### Advantage 1: Hegemony

#### Hegemony has declined but is unrivaled – maintaining leadership is a matter of internal choices

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<http://www.thestar.com/business/2013/06/07/american_decline_has_been_exaggerated_olive.html>

The timing could have been better for Madeleine Albright’s assertion that “We are the indispensable nation. We stand taller. We see further into the future.” That description of America by the Clinton-era secretary of state was followed, in the 2000s, by an epic foreign-policy blunder in Iraq; riotous greed culminating in a Wall Street meltdown and resulting Great Recession; and tragic incompetence by which New York and Washington were naked to their 9/11 enemies, and Hurricane Katrina destroyed a large portion of a great city, New Orleans. Add in America’s more recent flirtation with defaulting on its unprecedented, staggering debt, and the U.S. display of varied ineptitude for all the world to see was bound to raise doubts about the shelf life of Pax Americana. And that’s the context in which the superb American author Cullen Murphy, in his 2007 bestseller Are We Rome? The Fall of an Empire and the Fate of America, wrote ominously that “Whenever I see the space shuttle...I think back to the Rome of Hadrian’s day, and the gargantuan statue of the Sun-God, as tall as the shuttle, being dragged into place by 24 elephants.” In his recently published Flight of the Eagle: The Grand Strategies That Brought America from Colonial Dependence to World Leadership, a Conrad Black whose admiration for America once knew no bounds writes: “American exceptionality, which was always to a degree a fraud (because of the mistreatment of African Americans and the comparable rights of the British, Dutch, Swiss, and Scandinavians), is now only a matter of the country’s immense scale, and of the credulity and dedication of the American masses.” Neither Cullen nor Black make a case for irreversible American decline. But they each offer more than a little evidence for a fretful many who currently do. An empire can inflict upon itself only so much hubris before the way is made clear for the Visigoths. Yet we’re nowhere near that point, and America may never reach it, certainly not in this century. The myth of American decline is firmly rooted in what historians disparage as “presentism,” the tendency to base projections solely on current conditions, without regard to history or context. American history is marked by episodic declinist sentiment dating from the Revolution, which has served it well as a guard against complacency. And context finds that America, despite the harrowing fallout of a lost decade, remains far more likely to dominate this century, as it did much of the 20th, than any of its rivals. China, for instance, will struggle futilely to gain hegemony in its sphere of influence against Japan, Russia, South Korea and Taiwan which will try to block Beijing at every turn — with U.S. backing, of course. That assumes the centre holds in China, a sucker’s bet given the unsustainability both of its autocracy and suppression of diverse ethnicities. For the record: Since the Wall Street crash of 2008-09, the stock market has recovered to set new heights, as have the profits of Corporate America. The greenback’s status as the world’s reserve currency has not been challenged. Incredibly, foreign investors account for a higher percentage of U.S. equities ownership today than at any time in the 68 years that Goldman Sachs Group Inc. has measured that confidence indicator. The oft-cited decline in American manufacturing is a canard. The U.S. is producing more goods, and more exportable ones, than ever before – admittedly with far fewer workers. That’s called productivity, and America leads the world at it. And also in innovation. Unmatched in playing rapid catch-up, the U.S. has closed its once-yawning gap with a China that led the world in solar-energy technology, and in just three years. At roughly $15 trillion in size, even at this low point in American economic vitality, the U.S. economy is about twice the size of a quickly industrializing China. Chinese GDP is expected to match America’s, in nominal terms, by mid-century. But even then, the gap between the two countries’ GDP per capita — the chief measure of standard of living — will see Chinese affluence continuing to trail that of Americans by a wide margin. (The current numbers are about $48,000 and $5,000 for the U.S. and China, respectively.) By mid-century, it’s estimated by demographers that the U.S. will have added a stunning 40 million people to its population, while most of the industrialized world shrinks or, at best, stagnates in population growth. Canada will eke out a modest 2 per cent annual gain over that period, enviable in comparison with a Japan and Russia whose populations have already plateaued, with Western Europe to follow by decade’s end. Gridlock does define Washington. But immigration reform enjoys bipartisan support. Should that reform come about, a recent study by the Center for American Progress estimates a resulting $1-trillion boost to the U.S. economy. From a 1970s perspective of block-long lineups at the gasoline pumps, today’s American near self-sufficiency in energy is unimaginable. In the past four years alone, domestic U.S. oil and gas reserves have jumped 20 per cent. And fuel-efficiency improvements in the U.S. vehicle fleet have seen a deceleration of energy-consumption growth. Public finances are on the mend, notably at the state level, where a California that was fiscally crippled as recently as two years ago will end 2013 in the black. With joblessness on the mend, albeit gradually, and the prospect of as many as 12 million currently illegal, or undocumented, immigrants coming out of the shadows, state and federal treasuries will be bolstered by increased income-tax revenues even without tax hikes. The world’s largest internal economy is nonetheless zealously seeking ambitious trade pacts with both Europe and trading union of Pacific countries on both sides of the ocean. Should these come to fruition, the trade deals will generate high-skilled jobs at home and reinforce domestic government treasuries. Europe regards the Comprehensive Canada-Europe Trade Agreement (CETA) now under negotiation as a framework for a similar pact with the U.S., which already has talks underway for a Trans-Pacific Partnership among countries accounting for nearly 40 per cent of global GDP. Problems America obviously has, from lack of genuine universal healthcare to education and infrastructure deficits of awesome proportions. But these are fixable problems, as the example of Sputnik’s spur to a vastly upgraded U.S. public education system reminds us. Cullen’s Roman analogy is misleading. The U.S. space shuttle program has not been an act of aggrandizement, but of innovation. The time to go short on America will arrive only with exhaustion of limited public funds on elephantine statues of George Washington in America’s largest cities.

#### First use undermines leadership and firebreak – Conventional forces sufficient to achieve war aims

Reif 9/17

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The Syrian regime’s large-scale use of chemical weapons has prompted a vigorous discussion about whether the United States should respond with military force, and if so, how. Those advocating the use of force have debated options ranging from limited cruise missile strikes to a much larger campaign designed to mortally wound Syrian President Bashar al-Assad’s regime. One military option that has thankfully not been part of the debate is the use of nuclear weapons. Yet unbeknownst to many, the most recent Nuclear Posture Review—a US government assessment of the proper role of nuclear weapons—technically does not rule out using them in response to nuclear, biological, or chemical weapons use by states, like Syria, deemed to be in noncompliance with their nonproliferation obligations. There is, on the other hand, apparently universal agreement that using nuclear weapons in the midst of another country’s civil war would be wildly inappropriate and ineffective. But Syria’s use of chemical weapons raises several important questions that bear on US policy: If Washington wouldn’t consider using nuclear weapons even where its own official policy allows it, under what circumstances would it actually contemplate using them? And if it did, how many might it use? Apart from responding to another country’s first use, the scenarios under which a US president would consider authorizing the use of these weapons are so limited as to be almost inconceivable. Moreover, if the president did use nuclear weapons, he or she would likely need only a handful, not the thousands the United States currently possesses. While nuclear weapons still retain value as a deterrent, changing geopolitical and technological conditions have made them a niche weapon, not the bedrock of US security that some still claim they are. Who would America nuke? According to the 2010 Nuclear Posture Review, the United States will not use or threaten to use nuclear weapons against Non-Nuclear Weapons States that are party to the Nuclear Non-Proliferation Treaty and are deemed to be in compliance with their nuclear nonproliferation responsibilities. It also states that the United States would only consider using nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners. Based on these criteria, the United States would consider using nuclear weapons against states that possess nuclear weapons—Russia, China, France, the United Kingdom, India, Pakistan, Israel, and North Korea—as well as states that are in noncompliance with their nonproliferation objectives, namely, North Korea, Syria, and Iran. France, the United Kingdom, India, and Israel can quickly be eliminated from the list of possible targets because they are not US adversaries. And even though the United States is often at loggerheads with Pakistan, it currently doesn’t fit the profile of a military adversary. Using nuclear weapons against Syria and Iran, meanwhile, is at this time surely off the table because neither possesses nuclear weapons and the United States could obliterate either country with conventional weapons. That leaves Russia, China, and North Korea as the only theoretical targets of a US nuclear attack. How much is enough? According to the latest estimates, the United States maintains an active stockpile of approximately 4,650 nuclear warheads , the vast majority of which are 10 to 50 times more powerful than the bombs that were dropped on Hiroshima and Nagasaki at the end of World War II. It is impossible to conjure up a believable scenario whereby the United States would use 500 of these weapons, let alone nearly 5,000. Of the three states against which the United States would consider using nuclear weapons, only Russia possesses a nuclear arsenal that numbers in the thousands. Together the two countries hold nearly 95 percent of nuclear warheads on the planet, with no other country believed to possess more than 300. The only rationale for such large US and Russian arsenals is to target the other’s nuclear forces. Yet even though Washington and Moscow continue to deploy their forces as if the threat of global thermonuclear war were a distinct possibility, the reality is that such a conflagration is highly unlikely. The current downturn in relations over issues like Syria and National Security Agency leaker Edward Snowden may scuttle hopes for another formal arms control agreement, but the two countries are not enemies like they were during the Cold War. While direct Russian aggression against the United States is highly improbable, some argue that America should retain the ability to threaten using nuclear weapons to deter a Russian conventional attack against a NATO ally, such as one of the Baltic states. The dubious effectiveness of such a threat aside, the best the United States could do with nuclear weapons if Moscow decided to invade, say, Lithuania, would be to repel the aggression and attempt to deter Russia from future conventional or nuclear attacks. But Washington would not be able to use nuclear weapons to eliminate Russia’s arsenal or change the regime in Moscow without inviting unacceptable damage in return. Thus, drastically fewer than the 1,550 strategic warheads the United States and Russia are each allowed to deploy under the New Strategic Arms Reduction Treaty would be sufficient to defeat the immediate aggression against an ally and attempt to deter further escalation. And what of China, which is believed to have fewer than 300 nuclear warheads, and North Korea, which has fewer than ten warheads and—as of now—an uncertain ability to deliver them? It is difficult to imagine the United States using nuclear weapons against either country. In the case of China, security dilemmas involving Beijing and US allies over the status of Taiwan and the disputed islands in the South and East China Seas are potential flashpoints, but all the parties have a strong interest in avoiding military escalation. In the case of North Korea, Washington could destroy what few valuable targets the regime has using conventional weapons. Nevertheless it is possible to imagine scenarios, however unlikely, in which the US government might consider using nuclear weapons against either country. It might retaliate against first use, retaliate against a major conventional attack that threatens the existence of a US ally, or launch a decapitating first strike in a deep crisis. But given the relatively small Chinese and North Korean nuclear arsenals and the potency of US conventional forces, the quantity of US nuclear weapons required would number not in the hundreds but the dozens. There are simply not enough plausible targets for anything more than that. Critics of this line of reasoning are likely to argue that while a limited number of nuclear weapons may be sufficient to achieve war aims, many more are necessary to deter adversaries from attacking either the United States or its allies. Yet what threats now deterred by an arsenal of nearly 5,000 warheads couldn’t be deterred by many fewer weapons? And if a country couldn’t be deterred by a level half the size of the current US stockpile, what logic presumes it would be deterred by the current level? Impractical and costly. The fact is, nuclear weapons are of diminishing strategic and military use to the United States, as the debate about whether to use military force in Syria demonstrates. As nuclear security and nonproliferation expert James Doyle points out , with the possible exception of North Korea, no other nuclear power “has state goals or conducts a foreign policy fundamentally hostile to the interests of the United States.” The nonnuclear threats that currently face the United States and its allies do not rise to the level of requiring a nuclear response. US conventional forces are unrivaled, which gives Washington the capacity to achieve almost every conceivable war aim without using nuclear weapons. Consequently, it is nearly impossible to imagine a situation where the first use of nuclear weapons wouldn’t greatly undermine US power and standing in the world. Given the decreasing role that nuclear weapons play in US security policy, the arsenal is undoubtedly far too big. But in addition to working towards reducing the size of the arsenal, the United States should further circumscribe the scenarios under which it would consider using nuclear weapons. It can do this by transitioning from a posture that is still heavily based on first use to one more focused on retaliation. Ensuring that the tradition of nuclear non-use continues depends on it.

#### These norms solve nuclear escalation

Schwartz and Derber 90

Schwartz, William A., and Charles Derber, Phd. From U Chicago, et al The Nuclear Seduction: Why the Arms Race Doesn't Matter--And What Does. Berkeley: University of California Press, 1990 http://ark.cdlib.org/ark:/13030/ft1n39n7wg/

The only existing barrier to … escalation [from conventional to nuclear war] is a moral and psychological firebreak—the widely shared perception that nuclear weapons are different from all other weapons, and that their use could unleash a chain reaction of strikes and counterstrikes leading to total world destruction. So long as this firebreak remains wide and secure, so long as the distinction between nuclear and conventional arms remains sharp and unambiguous, potential combatants will retain an incentive to stay on the non-nuclear side of the divide, no matter what their prospects are on the conventional battlefield. But if that distinction were to fade or disappear, the inhibition against nuclear escalation would decrease and the risk of global annihilation would skyrocket.

#### No first use changes war planners and stops nuclear weapons from having primary emphasis

Gerson 10

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Third, NFU places primary emphasis on U.S. conventional forces. By relegating nuclear weapons to the sole mission of retaliation for nuclear attacks, the United States would make conventional forces the sole instrument of war fighting absent an opponent’s nuclear escalation. Given U.S. advantages in conventional power, this is precisely the level where it should want to fight. NFU would place a necessary and important burden on the Defense Department to maintain superior conventional forces and power-projection capabilities against any conceivable threat. This responsibility would ensure that political and military leaders would not again be tempted, as they were in the early period of the Cold War, to rely on the threat of nuclear escalation as a cost-efficient alternative to expending the effort and resources to maintain conventional superiority

#### Heg de-escalates all conflicts and protects US economic leadership—alternatives cause instability culminating in nuclear war

Brooks, Ikenberry and Wohlforth 13

Stephen Brooks, Associate Professor of Government at Dartmouth College, John Ikenberry, Albert G. Milbank Professor of Politics and International Affairs at Princeton University and Global Eminence Scholar at Kyung Hee University in Seoul, John Wohlforth, Daniel Webster Professor of Government at Dartmouth College, Jan/Feb 2013, Foreign Affairs, Lean Forward, EBSCO

Of course, even if it is true that the costs of deep engagement fall far below what advocates of retrenchment claim, they would not be worth bearing unless they yielded greater benefits. In fact, they do. The most obvious benefit of the current strategy is that it reduces the risk of a dangerous conflict. The United States' security commitments deter states with aspirations to regional hegemony from contemplating expansion and dissuade U.S. partners from trying to solve security problems on their own in ways that would end up threatening other states. Skeptics discount this benefit by arguing that U.S. security guarantees aren't necessary to prevent dangerous rivalries from erupting. They maintain that the high costs of territorial conquest and the many tools countries can use to signal their benign intentions are enough to prevent conflict. In other words, major powers could peacefully manage regional multipolarity without the American pacifier. But that outlook is too sanguine. If Washington got out of East Asia, Japan and South Korea would likely expand their military capabilities and go nuclear, which could provoke a destabilizing reaction from China. It's worth noting that during the Cold War, both South Korea and Taiwan tried to obtain nuclear weapons; the only thing that stopped them was the United States, which used its security commitments to restrain their nuclear temptations. Similarly, were the United States to leave the Middle East, the countries currently backed by Washington--notably, Israel, Egypt, and Saudi Arabia--might act in ways that would intensify the region's security dilemmas. There would even be reason to worry about Europe. Although it's hard to imagine the return of great-power military competition in a post-American Europe, it's not difficult to foresee governments there refusing to pay the budgetary costs of higher military outlays and the political costs of increasing EU defense cooperation. The result might be a continent incapable of securing itself from threats on its periphery, unable to join foreign interventions on which U.S. leaders might want European help, and vulnerable to the influence of outside rising powers. Given how easily a U.S. withdrawal from key regions could lead to dangerous competition, advocates of retrenchment tend to put forth another argument: that such rivalries wouldn't actually hurt the United States. To be sure, few doubt that the United States could survive the return of conflict among powers in Asia or the Middle East--but at what cost? Were states in one or both of these regions to start competing against one another, they would likely boost their military budgets, arm client states, and perhaps even start regional proxy wars, all of which should concern the United States, in part because its lead in military capabilities would narrow. Greater regional insecurity could also produce cascades of nuclear proliferation as powers such as Egypt, Saudi Arabia, Japan, South Korea, and Taiwan built nuclear forces of their own. Those countries' regional competitors might then also seek nuclear arsenals. Although nuclear deterrence can promote stability between two states with the kinds of nuclear forces that the Soviet Union and the United States possessed, things get shakier when there are multiple nuclear rivals with less robust arsenals. As the number of nuclear powers increases, the probability of illicit transfers, irrational decisions, accidents, and unforeseen crises goes up. The case for abandoning the United States' global role misses the underlying security logic of the current approach. By reassuring allies and actively managing regional relations, Washington dampens competition in the world s key areas, thereby preventing the emergence of a hothouse in which countries would grow new military capabilities. For proof that this strategy is working, one need look no further than the defense budgets of the current great powers: on average, since 1991 they have kept their military expenditures as A percentage of GDP to historic lows, and they have not attempted to match the United States' top-end military capabilities. Moreover, all of the world's most modern militaries are U.S. allies, and the United States' military lead over its potential rivals .is by many measures growing. On top of all this, the current grand strategy acts as a hedge against the emergence regional hegemons. Some supporters of retrenchment argue that the U.S. military should keep its forces over the horizon and pass the buck to local powers to do the dangerous work of counterbalancing rising regional powers. Washington, they contend, should deploy forces abroad only when a truly credible contender for regional hegemony arises, as in the cases of Germany and Japan during World War II and the Soviet Union during the Cold War. Yet there is already a potential contender for regional hegemony--China--and to balance it, the United States will need to maintain its key alliances in Asia and the military capacity to intervene there. The implication is that the United States should get out of Afghanistan and Iraq, reduce its military presence in Europe, and pivot to Asia. Yet that is exactly what the Obama administration is doing. MILITARY DOMINANCE, ECONOMIC PREEMINENCE Preoccupied with security issues, critics of the current grand strategy miss one of its most important benefits: sustaining an open global economy and a favorable place for the United States within it. To be sure, the sheer size of its output would guarantee the United States a major role in the global economy whatever grand strategy it adopted. Yet the country's military dominance undergirds its economic leadership. In addition to protecting the world economy from instability, its military commitments and naval superiority help secure the sea-lanes and other shipping corridors that allow trade to flow freely and cheaply. Were the United States to pull back from the world, the task of securing the global commons would get much harder. Washington would have less leverage with which it could convince countries to cooperate on economic matters and less access to the military bases throughout the world needed to keep the seas open. A global role also lets the United States structure the world economy in ways that serve its particular economic interests. During the Cold War, Washington used its overseas security commitments to get allies to embrace the economic policies it preferred--convincing West Germany in the 1960s, for example, to take costly steps to support the U.S. dollar as a reserve currency. U.S. defense agreements work the same way today. For example, when negotiating the 2011 free-trade agreement with South Korea, U.S. officials took advantage of Seoul's desire to use the agreement as a means of tightening its security relations with Washington. As one diplomat explained to us privately, "We asked for changes in labor and environment clauses, in auto clauses, and the Koreans took it all." Why? Because they feared a failed agreement would be "a setback to the political and security relationship." More broadly, the United States wields its security leverage to shape the overall structure of the global economy. Much of what the United States wants from the economic order is more of the same: for instance, it likes the current structure of the World Trade Organization and the International Monetary Fund and prefers that free trade continue. Washington wins when U.S. allies favor this status quo, and one reason they are inclined to support the existing system is because they value their military alliances. Japan, to name one example, has shown interest in the Trans-Pacific Partnership, the Obama administration's most important free-trade initiative in the region, less because its economic interests compel it to do so than because Prime Minister Yoshihiko Noda believes that his support will strengthen Japan's security ties with the United States. The United States' geopolitical dominance also helps keep the U.S. dollar in place as the world's reserve currency, which confers enormous benefits on the country, such as a greater ability to borrow money. This is perhaps clearest with Europe: the EU'S dependence on the United States for its security precludes the EU from having the kind of political leverage to support the euro that the United States has with the dollar. As with other aspects of the global economy, the United States does not provide its leadership for free: it extracts disproportionate gains. Shirking that responsibility would place those benefits at risk. CREATING COOPERATION What goes for the global economy goes for other forms of international cooperation. Here, too, American leadership benefits many countries but disproportionately helps the United States. In order to counter transnational threats, such as terrorism, piracy, organized crime, climate change, and pandemics, states have to work together and take collective action. But cooperation does not come about effortlessly, especially when national interests diverge. The United States' military efforts to promote stability and its broader leadership make it easier for Washington to launch joint initiatives and shape them in ways that reflect U.S. interests. After all, cooperation is hard to come by in regions where chaos reigns, and it flourishes where leaders can anticipate lasting stability. U.S. alliances are about security first, but they also provide the political framework and channels of communication for cooperation on nonmilitary issues. NATO, for example, has spawned new institutions, such as the Atlantic Council, a think tank, that make it easier for Americans and Europeans to talk to one another and do business. Likewise, consultations with allies in East Asia spill over into other policy issues; for example, when American diplomats travel to Seoul to manage the military alliance, they also end up discussing the Trans-Pacific Partnership. Thanks to conduits such as this, the United States can use bargaining chips in one issue area to make progress in others. The benefits of these communication channels are especially pronounced when it comes to fighting the kinds of threats that require new forms of cooperation, such as terrorism and pandemics. With its alliance system in place, the United States is in a stronger position than it would otherwise be to advance cooperation and share burdens. For example, the intelligence-sharing network within NATO, which was originally designed to gather information on the Soviet Union, has been adapted to deal with terrorism. Similarly, after a tsunami in the Indian Ocean devastated surrounding countries in 2004, Washington had a much easier time orchestrating a fast humanitarian response with Australia, India, and Japan, since their militaries were already comfortable working with one another. The operation did wonders for the United States' image in the region. The United States' global role also has the more direct effect of facilitating the bargains among governments that get cooperation going in the first place. As the scholar Joseph Nye has written, "The American military role in deterring threats to allies, or of assuring access to a crucial resource such as oil in the Persian Gulf, means that the provision of protective force can be used in bargaining situations. Sometimes the linkage may be direct; more often it is a factor not mentioned openly but present in the back of statesmen's minds." THE DEVIL WE KNOW Should America come home? For many prominent scholars of international relations, the answer is yes--a view that seems even wiser in the wake of the disaster in Iraq and the Great Recession. Yet their arguments simply don't hold up. There is little evidence that the United States would save much money switching to a smaller global posture. Nor is the current strategy self-defeating: it has not provoked the formation of counterbalancing coalitions or caused the country to spend itself into economic decline. Nor will it condemn the United States to foolhardy wars in the future. What the strategy does do is help prevent the outbreak of conflict in the world's most important regions, keep the global economy humming, and make international cooperation easier. Charting a different course would threaten all these benefits. This is not to say that the United States' current foreign policy can't be adapted to new circumstances and challenges. Washington does not need to retain every commitment at all costs, and there is nothing wrong with rejiggering its strategy in response to new opportunities or setbacks. That is what the Nixon administration did by winding down the Vietnam War and increasing the United States' reliance on regional partners to contain Soviet power, and it is what the Obama administration has been doing after the Iraq war by pivoting to Asia. These episodes of rebalancing belie the argument that a powerful and internationally engaged America cannot tailor its policies to a changing world. A grand strategy of actively managing global security and promoting the liberal economic order has served the United States exceptionally well for the past six decades, and there is no reason to give it up now. The country's globe-spanning posture is the devil we know, and a world with a disengaged America is the devil we don't know. Were American leaders to choose retrenchment, they would in essence be running a massive experiment to test how the world would work without an engaged and liberal leading power. The results could well be disastrous.

#### War is at its lowest level in history because of US primacy

Owen 11

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Andrew Mack and his colleagues at the Human Security Report Project are to be congratulated. Not only do they present a study with a striking conclusion, driven by data, free of theoretical or ideological bias, but they also do something quite unfashionable: they bear good news. Social scientists really are not supposed to do that. Our job is, if not to be Malthusians, then at least to point out disturbing trends, looming catastrophes, and the imbecility and mendacity of policy makers. And then it is to say why, if people listen to us, things will get better. We do this as if our careers depended upon it, and perhaps they do; for if all is going to be well, what need then for us?Our colleagues at Simon Fraser University are brave indeed. That may sound like a setup, but it is not. I shall challenge neither the data nor the general conclusion that violent conflict around the world has been decreasing in fits and starts since the Second World War. When it comes to violent conflict among and within countries, **things have been getting better**. (The trends have not been linear—Figure 1.1 actually shows that the frequency of interstate wars peaked in the 1980s—but the 65-year movement is clear.) Instead I shall accept that Mack et al. are correct on the macro-trends, and focus on their explanations they advance for these remarkable trends. With apologies to any readers of this forum who recoil from academic debates, this might get mildly theoretical and even more mildly methodological.Concerning international wars, one version of the “nuclear-peace” theory is not in fact laid to rest by the data. It is certainly true that nuclear-armed states have been involved in many wars. They have even been attacked (think of Israel), which falsifies the simple claim of “assured destruction”—that any nuclear country A will deter any kind of attack by any country B because B fears a retaliatory nuclear strike from A.But the most important “nuclear-peace” claim has been about mutually assured destruction, which obtains between two robustly nuclear-armed states. The claim is that (1) rational states having second-strike capabilities—enough deliverable nuclear weaponry to survive a nuclear first strike by an enemy—will have an overwhelming incentive not to attack one another; and (2) we can safely assume that nuclear-armed states are rational. It follows that states with a second-strike capability will not fight one another.Their colossal atomic arsenals neither kept the United States at peace with North Vietnam during the Cold War nor the Soviet Union at peace with Afghanistan. But the argument remains strong that those arsenals did help keep the United States and Soviet Union at peace with each other. Why non-nuclear states are not deterred from fighting nuclear states is an important and open question. But in a time when calls to ban the Bomb are being heard from more and more quarters, we must be clear about precisely what the broad trends toward peace can and cannot tell us. They may tell us nothing about why we have had no World War III, and little about the wisdom of banning the Bomb now.Regarding the **downward trend in international war**, Professor Mack is friendlier to more palatable theories such as the “**democratic peace**” (democracies do not fight one another, and the proportion of democracies has increased, hence less war); the interdependence or “**commercial peace**” (states with extensive economic ties find it irrational to fight one another, and interdependence has increased, hence less war); and the notion that people around the world are more anti-war than their forebears were. Concerning the downward trend in civil wars, he favors theories of economic growth (where commerce is enriching enough people, violence is less appealing—a logic similar to that of the “commercial peace” thesis that applies among nations) and the end of the Cold War (which end reduced superpower support for rival rebel factions in so many Third-World countries).These are all **plausible mechanisms for peace**. What is more, none of them excludes any other; all could be working toward the same end. That would be somewhat puzzling, however. Is the world just lucky these days? How is it that an array of peace-inducing factors happens to be working coincidentally in our time, when such a magical array was absent in the past? The answer may be that one or more of these mechanisms reinforces some of the others, or perhaps some of them are mutually reinforcing. Some scholars, for example, have been focusing on whether economic growth might support democracy and vice versa, and whether both might support international cooperation, including to end civil wars.We would still need to explain how this charmed circle of causes got started, however. And here let me raise another factor, perhaps even less appealing than the “nuclear peace” thesis, at least outside of the United States. That factor is what international relations scholars call hegemony—specifically **American hegemony**.A theory that many regard as discredited, but that refuses to go away, is called hegemonic stability theory. The theory emerged in the 1970s in the realm of international political economy. It asserts that **for the global economy to remain open**—for countries to keep barriers to trade and investment low—**one powerful country must take the lead**. Depending on the theorist we consult, “taking the lead” entails paying for global public goods (keeping the sea lanes open, providing liquidity to the international economy), coercion (threatening to raise trade barriers or withdraw military protection from countries that cheat on the rules), or both. The theory is skeptical that international cooperation in economic matters can emerge or endure absent a hegemon. The distastefulness of such claims is self-evident: they imply that it is good for everyone the world over if one country has more wealth and power than others. More precisely, they imply that it has been good for the world that the United States has been so predominant.There is no obvious reason why hegemonic stability theory could not apply to other areas of international cooperation, including in security affairs, human rights, international law, peacekeeping (UN or otherwise), and so on. What I want to suggest here—suggest, not test—is that **American hegemony might just be a deep cause of the steady decline of political deaths in the world**.How could that be? After all, the report states that United States is the third most war-prone country since 1945. Many of the deaths depicted in Figure 10.4 were in wars that involved the United States (the Vietnam War being the leading one). Notwithstanding politicians’ claims to the contrary, a candid look at U.S. foreign policy reveals that the country is as ruthlessly self-interested as any other great power in history.The answer is that U.S. hegemony might just be a **deeper cause of the proximate causes** outlined by Professor Mack. Consider economic growth and openness to foreign trade and investment, which (so say some theories) **render violence irrational**. American power and policies may be responsible for these in two related ways. First, at least since the 1940s Washington has **prodded other countries to embrace the market capitalism** that entails economic openness and produces **sustainable economic growth**. The United States promotes capitalism for selfish reasons, of course: its own domestic system depends upon growth, which in turn depends upon the efficiency gains from economic interaction with foreign countries, and the more the better. During the Cold War most of its allies accepted some degree of market-driven growth.Second, the U.S.-led western victory in the Cold War damaged the credibility of alternative paths to development—communism and import-substituting industrialization being the two leading ones—and **left market capitalism the best model**. The end of the Cold War also involved an end to the billions of rubles in Soviet material support for regimes that tried to make these alternative models work. (It also, as Professor Mack notes, **eliminated the superpowers’ incentives to feed civil violence** in the Third World.) What we call **globalization** is **caused in part by the emergence of the United States as the global hegemon**.The same case can be made, with somewhat more difficulty, concerning the **spread of democracy**. Washington has supported democracy only under certain conditions—the chief one being the absence of a popular anti-American movement in the target state—but those conditions have become much more widespread following the collapse of communism. Thus in the 1980s the Reagan administration—the most anti-communist government America ever had—began to dump America’s old dictator friends, starting in the Philippines. Today Islamists tend to be anti-American, and so the Obama administration is skittish about democracy in Egypt and other authoritarian Muslim countries. But general U.S. material and moral support for liberal democracy remains strong.

#### In a power transition the U.S. will be aggressive and less cooperative making conflict more likely

Brzezinsky 12

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, After America How does the world look in an age of U.S. decline? Dangerously unstable. http://www.foreignpolicy.com/articles/2012/01/03/after\_america

Not so long ago, a high-ranking Chinese official, who obviously had concluded that America's decline and China's rise were both inevitable, noted in a burst of candor to a senior U.S. official: "But, please, let America not decline too quickly." Although the inevitability of the Chinese leader's expectation is still far from certain, he was right to be cautious when looking forward to America's demise. For if America falters, the world is unlikely to be dominated by a single preeminent successor -- not even China. International uncertainty, increased tension among global competitors, and even **outright** chaos would be far more likely outcomes. The leaders of the world's second-rank powers, among them India, Japan, Russia, and some European countries, are already assessing the potential impact of U.S. decline on their respective national interests. The Japanese, fearful of an assertive China dominating the Asian mainland, may be thinking of closer links with Europe. Leaders in India and Japan may be considering closer political and even military cooperation in case America falters and China rises. Russia, while perhaps engaging in wishful thinking (even schadenfreude) about America's uncertain prospects, will almost certainly have its eye on the independent states of the former Soviet Union. Europe, not yet cohesive, would likely be pulled in several directions: Germany and Italy toward Russia because of commercial interests, France and insecure Central Europe in favor of a politically tighter European Union, and Britain toward manipulating a balance within the EU while preserving its special relationship with a declining United States. Others may move more rapidly to carve out their own regional spheres: Turkey in the area of the old Ottoman Empire, Brazil in the Southern Hemisphere, and so forth. None of these countries, however, will have the requisite combination of economic, financial, technological, and military power even to consider inheriting America's leading role.China, invariably mentioned as America's prospective successor, has an impressive imperial lineage and a strategic tradition of carefully calibrated patience, both of which have been critical to its overwhelmingly successful, several-thousand-year-long history. China thus prudently accepts the existing international system, even if it does not view the prevailing hierarchy as permanent. It recognizes that success depends not on the system's dramatic collapse but on its evolution toward a gradual redistribution of power. Moreover, the basic reality is that China is not yet ready to assume in full America's role in the world. Beijing's leaders themselves have repeatedly emphasized that on every important measure of development, wealth, and power, China will still be a modernizing and developing state several decades from now, significantly behind not only the United States but also Europe and Japan in the major per capita indices of modernity and national power. Accordingly, Chinese leaders have been restrained in laying any overt claims to global leadership.At some stage, however, a more assertive Chinese nationalism could arise and damage China's international interests. A swaggering, nationalistic Beijing would unintentionally mobilize a powerful regional coalition against itself. None of China's key neighbors -- India, Japan, and Russia -- is ready to acknowledge China's entitlement to America's place on the global totem pole. They might even seek support from a waning America to offset an overly assertive China. The resulting regional scramble could become intense, especially given the similar nationalistic tendencies among China's neighbors. A phase of acute international tension in Asia could ensue. Asia of the 21st century could then begin to resemble Europe of the 20th century -- violent and bloodthirsty. While a sudden, massive crisis of the American system -- for instance, another financial crisis -- would produce a fast-moving chain reaction leading to global political and economic disorder, a steady drift by America into increasingly pervasive decay or endlessly widening warfare with Islam would be unlikely to produce, even by 2025, an effective global successor. No single power will be ready by then to exercise the role that the world, upon the fall of the Soviet Union in 1991, expected the United States to play: the leader of a new, globally cooperative world order. More probable would be a protracted phase of rather inconclusive realignments of both global and regional power, with no grand winners and many more losers, in a setting of international uncertainty and even of potentially **fatal risks to global** well-being. Rather than a world where dreams of democracy flourish, a Hobbesian world of enhanced national security based on varying fusions of authoritarianism, nationalism, and religion could ensue. At the same time, the security of a number of weaker states located geographically next to major regional powers also depends on the international status quo reinforced by America's global preeminence -- and would be made significantly more vulnerable in proportion to America's decline. The states in that exposed position -- including Georgia, Taiwan, South Korea, Belarus, Ukraine, Afghanistan, Pakistan, Israel, and the greater Middle East -- are today's geopolitical equivalents of nature's most endangered species. Their fates are closely tied to the nature of the international environment left behind by a waning America, be it ordered and restrained or, much more likely, self-serving and expansionist.A faltering United States could also find its strategic partnership with Mexico in jeopardy. America's economic resilience and political stability have so far mitigated many of the challenges posed by such sensitive neighborhood issues as economic dependence, immigration, and the narcotics trade. A decline in American power, however, would likely undermine the health and **good judgment** of the U.S. economic and political systems. A waning United States would likely be more nationalistic, more defensive about its national identity, more paranoid about its homeland security, and less willing to sacrifice resources for the sake of others' development. The worsening of relations between a declining America and an internally troubled Mexico could even give rise to a particularly ominous phenomenon: the emergence, as a major issue in nationalistically aroused Mexican politics, of territorial claims justified by history and ignited by cross-border incidents.Another consequence of American decline could be a corrosion of the generally cooperative management of the global commons -- shared interests such as sea lanes, space, cyberspace, and the environment, whose protection is imperative to the long-term growth of the global economy and the **continuation of** basic geopolitical stability. In almost every case, the potential absence of a **constructive** and influential U.S. role would **fatally** undermine the essential communality of the global commons because the superiority and ubiquity of American power creates order where there would normally be conflict.None of this will necessarily come to pass. Nor is the concern that America's decline would generate global insecurity, endanger some vulnerable states, and produce a more troubled North American neighborhood an argument for U.S. global supremacy. In fact, the strategic complexities of the world in the 21st century make such supremacy unattainable. But those dreaming today of America's collapse would probably come to regret it. And as the world after America would be increasingly complicated and chaotic, it is imperative that the United States pursue a new, timely strategic vision for its foreign policy -- or start bracing itself for a dangerous slide into global turmoil.

#### Decline causes war with China over Taiwan through miscalculation

Kagan 12

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http://www.foreignpolicy.com/articles/2012/02/14/the\_rise\_or\_fall\_of\_the\_american\_empire?page=0,4

The main point of my book, in fact, is to examine what might happen in the world should the United States prove incapable of continuing as the predominant power and slip into a rough equality with other powers, like China. I'm afraid it is optimistic to believe that China will pose only an economic challenge to the United States under those circumstances. The effects of a new multipolar world will be far-reaching. I sometimes think we have forgotten how countries behave as their power increases. We have been living so long in a world where one power has been so much more powerful than all the others. The existence of the American hegemon has forced all other powers to exercise unusual restraint, curb normal ambitions, and avoid actions that might lead to the formation of a U.S.-led coalition of the kind that defeated Germany twice, Japan once, and the Soviet Union, more peacefully, in the Cold War.The Chinese, as good historians, are acutely aware of the fate that befell these others and have worked hard to avoid a similar fate, following as best they can Deng Xiaoping's advice to "keep a low profile and never take the lead." As relative power shifts, however, that advice becomes harder and harder to follow. We saw some early signs of what the future might hold in China's increasing assertiveness in the South China Sea. The response of the United States, which swung in behind the nervous powers in the region, has possibly convinced the Chinese that their moves were premature. They may have themselves bought in too much to the widespread talk of America in decline. Were that decline to become real in the coming years, however, it is a certainty that Chinese pressures and probes will return. Greater relative power on China's part might also lead Beijing to become less patient with Taiwan's lack of movement toward acquiescing to the mainland's sovereignty. A situation in which U.S. power were declining, China's power were rising, and the Taiwan issue became fractious is practically a textbook instance of how wars start -- even if neither side wants war. That is why some have referred to Taiwan as East Asia's Sarajevo.

#### A first use posture creates the incentive for nuclear launch

Gerson 10

Michael S. Gerson, research analyst at the Center for Naval Analyses (CNA), in Alexandria, Virginia, “The Next Step for U.S. Nuclear Policy,” International Security, Vol. 35, No. 2 (Fall 2010), pp. 7–47) http://www.mitpressjournals.org/doi/pdf/10.1162/ISEC\_a\_00018

On the other hand, if states do believe that the United States might use nuclear weapons first in a disarming first strike, a severe crisis against a nuclear-armed adversary could be especially dangerous and unstable. If nuclear weapons are used in anger, the most likely pathway is in the context of a severe international or political crisis, perhaps in the context of an ongoing conventional war, rather than a “bolt-from-the-blue” nuclear attack. Consequently, an especially appropriate lens through which to evaluate U.S. nuclear policy and posture is in terms of their impact on crisis stability. A crisis is “stable” when neither side has an overriding incentive to use nuclear weapons first, and both sides are aware of this situation. Conversely, a crisis is “unstable” when one or both states have an overriding incentive to strike first, either to achieve some strategic advantage or to prevent the other side from gaining some perceived advantage by getting in the first blow.92 From the perspective of crisis stability, those who argue that the United States should continue to hold out the option of first use—even if it is a bluff—because it might have some deterrent effect downplay or neglect the possibility that leaving open the option to use nuclear weapons first might increase the chance that nuclear weapons are used accidentally, inadvertently, or deliberately, especially in crises involving minor nuclear powers.93 Although the concept of stability dominated much of the Cold War debate, leading to elaborate theories and models of crisis, first strike, and arms race stability, by the late 1960s and early 1970s, both the U.S. and Soviet nuclear arsenals had grown so large, diverse, and survivable that any concerns about instability arising from counterforce exchange ratios or technological breakthroughs were almost certainly unfounded.94 The condition of mutually assured destruction (MAD) helped solve the strategic stability problem by ensuring that neither side could gain any meaningful advantage from striking first.95 In the modern nuclear environment, however, strategic stability— especially crisis stability—is far from assured. Given U.S. quantitative and qualitative advantages in nuclear forces,96 and given that current and potential nuclear-armed adversaries are likely to have nuclear arsenals with varying degrees of size and survivability, in a future crisis an adversary may fear that the United States could attempt a disarming nuclear first strike. Even if the United States has no intention of striking first, the mere possibility of a U.S. disarming first strike left open by a policy of not ruling one out could cause suboptimal decisionmaking in the heat of an intense crisis and increase the chances that nuclear weapons are used. There are three causal pathways through which the continued U.S. option to use nuclear weapons first could generate crisis instability. First, in a severe crisis (perhaps in the context of an ongoing conventional war97), intense apprehensions about a U.S. first strike could prompt an opponent to take dangerous measures to increase the survivability of its forces and help ensure nuclear retaliation, such as adopting a launch-on-warning posture, rapidly dispersing forces, raising alert levels and mating warheads to missiles, or pre-delegating launch authority to field commanders.98 In the 1990–91 Gulf War, for example, Saddam Hussein dispersed his ballistic missiles to decrease their vulnerability to attack and apparently pre-delegated launch authority to a select group of commanders for the use of CW in certain circumstances.99 Loosening centralized control, adopting a hair-trigger posture, or simply acting in haste to generate forces and increase survivability increases the possibilities of an accidental launch or other miscalculations that lead to unauthorized use. Second, in the midst of an intense crisis, an adversary’s trepidations about a U.S. first strike could create incentives for signaling and brinksmanship that increase the chances of miscommunication and nuclear escalation. For example, in a crisis an adversary’s concerns about a U.S. disarming nuclear strike could prompt it to take measures to decrease the vulnerability of its forces, such as mating warheads to delivery vehicles, fueling missiles, dispersing forces, raising alert levels, or erecting mobile ballistic missile launchers. While the opponent might intend these measures to signal resolve and to deter a U.S. counterforce first strike by increasing the survivability of its forces, U.S. political and military leaders might misperceive these actions as a sign of the opponent’s impending nuclear attack and decide to preempt.100 In this situation, an opponent’s fear of a U.S. first strike encourages actions that, through miscommunication and miscalculation, might inadvertently trigger a U.S. preemptive attack. If the opponent has any remaining weapons after a U.S. strike, at least some of them might be used in retaliation against the United States or its allies. This dynamic may be especially pernicious in a future crisis if U.S. leaders believe that the opponent is willing to take substantial risks, because then decisionmakers may be more inclined to interpret the adversary’s actions as preparations for a nuclear attack rather than as defensive signals intended for deterrence. Whereas in the logic of crisis instability outlined above the use of nuclear weapons occurs through accident or miscommunication, **e**xtreme concerns about a U.S. nuclear first strike might also prompt a state to deliberately use nuclear weapons first. There are two rationales for intentional nuclear first use by a state that fears a U.S. disarming first strike. First, in the context of an intense crisis in which the adversary believes that the United States might attempt a disarming first strike, a state could be enticed to preempt out of fear that if it does not launch first it will not have a second chance. A “use-it-orlose-it” mentality might give an opponent a strong incentive to preempt.101 In this case, the adversary’s motivation to use nuclear weapons first comes not from the possibility of gaining some advantage, but rather from the belief that waiting and receiving what it believes to be a likely U.S. first strike would only lead to an even worse outcome. Desperation, rather than advantage, could compel an opponent to preempt.102 Second, an adversary might rationally choose to use nuclear weapons first if it believes that nuclear escalation could be an effective means to de-escalate a losing conventional conflict. Similar to NATO’s strategy in the Cold War, a state might initiate a limited nuclear attack to raise the risk of further escalation and thereby inºuence the United States’ resolve to continue the war.103 Consequently, if an adversary believes that nuclear escalation is a “trump card” that could be used to force a negotiated settlement, and if there is significant concern about a U.S. disarming first strike (perhaps as a pretext for regime change) during an ongoing conventional engagement, then the opponent might choose to use nuclear weapons at an early point in the conºict.104

### Advantage 2: Non-Proliferation

#### No first use strengthens disarmament efforts

Romaniuk 13

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Sagan (2009) argues that the term “nuclear umbrella” should be rethought in order to be a more helpful tool of analysis. Although it is usually equated with extended deterrence, he argues that two different kinds of US extended deterrence mechanisms should be used: (1) “a US commitment to use nuclear weapons first, if necessary, to defend an ally if it is attacked by an enemy who uses conventional forces, biological or chemical weapons, or nuclear weapons; and [2] a more tailored US commitment to use US nuclear weapons in retaliation against only a nuclear attack or an ally” (p. 163). Indeed, although many allies would prefer the first form of extended deterrence, that would not make disarmament possible. If the US were to adopt a policy of “no first use,” its intentions would be more helpful for the disarmament movement. Additionally, it would mean **that** the US accepts negative security assurances **as central to its policy,** which is **then more** likely tofoster trust among other nuclear-capable states.

#### Disarm credibility leads to stronger non-proliferation regime

Knopf 12

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Four hypotheses envision a potential direct link between nuclear weapon state behavior and new cases of proliferation. A perceived lack of commitment to nuclear disarmament could stimulate new nuclear weapon programs due to a security threat posed by a nuclear weapon state, a demonstration effect that suggests nuclear weapons have military utility, a demonstration that nuclear weapons confer status, or a reaction against ongoing discrimination and inequality. Seven pathways might indirectly link disarmament and nonproliferation. First, a nuclear program started by one state as a direct response to a threat from a nuclear weapon state could trigger secondary proliferation in that state's neighbors. Rather than focus on the possibility that a state could launch a new nuclear program, the other six indirect pathways involve state decisions to refrain from participating in new nonproliferation measures. Nonnuclear states might choose to withhold cooperation on nonproliferation strengthening measures for three distinct reasons: as a rational incentive to elicit greater nuclear weapon state compliance with Article 6, out of a belief in a norm of enforcing other norms, or as an emotional response to the perceived failure of nuclear weapon states to uphold their end of the NPT bargain. Lack of progress on disarmament could also call into question the credibility of nuclear weapon state commitments to other parts of the NPT bargain, making nonnuclear states think that they are less likely to benefit from investing in the regime. Lack of progress could also lead to charges of hypocrisy, undermining the nonproliferation norm associated with the regime. Conversely, in the seventh indirect pathway, movement on disarmament could change bargaining dynamics and increase the space for reciprocal concessions on nonproliferation. In addition, most of the direct and indirect pathways could be affected by the intervening variable of domestic politics. Where internal debates exist, the pathways summarized above could help tilt the balance in the direction of policies that are unfavorable for nonproliferation.

#### Now is the key time

Collina and Kimball 9/19

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Curbing proliferation. Today's most pressing security threat is not nuclear war with Russia or China, but nuclear terrorism and proliferation. As Obama noted in March 2012, "The massive nuclear arsenal we inherited from the Cold War is poorly suited for today's threats, including nuclear terrorism." The United States needs to sustain a strong international coalition to secure nuclear materials across the globe and turn back nuclear programs in Iran, North Korea, and elsewhere. Continued U.S. and Russian arms reductions are essential to demonstrate that the major nuclear powers are holding up their end of the nuclear Nonproliferation Treaty bargain, which includes "an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI." Undersecretary of Defense for Policy James Miller said in June that, "as we think about our nonproliferation goals," demonstrating additional progress on arms reductions "is in our interest as we look to put pressure particularly on North Korea and Iran ... having a strong coalition in support of us will be vital." For example, the United States needs international support at the United Nations for economic sanctions against both North Korea and Iran to slow down their nuclear programs. The United States will also need U.N. support for the Sept. 14 deal with Russia to dismantle Syria's chemical weapons, or for sanctions if the Assad regime does not meet its commitments. Furthermore, maintaining excess nuclear forces does not deter nations, such as Iran or North Korea, or terrorist actors from seeking these weapons, and only provides them with a cynical excuse to sidestep their nonproliferation commitments.

#### Nuclear deterrence fails – causes arms race and is no longer credible

Gärtner 13

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DeterrenceObama wants to be on the safe side: he wants to retain a deterrent capability as long as nuclear weapons exist even though no one knows whether deterrence actually works. Realists like Kenneth Waltz strongly believe it does work because there was no nuclear war between the United States and the Soviet Union**.** But in reality we do not know if this is true since you can’t prove the negative – why something did not happen. The avoidance of nuclear war between the two Cold War superpowers probably resulted from a combination of political and military factors, such as arms control negotiations, confidence-building measures and cooperation in the Conference on Security and Co-operation in Europe (CSCE) and in other regimes and institutions.Deterrence is a combination of two strategies: avoiding war and winning a war in the case the first option fails (Betts, 2013).4In order to be credible as a “peace-keeping strategy” it also has to be a “war-fighting strategy”. This contradiction is in many ways not reconcilable. Therefore, the lessons of mutual nuclear deterrence, in both theory and practice, demonstrate that deterrence has several problems (Green, 2011; Wickersham, 2011; Krieger, 2011): Nuclear deterrence is only credible if the adversaries permanently demonstrate that they are serious about using nuclear weapons. This in turn threatens them with selfdestruction. Deterrence does not prevent conventional wars. Nuclear powers were involved in conventional wars. In Korea the Chinese, in Vietnam the Vietcong, and the insurgents in Afghanistan and Iraq did not care about the American nuclear bomb. In the Falkland war Argentina was not afraid of the British one. Arab states attacked Israel1973 that had already nuclear weapons. Two nuclear powers, India and Pakistan, went to war in 1999 and Pakistan probably was behind the terrorist attacks on the Parliament of the nuclear armed India in 2001. Moreover, possession of nuclear weapons could encourage conventional provocation or backing for terrorist groups.The concept of deterrence only works with rational actors. It requires adversaries to rely on each other to respect deterrence and adhere to its principles. Furthermore, they have to communicate with each other and understand each other’s signals. Deterrence promotes hostility and mistrust when adversaries permanently threaten each other. Reliance on mutual deterrence causes nuclear proliferation and arms races. This was evident during the Cold War, but it is also true for regional conflicts, such as IndiaPakistan. Deterrence is North Korea’s rationale for possessing nuclear weapons, and it could lead to an arms race in the Middle East. Indeed, mutual deterrence and disarmament are opposing concepts. Deterrence can create instability and dangerous situations through miscalculations, miscommunication and technical accidents. The film classic “Dr. Strangelove” shows how just such a possibility could occur. The dissolution of the bipolar world and the potential emergence of new nuclear powers might lead to a “multinuclear world” that would multiply such risks and uncertainties. The threat of nuclear retaliation is useless against terrorists. Deterrence is a weak tool against cyber-attacks, because it is extremely difficult to identify the attacker (Betts, 2013). The United States and NATO want to build a missile defense system against missiles from the Middle East, but Russia opposes it. As a result, missile defense has become the major stumbling block to further arms reductions. However, missile defense below the strategic level should not be a threat to Russia. Yet if the United States and NATO keep open the option to upgrade missile defense, they can no longer rely on effective deterrence. Missile defense only works properly outside a system of deterrence. The announced intention to annihilate large parts of humanity is both unlawful and immoral. The International Court of Justice ruled that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law” (ICJ, 1996, 44).5The pope regularly encourages the international community to work toward the elimination of nuclear weapons.Mutual deterrence is expensive because it requires continuous modernization and the development and production of new weapons to close real and assumed loopholes in the system. If deterrence failed, it would be a global disaster.6Beyond mutual nuclear deterrenceWhat can be done to reverse the negative trends caused by nuclear deterrence?  A true “no first use” doctrine would remove conventional, chemical and biological weapons from the target list. Nuclear weapons should be seen as strictly for retaliation against a nuclear attack. They are not necessary for any offensive or preventive purpose, nor are they useful for defense, except as a deterrent to an intentional nuclear attack. The notion that nuclear arms are essentially no different than conventional weapons should be abandoned. Nuclear weapons should be retained only for a second strike. An unconditional commitment by nuclear weapon states to “negative security assurances” would remove all non-nuclear weapon states from the target list. Nuclear weapon states should commit themselves to “negative security assurances.” This is the guarantee not to use nuclear weapons against non-nuclear weapon states.  The creation of “Nuclear Weapon Free Zones” must be combined with “negative security assurances”. The list of countries that are targeted for US nuclear strikes is outdated and can be reduced. Bush’s classified NPR and OPLAN 8010 both target China, Russia, North Korea, Iran, Syria, Cuba (only in the NPR) and an unnamed country that hosts terrorists (supposedly Pakistan). General target categories like WMD, non-state actors, war supporting infrastructure and military-political leadership are too sweeping and should be redefined and minimized. Counter-force planning associated with preemption, launch on warning and all kinds of military targets should be abandoned.7 The use of small nuclear weapons to control and limit damage is not feasible and produces unrealistic expectations. Likewise expectations that damage can be regulated and making distinctions between 100 percent, 80 percent, “light,” “moderate” or “severe” destruction are absurd. There is no difference between rubble, gravel or dust after a bombardment.8ConclusionNuclear deterrence is the main cause of arms races. As long as deterrence goes unaddressed, global zero will be impossible to achieve. Arms control and non-proliferation can create a more stable situation, but they are not sufficient for disarmament. Deterrence of states of concern is more credible and effective using conventional weapons. The suggestions outlined above would not abolish nuclear deterrence right away, but they are steps toward a minimal deterrence. They would mitigate the worst consequences of the concept of deterrence and create the preconditions for nuclear disarmament. Comprehensive deterrence is based not only on one category of nuclear weapons but on a mix of nuclear and conventional arms. Arms control and disarmament efforts should cover all or most of them. This can be done be best by a combination of legally binding treaties, political commitments, and enlightened self-interest.

#### Prolif causes accidents – Leaders will lose control of the escalation ladder causing nuclear war

Kroenig 12

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The proliferation optimist position, while having a distinguished pedigree, has several major problems. Many of these weaknesses have been chronicled in brilliant detail by Scott Sagan and other contemporary proliferation pessimists.[34] Rather than repeat these substantial efforts, I will use this section to offer some original critiques of the recent incarnations of proliferation optimism. First and foremost, proliferation optimists do not appear to understand contemporary deterrence theory. I do not say this lightly in an effort to marginalize or discredit my intellectual opponents. Rather, I make this claim with all due caution and with complete sincerity. A careful review of the contemporary proliferation optimism literature does not reflect an understanding of, or engagement with, the developments in academic deterrence theory in top scholarly journals such as the American Political Science Review and International Organization over the past few decades.[35] While early optimists like Viner and Brodie can be excused for not knowing better, the writings of contemporary proliferation optimists ignore the past fifty years of academic research on nuclear deterrence theory. In the 1940s, Viner, Brodie, and others argued that the advent of Mutually Assured Destruction (MAD) rendered war among major powers obsolete, but nuclear deterrence theory soon advanced beyond that simple understanding.[36] After all, great power political competition does not end with nuclear weapons. And nuclear-armed states still seek to threaten nuclear-armed adversaries. States cannot credibly threaten to launch a suicidal nuclear war, but they still want to coerce their adversaries. This leads to a credibility problem: how can states credibly threaten a nuclear-armed opponent? Since the 1960s academic nuclear deterrence theory has been devoted almost exclusively to answering this question.[37] And, unfortunately for proliferation optimists, the answers do not give us reasons to be optimistic. Thomas Schelling was the first to devise a rational means by which states can threaten nuclear-armed opponents.[38] He argued that leaders cannot credibly threaten to intentionally launch a suicidal nuclear war, but they can make a “threat that leaves something to chance.”[39] They can engage in a process, the nuclear crisis, which increases the risk of nuclear war in an attempt to force a less resolved adversary to back down. As states escalate a nuclear crisis there is an increasing probability that the conflict will spiral out of control and result in an inadvertent or accidental nuclear exchange. As long as the benefit of winning the crisis is greater than the incremental increase in the risk of nuclear war, threats to escalate nuclear crises are inherently credible. In these games of nuclear brinkmanship, the state that is willing to run the greatest risk of nuclear war before back down will win the crisis as long as it does not end in catastrophe. It is for this reason that Thomas Schelling called great power politics in the nuclear era a “competition in risk taking.”[40] This does not mean that states eagerly bid up the risk of nuclear war. Rather, they face gut-wrenching decisions at each stage of the crisis. They can quit the crisis to avoid nuclear war, but only by ceding an important geopolitical issue to an opponent. Or they can the escalate the crisis in an attempt to prevail, but only at the risk of suffering a possible nuclear exchange. Since 1945 there were have been many high stakes nuclear crises (by my count, there have been twenty) in which “rational” states like the United States run a risk of nuclear war and inch very close to the brink of nuclear war.[41] By asking whether states can be deterred or not, therefore, proliferation optimists are asking the wrong question. The right question to ask is: what risk of nuclear war is a specific state willing to run against a particular opponent in a given crisis? Optimists are likely correct when they assert that Iran will not intentionally commit national suicide by launching a bolt-from-the-blue nuclear attack on the United States or Israel. This does not mean that Iran will never use nuclear weapons, however. Indeed, it is almost inconceivable to think that a nuclear-armed Iran would not, at some point, find itself in a crisis with another nuclear-armed power and that it would not be willing to run any risk of nuclear war in order to achieve its objectives. If a nuclear-armed Iran and the United States or Israel have a geopolitical conflict in the future, over say the internal politics of Syria, an Israeli conflict with Iran’s client Hezbollah, the U.S. presence in the Persian Gulf, passage through the Strait of Hormuz, or some other issue, do we believe that Iran would immediately capitulate? Or is it possible that Iran would push back, possibly even brandishing nuclear weapons in an attempt to deter its adversaries? If the latter, there is a real risk that proliferation to Iran could result in nuclear war. An optimist might counter that nuclear weapons will never be used, even in a crisis situation, because states have such a strong incentive, namely national survival, to ensure that nuclear weapons are not used. But, this objection ignores the fact that leaders operate under competing pressures. Leaders in nuclear-armed states also have very strong incentives to convince their adversaries that nuclear weapons could very well be used. Historically we have seen that in crises, leaders purposely do things like put nuclear weapons on high alert and delegate nuclear launch authority to low level commanders, purposely increasing the risk of accidental nuclear war in an attempt to force less-resolved opponents to back down.

### Plan

The United States Congress should pass a law restricting the President of the United States’ authority to introduce nuclear weapons forces first into hostilities.

### Contention 3: Solvency

#### Legislation solves President’s war power, causes no first use, and will be followed

Stone 87

Jeremy J. Stone is president of the Federation of American Scientists (FAS). “Presidential Fist Use is Unlawful”, *First Use of Nuclear Weapons: Under the Constitution, Who Decides?,* 1987 pg 7-8

Is the first use of nuclear weapons something appropriate for a first general or admiral or for that matter a chief executive to decide? Or is this decision something so fundamental in its risks for the nation that it would seem to exceed their authority? And in any case, could Congress pass legislation controlling that use as it limited the use of funds for hostilities in Southeast Asia? During and after the war powers debate, a number of scholars addressed the issue of whether Congress could, by affirmative legislation, control presidential actions in the field of war. Former national security adviser McGeorge Bundy observed that Congress has “every right to assert itself on broad questions of place, time, and the size of forces committed.” An eminent authority on the commander in chief clause, Columbia University Law Professor Louis Henkin, wrote: “In my view, he would be bound to follow congressional directives not only as to whether to continue the war, but whether to extend it to other countries and other belligerents, whether to fight a limited or unlimited war, today, perhaps, even whether to fight a ‘conventional’ or a nuclear war.” Professor John Norton Moore ventured that Congress could prevent a President at war in Vietnam from bombing Beijing or from employing biological weapons in conventional war. Much of this authority stems from the right of Congress, as stated in Article I, Section 8 of the Constitution, “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” Referring to the clause, George Washington University Professor W. T. Mallison, Jr., observed: It is appropriate to emphasize that the judgment as to what is “necessary and proper” is that of the Congress, and not of the Supreme Court. The aggregate of the war powers of the Congress are, therefore, sufficiently comprehensive to enable the Congress to have a large role in the conduct of the war. Based upon its expressed war powers combined with the “necessary and proper” clause, the Congress has power to conduct the war insofar as the war may be conducted under statutory authority as contrasted with the President’s authority as Commander in Chief. This was recognized in the famous case of *McCulloch v. Maryland* – 4 Wheaton 316, 1819- where Chief Justice Marshall referred to the powers of the Congress to “declare and conduct a war” is among its enumerated powers. Accordingly, most legal scholars would seem to admit the argument that the first use of nuclear weapons was so much more momentous than a tactical decision that Congress had the right to control that decision- if it wished to do so- and that it could control the decision by legislation. Congress could, for example, legislate that under no circumstances was the President authorized to use nuclear weapons of any kind in any conflict in which they had not already been used by others. By passing a law- over the President’s veto if necessary- it could simply remove nuclear weapons from the arsenal available in undeclared conventional wars abroad. If necessary, Congress could use the power to purse to assert that no funds could be sent to use nuclear weapons except in specified contingencies. Some will argue that such constraints will be meaningless in war, especially in issues involving nuclear war. But a closer examination of the situation suggests otherwise. No President is going to use nuclear weapons first, if he believes that it will lead to the destruction of the nation. On the contrary, he will be hoping and expecting that escalation will not result. Accordingly, he will ponder being held accountable to the nation for the risks to be taken and for the extent these actions would be in violation of law. If legislation exists precluding the contemplated actions, the President will be to that extent discouraged, deterred, and dissuaded from going forward. Indeed, in that event subordinates might not follow the President’s orders; the secretary of defense, the Joint Chiefs of Staff, and all the others in the chain of command are sworn to uphold the Constitution and the law, not merely to obey the President.

#### No solvency deficits – legislation can avoid presidential loopholes

Schultz 04

PREEMPTING PREEMPTION: NUCLEAR FIRST-USE AND THE ROLE OF CONGRESS JEFFREY L. SCHULTZ Mr. Schultz is an associate at Armstrong Teasdale LLP in St. Louis. Schultz is engaged in the practice of business litigation, with significant experience in trade secret, non-compete, unfair competition and intellectual property matters Kennedy School Review;2004, Vol. 5, p27

Under uninterrupted constitutional practice since the use of the first nuclear weapons by the United States against Japan in the closing days of World War II, Congress has demonstrated that it has the authority to pass the affirmative legislation necessary to control nuclear first use. Even if Congress chooses not to impose a legislative straitjacket,45 the president alone does not have sufficient authority to make first-use of nuclear weapons absent some congressional approval.46 The wisdom of Congress’s reticence in declaring war from the standpoint of its own institutional prerogatives is clear. According to the Constitution, the power to attack first requires that one also be able to declare war—a power belonging exclusively to Congress under the express language of the document, as we have seen. But if the president can argue that we are already in a war, such as an ongoing “War on Terror” in the aftermath of the Iraq War, for which he received Congress’s blessing, then (she)/he can claim expansive independent powers in the prosecution of such a war, including the choice of weapons and tactics. In such a “zone of twilight,” only an act of Congress—such as the recently repealed ban on “mini-nukes” and bunker-busters—can tilt the constitutional balance clearly in its favor. If Congress wishes to force the president to consult prior to launching a nuclear preemptive strike, it had better say so by means of legislation.

#### Now is key to check war powers - allows the public to prevent cycles of invisible violence abroad that ultimately escalate to economic disparity and violence at home and ensures stronger deliberative democracy

Druck 12

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As these situations become more and more common—where postwar assessments look at monetary, rather than human costs—the fear of unilateral presidential action similarly becomes more perti- nent. Unlike past larger-scale wars, whose traditional harms provided sufficient incentive for the populace to exert pressure on the Presi- dent (either directly or via Congress), technology-driven warfare has removed the triggers for checks on presidential action. And though the military actions that have raised WPR issues involved limited, small-scale operations, the volatile and unpredictable nature of war- fare itself could eventually put American lives in danger, a risk worth considering given the increased use of drones abroad. ¶ ¶ Thus, the same conditions are now in place as when the WPR was enacted, creating a need to revisit the importance of the WPR in light of the numbing effect of technology-driven warfare. Although it might be tempting to simply write off the WPR as a failed experiment in aggressive congressional maneuvering given its inability to prevent unilateral presidential action in the past, the new era of warfare and its effects on the populace has created a newfound sense of urgency, one that requires a strong statutory barrier between the President and military action abroad. Thus, we need stronger WPR enforcement as it becomes easier to enter into “hostilities.”¶ While others focus on the WPR itself,161 the emphasis of this Note is on the public’s role in preventing unilateral presidential action. In this respect, the simplest solution for the numbing effect of contem- porary warfare is an increased level of public attentiveness and scru- tiny concerning military actions abroad, regardless of the lack of visible costs at home. As we have seen, once the public becomes vigi- lant about our less-visible foreign actions, we can expect our politi- cians to become receptive to domestic law. But as this Note points out, the issues surrounding a toothless WPR will continue to grow and amplify as society enters a new age of technology-driven warfare. Thus, there is a pressing need for greater public awareness of the new, and perhaps less obvious, consequences of our actions abroad.162 Per- haps taking note of these unforeseen costs will improve the public’s inquiry into potential illegal action abroad and create real incentives to enforce the WPR.

#### Effective deliberative discourse is the lynchpin to solve all existential social and political problems- linking the individual to grander institutions is key to breakdown destructive binaries

Lundberg 10

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.¶ The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:¶ To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)¶ Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.¶ There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life.¶ Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

#### Congress must check the executive’s use of unrestrained war powers- motivating the public is key- even if fiat is not real, our actions in this round are part of getting the public on board to rally against an unrestrained first use policy

Forrester 89

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On the basis of this report, the startling fact is that one man alone has the ability to start a nuclear war.¶ A basic theory--if not the basic theory of our Constitution--is that concentration of power in any one person, or one group, is dangerous to mankind. The Constitution, therefore, contains a strong system of checks and balances, starting with the separation of powers between the President, Congress, and the Supreme Court. The message is that no one of them is safe with unchecked power. Yet, in what is probably the most dangerous governmental power ever possessed, we find the potential for world destruction lodged in the discretion of one person.¶ As a result of public indignation aroused by the Vietnam disaster, in which tens of thousands lost their lives in military actions initiated by a succession of Presidents, Congress in 1973 adopted, despite presidential veto, the War Powers Resolution. Congress finally asserted its checking and balancing duties in relation to the making of presidential wars.¶ Congress declared in section 2(a) that its purpose was to¶ fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.¶ The law also stated in section 3 that¶ [t]he President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated. . . .¶ ¶ Other limitations not essential to this discussion are also provided.¶ The intent of the law is clear. Congress undertook to check the President, at least by prior consultation, in any executive action that might lead to hostilities and war.¶ [\*1638] President Nixon, who initially vetoed the resolution, claimed that it was an unconstitutional restriction on his powers as Executive and Commander in Chief of the military. His successors have taken a similar view. Even so, some of them have at times complied with the law by prior consultation with representatives of Congress, but obedience to the law has been uncertain and a subject of continuing controversy between Congress and the President.¶ Ordinarily, the issue of the constitutionality of a law would be decided by the Supreme Court. But, despite a series of cases in which such a decision has been sought, the Supreme Court has refused to settle the controversy.¶ The usual ground for such a refusal is that a "political question" is involved. The rule is well established that the federal judiciary will decide only "justiciable" controversies. "Political questions" are not "justiciable." However, the standards established by the Supreme Court in 1962 in Baker v. Carr, 369 U.S. 186, to determine the distinction between "justiciable controversies" and "political questions" are far from clear. One writer observed that the term "political question"¶ [a]pplies to all those matters of which the court, at a given time, will be of the opinion that it is impolitic or inexpedient to take jurisdiction. Sometimes this idea of inexpediency will result from the fear of the vastness of the consequences that a decision on the merits might entail.¶ ¶ Finkelstein, Judicial Self-Limitation, 37 HARV. L. REV. 338, 344 (1924)(footnote omitted).¶ It is difficult to defend the Court's refusal to assume the responsibility of decisionmaking on this most critical issue. The Court has been fearless in deciding other issues of "vast consequences" in many historic disputes, some involving executive war power. It is to be hoped that the Justices will finally do their duty here.¶ But in the meantime the spectre of single-minded power persists, fraught with all of the frailties of human nature that each human possesses, including the President. World history is filled with tragic examples.¶ Even if the Court assumed its responsibility to tell us whether the Constitution gives Congress the necessary power to check the President, the War Powers Resolution itself is unclear. Does the Resolution require the President to consult with Congress before launching a nuclear attack? It has been asserted that "introducing United States Armed Forces into hostilities" refers only to military personnel and does not include the launching of nuclear missiles alone. In support of this interpretation, it has been argued that Congress was concerned about the human losses in Vietnam and in other presidential wars, rather than about the weaponry.¶ Congress, of course, can amend the Resolution to state explicitly that "the introduction of Armed Forces" includes missiles as well as personnel. However, the President could continue to act without prior consultation by renewing the claim first made by President [\*1639] Nixon that the Resolution is an unconstitutional invasion of the executive power.¶ Therefore, the real solution, in the absence of a Supreme Court decision, would appear to be a constitutional amendment. All must obey a clear rule in the Constitution.¶ The adoption of an amendment is very difficult. Wisely, Article V requires that an amendment may be proposed only by the vote of two-thirds of both houses of Congress or by the application of the legislatures of two-thirds of the states, and the proposal must be ratified by the legislatures or conventions of three-fourths of the states.¶ Despite the difficulty, the Constitution has been amended twenty-six times. Amendment can be done when a problem is so important that it arouses the attention and concern of a preponderant majority of the American people. But the people must be made aware of the problem.¶ It is hardly necessary to belabor the relative importance of the control of nuclear warfare.¶ A constitutional amendment may be, indeed, the appropriate method. But the most difficult issue remains. What should the amendment provide? How can the problem be solved specifically?¶ The Constitution in section 8 of Article I stipulates that "[t]he Congress shall have power . . . To declare War. . . ." The idea seems to be that only these many representatives of the people, reflecting the public will, should possess the power to commit the lives and the fortunes of the nation to warfare. This approach makes much more sense in a democratic republic than entrusting the decision to one person, even though he may be designated the "Commander in Chief" of the military forces. His power is to command the war after the people, through their representatives, have made the basic choice to submit themselves and their children to war.

#### National security debates activate agency and decision making- avoiding cooption

Donohue 13

Laura K. Donohue, Associate Professor of Law, Georgetown Law, 4/11/13, National Security Law Pedagogy and the Role of Simulations, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law.

Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.