particular meaning, which derives neither from their intrinsic properties nor from anarchy as such, but from the structure of the role relationship. Finally, if it comes to actual war, states will fight on the enemy’s (perceived) terms. This means observing no limits on their own violence, since that would create a competitive disadvantage, unless it is clear that self-limitation is safe. And if war has not yet broken out but clearly will soon, states must also be prepared to preempt, especially if offensive technology is dominant, lest the enemy get a fatal advantage from a first strike. What states facing a enemy must do, in sum, is engage in no-holdsbarred power politics. It has become common practice in recent IR scholarship to refer to such behavior as “Realist.” If Realism is taken to be merely a description of power politics then this practice is harmless, but taken as an explanation it invites confusion, since it suggests that the existence of power politics is somehow evidence for Realist theory. This cannot be the case, at least on any non-tautological definition of Realism; conflict is no more evidence for Realism than cooperation is for non-Realism. It all depends on what explains it. The account developed here explains power politics by reference to perceptions of Self and Other, and as such sees it as fundamentally social in the Weberian sense. I take Realism to be a theory that explains power politics ultimately by reference to material forces, whether biological or technological, and as such its view is not fundamentally social. In order to keep alive the possibility of meaningful theoretical disagreement, therefore, it seems better to follow Iain Johnston’s practice of calling power political behavior “realpolitik” rather than “Realism.”47 The Realist tradition contains much descriptive wisdom about realpolitik, but this does not entail the truth of its explanation for realpolitik. What Realism-as-description shows is that when the Other is an enemy the Self is forced to mirror back the representations it has attributed to the Other. Thus, unlike most roles in social life, which are constituted by functionally differentiated “counter”-roles (teacher±student, master±slave, patron±client), the role of enemy is symmetric, constituted by actors being in the same position simultaneously. Self mirrors Other, becomes its enemy, in order to survive. This of course will confirm whatever hostile intentions the Other had attributed to the Self, forcing it to engage in realpolitik of its own, which will in turn reinforce the Self’s perception of the Other, and so on. Realpolitik, in short, is a self-fulfilling prophecy: its beliefs generate actions that confirm those beliefs.48 This is not to say that realpolitik is the sole cause of conflict, such that in its absence states would be friends, since if states really do want to conquer each other then realpolitik is as much effect as cause. The point is that whether or not states really are existential threats to each other is in one sense not relevant, since once a logic of enmity gets started states will behave in ways that make them existential threats, and thus the behavior itself becomes part of the problem. This gives enemy images a homeostatic quality that sustains the logic of Hobbesian anarchies. Unlike foreign policy role theorists, who treat roles as qualities that states attribute to themselves and thus as properties of agents (what I would call role-identities), I have focused on the role attributed to the Other, and thus on role as a position in or property of a social structure. Like role theorists, however, I have so far treated enmity as an interaction- or micro-level phenomenon, as based on subjective images or perceptions. I did so partly for presentational reasons, but also because macro-level structures only exist in virtue of instantiations at the micro-level, which means that whatever logics the former have depend on actors acting in certain ways. In most cases, however, micro-level role relationships are embedded in macro-level, collective representations. Collective representations have a life and logic of their own that cannot be reduced to actors’ perceptions or behavior (chapter 4, pp. 150±165). As more and more members of a system represent each other as enemies, eventually a “tipping point”49 is reached at which these representations take over the logic of the system. At this point actors start to think of enmity as a property of the system rather than just of individual actors, and so feel compelled to represent all Others as enemies simply because they are parts of the system. In this way the particular Other becomes Mead’s “generalized Other,”50 a structure of collective beliefs and expectations that persists through time even as individual actors come and go, and into the logic of which new actors are socialized. (The concepts of “discourse” and “hegemony” I take it have a similar, macro-level orientation.) It is in terms of positions within this structure that actors make attributions about Self and Other, rather than in terms of their actual qualities. The result is a logic of interaction based more on what actors know about their roles than on what they know about each other, enabling them to predict each other’s behavior without knowing each other’s “minds.” This in turn generates emergent patterns of behavior at the macro-level. Collective representations are “frequency-dependent”51 in that they depend for their existence on a sufficient number of representations and/or behaviors at the micro-level ± the representation known as “Canada” only exists if enough people sustain it ± but as long as that number remains above the tipping point collective representations will be relatively autonomous from or supervene on ideas in the heads of individuals. The logic and tendencies of the Hobbesian anarchy emerge at this macro-level of analysis. The logic of the Hobbesian anarchy is well known: the “war of all against all” in which actors operate on the principle of sauve qui peut and kill or be killed. This is the true “self-help” system (by which I mean to suggest that the anarchy described by Waltz is not that; see below), where actors cannot count on each other for help or even to observe basic self-restraint. Survival depends solely on military power, which means that increases in the security of A necessarily reduce that of B, who can never be sure that A’s capabilities are defensive. Security is a deeply competitive, zero-sum affair, and security dilemmas are particularly acute not because of the nature of weapons ± the offense±defense balance ± but because of intentions attributed to others.52 Even if what states really want is security rather than power their collective beliefs force them to act as if they are power-seeking. This structure generates four “tendencies,” macrolevel patterns that will get realized unless they are blocked by countervailing forces.53 The first is endemic and unlimited warfare. This does not mean that states will constantly be at war, since material considerations may suppress the manifestation of this tendency for a time, but as long as states collectively represent each other in Hobbesian terms, war may quite literally “at any moment occur.”54 A second is the elimination of “unfit” actors: those not adapted for warfare, and those too weak militarily to compete. This means, on the one hand, as Waltz argues, that we should see a tendency toward functional isomorphism, with all political entities becoming “like units” (states) with similar warfighting capabilities.55 On the other hand, however ± something Waltz does not predict ± we should also see a high death rate among weak states. Since their territories will be conquered by the strong, this will generate a corresponding tendency toward empire-building and reduction in the overall number of political units ± toward a concentration of power.56 Partly counteracting this tendency is a third: states powerful enough to avoid elimination will balance each other’s power.57 However, in contrast to Waltz’s view of balancing as the fundamental tendency of anarchy in general, the lack of inhibition and self-restraint in Hobbesian cultures suggests that balances of power there will be difficult to sustain, with the tendency toward consolidation being dominant in the long run. Finally, a Hobbesian system will tend to suck all of its members into the fray, making nonalignment or neutrality very difficult.58 The principal exception will be states that are able to “hide” because of the material condition of geography (Switzerland in World War II), although geography’s significance is itself subject to material changes in technology (nuclear weapons).

#### Securitization justifies massive violence

Friis 2k (Karsten, UN Sector at the Norwegian Institute of International Affairs, Peace and Conflict Studies 7.2, “From Liminars to Others: Securitization Through Myths”, <http://shss.nova.edu/pcs/journalsPDF/V7N2.pdf#page=2>)

The problem with societal securitization is one of representation. It is rarely clear in advance who it is that speaks for a community. There is no system of representation as in a state. Since literately anyone can stand up as representatives, there is room for entrepreneurs. It is not surprising if we experience a struggle between different representatives and also their different representations of the society. What they do share, however, is a conviction that they are best at providing (a new) order. If they can do this convincingly, they gain legitimacy. What must be done is to make the uncertain certain and make the unknown an object of knowledge. To present a discernable Other is a way of doing this. The Other is represented as an Other -- as an unified single actor with a similar unquestionable set of core values (i.e. the capital “O”). They are objectified, made into an object of knowledge, by re-presentation of their identity and values. In other words, the representation of the Other is depoliticized in the sense that its inner qualities are treated as given and non-negotiable. In Jef Huysmans (1998:241) words, there is both a need for a mediation of chaos as well as of threat. A mediation of chaos is more basic than a mediation of threat, as it implies making chaos into a meaningful order by a convincing representation of the Self and its surroundings. It is a mediation of “ontological security”, which means “...a strategy of managing the limits of reflexivity ... by fixing social relations into a symbolic and institutional order” (Huysmans 1998:242). As he and others (like Hansen 1998:240) have pointed out, the importance of a threat construction for political identification, is often overstated. The mediation of chaos, of being the provider of order in general, is just as important. This may imply naming an Other but not necessarily as a threat. Such a dichotomization implies a necessity to get rid of all the liminars (what Huysmans calls “strangers”). This is because they “...connote a challenge to categorizing practices through the impossibility of being categorized”, and does not threaten the community, “...but the possibility of ordering itself” (Huysmans 1998:241). They are a challenge to the entrepreneur by their very existence. They confuse the dichotomy of Self and Other and thereby the entrepreneur’s mediation of chaos. As mentioned, a liminar can for instance be people of mixed ethnical ancestry but also representations of competing world-pictures. As Eide (1998:76) notes: “Over and over again we see that the “liberals” within a group undergoing a mobilisation process for group conflict are the first ones to go”. The liminars threaten the ontological order of the entrepreneur by challenging his representation of Self and Other and his mediation of chaos, which ultimately undermines the legitimacy of his policy. The liminars may be securitized by some sort of disciplination, from suppression of cultural symbols to ethnic cleansing and expatriation. This is a threat to the ontological order of the entrepreneur, stemming from inside and thus repoliticizing the inside/outside dichotomy. Therefore the liminar must disappear. It must be made into a Self, as several minority groups throughout the world have experienced, or it must be forced out of the territory. A liminar may also become an Other, as its connection to the Self is cut and their former common culture is renounced and made insignificant. In Anne Norton’s (1988:55) words, “The presence of difference in the ambiguous other leads to its classification as wholly unlike and identifies it unqualifiedly with the archetypal other, denying the resemblance to the self.” Then the liminar is no longer an ontological danger (chaos), but what Huysmans (1998:242) calls a mediation of “daily security”. This is not challenging the order or the system as such but has become a visible, clear-cut Other. In places like Bosnia, this naming and replacement of an Other, has been regarded by the securitizing actors as the solution to the ontological problem they have posed. Securitization was not considered a political move, in the sense that there were any choices. It was a necessity: Securitization was a solution based on a depoliticized ontology.10 This way the world-picture of the securitizing actor is not only a representation but also made into reality. The mythical second-order language is made into first-order language, and its “innocent” reality is forced upon the world. To the entrepreneurs and other actors involved it has become a “natural” necessity with a need to make order, even if it implies making the world match the map. Maybe that is why war against liminars are so often total; it attempts a total expatriation or a total “solution” (like the Holocaust) and not only a victory on the battlefield. If the enemy is not even considered a legitimate Other, the door may be more open to a kind of violence that is way beyond any war conventions, any jus in bello. This way, securitizing is legitimized: The entrepreneur has succeeded both in launching his world-view and in prescribing the necessary measures taken against it. This is possible by using the myths, by speaking on behalf of the natural and eternal, where truth is never questioned.

#### The alternative is to rethink security

**Cheeseman and Bruce 96** (Graeme Cheeseman, Senior Lecturer at New South Wales University, and Robert Bruce, Associate Professor of social sciences Curtin University “Discourses of Danger & Dread Frontiers”, pg. 5-9)

This goal is pursued in ways which are still unconventional in the intellectual milieu of international relations in Australia, even though they are gaining influence worldwide as traditional modes of theory and practice are rendered inadequate by global trends that defy comprehension, let alone policy. The inability to give meaning to global changes reflects partly the enclosed, elitist world of professional security analysts and bureaucratic experts, where entry is gained by learning and accepting to speak a particular, exclusionary language. The contributors to this book are familiar with the discourse, but accord no privileged place to its ‘knowledge form as reality’ in debates on defence and security. Indeed, they believe that debate will be furthered only through a long overdue critical re-evaluation of elite perspectives. Pluralistic, democratically-oriented perspectives on Australia’s identity are both required and essential if Australia’s thinking on defence and security is to be invigorated. This is not a conventional policy book; nor should it be, in the sense of offering policy-makers and their academic counterparts sets of neat alternative solutions, in familiar language and format, to problems they pose. This expectation is in itself a considerable part of the problem to be analysed. It is, however, a book about policy, one that questions how problems are framed by policy-makers. It challenges the proposition that irreducible bodies of real knowledge on defence and security exist independently of their ‘context in the world’, and it demonstrates how security policy is articulated authoritatively by the elite keepers of that knowledge, experts trained to recognize enduring, universal wisdom. All others, from this perspective, must accept such wisdom or remain outside the expert domain, tainted by their inability to comply with the ‘rightness’ of the official line. But it is precisely the official line, or at least its image of the world, that needs to be problematised. If the critic responds directly to the demand for policy alternatives, without addressing this image, he or she is tacitly endorsing it. Before engaging in the policy debate the critics need to reframe the basic terms of reference. This book, then, reflects and underlines the importance of Antonio Gramsci and Edward Said’s ‘critical intellectuals’.15 The demand, tacit or otherwise, that the policy-maker’s frame of reference be accepted as the only basis for discussion and analysis ignores a three thousand year old tradition commonly associated with Socrates and purportedly integral to the Western tradition of democratic dialogue. More immediately, it ignores post-seventeenth century democratic traditions which insist that a good society must have within it some way of critically assessing its knowledge and the decisions based upon that knowledge which impact upon citizens of such a society. This is a tradition with a slightly different connotation in contemporary liberal democracies which, during the Cold War, were proclaimed different and superior to the totalitarian enemy precisely because there were institutional checks and balances upon power. In short, one of the major differences between ‘open societies’ and their (closed) counterparts behind the Iron Curtain was that the former encouraged the critical testing of the knowledge and decisions of the powerful and assessing them against liberal democratic principles. The latter tolerated criticism only on rare and limited occasions. For some, this represented the triumph of rational-scientific methods of inquiry and techniques of falsification. For others, especially since positivism and rationalism have lost much of their allure, it meant that for society to become open and liberal, sectors of the population must be independent of the state and free to question its knowledge and power. Though we do not expect this position to be accepted by every reader, contributors to this book believe that critical dialogue is long overdue in Australia and needs to be listened to. For all its liberal democratic trappings, Australia’s security community continues to invoke closed monological narratives on defence and security. This book also questions the distinctions between policy practice and academic theory that inform conventional accounts of Australian security. One of its major concerns, particularly in chapters 1 and 2, is to illustrate how theory is integral to the practice of security analysis and policy prescription. The book also calls on policy-makers, academics and students of defence and security to think critically about what they are reading, writing and saying; to begin to ask, of their work and study, difficult and searching questions raised in other disciplines; to recognise, no matter how uncomfortable it feels, that what is involved in theory and practice is not the ability to identify a replacement for failed models, but a realisation that terms and concepts – state sovereignty, balance of power, security, and so on – are contested and problematic, and that the world is indeterminate, always becoming what is written about it. Critical analysis which shows how particular kinds of theoretical presumptions can effectively exclude vital areas of political life from analysis has direct practical implications for policy-makers, academics and citizens who face the daunting task of steering Australia through some potentially choppy international waters over the next few years. There is also much of interest in the chapters for those struggling to give meaning to a world where so much that has long been taken for granted now demands imaginative, incisive reappraisal. The contributors, too, have struggled to find meaning, often despairing at the terrible human costs of international violence. This is why readers will find no single, fully formed panacea for the world’s ills in general, or Australia’s security in particular. There are none. Every chapter, however, in its own way, offers something more than is found in orthodox literature, often by exposing ritualistic Cold War defence and security mind-sets that are dressed up as new thinking. Chapters 7 and 9, for example, present alternative ways of engaging in security and defence practice. Others (chapters 3, 4, 5, 6 and 8) seek to alert policy-makers, academics and students to alternative theoretical possibilities which might better serve an Australian community pursuing security and prosperity in an uncertain world. All chapters confront the policy community and its counterparts in the academy with a deep awareness of the intellectual and material constraints imposed by dominant traditions of realism, but they avoid dismissive and exclusionary terms which often in the past characterized exchanges between policy-makers and their critics. This is because, as noted earlier, attention needs to be paid to the words and the thought processes of those being criticized. A close reading of this kind draws attention to underlying assumptions, showing they need to be recognized and questioned. A sense of doubt (in place of confident certainty) is a necessary prelude to a genuine search for alternative policies. First comes an awareness of the need for new perspectives, then specific policies may follow. As Jim George argues in the following chapter, we need to look not so much at contending policies as they are made for us but at challenging ‘the discursive process which gives [favoured interpretations of “reality”] their meaning and which direct [Australia’s] policy/analytical/military responses’. This process is not restricted to the small, official defence and security establishment huddled around the US-Australian War Memorial in Canberra. It also encompasses much of Australia’s academic defence and security community located primarily though not exclusively within the Australian National University and the University College of the University of New South Wales. These discursive processes are examined in detail in subsequent chapters as authors attempt to make sense of a politics of exclusion and closure which exercises disciplinary power over Australia’s security community. They also question the discourse of ‘regional security’, ‘security cooperation’, ‘peacekeeping’ and ‘alliance politics’ that are central to Australia’s official and academic security agenda in the 1990s. This is seen as an important task especially when, as is revealed, the disciplines of International Relations and Strategic Studies are under challenge from critical and theoretical debates ranging across the social sciences and humanities; debates that are nowhere to be found in Australian defence and security studies. The chapters graphically illustrate how Australia’s public policies on defence and security are informed, underpinned and legitimised by a narrowly-based intellectual enterprise which draws strength from contested concepts of realism and liberalism, which in turn seek legitimacy through policy-making processes. Contributors ask whether Australia’s policy-makers and their academic advisors are unaware of broader intellectual debates, or resistant to them, or choose not to understand them, and why?

## 1nc QDR CP

#### The National Defense Panel should include a recommendation in the Quadrennial Defense Review that the United States federal government should increase restrictions on the targeted killing and indefinite detention war powers authorities granted to the President of the United States by Public Law 107-40 and modified by the 2012 National Defense Authorization Act by limiting the targets of those authorities to al-Qaeda, the Taliban, or those nations, organizations, or persons who enjoy close and well-established collaboration with al-Qaeda or the Taliban.

#### The counterplan competes – it’s not topical and only fiats the executive branch.

#### The panel shapes DoD policy and leads to Congressional action

Brimley 13 - Vice President and Director of Studies at the Center for a New American Security, served as Special Advisor to the Under Secretary of Defense for Policy at the Pentagon from 2009 to 2011

(Shawn, “The Next QDR Is the Last Chance for Sanity,” http://www.defenseone.com/ideas/2013/07/next-qdr-last-chance-sanity/66629/)

Enter the congressionally appointed National Defense Panel, charged with providing an outside assessment of the QDR. The panel, co-chaired by former Defense Secretary William Perry and former U.S. Central Command chief General John Abizaid, is tasked with not only reviewing the final product, but offering assessments along the way. Staffed and resourced appropriately, the panel stands a decent chance of having a major influence—acting as the Simpson-Bowles Commission for DOD, speaking hard truths to both Congress and the Pentagon, and providing useful top cover for leaders to make tough decisions. ¶ Many defense analysts and reporters dismiss QDRs as irrelevant exercises that rarely prove decisive in changing the course of U.S. defense strategy. They are partially correct -- no defense review is automatically influential. But if the right factors come into alignment at the right time, change can happen. With wars ending, budgets declining, technology proliferating, and other powers rising, a real window of opportunity to reshape U.S. defense strategy has opened for the first time since the end of the Cold War. It will close within a year. Time to get moving.

#### Sequencing avoids politics – starting with the brass shapes Congressional and Presidential policy

---2010 QDR was the foundation of the Asia Pivot

Eaglen 12 - M.A., School of Foreign Service, Georgetown University

(Mackenzie, “America needs a permanent independent panel to stress test the Pentagon's QDR strategy,” http://www.aei.org/article/foreign-and-defense-policy/defense/america-needs-a-permanent-independent-panel-to-stress-test-the-pentagons-qdr-strategy/)

But Congress has not forgotten its original intent, even if the Pentagon has, and it’s make-or-break time for the Quadrennial Defense Review process. QDR 2014 will be the Pentagon’s last chance to get it right, with buy-in from Capitol Hill, before Congress throws out the process altogether.¶ For Pentagon planners, it’s time for an intellectually honest approach. It is no longer enough to assert that the forces and budgets will shrink while restoring the world-class edge and long-standing military capabilities that made our military a global power.¶ QDR Independent Panel¶ In 1996, Congress directed the Secretary of Defense to undertake the first QDR. The Act called for the QDR to include “a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and establish a revised defense program through the year 2005.” The legislation specified that the report should discuss a number of areas, including:¶ •Defense strategy and the optimum force structure to implement it;¶ • National security threats and scenarios;¶ • The effects of preparations for and participation in peace operations and non-war military operations on force structure;¶ • Technological development impact on force structure;¶ • Manpower and sustainment policies under the defense strategy to support engagement in conflicts lasting more than 120 days;¶ • Airlift and sealift capabilities required;¶ • Forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts; and¶ • The extent to which resources must be shifted among two or more theaters under the defense strategy.¶ The 1996 legislation also created an outside National Defense Panel (NDP) to perform an independent review and critique of the Pentagon’s findings, and it called for an additional assessment by the Chairman of the Joint Chiefs of Staff.¶ And in 2010, the Congress stood up the QDR Independent Panel. Its remit was to review the Secretary of Defense’s terms of reference; conduct an assessment of the assumptions, strategy, findings and risks in the QDR; provide an analysis of a variety of possible force structures for the U.S. Armed Forces; and compare the cost of alternative forces with the cost of the defense program recommended by the QDR. The independent panel was told to include “analyses of the trends, asymmetries, and concepts of operations that characterize the military balance with potential adversaries, focusing on the strategic approaches of possible opposing forces.”¶ The bipartisan report was successful in meeting its charge. The group of experts essentially called for a genuine “pivot” to Asia before it became the en vogue answer to budget cuts. The 2010 Quadrennial Defense Review Independent Panel, led by William J. Perry, Bill Clinton’s secretary of defense, and Stephen Hadley, George W. Bush’s national security adviser, found:¶ The force structure in the Asia-Pacific area needs to be increased. In order to preserve U.S. interests, the United States will need to retain the ability to transit freely the areas of the Western Pacific for security and economic reasons. The United States must be fully present in the Asia-Pacific region to protect American lives and territory, ensure the free flow of commerce, maintain stability, and defend our allies in the region.¶ However, the credible projection of effective and sustainable power requires more than rhetoric. It also requires investments in capabilities and capacity to protect America’s interests in the region. The panel stated unequivocally that “the force structure in the Asia-Pacific area needs to be increased,” including a larger Navy and more robust, technologically-advanced Air Force than today’s.¶ Since the Panel Report was released, the government has moved in the opposite direction, cutting defense budgets by more than 500 billion dollars and passing the “sequester,” which will mandate almost another 500 billion dollars in spending reductions. The Panel recommended that the size of the Navy be increased. Instead, the rate of naval shipbuilding has been reduced, and the number of ships in the Navy continues to go down. The Panel recommended reforming the acquisition system by establishing clear lines of accountability for new programs. No progress has been made in that area.¶ Some pointers for the team about to undertake the next strategy review follow:¶ Provide a 20-Year Defense Road Map. Congress intended the QDR to be a comprehensive, farsighted, and strategy-based assessment of future military requirements. Current law outlines the 15 primary tasks the QDR is supposed to achieve. Chief among these guidelines is for Pentagon leaders to examine the “effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.” By proposing to only study various future challenges and focusing largely on present operations, the last QDR fell short of its mandate.¶ Stop Increasing Demand While Shrinking Supply, and Stop Altering Strategy to Fit Budgets. While the 2010 QDR retained the crucial two-war construct on paper, it subsequently threw in the “kitchen sink” of every other conceivable mission without proposing a larger force. It also proposed retaining and institutionalizing critical counterinsurgency capabilities. Two years later, the Pentagon issued guidance that formally abandoned the two-war construct and deemphasized stability operations, counterinsurgency campaigns and forces. Wild swings in strategy and dishonesty about the impact of budgets on force structure weaken the services’ ability to build stable long-term plans. As the QDR Independent Panel noted: “The absence of a clear force-planning construct in the 2010 QDR represents a missed opportunity.”¶ No More Sugar Coating the Ever-Growing Assumptions of Risk. The last QDR tried to bridge the strategy-resource mismatch by assuming that U.S. military forces could manage additional risk. But current law describes the primary task of the QDR as recommending a force structure best suited to implement the national defense strategy at a “low-to-moderate level of risk.” The last QDR did not specify:¶ ¶ QDR Independent Panel Recommendation¶ HASC-Proposed National Defense Panel Recommendation¶ QDR IP Enabling Legislation¶ PURPOSE¶ • Few nonseniors receive government benefits.¶ • Review strategic environment of next twenty years.¶ • Conduct an assessment of "assumptions, strategy, findings, and risks of the report on the QDR." ¶ • Conduct an independent assessment of force structure, and compare the resource requirements of both theirs and the QDRs.¶ • Conduct an assessment of the review, including recommendations, stated and implied assumptions, and vulnerabilities of the strategy and force structure underlying the review. ¶ • Conduct an analysis of "the trends, asymmetries, and concepts of operations that characterize the military balance with potential adversaries."¶ • Conduct an independent assessment of a variety of possible force structures for the Armed Forces, including the force structure identified in the report of the Secretary of Defense on the 2009 QDR.¶ WHEN¶ • Every four years.¶ • Six months after new President enters office.¶ • After that, whenever President wants.¶ • Within 3 months of a QDR submission¶ • Six months in advance of QDR submission.¶ • Final report due within three months of QDR submission.¶ MEMBERS¶ • Up to 18 members.¶ • 'Senior and experienced expert' panel.¶ • Ten members appointed by President, including co-chairs from different parties. ¶ • Two selected by house majority.¶ • Two by house minority.¶ • Two by senate majority.¶ • Two by senate minority.¶ • 10 members from "private civilian life" who are "recognized experts" on national security.¶ • Two selected by HASC chairman.¶ • Two by SASC chairman. ¶ • Two by HASC ranking member.¶ • Two by SASC ranking member.¶ • Two as co-chairs selected by Secretary of Defense.¶ • 8 members.¶ • Two selected by HASC chairman.¶ • Two selected by SASC chairman.¶ • Two selected by HASC ranking member.¶ • Two selected by SASC ranking member¶ OTHER¶ • 10 staff members and $1 million budget.¶ ¶ • The Panel shall terminate 45 days after the date on which the Panel submits its final report¶ ¶ The time has come to again “stress test” the Pentagon’s strategy and provide a fresh look at DoD plans, assumptions, threats and policies. In keeping with the original intention of the National Defense Panel, no one individual or group should be able to direct major future defense planning decisions absent a separate mechanism to test their analytical assumptions. As in the past, this panel should consist of an array of defense analysts with a broad range of views. It should be convened during the QDR process and scheduled to be released after the Quadrennial Defense Review so that it may address the major findings of the strategy.¶ Reality¶ Above all else, it’s time for defense planners to be forthright about what our military can and cannot do, and about the increased risk that the Department, and America, is running as a result of our declining power. America is operating with a force structure that is substantially smaller than that established by the first QDR at the beginning of the Clinton Administration; before the global war on terror, before the rise of Chinese power, and before the resurgence of Russian ambitions. Twenty years ago the “platforms” of the military -- its ships, aircraft, tanks, and vehicles -- were relatively new and by and large contained the most modern technology. Today that equipment is aging, difficult to maintain, and increasingly unreliable. As an example, half of the Navy’s deployed aircraft is not ready for combat. The force is stressed, tired, and demoralized. The acquisition system is broken, and it cannot be fixed without a stable funding plan that is impossible if budgets swing wildly every time Washington has a fiscal crisis.¶ All of this is reality. In an unstable world, it is a reality that will have negative consequences sooner rather than later. The Department cannot fix its problems on its own; that will require determined guidance from the highest levels of civilian leadership. What military leaders can do is tell the President and Congress what they need to hear rather than what they want to hear. The next QDR would be a good place to start. Otherwise, it may be the last.

## Terror

### Expanded AUMF Unnecessary

#### No threats and current measures solve

Daskal and Vladeck 13 – \*Fellow, Center on Law and National Security, Georgetown University Law Center, Adjunct Professor of Law \*\*Professor of Law, Associate Dean for Scholarship at American University Washington College of Law

Jennifer and Stephen, May 2013, “AFTER THE AUMF” http://www.lawfareblog.com/wp-content/uploads/2013/05/After-the-AUMF-Final.pdf

First, it is not at all clear that the threat these “extra-AUMF” groups pose has evolved ¶ to justify a new declaration of armed conflict; notably, the Executive is not saying it is ¶ needed. Second, repeated claims to the contrary notwithstanding, law enforcement ¶ tools, coupled with international counterterrorism cooperation and capacity building, as ¶ well as strategic initiatives to reduce violent extremism, are and have proven to be a ¶ highly effective means of deterring, incapacitating, and gathering intelligence from ¶ terrorists; they can—and should—be the tools of first resort against these groups and ¶ their members. Third, to the extent that law enforcement tools are insufficient to ¶ prevent terrorist attacks against U.S. interests in a particular circumstance, the ¶ President’s self-defense authorities should provide more than adequate authority to take ¶ necessary action. Fourth, if an organized armed group emerges that poses the type of ¶ sustained, intense threat that justifies a declaration of armed conflict, Congress can pass ¶ a new and appropriately circumscribed authorization to use military force—just as it did ¶ in the AUMF. Fifth, and most importantly, it is not at all clear that the expanded use of ¶ military force as a matter of first resort achieves the United States’ ultimate security goal ¶ of protecting the nation from terrorist threats; to the contrary, it likely undermines it.

#### No threats capable of attack

Daskal and Vladeck 13 – \*Fellow, Center on Law and National Security, Georgetown University Law Center, Adjunct Professor of Law \*\*Professor of Law, Associate Dean for Scholarship at American University Washington College of Law

Jennifer and Stephen, May 2013, “AFTER THE AUMF” http://www.lawfareblog.com/wp-content/uploads/2013/05/After-the-AUMF-Final.pdf

But while the world is hardly threat-free, it is simply not evident that any particular ¶ emerging terrorist groups—or self-radicalized individuals—pose the kind of threat to the ¶ United States that al Qaeda posed on September 11, i.e., one that cannot be met with ¶ existing tools, but instead requires an open-ended authorization of military force and ¶ the invocation of the laws of armed conflict. In fact, according to the Director of ¶ National Intelligence’s recently released Intelligence Community Worldwide Threat ¶ Assessment, only AQAP is described as having the intent and capacity to launch attacks ¶ on the U.S. homeland.28

### No Extinction

#### Low risk of terrorism and no extinction

-too hard to get plan/get materials

-threat is hype

-9/11 was a fluke

Schneier 13 – internationally renowned security technologist and author; described by The Economist as a "security guru"

Bruce, 4-15-13, “The Boston Marathon Bombing: Keep Calm and Carry On” http://www.theatlantic.com/national/archive/2013/04/the-boston-marathon-bombing-keep-calm-and-carry-on/275014/

Remember after 9/11 when people predicted we'd see these sorts of attacks every few months? That never happened, and it wasn't because the TSA confiscated knives and snow globes at airports. Give the FBI credit for rolling up terrorist networks and interdicting terrorist funding, but we also exaggerated the threat. We get our ideas about how easy it is to blow things up from television and the movies. It turns out that terrorism is much harder than most people think. It's hard to find willing terrorists, it's hard to put a plot together, it's hard to get materials, and it's hard to execute a workable plan. As a collective group, terrorists are dumb, and they make dumb mistakes; criminal masterminds are another myth from movies and comic books. ¶ Even the 9/11 terrorists got lucky. ¶ If it's hard for us to keep this in perspective, it will be even harder for our leaders. They'll be afraid that by speaking honestly about the impossibility of attaining absolute security or the inevitability of terrorism -- or that some American ideals are worth maintaining even in the face of adversity -- they will be branded as "soft on terror." And they'll be afraid that Americans might vote them out of office. Perhaps they're right, but where are the leaders who aren't afraid? What has happened to "the only thing we have to fear is fear itself"? ¶ Terrorism, even the terrorism of radical Islamists and right-wing extremists and lone actors all put together, is not an "existential threat" against our nation. Even the events of 9/11, as horrific as they were, didn't do existential damage to our nation. Our society is more robust than it might seem from watching the news. We need to start acting that way.

### AT: Nuke Terror

#### Allison ev is a hypothetical scenario about terrorists getting a nuke from Pakistan—no 1ac ev to support that internal

#### AND if it’s true it’s so easy for terrorists to get nukes now then they should already have them OR it’s overhyped bullcrap

#### The risk of nuclear terrorism is exceedingly low – their authors are all trumpeting inflated threats.

Mueller ‘11

John Mueller is Professor of Political Science at Ohio State University. He is the author of Atomic Obsession. “The truth about al Qaeda”. August 5, 2011. CNN’s Global Public Square. http://globalpublicsquare.blogs.cnn.com/2011/08/05/the-truth-about-al-qaeda/

The chief lesson of 9/11 should have been that small bands of terrorists, using simple methods, can exploit loopholes in existing security systems. But instead, many preferred to engage in massive extrapolation: If 19 men could hijack four airplanes simultaneously, the thinking went, then surely al Qaeda would soon make an atomic bomb. As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace, particularly as an atomic one, has been much inflated. The public has now endured a decade of dire warnings about the imminence of a terrorist atomic attack. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." Few, it seems, found much solace in the fact that an al Qaeda computer seized in Afghanistan in 2001 indicated that the group's budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was some $2,000 to $4,000. In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. A multi-agency task force has completed its assessment, and according to first reports, it has found that al Qaeda members have primarily been engaged in dodging drone strikes and complaining about how cash-strapped they are. Some reports suggest they've also been looking at quite a bit of pornography. The full story is not out yet, but it seems breathtakingly unlikely that the miserable little group has had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-tech facility to fabricate a bomb. It is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew, all the while attracting no attention from outsiders. The documents also reveal that after fleeing Afghanistan, bin Laden maintained what one member of the task force calls an "obsession" with attacking the United States again, even though 9/11 was in many ways a disaster for the group. It led to a worldwide loss of support, a major attack on it and on its Taliban hosts, and a decade of furious and dedicated harassment. And indeed, bin Laden did repeatedly and publicly threaten an attack on the United States. He assured Americans in 2002 that "the youth of Islam are preparing things that will fill your hearts with fear"; and in 2006, he declared that his group had been able "to breach your security measures" and that "operations are under preparation, and you will see them on your own ground once they are finished." Al Qaeda's animated spokesman, Adam Gadahn, proclaimed in 2004 that "the streets of America shall run red with blood" and that "the next wave of attacks may come at any moment." The obsessive desire notwithstanding, such fulminations have clearly lacked substance. Although hundreds of millions of people enter the United States legally every year, and countless others illegally, no true al Qaeda cell has been found in the country since 9/11 and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way - except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, no Muslim extremist has succeeded in detonating even a simple bomb in the United States in the last ten years, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. It seems wildly unlikely that al Qaeda is remotely ready to go nuclear.

#### Terrorists have had limited incentive to go nuclear – no ability to build their own couldn’t steal fissile material, or buy from corrupt insiders.

Mueller ‘10

John Mueller, professor of political science at Ohio State University. “Calming Our Nuclear Jitters”. Issues in Science and Technology. 1/1/2010. Vol.26,Iss.2;p.58-66. Academic Search Premiere.

In contrast to these predictions, terrorist groups seem to have exhibited only limited desire and even less progress in going atomic. This may be because, after brief exploration of the possible routes, they, unlike generations of alarmists, have discovered that the tremendous effort required is scarcely likely to be successful. The most plausible route for terrorists, according to most experts, would be to manufacture an atomic device themselves from purloined fissile material (plutonium or, more likely, highly enriched uranium). This task, however, remains a daunting one, requiring that a considerable series of difficult hurdles be conquered and in sequence. Outright armed theft of fissile material is exceedingly unlikely not only because of the resistance of guards, but because chase would be immediate. A more promising approach would be to corrupt insiders to smuggle out the required substances. However, this requires the terrorists to pay off a host of greedy confederates, including brokers and money-transmitters, any one of whom could turn on them or, either out of guile or incompetence, furnish them with stuff that is useless. Insiders might also consider the possibility that once the heist was accomplished, the terrorists would, as analyst Brian Jenkins none too delicately puts it, “have every incentive to cover their trail, beginning with eliminating their confederates.”

### AT: Retal

#### Low risk of retaliation– the US would not indiscriminately lash out

Bleek ‘6

Philipp. doctoral candidate in international relations at Georgetown University. Would ‘Deterrence of Negligence’ Reduce the Risk of Catastrophic Terrorism?. August 2006. Online.

But it is not so clear that a devastating military response is so likely in the absence of state complicity in an attack, especially in the Russian context that is the focus of negligence deterrence advocates’ arguments. The terrorist attacks of September 11, 2001 on New York and Washington are a useful case study. The psychological impact of those attacks is plausibly akin to that of a nuclear terrorist attack today. The September 11 attacks, both in terms of the thousands of civilian casualties and the scale of the destruction wrought, were profoundly disturbing to a country with a longstanding sense of geographically-based invulnerability. Terrorist crossing of the nuclear threshold could plausibly have a similar effect; on the one hand, the escalation in violence would be substantially more dramatic than seen on September 11; on the other hand, the country is now far more prepared psychologically for large-scale terrorist violence. And expectations to the contrary of many notwithstanding, the U.S. response to September 11 was measured and targeted. There was little public outcry to lash out indiscriminately, and little evidence has emerged subsequently that the leadership came close to doing so, even if in the days after September 11 senior policymakers apparently did raise the prospect of attacking Iraq, whether or not evidence linked it to the attacks. At the same time, there was a public outcry to both hold those behind the attacks responsible and to ensure that further attacks were prevented.

#### New analysis proves Americans do not have a high psychological fear and believe we can handle terrorism pragmatically – won’t call for outlash.

Shambaugh et al. ‘10

George Shambaugh, School of Foreign Service and Department of Government, Georgetown University; Richard Matthew, School of Social Ecology, University of California, Irvine; Roxane Cohen Silver, School of Social Ecology, University of California, Irvine; Bryan McDonald, School of Social Ecology, University of California, Irvine; Michael Poulin,State University of New York at Buffalo, Buffalo; Scott Blum, Department of Psychology and Social Behavior, University of California, Irvine. “Public Perceptions of Traumatic Events and Policy Preferences during the George W. Bush Administration: A Portrait of America in Turbulent Times”. Studies in Conflict & Terrorism, Volume 33, Issue 1 January 2010 , pages 55 – 91. InformaWorld.

The American policy landscape during the George W. Bush administration was shaped by a series of traumatic events that confronted the nation and people of the United States. These included the terrorist attacks of 9/11 in 2001, the anthrax attacks in the fall of 2001, military actions in Afghanistan and Iraq, Hurricane Katrina in 2005, the threat of flu pandemic in 2005 and 2006 (and again in 2009), the 2007 Intergovernmental Panel on Climate Change reports, and the financial collapse of 2008. The results of the 2008 presidential election appear to be a rejection of the Bush administration's major policy responses to these events, but the variation in type and level of public support among different groups suggests a much more varied and dynamic portrait of America in turbulent times. How have different sectors of the American public interpreted and responded to these traumatic events? How do the perceptions of the American public—whether they are relatively uniform or widely divergent—affect the level of support for policies of the president and trust in the information provided by the government? How do they affect the public's willingness to tolerate civil, financial, and human costs in challenging these threats? Acts of terrorism are often intended to instill fear and anxiety in people well beyond those directly targeted in specific incidents.1 This raises the question of the extent to which the threat of terrorism permeates society. The authors' multi-year panel study of American adults suggests that perceptions of threats posed by terrorism, environmental disasters, and economic collapse vary significantly across different groups in society based on their psychological, social, political, and personal characteristics. These factors also affect the nature, duration, and intensity of the political response to such events. For example, even seven years after the events of 11 September 2001, people with higher levels of post-traumatic stress symptomatology related to 9/11 have significantly different interpretations of the threat of terrorism and the appropriate policy responses to it than others. Partisanship also has a strong and significant effect over time, while the impact of other factors—such as gender, race, religion, education, military service, and region of habitation—vary over time and across different issues. The portrait of America during the George W. Bush administration that emerges from this study is in many ways at odds with familiar claims advanced by government officials, journalists, and pundits. The study did not find a people cowed by terrorism, afraid of the outside world, or pessimistic about the future. Americans today are pragmatic about threats such as terrorism, war fighting, and climate change, but some are unhappy with government responses to events such as 9/11 and Hurricane Katrina, and suspicious of information provided by government officials and journalists. They know these are real threats that will plague the nation in the years ahead, but they are less worried about the impacts these phenomena will have on their personal lives, and optimistic that the new security challenges can be managed.

#### Public won’t demand retaliation.

Jenkins-Smith and Herron ‘5

Hank C. Jenkins-Smith, Professor of Public Policy at the George H. W. Bush School of Government and Public Service, and holder of the Long Chair in Business and Government and Kerry G. Herron, Research Scientist and Adjunct Professor at the George H. W. Bush School of Government and Public Service at Texas A&M University, and an adjunct professor at the University of New Mexico. Texas A&M University. “United States Public Response to Terrorism: Fault Lines or Bedrock?”. Review of Policy Research, Volume 22, Number 5 (2005). http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=hjsmith

Our final contrasting set of expectations relates to the degree to which the public will support or demand retribution against terrorists and supporting states. Here our data show that support for using conventional United States military force to retaliate against terrorists initially averaged above midscale, but did not reach a high level of demand for military action. Initial support declined significantly across all demographic and belief categories by the time of our survey in 2002. Furthermore, panelists both in 2001 and 2002 preferred that high levels of certainty about culpability (above 8.5 on a scale from zero to ten) be established before taking military action. Again, we find the weight of evidence supporting revisionist expectations of public opinion. Overall, these results are inconsistent with the contention that highly charged events will result in volatile and unstructured responses among mass publics that prove problematic for policy processes. The initial response to the terrorist strikes demonstrated a broad and consistent shift in public assessments toward a greater perceived threat from terrorism, and greater willingness to support policies to reduce that threat. But even in the highly charged context of such a serious attack on the American homeland, the overall public response was quite measured. On average, the public showed very little propensity to undermine speech protections, and initial willingness to engage in military retaliation moderated significantly over the following year. Perhaps most interesting is that the greatest propensity to change beliefs between 2001 and 2002 was evident among the best-educated and wealthiest of our respondents— hardly the expected source of volatility, but in this case they may have represented the leading edge of belief constraints reasserting their influence in the first year following 9/11. This post-9/11 change also reflected an increasing delineation of policy preferences by ideological and partisan positions. Put differently, those whose beliefs changed the most in the year between surveys also were those with the greatest access to and facility with information (the richest, best educated), and the nature of the changes was entirely consistent with a structured and coherent pattern of public beliefs. Overall, we find these patterns to be quite reassuring, and consistent with the general findings of the revisionist theorists of public opinion. Our data suggest that while United States public opinion may exhibit some fault lines in times of crises, it remains securely anchored in bedrock beliefs.

### No Bioterror – 1NC

#### No impact- bioweapons are ineffective- even if they weren’t their record of failure deters their use

**Stratfor, 2007**

(“Bioterrorism: Sudden Death Overtime?" 12-22-2007, [www.lebanonwire.com/0712MLN/07122212STR.asp](http://www.lebanonwire.com/0712MLN/07122212STR.asp), ldg)

First, it must be recognized that during the past several decades of the modern terrorist era, biological weapons have been used very infrequently — and there are some very good reasons for this. Contrary to their portrayal in movies and television shows, biological agents are difficult to manufacture and deploy effectively in the real world. In spite of the fear such substances engender, even in cases in which they have been somewhat effective they have proven to be less effective and more costly than more conventional attacks using firearms and explosives. In fact, nobody even noticed what was perhaps the largest malevolent deployment of biological agents in history, in which thousands of gallons of liquid anthrax and botulinum toxin were released during several attacks in a major metropolitan area over a three-year period. This use of biological agents was perpetrated by the Japanese apocalyptic cult Aum Shinrikyo. An examination of the group’s chemical and biological weapons (CBW) program provides some important insight into biological weapons, their costs — and their limitations. In the late 1980s, Aum’s team of trained scientists spent millions of dollars to develop a series of state-of-the-art biological weapons research and production laboratories. The group experimented with botulinum toxin, anthrax, cholera and Q fever and even tried to acquire the Ebola virus. The group hoped to produce enough biological agent to trigger a global Armageddon. Between April of 1990 and August of 1993, Aum conducted seven large-scale attacks involving the use of thousands of gallons of biological agents — four with anthrax and three with botulinum toxin. The group’s first attempts at unleashing mega-death on the world involved the use of botulinum toxin. In April of 1990, Aum used a fleet of three trucks equipped with aerosol sprayers to release liquid botulinum toxin on targets that included the Imperial Palace, the Diet and the U.S. Embassy in Tokyo, two U.S. naval bases and the airport in Narita. In spite of the massive quantities of agent released, there were no mass casualties and, in fact, nobody outside of the cult was even aware the attacks had taken place. When the botulinum operations failed to produce results, Aum’s scientists went back to the drawing board and retooled their biological weapons facilities to produce anthrax. By mid-1993, they were ready to launch attacks involving anthrax, and between June and August of 1993 the group sprayed thousands of gallons of aerosolized liquid anthrax in Tokyo. This time Aum not only employed its fleet of sprayer trucks, but also use sprayers mounted on the roof of their headquarters to disperse a cloud of aerosolized anthrax over the city. Again, the attacks produced no results and were not even noticed. It was only after the group’s successful 1995 subway attacks using sarin nerve agent that a Japanese government investigation discovered that the 1990 and 1993 biological attacks had occurred. Aum Shinrikyo’s team of highly trained scientists worked under ideal conditions in a first-world country with a virtually unlimited budget. The team worked in large, modern facilities to produce substantial quantities of biological weapons. Despite the millions of dollars the group spent on its bioweapons program, it still faced problems in creating virulent biological agents, and it also found it difficult to dispense those agents effectively. Even when the group switched to employing a nerve agent, it only succeeded in killing a handful of people. A comparison between the Aum Shinrikyo Tokyo subway attack and the jihadist attack against the Madrid trains in 2004 shows that chemical/biological attacks are more expensive to produce and yield fewer results than attacks using conventional explosives. In the March 1995 Tokyo subway attack — Aum’s most successful — the group placed 11 sarin-filled plastic bags on five different subway trains and killed 12 people. In the 2004 Madrid attack, jihadists detonated 10 improvised explosive devices (IEDs) and killed 191 people. Aum’s CBW program cost millions and took years of research and effort; the Madrid bombings only cost a few thousand dollars, and the IEDs were assembled in a few days. The most deadly biological terrorism attack to date was the case involving a series of letters containing anthrax in the weeks following the Sept. 11 attacks — a case the FBI calls Amerithrax. While the Amerithrax letters did cause panic and result in companies all across the country temporarily shutting down if a panicked employee spotted a bit of drywall dust or powdered sugar from doughnuts eaten by someone on the last shift, in practical terms, the attacks were very ineffective. The Amerithrax letters resulted in five deaths; another 22 victims were infected but recovered after receiving medical treatment. The letters did not succeed in infecting senior officials at the media companies targeted by the first wave of letters, or Sens. Tom Daschle and Patrick Leahy, who were targeted by a second wave of letters. By way of comparison, John Mohammed, the so-called “D.C. Sniper,” was able to cause mass panic and kill twice as many people (10) by simply purchasing and using one assault rifle. This required far less time, effort and expense than producing the anthrax spores used in the Amerithrax case. It is thiscost-benefit ratio that, from a militant’s perspective, makes firearms and explosives more attractive weapons for an attack. This then is the primary reason that more attacks using biological weapons have not been executed: The cost is higher than the benefit.

### No Delivery

#### Even if material is gathered it can’t be weaponized or dispersed.

**Burton et al., STRATFOR analyst, 2008**

(Fred, “Busting the Anthrax Myth,” 7-30, <http://www.stratfor.com/weekly/busting_anthrax_myth>, ldg)

While it is certainly true that there are many different types of actors who can easily gain access to rudimentary biological agents, there are far fewer actors who can actually isolate virulent strains of the agents, weaponize them and then effectively employ these agents in a manner that will realistically pose a significant threat of causing mass casualties. While organisms such as anthrax are present in the environment and are not difficult to obtain, more highly virulent strains of these tend to be far more difficult to locate, isolate and replicate. Such efforts require highly skilled individuals and sophisticated laboratory equipment. Even incredibly deadly biological substances such as ricin and botulinum toxin are difficult to use in mass attacks. This difficulty arises when one attempts to take a rudimentary biological substance and then convert it into a weaponized form — a form that is potent enough to be deadly and yet readily dispersed. Even if this weaponization hurdle can be overcome, once developed, the weaponized agent must then be integrated with a weapons system that can effectively take large quantities of the agent and evenly distribute it in lethal doses to the intended targets. During the past several decades in the era of modern terrorism, biological weapons have been used very infrequently and with very little success. This fact alone serves to highlight the gap between the biological warfare misconceptions and reality. Militant groups desperately want to kill people and are constantly seeking new innovations that will allow them to kill larger numbers of people. Certainly if biological weapons were as easily obtained, as easily weaponized and as effective at producing mass casualties as commonly portrayed, militant groups would have used them far more frequently than they have. Militant groups are generally adaptive and responsive to failure. If something works, they will use it. If it does not, they will seek more effective means of achieving their deadly goals. A good example of this was the rise and fall of the use of chlorine in militant attacks in Iraq.

### No Motive – 1NC

#### Terrorists will use conventional weapons-overwhelming empirics.

**Mauroni, Air Force senior policy analyst, 2012**

(Al, “Nuclear Terrorism: Are We Prepared?”, Homeland Security Affairs, <http://www.hsaj.org/?fullarticle=8.1.9>, ldg)

The popular assumption is that terrorists are actively working with “rogue nations” to exploit WMD materials and technology, or bidding for materials and technology on some nebulous global black market. They might be buying access to scientists and engineers who used to work on state WMD programs. The historical record doesn’t demonstrate that. An examination of any of the past annual reports of the National Counterterrorism Center reveals that the basic modus operandi of terrorists and insurgents is to use conventional military weapons, easily acquired commercial (or improvised) explosives, and knives and machetes.8 It is relatively easy to train laypersons to use military firearms, such as the AK-47 automatic rifle and the RPG-7 rocket launcher. These groups have technical experts who develop improvised explosive devices using available and accessible materials from the local economy. Conventional weapons have known weapon effects and minimal challenges in handling and storing. Terrorists get their material and technology where they can. They don’t have the time, funds, or interests to get exotic. It’s what we see, over and over again.

## Firebreaks

### 1nc Solvency

#### Obama will fall back on Article II

Chesney et al. 13

Robert Chesney, Professor in Law at The University of Texas School of Law, Jack Goldsmith, Henry L. Shattuck Professor of Law at Harvard University, Matthew Waxman, professor of law at Columbia Law School and an adjunct senior fellow at the Council on Foreign Relations, & Benjamin Wittes, Senior fellow in governance studies at the Brookings Institution and codirector of the Harvard Law School–Brookings Project on Law and Security, “A Statutory Framework for Next-Generation Terrorist Threats”, Hoover Institution, Taskforce on National Security & Law, Stanford University, <http://media.hoover.org/sites/default/files/documents/Statutory-Framework-for-Next-Generation-Terrorist-Threats.pdf>

Second, with respect to the problem of identifying separate organizations (beyond al Qaeda) against whom force or detention might be directed: Congress could abandon the “associated forces” concept altogether in favor of an alternative approach. It could, for example, explicitly name the additional entities against which force is being authorized,218 much as the NDAA FY’12 itself actually names al Qaeda and the Afghan Taliban. This has the virtue of maximum clarity and hence improved democratic accountability. It also has the virtue of not artificially attempting to tie all threats back to al Qaeda, the AUFM, and the ever-receding 9/11 attacks themselves. Of course, some might object to this approach, on the ground that fast-paced changes in the field could require Congress to repeatedly return to the task of making such designations, possibly at the cost of slowing or disrupting the executive branch’s willingness to act in the interim. One might respond, however, that the executive branch may always fall back on its inherent Article II authority to act in self-defense of the nation when circumstances truly warrant it, at least when it comes to the use of force, and that if instead the matter is a question of long-term detention authority then there will be, by definition, ample time for Congress to act after all.219

#### Your evidence only says we shouldn’t expect the President to interpret – our evidence speaks to what he will do

Cronogue 2012

Graham, Duke University School of Law, J.D; University of North Carolina B.A. 2010, A NEW AUMF: DEFINING COMBATANTS IN THE WAR ON TERROR scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil

The Obama administration argues that the AUMF should remain the ¶ same and has taken pains to expand the authorization to cover new terrorist ¶ threats from organizations unrelated to al-Qaeda.5¶ However, this ten-yearold authorization must be revised. The United States is facing a new and ¶ still evolving enemy; our law on conflict must evolve with it. We should ¶ not expect the President to simply reinterpret or stretch statutory language ¶ when considering such fundamentally important issues as national security, ¶ deadly force, and indefinite detention. This “stretching” out of the statute ¶ will create significant questions of legality and authorization in times when ¶ we cannot afford to hesitate or second-guess. The President and the armed ¶ forces need an updated, clear, and explicit authorization to execute this war ¶ effectively and know the limits of their power. In short, Congress must ¶ amend or update the AUMF to reflect the current reality of conflict and ¶ guide the President’s prosecution of this war.

#### Iraq proves – the executive will just spin intelligence

Sirota and Harvey 4

David and Christy, They Knew...Despite the Whitewash, We Now Know that the Bush Administration was Warned Before the War That Its Iraq Claims were Weak, 8/4/4, http://www.commondreams.org/views04/0804-11.htm

As the 9/11 Commission recently reported, there was “no credible evidence” of a collaborative relationship between Iraq and al Qaeda. Similarly, no weapons of mass destruction have been found in Iraq. With U.S. casualties mounting in an election year, the White House is grasping at straws to avoid being held accountable for its dishonesty.¶ The whitewash already has started: In July, Republicans on the Senate Intelligence Committee released a controversial report blaming the CIA for the mess. The panel conveniently refuses to evaluate what the White House did with the information it was given or how the White House set up its own special team of Pentagon political appointees (called the Office of Special Plans) to circumvent well-established intelligence channels. And Vice President Dick Cheney continues to say without a shred of proof that there is “overwhelming evidence” justifying the administration’s pre-war charges.

### India

#### Zero risk of Indo-Pak first strikes

Dash ‘8 – PhD and Associate Professor Global Studies @ Georgetown.

Kishore C. Dash, Ph.D. Associate Professor of Global Studies from Georgetown. Regionalism in South Asia: Negotiating Cooperation, Institutional Structures. Google Books. 2008. p.138

A second reason why nuclear first strike is not considered as a realistic policy option by either India or Pakistan is because of the short distances separating Indian and Pakistani targets. Policymakers in both the countries share the concern that radioactive fallout resulting from a nuclear strike could affect their own territory. The possibility of widespread radiation poisoning and the consequent human cost is a serious concern. Also, preemptive nuclear strikes are extremely unlikely, because of the deterrent power of "first-strike uncertainty." Leaders in New Delhi and Islamabad are not certain if they could destroy all of the opponent's nuclear weapons preemptively. The devastating consequences of such failure are too critical for leaders to ignore. In fact, such considerations may have formed the basis of the India-Pakistan Nuclear Non-Attack Agreement in December 1988 according to which both India and Pakistan have agreed not to attack each other's nuclear facilities. The third reason why New Delhi and Islamabad are dissuaded from nuclear aggression is the fear that any outbreak of nuclear hostilities would lead to international isolation, economic sanctions, and disruption of foreign investment, adversely impacting their economic goals.

#### Indo-Pak conflict would not escalate – U.S. diplomacy and history prove.

Kirk ‘8 – Professor of International Studies and PoliSci @ VMI

Jason A. Kirk, Department of International Studies &Political Science @ Virginia Military Institute. “From “Tilt” to “Pivot”?: U.S. Intervention in India-Pakistan Nuclear Crises and Implications for Deterrence Theory”. Present at the ISA 49th Annual Convention,: Bridging Multiple Divides. March 26, 2008.

The United States, in other words, using its considerable diplomatic and economic resources, has exercised effective pivotal deterrence over the course of several serious crises in nuclear South Asia, while avoiding making military commitments or offering full political comfort to either side. As exhaustively noted, a number of particular contextual factors help explain why, in the first place, both Pakistan and later India imagined that American diplomacy would redound to their benefit; context also accounts for the surprising U.S. ability to maintain generally good diplomatic relations with both countries, without giving specific support to either’s position in the Kashmir conflict. Time and again, American diplomatic intervention has been limited to the crisis at hand, and U.S. leaders have specifically shown that they will not reward escalatory action on either side by offering to play a more far-reaching role in mediating the underlying conflict.50 It is therefore encouraging that since 2002, though the Kashmir issue remains far from resolved, India-Pakistan relations have been marked by relative conciliation and restraint. Nuclear tinged brinkmanship, at least for the time being, may have run its course: limited war and major military mobilization has been a fairly high price to pay for the meager political gains it has allowed each principal to extract from the other, and it has led to not insignificant (though temporary) setbacks in relations with the United States for both sides when they have engaged in it. India today appears rather more cognizant of the calamitous consequences that state failure in Pakistan would present for its own security; as its neighbor’s internal politics have become even more contentious than usual, India has responded to recent violence with relative moderation.51

#### History proves there would be no nuclear escalation – conflicts are short-term and lead to negotiations.

Basrur ‘6 – Professor of Civics and Politics at the University of Mumbai.

Rajesh M. Basrur, Department of Civics and Politics, University of Mumbai.Minimum Deterrence and India's Nuclear Security. P.146. 2006. Google Books.

On the other hand, it is equally likely that, learning from the risks their confrontations expose them to. Indian and Pakistani leaders will bridge the gulf that prevented a detente at the Agra summit of 2001. Though there has been an increase in the number of crises and subwar conflicts, regular high-level negotiations have also taken place, reflecting the awareness among Indian and Pakistani leaders that South Asia needs a "peace process." While both countries seem to be driven by a fear of losing that is greater than their desire to win, there in also an appreciation in them that their hostility over Kashmir is dangerous and damaging to their respective national interests. Thus, a negotiated settlement cannot be ruled out, even if it is limited to an agreement to disagree. This would lower tensions, reduce the impetus for the expansion of capability, and facilitate arms control. Finally, a serious nuclear crisis, which is not inconceivable, would compel the two countries to seek a more stable relationship.

### China

#### No china war—trends point to peaceful conflict resolution

Fettweis ‘11 – Professor of Political Science @ Tulane

Christopher, Professor of Political Science @ Tulane, Dangerous Times?: The International Politics of Great Power Peace, pg. 117

The diminution of military influence on policymaking is indicative of a broader generational change that seems to be occurring inside Beijing. A number of China experts have begun to argue that the current leadership of the PRC has little in common with the founding members of the communist party, and are far less dogmatic in their approach to both economics and politics." While it is surely a bit premature to suggest that there is a Chinese Gorbachev ready to bring political freedom to his people, at the very least Beijing has altered the way it treats its neighbors. China's much-discussed "charm offensive" has won it many friends in East Asia, and it has helped solidify many of the complex economic ties that cement stability across the region and avoid the regional tensions that realists have expected to see in response to its rapid economic growth." Beijing has been reluctant to use its military superiority to threaten or bully its neighbors into cooperation. Perhaps it is on its way to internalizing the norm of peaceful conflict resolution and will soon no longer contemplate the use of force to achieve its goals; for now, perhaps, the determination to be a good neighbor is the best step for which anyone can hope.

#### Regime prevents conflict

Ross ‘9

Robert. professor of political science at Boston College, an associate of the John King Fairbank Center for East Asian Research at Harvard University and a fellow of the Security Studies Program at the Massachusetts Institute of Technology. September/October 2009. <http://www.nationalinterest.org/Article.aspx?id=22022>.

Professor Friedberg’s concluding suggestion that China’s illiberal political system exacerbates the China threat fails to grasp that Beijing’s authoritarian system is its greatest vulnerability. The Chinese leadership dares not risk war; it is acutely aware of its vulnerability to the will of its people and the necessity to minimize strategic adventurism and the risk of military defeat, lest it be the cause of its own demise. A balanced rather than an ideological assessment of the Sino-American dynamic offers the United States the confidence to compete with China and secure U.S. interests, and simultaneously promote U.S.-China cooperation.

#### Economic interdependence checks

Perry and Scowcroft ‘9

William (Michael and Barbara Berberian professor at Stanford University.) and Brent (resident trustee of the Forum for International Policy.) “US Nuclear Weapons Policy.” 2009. Council on Foreign Relations. Online.

Economic interdependence provides an incentive to avoid military conflict and nuclear confrontation. Although the United States has expressed concern about the growing trade deficit with China, the economies of the two countries have become increasingly intertwined and interdependent. U.S. consumers have bought massive quantities of cheap Chinese goods, and Beijing has lent huge amounts of money to the United States. Similarly, Taiwan and the mainland are increasingly bound in a reciprocal economic relationship. These economic relationships should reduce the probability of a confrontation between China and Taiwan, and keep the United States and China from approaching the nuclear brink, were such a confrontation to occur. On other nuclear issues, China and the United States have generally supported each other, as they did in the six-party talks to dismantle North Korea’s nuclear weapons programs. Here, the supportive Beijing-Washington relationship points toward potentially promising dialogues on larger strategic issues.

#### They’ll back down—military inferiority

Denmark ‘9

Abraham M. Denmark is a Fellow at the Center for a New American Security. China’s Arrival: A Strategic Framework for a Global Relationship. September 2009. Online.

Beijing’s focus on maintaining China’s internal sta­bility and economic growth drives a foreign policy that is geared towards preserving China’s economic development and avoiding foreign conflicts and entanglements that may jeopardize these goals, as demonstrated by PRC President Hu’s departure from the G8 meeting in Italy to return to Beijing because of an uprising in Xinjiang province. However, China’s leaders also recognize that global and regional issues increasingly impact China domestically, primarily since China’s economy depends on foreign resources and markets. Beijing must therefore address these issues and exam­ine the development of military capabilities to protect China’s access to needed foreign markets and resources. Avoiding military conflict with the United States is a major part of maintaining a stable and peace­ful external environment, at least in the near term. China’s leaders understand that China’s economy is closely tied to that of the United States, and that any conflict would significantly damage China’s economic development. Additionally, Chinese strategists appear to recognize that the People’s Liberation Army (PLA)’s capabilities remain signif­icantly behind those of the U.S. military, and that for the foreseeable future China would be unlikely to achieve its political objectives through a conflict with the United States.

# 2nc

### Link

#### Their terrorism advantage presumes that the war on terror has been effective and just needs small tweaks – Nothing could be further from the truth – People half way across the world don’t hate the U.S. “just because” – They hate us because our violent policies give them a reason too – The War on terror creates more enemies than it kills

The Guardian 12 (Cites Robert Grenier, Former head of the CIA counter-terrorism center, “Drone attacks create terrorist safe havens, warns former CIA official”, 6/5/12, [www.guardian.co.uk/world/2012/jun/05/al-qaida-drone-attacks-too-broad](http://www.guardian.co.uk/world/2012/jun/05/al-qaida-drone-attacks-too-broad))

A former top terrorism official at the CIA has warned that President Barack Obama's controversial drone programme is far too indiscriminate in hitting targets and could lead to such political instability that it creates terrorist safe havens. Obama's increased use of drones to attack suspected Islamic militants in Pakistan, Afghanistan, Somalia and Yemen has become one of the most controversial aspects of his national security policy. He has launched at least 275 strikes in Pakistan alone; a rate of attack that is far higher than his predecessor George W Bush. Defenders of the policy say it provides a way of hitting high-profile targets, such as al-Qaida number two, Abu Yahya al-Libi. But critics say the definition of militant is used far too broadly and there are too many civilian casualties. The London-based Bureau of Investigative Journalism estimates up to 830 civilians, including many women and children, might have been killed by drone attacks in Pakistan, 138 in Yemen and 57 in Somalia. Hundreds more have been injured. Now Robert Grenier, who headed the CIA's counter-terrorism center from 2004 to 2006 and was previously a CIA station chief in Pakistan, has told the Guardian that the drone programme is targeted too broadly. "It [the drone program] needs to be targeted much more finely. We have been seduced by them and the unintended consequences of our actions are going to outweigh the intended consequences," Grenier said in an interview. Grenier emphasised that the use of drones was a valuable tool in tackling terrorism but only when used against specific identified targets, who have been tracked and monitored to a place where a strike is feasible. However, recent media revelations about Obama's programme have revealed a more widespread use of the strike capability, including the categorising of all military-age males in a strike zone of a target as militants. That sort of broad definition and the greater use of drones has outraged human rights organisations. The BIJ has reported that drone strikes in Pakistan over the weekend hit a funeral gathering for a militant slain in a previous strike and also may have accidentally hit a mosque. That sort of action adds credence to the claims that the drone campaign is likely to cause more damage by creating anger at the US than it does in eliminating terrorist threats. "We have gone a long way down the road of creating a situation where we are creating more enemies than we are removing from the battlefield. We are already there with regards to Pakistan and Afghanistan," he said. Grenier said he had particular concerns about Yemen, where al-Qaida linked groups have launched an insurgency and captured swathes of territory from the over-stretched local army. US drones have been active in the country, striking at targets that have included killing US-born cleric Anwar al-Awlaki and his 16-year-old son. The BIJ estimates that there have been up to 41 confirmed US drone strikes in Yemen since 2002 and possibly up a 55 unconfirmed ones. Grenier said the strikes were too indiscriminate and causing outrage among the civilian population in the country, lending support to Islamists and seeing a growth in anti-US sentiment. "That brings you to a place where young men, who are typically armed, are in the same area and may hold these militants in a certain form of high regard. If you strike them indiscriminately you are running the risk of creating a terrific amount of popular anger. They have tribes and clans and large families. Now all of a sudden you have a big problem … I am very concerned about the creation of a larger terrorist safe haven in Yemen," Grenier said.

#### **Discourse of a terrorist threat locks in violence and ensures a self-fulfilling prophecy**

Jackson 7 (Volume 42, Issue 3, Pages 394-426 Published Online: 21 Jun 2007, Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse Richard Jackson)

The discourse is first and foremost founded on the deployment of a series of core labels, terms and discursive formations, including, among others: ‘the Islamic world’, ‘the West’, ‘the Islamic revival’, ‘political Islam’, ‘Islamism’, ‘extremism’, ‘radicalism’, ‘fundamental- ism’, ‘religious terrorism’, ‘jihadists’, ‘Wahhabis’, ‘Salafis’, ‘militants’, ‘moderates’, ‘global jihadist movement’, ‘al-Qaeda’, and of course, ‘Islamic terrorism’. Crucially, in their textual usage these terms are often vaguely defined (if at all), yet culturally loaded and highly flexible in the way they are deployed. In addition, these labels and terms are organized into a series of dramatic oppositional binaries, such as the West versus the Islamic world, extremists versus moderates, violent versus peaceful, demo- cratic versus totalitarian, religious versus secular, medieval versus modern and savage versus civilized. Such powerful categories func- tion to construct ‘Islamic terrorists’ and ‘extremists’ as particular kinds of subjects within the overall discourse and enforce highly constricting subject positions upon them vis-à-vis other subjects, such as ‘decent people’, ‘democratic states’ or ‘moderate Muslims’, for example. Importantly, they also render unreasonable more nuanced narratives about the often-contradictory identities and characteristics of the narratives’ central actors. The application of labels such as ‘terrorist’, ‘fundamentalist’ and ‘extremist’ to groups like Hamas and Hizbollah for example, functions to obscure their simultaneous existence as political party, social welfare provider, protection force, local association, relief agency, charity, education provider, bank, guerrilla force and the like – as well as position them as the enemy of Western societies.

#### Representing China as a source of instability constructs threat construction and makes violence a self-fullfing prophecy

Pan 4, Political Science and International Relations Professor at Australian National University,

(Chengxin, *Alternatives*, “The "China threat" in American self-imagination: the discursive construction of other as power politics,” 6/1/2004)

I have argued above that the "China threat**"** argument in mainstream U.S. IR literature is derived, primarily, from a discursive construction of otherness. This construction is predicated on a particular narcissistic understanding of the U.S. self and on a positivist-based realism, concerned with absolute certainty and security, a concern central to the dominant U.S. self-imaginary. Within these frameworks, it seems imperative that China be treated as a threatening, absolute other since it is unable to fit neatly into the U.S.-led evolutionary scheme or guarantee absolute security for the United States, so that U.S. power preponderance in the post-Cold War world can still be legitimated. Not only does this reductionist representation come at the expense of understanding China as a dynamic, multifaceted country but it leads inevitably to a policy of containment that, in turn, tends to enhance the influence of realpolitik thinking, nationalist extremism, and hard-line stance in today's China**.** Even a small dose of the containment strategy is likely to have a highly dramatic impact on U.S.-China relations, as the 1995-1996 missile crisis and the 2001 spy-plane incident have vividly attested. In this respect, Chalmers Johnson is right when he suggests that "a policy of containment toward **China** implies the possibility of war, just as it did during the Cold War vis-a-vis the former Soviet Union. The balance of terror prevented war between the United States and the Soviet Union, but this may not work in the case of **China."** (93) For instance, as the United States presses ahead with a missile-defence shield to "guarantee" its invulnerability from rather unlikely sources of missile attacks, it would be almost certain to intensify China's sense of vulnerability and compel it to expand its current small nuclear arsenal so as to maintain the efficiency of its limited deterrence. In consequence, it is not impossible that the two countries, and possibly the whole region, might be dragged into an escalating arms race that would eventually make war more likely. Neither the United States nor **China** is likely to be keen on fighting the other. But as has been demonstrated, the "China threat**"** argument, for all its alleged desire for peace and security, tends to make war preparedness the most "realistic" option for both sides. At this juncture, worthy of note is an interesting comment made by Charlie Neuhauser, a leading CIA **China** specialist, on the Vietnam War, a war fought by the United States to contain the then-Communist "other." Neuhauser says, "Nobody wants it. We don't want it, Ho Chi Minh doesn't want it; it's simply a question of annoying the other side." (94) And, as we know, in an unwanted war some fifty-eight thousand young people from the United States and an estimated two million Vietnamese men, women, and children lost their lives. Therefore, to call for a halt to the vicious circle of theory as practice associated with the **"China** **threat"** literature, tinkering with the current positivist-dominated U.S. IR scholarship on China is no longer adequate. Rather, what is needed is to question this un-self-reflective scholarship itself, particularly its connections with the dominant way in which the United States and the West in general represent themselves and others via their positivist epistemology, so that alternative, more nuanced, and less dangerous ways of interpreting and debating China might become possible.

### F/W

#### Policy focus recreates the status quo – IR scholarship is a gated community – Challenging that within debate is key

Gunder et al 9 (Michael, Aukland University senior planning lecturer, “Planning in Ten Words or Less: A Lacanian Entanglement with Spatial Planning” pg. 111-112)

The hegemonic network, or bloc, initially shapes the debates and draws on appropriate policies of desired success, such as the needs of bohemians, knowledge¶ clusters, or talented knowledge workers, as to what constitutes their desired¶ enjoyment (cobblestones, chrome and cappuccinos at sidewalk cafes) and what¶ is therefore lacking in local competitiveness. In tum, this defines what is blighted¶ and dysfunctional and in need of economic, spatial planning, or other, remedy.¶ Such an argument is predicated on a logic, or more accurately a rhetoric, that a¶ lack of a particular defined type of enjoyment, or competitiveness (for surely they¶ are one and the same) is inherently unhealthy for the aggregate social body. Lack¶ and its resolution are generally presented as technical, rather than political issues.¶ Consequently, technocrats in partnership with their "dominant stakeholders” can¶ ensure the impression of rationally seeking to produce happiness for the many, whilst, of course, achieving their stakeholders' specific interests (Gunder and¶ Hillier 2007a, 469). The current “post-democratic” milieu facilitates the above through avoidance of critical policy debate challenging favoured orthodox positions and policy approaches. Consideration of policy deficiencies, or alternative “solutions”, are eradicated from political debate so that while “token institutions of liberal democracy”:¶ are retained, conflicting positions and arguments are negated (Stavrakakis 2003,¶ 59). Consequently, “the safe names in the field who feed the policy orthodoxy are¶ repeatedly used, or their work drawn upon, by different stakeholders, while more critical voices are silenced by their inability to shape policy debates' (Boland 2007,¶ 1032). The economic development or spatial planning policy analyst thus continues to partition reality ideologically by deploying only the orthodox "˜successful' or¶ "best practice' economic development or spatial planning responses. This further¶ maintains the dominant, or hegemonic, status quo while providing "a cover and¶ shield against critical thought by acting in the manner of a "buffer" isolating the political held from any research that is independent and radical in its conception¶ as in its implications for public policy' (Wacquant 2004, 99). At the same time, adoption of the hegemonic orthodoxy tends to generate similar policy responses for every competing local area or city-region, largely resulting in a zero-sum game¶ (Blair and Kumar 1997).

### 2nc Reps First

#### It’s impossible to make sense of political reality absent evaluation of representations – The aff doesn’t get access to plan-based offense prior to winning their world-view is productive

Jourde 6 (Cedric, Ph.D., Political Science, University of Wisconsin-Madison, Madison, “Hegemony or Empire?: The redefinition of US Power under George W Bush” Ed. David and Grondin pg. 182-3)

Relations between states are, at least in part, constructed upon representations. Representations are interpretative prisms through which decision-makers make sense of a political reality, through which they define and assign a subjective value to the other states and non-state actors of the international system, and through which they determine what are significant international political issues.2 For instance, officials of a given state will represent other states as 'allies', 'rivals', or simply 'insignificant', thus assigning a subjective value to these states. Such subjective categorizations often derive from representations of these states' domestic politics, which can for instance be perceived as 'unstable\*, 'prosperous', or 'ethnically divided'. It must be clear that representations are not objective or truthful depictions of reality; rather they are subjective and political ways of seeing the world, making certain things 'seen' by and significant for an actor while making other things 'unseen' and 'insignificant'.3 In other words, they are founded on each actor's and group of actors' cognitive, cultural-social, and emotional standpoints. Being fundamentally political, representations are the object of tense struggles and tensions, as some actors or groups of actors can impose on others their own representations of the world, of what they consider to be appropriate political orders, or appropriate economic relations, while others may in turn accept, subvert or contest these representations. Representations of a foreign political reality influence how decision-making actors will act upon that reality. In other words, as subjective and politically infused interpretations of reality, representations constrain and enable the policies that decision-makers will adopt vis-a-vis other states; they limit the courses of action that are politically thinkable and imaginable, making certain policies conceivable while relegating other policies to the realm of the unthinkable.4 Accordingly, identifying how a state represents another state or non-state actor helps to understand how and why certain foreign policies have been adopted while other policies have been excluded. To take a now famous example, if a transnational organization is represented as a group of 'freedom fighters', such as the multi-national mujahideen in Afghanistan in the 1980s, then military cooperation is conceivable with that organization; if on the other hand the same organization is represented as a 'terrorist network', such as Al-Qaida, then military cooperation as a policy is simply not an option. In sum. the way in which one sees, interprets and imagines the 'other\* delineates the course of action one will adopt in order to deal with this 'other'.

### AT – PDB

#### Must totally eschew the logic of security

Neocleous 8 (Mark, Prof. of Government @ Brunel, Critique of Security, 185-6)

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether – to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that cannot be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain ‘this is an insecure world’ and reiteration of one fear, anxiety and insecurity after another will also make it hard to do. But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security. This impasse exists because security has now become so all-encompassing that it marginalises all else, most notably the constructive conﬂicts, debates and discussions that animate political life. The constant prioritising of a mythical security as a political end – as the political end – constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conﬂicts and struggles that arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible – that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it removes it while purportedly addressing it. In so doing it suppresses all issues of power and turns political questions into debates about the most efﬁcient way to achieve ‘security’, despite the fact that we are never quite told – never could be told – what might count as having achieved it. Security politics is, in this sense, an anti-politics,141 dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to get beyond security politics, not add yet more ‘sectors’ to it in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text Critical Security Studies, in which the latter asks: if you take away security, what do you put in the hole that’s left behind? But I’m inclined to agree with Dalby: maybe there is no hole.142 The mistake has been to think that there is a hole and that this hole needs to be ﬁlled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up re afﬁrming the state as the terrain of modern politics, the grounds of security. The real task is not to ﬁll the supposed hole with yet another vision of security, but to ﬁght for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That’s the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as signiﬁcant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding‘more security’ (while meekly hoping that this increased security doesn’t damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that ‘security’ helps consolidate the power of the existing forms of social domination and justiﬁes the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centred on a different con ception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and ‘insecurities’ that come with being human; it requires accepting that ‘securitizing’ an issue does not mean dealing with it politically, but bracketing it out and handing it to the state; it requires us to be brave enough to return the gift.143

#### 1ac links overwhelm the alternative

Inan 4 (dr. A. (Annette) Freyberg Inan Associate Professor, the Director of the Master's Program in Political Science, Univ of Amsterdam, PhD in Political Science at the University of Georgia, USA. Her MA degrees in Political Science and English were obtained at the University of Stuttgart in her native Germany. Editorial Board Member: International Studies Review, Globalizations Journal, Advisory Board Member: Millennium, What Moves Man: The Realist Theory of International Relations and Its Judgment of Human Nature 2004)

Cognitive approaches concede that real-life decision makers cannot comply with the expectation of full rationality. Instead, political decision makers adopt a number of strategies to deal with the limitations imposed on them by their cognitive capabilities. It is important to remember that such strategies are, to a certain extent, necessary and unavoidable. They facilitate information processing and enable actors to make decisions. However, they may also lead to misperception and error. A number of processes are particularly relevant. The study of problem solving has proven the need to pay attention to actors’ definitions of the problem.51 Studies of the limitations of memory have drawn attention to the problem of information overload in both problem solving and decision making. Most important, the development of the concepts of ‘cognitive dissonance’ versus ‘cognitive consistency’ by Leon Festinger and Fritz Heider in the 1950s and 1960s has served to emphasize the need for stability in beliefs and perceptions, while at the same time alerting us to the costs of such stabilit y: “misperception and biased interpretation, with individuals using denial, bolstering, or other mechanisms to maintain their beliefs.”52 According to Robert Art and Robert Jervis, “[P]eople simplify their processing of complex information by permitting their established frameworks of beliefs to guide them. They can then assimilate incoming information to what they already believe.”53 Thus there exists “a tendency for people to assimilate incoming information into their pre-existing images.” 54 This tendency is explained by psychological theor y as part of a strategy to avoid cognitive dissonance. There is little to stop this tendency, because “information is usually ambiguous enough so that people can see it as consistent with the views that they already hold.”55 Voss and Dorsey observe that “individuals build mental representations of the world and . . . such representations provide coherence and stability to their interpretations of the complexities of the environment.”56 So-called image theory studies the role played in the decision-making process by such interpretive “blueprints,” which have been variously called “images,” “schemata,” “scripts,” or “mental models.”57 The concept of “image,” which is most commonly used in foreign policy analysis, captures the notion of a schema, which is more popular in cognitive psychology. In the 1950s, Kenneth Boulding defined the term image as “the total cognitive, affective, and evaluative structure of the behavioral unit, or its internal view of itself and its universe.”58 He argued that “the images which are important in international systems are those which a nation has of itself and of those other bodies in the system which constitute its international environment.”59 Images can introduce misperception and error into the decision-making process, especially if they function as stereotypes. Stereot ypes can be defined as “images that are assumed to have attributes that characterize all elements of a particular group.”60 The role of stereotypical images, such as the “enemy image,” has been explored by authors such as Ole Holsti, Richard Cottam, or David Finlay and his colleagues. 61 Such studies find that stereot yping generally leads to “over-generalization, that is, erroneously attributing characteristics to a particular countr y that may not have one or more of the given characteristics. The countries are thus not sufficiently differentiated.”62 According to Holsti, “[T]he relationship of national images to international conflict is clear: decision-makers act upon their definition of the situation and their images of states—others as well as their own. These images are in turn dependent upon the decision-maker’s belief system, and these may or may not be accurate representations of ‘reality.’”63 The impact of stereot ypical national images in policy making was particularly obvious during the Cold War, when Boulding referred to them as “the last great stronghold of unsophistication” in international politics, observing that “nations are divided into ‘good’ and ‘bad’—the enemy is all bad, one’s own nation is of spotless virtue.”64 The bipolar system was commonly characterized as a “closed” one, in which “perceptions of low hostilit y are self-liquidating and perceptions of high hostilit y are self-fulfilling.”65 This is because both sides continue to interpret new information in ways that help preserve the enemy image, even if such information is meant to constitute a conciliatory gesture. Closed systems suffer from the dangerous problem of distorted “mirror images.” Urie Bronfenbrenner explains: Herein lies the terrible danger of the distorted mirror image, for it is characteristic of such images that they are self-confirming; that is, each part y, often against its own wishes, is increasingly driven to behave in a manner which fulfills the expectations of the other. . . . [The mirror image] impels each nation to act in a manner which confirms and enhances the fear of the other to the point that even deliberate efforts to reverse the process are reinterpreted as evidence of confirmation.66 (128-130)

### AT – Timeframe

#### Urgency doesn’t justify replacing solutions that work with those that don’t – Short termism is ideological blackmail – Their solution is more likely to make the problem worse

Bilgin 4 (Pinar, IR @ Bilikent AND Adam David MORTON Senior Lecturer and Fellow of the Centre for the Study of Social and Global Justice IR @ Nottingham“From ‘Rogue’ to ‘Failed’ States? The Fallacy of Short-termism” Politics 24 (3) p. Wiley Interscience)

Calls for alternative approaches to the phenomenon of state failure are often met with the criticism that such alternatives could only work in the long term whereas 'something' needs to be done here and now. Whilst recognising the need for immediate action, it is the role of the political scientist to point to the fallacy of 'short-termism' in the conduct of current policy. Short-termism is defined by Ken Booth (1999, p. 4) as 'approaching security issues within the time frame of the next election, not the next generation'. Viewed as such, short-termism is the enemy of true strategic thinking. The latter requires policymakers to rethink their long-term goals and take small steps towards achieving them. It also requires heeding against taking steps that might eventually become self-defeating.  The United States has presently fought three wars against two of its Cold War allies in the post-Cold War era, namely, the Iraqi regime of Saddam Hussein and the Taliban in Afghanistan. Both were supported in an attempt to preserve the delicate balance between the United States and the Soviet Union. The Cold War policy of supporting client regimes has eventually backfired in that US policymakers now have to face the instability they have caused. Hence the need for a comprehensive understanding of state failure and the role Western states have played in failing them through varied forms of intervention. Although some commentators may judge that the road to the existing situation is paved with good intentions, a truly strategic approach to the problem of international terrorism requires a more sensitive consideration of the medium-to-long-term implications of state building in different parts of the world whilst also addressing the root causes of the problem of state 'failure'.  Developing this line of argument further, reflection on different socially relevant meanings of 'state failure' in relation to different time increments shaping policymaking might convey alternative considerations. In line with John Ruggie (1998, pp. 167–170), divergent issues might then come to the fore when viewed through the different lenses of particular time increments. Firstly, viewed through the lenses of an incremental time frame, more immediate concerns to policymakers usually become apparent when linked to precocious assumptions about terrorist networks, banditry and the breakdown of social order within failed states. Hence relevant players and events are readily identified (al-Qa'eda), their attributes assessed (axis of evil, 'strong'/'weak' states) and judgements made about their long-term significance (war on terrorism). The key analytical problem for policymaking in this narrow and blinkered domain is the one of choice given the constraints of time and energy devoted to a particular decision. These factors lead policymakers to bring conceptual baggage to bear on an issue that simplifies but also distorts information.  Taking a second temporal form, that of a conjunctural time frame, policy responses are subject to more fundamental epistemological concerns. Factors assumed to be constant within an incremental time frame are more variable and it is more difficult to produce an intended effect on ongoing processes than it is on actors and discrete events. For instance, how long should the 'war on terror' be waged for? Areas of policy in this realm can therefore begin to become more concerned with the underlying forces that shape current trajectories.  Shifting attention to a third temporal form draws attention to still different dimensions. Within an epochal time frame an agenda still in the making appears that requires a shift in decision-making, away from a conventional problem-solving mode 'wherein doing nothing is favoured on burden-of-proof grounds', towards a risk-averting mode, characterised by prudent contingency measures. To conclude, in relation to 'failed states', the latter time frame entails reflecting on the very structural conditions shaping the problems of 'failure' raised throughout the present discussion, which will demand lasting and delicate attention frompractitioners across the academy and policymaking communities alike.

### 2nc Predictions

#### And, predictions are impossible even with perfect information

Bernstein et al 2k (Steven Bernstein, Richard Ned Lebow, Janice Gross Stein and Steven Weber, University of Toronto, The Ohio State University, University of Toronto and University of California at Berkeley. “God Gave Physics the Easy Problems”, European Journal of International Relations 2000; 6; 43)

A deep irony is embedded in the history of the scientific study of international relations. Recent generations of scholars separated policy from theory to gain an intellectual distance from decision-making, in the belief that this would enhance the 'scientific' quality of their work. But five decades of well-funded efforts to develop theories of international relations have produced precious little in the way of useful, high confidence results. Theories abound, but few meet the most relaxed 'scientific' tests of validity. Even the most robust generalizations or laws we can state - war is more likely between neighboring states, weaker states are less likely to attack stronger states - are close to trivial, have important exceptions, and for the most part stand outside any consistent body of theory. A generation ago, we might have excused our performance on the grounds that we were a young science still in the process of defining problems, developing analytical tools and collecting data. This excuse is neither credible nor sufficient; there is no reason to suppose that another 50 years of well-funded research would result in anything resembling a valid theory in the Popperian sense. We suggest that the nature, goals and criteria for judging social science theory should be rethought, if theory is to be more helpful in understanding the real world. We begin by justifying our pessimism, both conceptually and empirically, and argue that the quest for predictive theory rests on a mistaken analogy between physical and social phenomena. Evolutionary biology is a more productive analogy for social science. We explore the value of this analogy in its 'hard' and 'soft' versions, and examine the implications of both for theory and research in international relations.2 We develop the case for forward 'tracking' of international relations on the basis of local and general knowledge as an alternative to backward-looking attempts to build deductive, nomothetic theory. We then apply this strategy to some emerging trends in international relations. This article is not a nihilistic diatribe against 'modern' conceptions of social science. Rather, it is a plea for constructive humility in the current context of attraction to deductive logic, falsifiable hypothesis and large-n statistical 'tests' of narrow propositions. We propose a practical alternative for social scientists to pursue in addition, and in a complementary fashion, to 'scientific' theory-testing. Newtonian Physics: A Misleading Model Physical and chemical laws make two kinds of predictions. Some phenomena - the trajectories of individual planets - can be predicted with a reasonable degree of certainty. Only a few variables need to be taken into account and they can be measured with precision. Other mechanical problems, like the break of balls on a pool table, while subject to deterministic laws, are inherendy unpredictable because of their complexity. Small differences in the lay of the table, the nap of the felt, the curvature of each ball and where they make contact, amplify the variance of each collision and lead to what appears as a near random distribution of balls. Most predictions in science are probabilistic, like the freezing point of liquids, the expansion rate of gases and all chemical reactions. Point predictions appear possible only because of the large numbers of units involved in interactions. In the case of nuclear decay or the expansion of gases, we are talking about trillions of atoms and molecules. In international relations, even more than in other domains of social science, it is often impossible to assign metrics to what we think are relevant variables (Coleman, 1964: especially Chapter 2). The concepts of polarity, relative power and the balance of power are among the most widely used independent variables, but there are no commonly accepted definitions or measures for them. Yet without consensus on definition and measurement, almost every statement or hypothesis will have too much wiggle room to be 'tested' decisively against evidence. What we take to be dependent variables fare little better. Unresolved controversies rage over the definition and evaluation of deterrence outcomes, and about the criteria for democratic governance and their application to specific countries at different points in their history. Differences in coding for even a few cases have significant implications for tests of theories of deterrence or of the democratic peace (Lebow and Stein, 1990; Chan, 1997). The lack of consensus about terms and their measurement is not merely the result of intellectual anarchy or sloppiness - although the latter cannot entirely be dismissed. Fundamentally, it has more to do with the arbitrary nature of the concepts themselves. Key terms in physics, like mass, temperature and velocity, refer to aspects of the physical universe that we cannot directly observe. However, they are embedded in theories with deductive implications that have been verified through empirical research. Propositions containing these terms are legitimate assertions about reality because their truth-value can be assessed. Social science theories are for the most part built on 'idealizations', that is, on concepts that cannot be anchored to observable phenomena through rules of correspondence. Most of these terms (e.g. rational actor, balance of power) are not descriptions of reality but implicit 'theories' about actors and contexts that do not exist (Hempel, 1952; Rudner, 1966; Gunnell, 1975; Moe, 1979; Searle, 1995: 68-72). The inevitable differences in interpretation of these concepts lead to different predictions in some contexts, and these outcomes may eventually produce widely varying futures (Taylor, 1985: 55). If problems of definition, measurement and coding could be resolved, we would still find it difficult, if not impossible, to construct large enough samples of comparable cases to permit statistical analysis. It is now almost generally accepted that in the analysis of the causes of wars, the variation across time and the complexity of the interaction among putative causes make the likelihood of a general theory extraordinarily low. Multivariate theories run into the problem of negative degrees of freedom, yet international relations rarely generates data sets in the high double digits. Where larger samples do exist, they often group together cases that differ from one another in theoretically important ways.3 Complexity in the form of multiple causation and equifinality can also make simple statistical comparisons misleading. But it is hard to elaborate more sophisticated statistical tests until one has a deeper baseline understanding of the nature of the phenomenon under investigation, as well as the categories and variables that make up candidate causes (Geddes, 1990: 131-50; Lustick, 1996: 505-18; Jervis, 1997). Wars - to continue with the same example - are similar to chemical and nuclear reactions in that they have underlying and immediate causes. Even when all the underlying conditions are present, these processes generally require a catalyst to begin. Chain reactions are triggered by the decay of atomic nuclei. Some of the neutrons they emit strike other nuclei prompting them to fission and emit more neutrons, which strike still more nuclei. Physicists can calculate how many kilograms of Uranium 235 or Plutonium at given pressures are necessary to produce a chain reaction. They can take it for granted that if a 'critical mass' is achieved, a chain reaction will follow. This is because trillions of atoms are present, and at any given moment enough of them will decay to provide the neutrons needed to start the reaction. In a large enough sample, catalysts will be present in a statistical sense. Wars involve relatively few actors. Unlike the weak force responsible for nuclear decay, their catalysts are probably not inherent properties of the units. Catalysts may or may not be present, and their potentially random distribution relative to underlying causes makes it difficult to predict when or if an appropriate catalyst will occur. If in the course of time underlying conditions change, reducing basic incentives for one or more parties to use force, catalysts that would have triggered war will no longer do so. This uncertain and evolving relationship between underlying and immediate causes makes point prediction extraordinarily difficult. It also makes more general statements about the causation of war problematic, since we have no way of knowing what wars would have occurred in the presence of appropriate catalysts. It is probably impossible to define the universe of would-be wars or to construct a representative sample of them. Statistical inference requires knowledge about the state of independence of cases, but in a practical sense that knowledge is often impossible to obtain in the analysis of international relations. Molecules do not learn from experience. People do, or think they do. Relationships among cases exist in the minds of decision-makers, which makes it very hard to access that information reliably and for more than just a very small number of cases. We know that expectations and behavior are influenced by experience, one's own and others. The deterrence strategies pursued by the United States throughout much of the Cold War were one kind of response to the failure of appeasement to prevent World War II. Appeasement was at least in part a reaction to the belief of British leaders that the deterrent policies pursued by the continental powers earlier in the century had helped to provoke World War I. Neither appeasement nor deterrence can be explained without understanding the context in which they were formulated; that context is ultimately a set of mental constructs. We have descriptive terms like 'chain reaction' or 'contagion effect' to describe these patterns, and hazard analysis among other techniques in statistics to measure their strength. But neither explains how and why these patterns emerge and persist. The broader point is that the relationship between human beings and their environment is not nearly so reactive as with inanimate objects. Social relations are not clock-like because the values and behavioral repertories of actors are not fixed; people have memories, learn from experience and undergo shifts in the vocabulary they use to construct reality. Law-like relationships - even if they existed - could not explain the most interesting social outcomes, since these are precisely the outcomes about which actors have the most incentive to learn and adapt their behavior. Any regularities would be 'soft'; they would be the outcome of processes that are embedded Overcoming Physics Envy The conception of causality on which deductive-nomological models are based, in classical physics as well as social science, requires empirical invariance under specified boundary conditions. The standard form of such a statement is this - given A, B and C, if X then (not) Y.4 This kind of bounded invariance can be found in closed systems. Open systems can be influenced by external stimuli, and their structure and causal mechanisms evolve as a result. Rules that describe the functioning of an open system at time T do not necessarily do so at T + 1 or T + 2. The boundary conditions may have changed, rendering the statement irrelevant. Another axiomatic condition may have been added, and the outcome subject to multiple conjunctural causation. There is no way to know this a priori from the causal statement itself. Nor will complete knowledge (if it were possible) about the system at time T necessarily allow us to project its future course of development. In a practical sense, all social systems (and many physical and biological systems) are open. Empirical invariance does not exist in such systems, and seemingly probabilistic invariances may be causally unrelated (Harre and Secord, 1973; Bhaskar, 1979; Collier, 1994; Patomaki, 1996; Jervis, 1997). As physicists readily admit, prediction in open systems, especially non-linear ones, is difficult, and often impossible. The risk in saying that social scientists can 'predict' the value of variables in past history is that the value of these variables is already known to us, and thus we are not really making predictions. Rather, we are trying to convince each other of the logic that connects a statement of theory to an expectation about the value of a variable that derives from that theory. As long as we can establish the parameters within which the theoretical statement is valid, which is a prerequisite of generating expectations in any case, this 'theorytesting' or 'evaluating' activity is not different in a logical sense when done in past or future time.5

# 1nr

## Ptx

#### Multilateral coop will always structurally fail regardless of their internal link

Barma et al., 13 (Naazneen, assistant professor of national-security affairs at the Naval Postgraduate School; Ely Ratner, a fellow at the Center for a New American Security; and Steven Weber, professor of political science and at the School of Information at the University of California, Berkeley, March/April 2013, “The Mythical Liberal Order,” The National Interest, http://nationalinterest.org/print/article/the-mythical-liberal-order-8146)

Assessed against its ability to solve global problems, the current system is falling progressively further behind on the most important challenges, including financial stability, the “responsibility to protect,” and coordinated action on climate change, nuclear proliferation, cyberwarfare and maritime security. The authority, legitimacy and capacity of multilateral institutions dissolve when the going gets tough—when member countries have meaningfully different interests (as in currency manipulations), when the distribution of costs is large enough to matter (as in humanitarian crises in sub-Saharan Africa) or when the shadow of future uncertainties looms large (as in carbon reduction). Like a sports team that perfects exquisite plays during practice but fails to execute against an actual opponent, global-governance institutions have sputtered precisely when their supposed skills and multilateral capital are needed most. ¶ WHY HAS this happened? The hopeful liberal notion that these failures of global governance are merely reflections of organizational dysfunction that can be fixed by reforming or “reengineering” the institutions themselves, as if this were a job for management consultants fiddling with organization charts, is a costly distraction from the real challenge. A decade-long effort to revive the dead-on-arrival Doha Development Round in international trade is the sharpest example of the cost of such a tinkering-around-the-edges approach and its ultimate futility. Equally distracting and wrong is the notion held by neoconservatives and others that global governance is inherently a bad idea and that its institutions are ineffective and undesirable simply by virtue of being supranational. ¶ The root cause of stalled global governance is simpler and more straightforward. “Multipolarization” has come faster and more forcefully than expected. Relatively authoritarian and postcolonial emerging powers have become leading voices that undermine anything approaching international consensus and, with that, multilateral institutions. It’s not just the reasonable demand for more seats at the table. That might have caused something of a decline in effectiveness but also an increase in legitimacy that on balance could have rendered it a net positive.¶ Instead, global governance has gotten the worst of both worlds: a decline in both effectiveness and legitimacy. The problem is not one of a few rogue states acting badly in an otherwise coherent system. There has been no real breakdown per se. There just wasn’t all that much liberal world order to break down in the first place. The new voices are more than just numerous and powerful. They are truly distinct from the voices of an old era, and they approach the global system in a meaningfully different way.¶

## Solvency

### Circumvention

#### 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.

#### The president can ignore congressional restrictions

Posner 13 (Eric, Professor at the University of Chicago Law School, “President Ruthless”, May 23, 2013, http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/05/obama\_s\_speech\_he\_s\_just\_like\_bush\_in\_pushing\_the\_limits\_of\_executive\_power.single.html)

This argument echoes the Bush administration’s dubious claim that waterboarding is not “torture” because it does not exceed the necessary threshold of pain. But presidents have always advanced strained interpretations of statutes that conflict with what they see as their constitutional powers to make war and conduct foreign policy. This is a polite way for the president to do what he wants without explicitly defying Congress. (There is even a legal doctrine that reflects this principle; it’s called the “canon of avoidance”). For good or ill, it is a practice that is rooted in tradition going back to the founders. In parliamentary systems, the executive is bound by the decisions of the legislature (at least in theory). People with vague memories of junior high civics class might think the same principle applies in the United States. It doesn’t. The Constitution gives the executive independence from Congress. Madison, who like other founders feared tyrannous legislatures as much as tyrannous executives, made this explicit in his famous statement in The Federalist Papers. “The great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others.” The president resists encroachment from Congress by refusing to obey, or by narrowly interpreting, statutes that infringe on his constitutional powers, including war powers. When Congress and the executive clash about the meaning of those powers, there is no neutral way to decide who is right. That is why precedent looms so large in determining the actual allocation of powers. Presidents disregard the Constitution’s mandate to obtain the advice of the Senate when making treaties because George Washington decided that the injunction was impractical and the Senate acquiesced. The president’s power to interpret or disregard treaties likewise reflects long-standing practice: One clear example is President Carter’s withdrawal of the United States from a treaty with Taiwan in 1979. Other presidents have also narrowly interpreted, or simply violated, the War Powers Resolution, as President Clinton did during the conflict with Serbia in 1999. Even targeted killing outside of warfare is not new: Consider Clinton’s cruise missile strike in 1998 against a Sudanese pharmaceutical factory that allegedly manufactured chemical weapons. By allowing such examples of executive muscle flexing, Congress has ratified them. That is how our system works. When the Bush administration was at the bench press, the left managed to create a narrative, largely accepted by the media, that the president was lawless. Now that it’s Obama’s turn, has the story changed? Friedersdorf takes the both-are-lawless path, and gets points for consistency, but he is tilting at windmills—both parties and mainstream public opinion support a president who can forcefully counter threats. Harold Koh, by contrast, argued in a recent speech that Obama is different and better than Bush was. He said that a “critical difference between this Administration and its predecessor is the Obama Administration’s determination not to address Al Qaeda and the Taliban solely through the tools of war.” Also:

#### Obama will straight up ignore statutory restrictions

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/>)

Back in January, 2006, the Bush Justice Department released a 42-page memo arguing that the President had the power to ignore Congressional restrictions on domestic eavesdropping, such as those imposed by FISA (the 30-year-old law that made it a felony to do exactly what Bush got caught doing: eavesdropping on the communications of Americans without warrants). That occurred roughly 3 months after I began blogging, and — to my embarrassment now — I was actually shocked by the brazen radicalism and extremism expressed in that Memo. It literally argued that Congress had no power to constrain the President in any way when it came to national security matters and protecting the nation. To advance this defense, Bush lawyers hailed what they called “the President’s role as sole organ for the Nation in foreign affairs“; said the President’s war power inherently as “Commander-in-Chief” under Article II “includes all that is necessary and proper for carrying these powers into execution”; favorably cited an argument made by Attorney General Black during the Civil War that statutes restricting the President’s actions relating to war “could probably be read as simply providing ‘a recommendation’ that the President could decline to follow at his discretion“; and, as a result of all that, Congress “was pressing or even exceeding constitutional limits” when it attempted to regulate how the President could eavesdrop on Americans. As a result, the Bush memo argued, the President had the power to ignore the law because FISA, to the extent it purported to restrict the President’s war powers, “would be unconstitutional as applied in the context of this Congressionally authorized armed conflict.” That claim — that the President and he alone possesses all powers relating to war under the “Commander-in-Chief” clause of Article II — became the cornerstone of Bush’s “ideology of lawlessness.” In a post that same month defining that ideology, I argued that this lawlessness was grounded in the September 25, 2001, War Powers memo by John Yoo, which infamously concluded as follows: In both the War Powers Resolution and the Joint Resolution, Congress has recognized the President’s authority to use force in circumstances such as those created by the September 11 incidents. Neither statute, however, can place any limits on the President’s determinations as to any terrorist threat, the amount of military force to be used in response, or the method, timing, and nature of the response. These decisions, under our Constitution, are for the President alone to make. That was the heart and soul of Bush lawlessness: no “statute can place any limits on the President’s determinations” as “these decisions, under our Constitution, are for the President alone to make.” Yesterday, Hillary Clinton told the House of Representatives that “the White House would forge ahead with military action in Libya even if Congress passed a resolution constraining the mission.” As TPM put it: ”the administration would ignore any and all attempts by Congress to shackle President Obama’s power as commander in chief to make military and wartime decisions,” as such attempts would constitute “an unconstitutional encroachment on executive power.” As Democratic Rep. Brad Sherman noted, Clinton was not relying on the War Powers Resolution of 1973 (WPR); to the contrary, her position is that the Obama administration has the power to wage war in violation even of the permissive dictates of that Resolution. And, of course, the Obama administration has indeed involved the U.S. in a major, risky war, in a country that has neither attacked us nor threatened to, without even a pretense of Congressional approval or any form of democratic consent. Whether the U.S. should go to war is a decision, they obviously believe, “for the President alone to make.” Initially, I defy anyone to identify any differences between the administration’s view of its own authority — that it has the right to ignore Congressional restrictions on its war powers — and the crux of Bush radicalism as expressed in the once-controversial memos by John Yoo and the Bush DOJ. There is none. That’s why Yoo went to The Wall Street Journal to lavish praise on Obama’s new war power theory: because it’s Yoo’s theory (as I was finishing this post, I saw that Adam Serwer makes a similar point today). If anything, one could argue that Yoo’s theory of unilateral war-making was more reasonable, as it was at least tied to an actual attack on the U.S.: the 9/11 attacks. Here, the Obama administration is arrogating unto the President the unilateral, unrestrained right to start wars in all circumstances, whether or not the U.S. is attacked.

#### 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 circumvent the plan

Anita Kumar 13, White House correspondent for McClatchy Newspapers, former writer for The Washington Post, covering Virginia politics and government, and spent a decade at the St. Petersburg Times, writing about local, state and federal government both in Florida and Washington, “Obama turning to executive power to get what he wants,” 3/19 <http://www.mcclatchydc.com/2013/03/19/186309/obama-turning-to-executive-power.html#.Ue18CdK1FSE>

Yet Obama’s use of power echoes that of his predecessors. For example, he signed 145 executive orders in his first term, putting him on track to issue as many as the 291 that Bush did in two terms.¶ John Yoo, who wrote the legal opinions that supported an expansion of presidential power after the 2001 terrorist attacks, including harsh interrogation methods that some called torture, said he thought that executive orders were sometimes appropriate – when conducting internal management and implementing power given to the president by Congress or the Constitution – but he thinks that Obama has gone too far.¶ “I think President Obama has been as equally aggressive as President Bush, and in fact he has sometimes used the very same language to suggest that he would not obey congressional laws that intrude on his commander-in-chief power,” said Yoo, who’s now a law professor at the University of California at Berkeley. “This is utterly hypocritical, both when compared to his campaign stances and the position of his supporters in Congress, who have suddenly discovered the virtues of silence.”¶ Most of Obama’s actions are written statements aimed at federal agencies that are published everywhere from the White House website to the Federal Register. Some are classified and hidden from public view.¶ “It seems to be more calculated to prod Congress,” said Phillip J. Cooper, the author of “By Order of the President: The Use and Abuse of Executive Direct Action.” “I can’t remember a president being that consistent, direct and public.”¶ Bush was criticized for many of his actions on surveillance and interrogation techniques, but attention has focused on Obama’s use of actions mostly about domestic issues.¶ In his first two years in the White House, when fellow Democrats controlled Capitol Hill, Obama largely worked through the regular legislative process to try to achieve his domestic agenda. His biggest achievements – including a federal health care overhaul and a stimulus package designed to boost the economy –came about with little or no Republican support.¶ But Republicans took control of the House of Representatives in 2010, making the task of passing legislation all the more difficult for a man with a detached personality who doesn’t relish schmoozing with lawmakers. By the next year, Obama wasn’t shy about his reasons for flexing his presidential power.¶ In fall 2011, he launched the “We Can’t Wait” campaign, unveiling dozens of policies through executive orders – creating jobs for veterans, adopting fuel efficiency standards and stopping drug shortages – that came straight from his jobs bills that faltered in Congress.¶ “We’re not waiting for Congress,” Obama said in Denver that year when he announced a plan to reduce college costs. “I intend to do everything in my power right now to act on behalf of the American people, with or without Congress. We can’t wait for Congress to do its job. So where they won’t act, I will.”¶ When Congress killed legislation aimed at curbing the emissions that cause global warming, Obama directed the Environmental Protection Agency to write regulations on its own incorporating some parts of the bill.¶ When Congress defeated pro-union legislation, he had the National Labor Relations Board and the Labor Department issue rules incorporating some parts of the bill.¶ “The president looks more and more like a king that the Constitution was designed to replace,” Sen. Charles Grassley, R-Iowa, said on the Senate floor last year.¶ While Republicans complain that Obama’s actions cross a line, experts say some of them are less aggressive than they appear.¶ After the mass shooting in Newtown, Conn., in December, the White House boasted of implementing 23 executive actions to curb gun control. In reality, Obama issued a trio of modest directives that instructed federal agencies to trace guns and send information for background checks to a database.¶ In his State of the Union address last month, Obama instructed businesses to improve the security of computers to help prevent hacking. But he doesn’t have the legal authority to force private companies to act.¶ “The executive order can be a useful tool but there are only certain things he can do,” said Melanie Teplinsky, an American University law professor who’s spoken extensively on cyber-law.¶ Executive actions often are fleeting. They generally don’t settle a political debate, and the next president, Congress or a court may overturn them.¶ Consider the so-called Mexico City policy. With it, Reagan banned federal money from going to international family-planning groups that provide abortions. Clinton rescinded the policy. George W. Bush reinstated it, and Obama reversed course again.¶ But congressional and legal action are rare. In 1952, the Supreme Court threw out Harry Truman’s order authorizing the seizure of steel mills during a series of strikes. In 1996, the District of Columbia Court of Appeals dismissed an order by Clinton that banned the government from contracting with companies that hire workers despite an ongoing strike.¶ Obama has seen some pushback.¶ Congress prohibited him from spending money to move inmates from the Guantanamo Bay U.S. naval base in Cuba after he signed an order that said it would close. A Chinese company sued Obama for killing its wind farm projects by executive order after he said they were too close to a military training site. A federal appeals court recently ruled that he’d exceeded his constitutional powers when he named several people to the National Labor Relations Board while the Senate was in recess.¶ But Obama appears to be undaunted.¶ “If Congress won’t act soon to protect future generations,” he told Congress last month, “I will.”

#### Pressure to fight terror o/w pub pressure

Dickinson 11—Professor of political science @ Middlebury College. [Dr. Matthew Dickinson (Expert on presidential powers with a PhD from Harvard), “Will You End Up in Guantanamo Bay Prison?,” Presidential Power, December 3, 2011 pg. http://sites.middlebury.edu/presidentialpower/2011/12/03/will-you-end-up-in-guantanamo-bay/

Despite the overwhelming Senate support for passage (the bill passed 93-7 and will be reconciled with a House version. Senators voting nay included three Democrats, three Republicans and one independent), however, President Obama is still threatening to veto the bill in its current form. However, if administration spokespersons are to be believed, Obama’s objection is based not so much on concern for civil liberties as it is on preserving the president’s authority and flexibility in fighting the war on terror. According to White House press secretary Jay Carney, “Counterterrorism officials from the Republican and Democratic administrations have said that the language in this bill would jeopardize national security by restricting flexibility in our fight against Al Qaeda.” (The administration also objects to language in the bill that would restrict any transfer of detainees out of Guantanamo Bay prison for the next year.) For these reasons, the President is still threatening to veto the bill, which now goes to the Republican-controlled House where it is unlikely to be amended in a way that satisfies the President’s concerns. If not, this sets up an interesting scenario in which the President may have to decide whether to stick by his veto threat and hope that partisan loyalties kick in to prevent a rare veto override.¶ The debate over the authorization bill is another reminder of a point that you have heard me make before: that when it comes to national security issues and the War on Terror, President Obama’s views are much closer to his predecessor’s George W. Bush’s than they are to candidate Obama’s. The reason, of course, is that once in office, the president—as the elected official that comes closest to embodying national sovereignty—feels the pressure of protecting the nation from attack much more acutely than anyone else. That pressure drives them to seek maximum flexibility in their ability to respond to external threats, and to resist any provision that appears to constrain their authority. This is why Obama’s conduct of the War on Terror has followed so closely in Bush’s footsteps—both are motivated by the same institutional incentives and concerns.¶ The Senate debate, however, also illustrates a second point. We often array elected officials along a single ideological line, from most conservative to most liberal. Think Bernie Sanders at one end and Jim DeMint at the other. In so doing, we are suggesting that those individuals at the farthest ends of the spectrum have the greatest divergence in ideology. But on some issues, including this authorization bill, that ideological model is misleading. Instead, it is better to think of legislators arrayed in a circle, with libertarian Republicans and progressive Democrats sitting much closer together, say, at the top of the circle, joined together in their resistance to strong government and support for civil liberties. At the “bottom” of the circle are Republicans like Graham and Democrats like Levin who share an affinity for strengthening the government’s ability to protect the nation’s security.¶ For Obama, however, the central issue is not the clash of civil liberties and national security—it is the relative authority of the President versus Congress to conduct the War on Terror. That explains why he has stuck by his veto threat despite the legislative compromise. And it raises an interesting test of power. To date he has issued only two presidential vetoes, by far the lowest number of any President in the modern era. His predecessor George W. Bush issued 12, and saw Congress override four—a historically high percentage of overrides. On average, presidential vetoes are overridden about 7% of the time. These figures, however, underplay the use of veto threats as a bargaining tool. In the 110th (2007-08) Congress alone, Bush issued more than 100 veto threats. I’ve not calculated Obama’s veto threats, but it is easy enough to do by going to the White House’s website and looking under its Statements of Administrative Policy (SAP’s) listings. Those should include veto threats. Note that most veto threats are relatively less publicized and often are issued early in the legislative process. This latest veto threat, in contrast, seems to have attracted quite a bit of press attention. It will be interesting to see whether, if the current authorization language remains unchanged, Obama will stick to his guns.

### Security Circumvention

#### Make up tag

Scheuerman 12 – Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

 For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less unive+rsal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

## Terror

#### No threats capable of attack

Daskal and Vladeck 13 – \*Fellow, Center on Law and National Security, Georgetown University Law Center, Adjunct Professor of Law \*\*Professor of Law, Associate Dean for Scholarship at American University Washington College of Law

Jennifer and Stephen, May 2013, “AFTER THE AUMF” http://www.lawfareblog.com/wp-content/uploads/2013/05/After-the-AUMF-Final.pdf

But while the world is hardly threat-free, it is simply not evident that any particular ¶ emerging terrorist groups—or self-radicalized individuals—pose the kind of threat to the ¶ United States that al Qaeda posed on September 11, i.e., one that cannot be met with ¶ existing tools, but instead requires an open-ended authorization of military force and ¶ the invocation of the laws of armed conflict. In fact, according to the Director of ¶ National Intelligence’s recently released Intelligence Community Worldwide Threat ¶ Assessment, only AQAP is described as having the intent and capacity to launch attacks ¶ on the U.S. homeland.28

#### AQAP has been defeated – no change of resurgence

Bergen and Rowland 13

Peter and Jennifer, “Al Qaeda in Yemen: On the ropes” [http://www.cnn.com/2013/07/18/opinion/bergen-al-qaeda-yemen/index.html] July 18 //mtc

Shihri's death in the U.S. drone strike is part of larger story of AQAP decline over the past two years. In 2011, AQAP had gained significant territory in Yemen as it exploited the popular uprising against longtime Yemeni president Ali Abdullah Saleh. Its core membership grew from approximately 300 members in 2009 to around 1,000 three years later, according to Gregory Johnsen, the author of the authoritative book "The Last Refuge: Yemen, al-Qaeda, and America's War in Arabia".¶ But the jihadist group lost all of these gains within about a year. An offensive by the Yemeni army that was supported by U.S. intelligence last year pushed AQAP out of the central Yemeni province of Abyan, forcing AQAP's fighters to flee to the remote desert province of Hadramaut.¶ The group has since been reduced to carrying out much smaller attacks; nothing compared to the massive suicide bombing it was able to conduct in the heart of the Yemeni capital in May 2012, which killed upwards of 100 soldiers as they rehearsed for a military parade.¶ And despite its focus on attacking U.S. targets, AQAP has not tried to attack one since its October 2010 attempt to plant bombs hidden in printer cartridges on cargo planes destined for the United States. (Last year AQAP plotted to send an operative with explosives in his underwear aboard a plane bound for the United States, but that operative was actually secretly working for the British and Saudi intelligence services, so the plot was never a real threat.)¶ Despite all the losses AQAP has suffered its capable chief bomb maker, Ibrahim al-Asiri, remains at large. Al-Asiri was the brains behind AQAP's failed "underwear bomb" attempt to bring down a Detroit-bound U.S. airliner on Christmas Day 2009.¶ AQAP's overall leader, Nasser al-Wuhayshi also remains at large, Wuhayshi is AQAP's founder and his continued survival is surely important for the organization.¶ AQAP could regenerate, particularly if Yemen sees more upheaval, but for now, the group is on the run from the Yemeni army and U.S. drone strikes, fearful of spies in its midst, is unable to launch large-scale attacks, and boasts a dwindling cadre of leaders. AQAP, in short, is struggling to survive.

#### Their threats are tautologically justified and overhyped

Mueller 13 – senior fellow at the Cato Institute and a research scientist in the Mershon Center at Ohio State

John, 8-7-13, “Are Terror Warnings Pointless?” http://www.cato.org/publications/commentary/are-terror-warnings-pointless

We are, as usual, told about “chatter” and about intercepts of vaguely-worded communications that fail to specify timing or targets. Although it can hardly be news to terrorists that their communications are constantly monitored by U.S. intelligence, the new revelations about the extent of the eavesdropping may have reminded them anew that they can easily push the U.S. into paroxysms of costly, self-punishing behavior just by communicating convincing information to their avid auditors about ominous, if idle, terror plans.¶ And there is déjà-vu in recent official comments that the “chatter” and streams of intelligence resemble those that preceded the 9/11 attacks. In 2007, reported warnings of an imminent “spectacular” terrorist attack included a senior official’s observation that “This is reminiscent of the warnings and intelligence we were getting in the summer of 2001.”¶ And those raising the alarm have a decided advantage: They can never be proved wrong. As Dan Gardner points out in his superb book, Future Babble, if there is an attack, they can claim prescience. If there isn’t, they can insist that their warnings and preparations prevented or deterred it while deftly classifying information that might determine whether that is true or not. The suspicion this time, obviously, is that the warning, with what seems to be its outsize focus on embassies spread in a wide arc across over a dozen countries, has been primarily, and irrationally, impelled by the Benghazi experience — a tragedy that exacted exceptional political costs to those in charge.¶ However, experience questions whether such generalized warnings should be issued at all. If intelligence has uncovered specifics of target and time of attack, the sensible response, of course, is not to bloviate grandly, but to work to secure the likely target or targets or to use policing measure to disrupt the plot.¶ But if, as it appears thus far in the present case, the warnings are vague and unspecific, issuing proclamations of danger out of an “abundance of caution” (as it has been put by the State Department) scarcely helps the situation. It is not clear what individuals are supposed to do except perhaps to look over their shoulders more often, and the proclamations often exact substantial costs in unnecessary anxiety, disruption, inconvenience, and lost economic opportunity. Nothing wrong, I suppose, in telling Americans that Yemen is not the safest travel destination. But few are likely to need the warning.¶ At any rate, the record strongly suggests that warnings based on vague and unspecific intelligence have failed to stop or to protect against terrorist attacks. Conceivably, some attacks have been deterred by the proclamations, but, if so, one would expect truly dedicated terrorists, inconvenienced in their immediate planning, to move into action once the alarms have faded. But that, it seems, hasn’t happened.

## Firebreaks

### Internal Link

#### This advantage is sooooo dumb

#### Mixing of legal justifications for targeted killing wrecks separation of jus ad bellum and jus in bello—ensures unregulated war

Blank 12 – Director, International Humanitarian Law Clinic, Emory University School of Law

Laurie, 2012, “TARGETED STRIKES: THE CONSEQUENCES OF BLURRING THE ARMED CONFLICT AND SELF-DEFENSE JUSTIFICATIONS” William Mitchell Law Review, Vol. 38 http://www.wmitchell.edu/lawreview/Volume38/documents/11.BlankFINAL.pdf

For the past several years, the United States has relied on both ¶ armed conflict and self-defense as legal justifications for targeted ¶ strikes outside of the zone of active combat in Afghanistan. A host ¶ of interesting questions arise from both the use of targeted strikes ¶ and the expansive U.S. justifications for such strikes, including the ¶ use of force in self-defense against non-state actors, the use of force ¶ across state boundaries, the nature and content of state consent to ¶ such operations, the use of targeted killing as a lawful and effective ¶ counterterrorism measure, and others.7¶ Furthermore, each of the ¶ justifications—armed conflict and self-defense—raises its own ¶ challenging questions regarding the appropriate application of the ¶ law and the parameters of the legal paradigm at issue. For ¶ example, if the existence of an armed conflict is the justification for ¶ certain targeted strikes, the immediate follow-on questions include ¶ the determination of a legitimate target within an armed conflict ¶ with a terrorist group and the geography of the battlefield. Within ¶ the self-defense paradigm, key questions include the very contours ¶ of the right to use force in self-defense against individuals and the ¶ implementation of the concepts of necessity and imminence, ¶ among many others. ¶ However, equally fundamental questions arise from the use of ¶ both justifications at the same time, without careful distinction ¶ delimiting the boundaries between when one applies and when the ¶ other applies. From the perspective of the policymaker, the use of ¶ both justifications without further distinction surely offers greater ¶ flexibility and potential for action in a range of circumstances.8¶ To ¶ the extent such flexibility does not impact the implementation of ¶ the relevant law or hinder the development and enforcement of ¶ that law in the future, it may well be an acceptable goal. In the case ¶ of targeted strikes in the current international environment of ¶ armed conflict and counterterrorism operations occurring at the ¶ same time, however, the mixing of legal justifications raises ¶ significant concerns about both current implementation and future ¶ development of the law. ¶ One overarching concern is the conflation in general of jus ad ¶ bellum and jus in bello. The former is the law governing the resort ¶ to force—sometimes called the law of self-defense—and the latter is ¶ the law regulating the conduct of hostilities and the protection of ¶ persons in conflict—generally called the law of war, the law of ¶ armed conflict, or international humanitarian law. International ¶ law reinforces a strict separation between the two bodies of law, ¶ ensuring that all parties have the same obligations and rights ¶ during armed conflict to ensure that all persons and property ¶ benefit from the protection of the laws of war. For example, the ¶ Nuremberg Tribunal repeatedly held that Germany’s crime of ¶ aggression neither rendered all German acts unlawful nor ¶ prevented German soldiers from benefitting from the protections ¶ of the jus in bello.¶ 9¶ More recently, the Special Court for Sierra ¶ Leone refused to reduce the sentences of Civil Defense Forces ¶ fighters on the grounds that they fought in a “legitimate war” to ¶ protect the government against the rebels.10¶ The basic principle ¶ that the rights and obligations of jus in bello apply regardless of the ¶ justness or unjustness of the overall military operation thus remains ¶ firmly entrenched. Indeed, if the cause at arms influenced a state’s ¶ obligation to abide by the laws regulating the means and methods ¶ of warfare and requiring protection of civilians and persons hors de ¶ combat, states would justify all departures from jus in bello with ¶ reference to the purported justness of their cause. The result: an ¶ invitation to unregulated warfare.11

### AT: Escalation

#### History proves there would be no nuclear escalation – conflicts are short-term and lead to negotiations.

Basrur ‘6 – Professor of Civics and Politics at the University of Mumbai.

Rajesh M. Basrur, Department of Civics and Politics, University of Mumbai.Minimum Deterrence and India's Nuclear Security. P.146. 2006. Google Books.

On the other hand, it is equally likely that, learning from the risks their confrontations expose them to. Indian and Pakistani leaders will bridge the gulf that prevented a detente at the Agra summit of 2001. Though there has been an increase in the number of crises and subwar conflicts, regular high-level negotiations have also taken place, reflecting the awareness among Indian and Pakistani leaders that South Asia needs a "peace process." While both countries seem to be driven by a fear of losing that is greater than their desire to win, there in also an appreciation in them that their hostility over Kashmir is dangerous and damaging to their respective national interests. Thus, a negotiated settlement cannot be ruled out, even if it is limited to an agreement to disagree. This would lower tensions, reduce the impetus for the expansion of capability, and facilitate arms control. Finally, a serious nuclear crisis, which is not inconceivable, would compel the two countries to seek a more stable relationship.

### Relations Improving

#### Improving relations and economic ties

Riedel 13 – Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, Brookings Institution

Bruce, 6-5-13, “A Turning Point for Pakistan?” http://www.cfr.org/pakistan/turning-point-pakistan/p30854

One other area of good news, though, is that Sharif, since his election, has committed himself to trying to improve relations with India, which is the single most important thing that would make the future of South Asia and Pakistan brighter. A détente between India and Pakistan holds the key to helping make Pakistan a more normal country with a healthy civil-military balance, and would help with putting the terrorist Frankenstein back in the bottle. It won't be easy to do, but Sharif deserves credit for saying he intends to do this, and we should find ways to try and help him.¶ And how can he do it?¶ He said that he is going to meet early with Prime Minister Manmohan Singh of India. He has had a long conversation with him. What he would like to do is focus on increasing trade, improving transportation links, easing the visa situation for Indians and Pakistanis to move back and forth--small steps on a people-to-people level and on an economic level to try to improve the atmosphere between the two countries. And one of the reasons Sharif is doing this is because the economy he inherits in Pakistan is in shambles: There is very weak growth, a huge energy problem, a crumbling infrastructure. Sharif, who is at root an industrialist and a businessman, understands that the only real way Pakistan can hope to improve its economy is by linking its economic future to the fastest-growing economy in South Asia and one of the fastest-growing economies in the world--and that's India.

#### New Pakistani prime minister is improving relations

-also helps out US in Afghanistan

Pillar 13 – director of graduate studies at Georgetown University's Security Studies Program

Paul, 5-16-13, “A Worthwhile Redirection in Pakistan” http://server1.nationalinterest.org/blog/paul-pillar/worthwhile-redirection-pakistan-8485

The victor in the recent Pakistani elections, Nawaz Sharif, has indicated he places high priority on improving relations between Pakistan and India. Sharif made some significant strides in promoting detente between the two South Asia powers during a previous stint as prime minister, and he wants to recoup ground that was later lost after the terrorist attack in Mumbai in 2008 by a Pakistani-based group. Wasting no time, Sharif has invited Indian Prime Minister Manmohan Singh to Pakistan to attend Sharif's swearing-in.¶ This is all to the good, and has received recognition as such in India (although with caution in the case of the right-wing nationalist Bharatiya Janata Party). Americans, however, need to be prepared for how a successful Sharif may bring about some changes in Pakistani-U.S. relations that may not seem so good in Washington. This is suggested by an editorial earlier this week in a major Indian daily, the Hindustan Times. The editorial said that part of what Indians ought to hope for from a new administration in Islamabad is “a government that will understand that cutting dependence on the United States and China is only possible if Pakistan has a modus vivendi with India.” Note the implication that understandably can raise American eyebrows: a looser Pakistani relationship with the United States may accompany a less hostile Pakistani relationship with India.¶ Sharif is indeed likely to do a good number of things that will not sit well in Washington. Some of these things he would be doing anyway, but some of them will be related to his attempted rapprochement with India. The political realities he faces include, besides the Islamist militants who have become a bigger part of Pakistani affairs in recent years, a Pakistani military that ended his last prime ministry with a coup and whose main reason for existence is to defend the country against arch-adversary India. The more political risks Sharif takes in improving relations with that adversary, the more he will have to bolster his nationalist credentials elsewhere, including on matters involving relations with the United States.¶ There will be a tendency in Washington to judge Sharif's performance piecemeal, involving whatever is the latest concern about security in northwest Pakistan or something else. It would be better to take a more strategic view with the big lines of conflict in South Asia in mind. Indian-Pakistani rapprochement is still worthwhile and very much in U.S. interests, even if it is accompanied by greater nationalist testiness in U.S.-Pakistani relations. It is worthwhile partly because stability in the relationship between the region's two nuclear-armed powers is important in its own right. It also is worthwhile because improvement in that relationship will make it easier for Washington to deal with some other regional issues important to it.¶ The most prominent of those issues involves Afghanistan. The background to just about every Pakistani policy and action about Afghanistan that is unhelpful, including ones involving the continued Pakistani relations with the Afghan Taliban, is Pakistani concern about India. To Pakistan, Afghanistan is its strategic depth in the standoff with India, and it gets apoplectic over any inroads that India itself makes in Afghanistan. The more that the Indian-Pakistani relationship improves, the less intense will be the apoplexy and the less troublesome a player Pakistani is likely to be on issues involving Afghanistan.

### No War

#### Economic interdependence prevents war

The Diplomat 13

4-15-13, “Growing India-Pakistan Trade Bodes Well for South Asia” http://thediplomat.com/the-pulse/2013/04/15/growing-india-pakistan-trade-bodes-well-for-south-asia/

However, the latest trade figures indicate that two-way trade between India and Pakistan may have turned a corner. India’s exports to Pakistan increased 15 percent between April 2012 and February 2013 to U.S. $1.6 billion, up from U.S. $1.4 billion in the corresponding period last year. Meanwhile, Indian imports from Pakistan registered a 30 percent increase from U.S. $375 million to U.S. $488 million during the same period.¶ According to a report in the Indian Express, this expansion showed that India-Pakistan trade was approaching the levels of New Delhi’s economic relations with other neighbors, such as Sri Lanka and Bangladesh.¶ While still modest, these figures are also the highest ever between the two countries, indicating that a recent thaw in diplomatic ties between the two South Asian rivals could be bearing fruit. The thaw comes after the fledgling India-Pakistan peace process, which began in 2004, but was suspended by India in 2008 when Pakistan-based militants carried out a terror attack on India’s financial hub, Mumbai, leaving 166 people dead.¶ A slew of high-level engagements between the two sides last year brought the dialogue process back on track. In April 2012, Pakistani President Asif Ali Zardari visited India on a day-long private visit during which he held talks with Indian Prime Minister Manmohan Singh. The visit was followed by reciprocal visits by Pakistani and Indian foreign ministers in July and September, leading to the signing of a landmark visa agreement that eased travel restrictions between the two sides.¶ The South Asian Association for Regional Cooperation (SAARC) Chamber of Commerce and Industry, a regional trade body, welcomed the agreement, saying that the new liberalized visa regime would significantly boost bilateral trade.¶ Further, last year the Pakistan Peoples Party (PPP) government announced its intention to grant New Delhi’s long-standing demand for Most Favored Nation (MFN) status, but has since balked on the issue amid strong opposition at home. The chances that India will be granted MFN status will likely depend on the outcome of Pakistan’s elections in May.¶ Still, these tentative steps towards normalizing economic ties have wider implications for the region. For one, strengthening trade ties can help prevent deterioration in political relations between the nuclear-armed neighbors. Further, stronger economic ties can significantly increase the cost of conflict.

#### Growing economic ties prevent war

IISS 13

International Institute for Strategic Studies, 4-12-13, “Has Pakistan Changed Its Tune Toward Afghanistan?” http://www.realclearworld.com/articles/2013/04/12/has\_pakistan\_changed\_its\_tune\_toward\_afghanistan\_105072-2.html

Furthermore, Pakistan's continuing economic challenges mean that it is increasingly in its interests for Afghanistan to start to fulfil its potential as a regional transport hub, as outlined in the US State Department's New Silk Road concept. Pakistan's tax base is weak and the state's ability to provide its population with even basic services is limited. These realities have helped prompt recent, albeit stumbling, efforts to enhance trade links with India, which has helped Afghan reconstruction to the tune of $2 billion while remaining conscious of Pakistan's perceived interests. The sensitive handling by Islamabad and Delhi of an incident on the Kashmiri line of control in January 2013, which resulted in the deaths of two Indian soldiers, was further evidence of a more carefully managed relationship.