T

CP/2 cp’s

Da; pp

DA: ptx?

**Test Case Spec: 1NC**

**A. The AFF has not specified a test case.**

**B. That’s a voter --- knowing what case they rule on is key to precedent and facts-specific ground.**

**Debt: 1NC**

**Debt Ceiling will pass now—business lobby**

**Pollways, 9/19**, (“Business groups tell House Republicans: No anti-Obamacare hostage-taking”, 9/19/2013, <http://pollways.bangordailynews.com/2013/09/19/national/business-groups-tell-house-republicans-no-anti-obamacare-hostage-taking/?ref=blogswidget>)

**Business Republicans do not want a government shutdown.** They do not want the full faith and credit of the United States to be undermined by a refusal to raise the debt limit. Threatening to shut down the government and to not increase the debt limit are the strategies chosen by Tea Party groups to try to stop funding of the Affordable Care Act. (By the way, a shutdown wouldn’t cut off the ACA’s revenue stream. Much like Social Security, nearly all of this funding commitment is now automatically set.) Now **the U.S. Chamber of Commerce has joined the Wall St. Journal editorial page in opposing a shutdown and debt default.** It’s fascinating to see how the Chamber of Commerce starts by telling its usual allies that they, you know, support capitalism. The Chamber’s open letter to House Republicans begins: The U.S. Chamber of Commerce, the world’s largest business federation representing the interests of more than three million businesses and organizations of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting and defending America’s free enterprise system, urges the House of Representatives to pass H.J. Res. 59, the “Continuing Appropriations Resolution, 2014,” to ensure the uninterrupted funding of the federal government into the next fiscal year at spending levels consistent with P.L. 112-25, the Budget Control Act of 2011. Making clear a shutdown and default would cause real economic harm, the letter states: **It is not in the best interest of the U.S. business community or the American people to risk even a brief government shutdown that might trigger disruptive consequences or raise new policy uncertainties washing over the U.S. economy. Likewise, the U.S. Chamber respectfully urges the House of Representatives to raise the debt ceiling in a timely manner and thus eliminate any question of threat to the full faith and credit of the United States government.** Also weighing in on this hostage-taking is the Business Roundtable, which describes itself as “an association of chief executive officers of leading U.S. companies with $7.4 trillion in annual revenues and more than 16 million employees.” According to a new study by the Business Roundtable: Fifty percent of responding CEOs indicated that the ongoing disagreement in Washington over the 2014 budget and the debt ceiling is having a negative impact on their plans for hiring additional employees over the next six months. **Typically allied with Republicans and consistently giving most of their campaign donations to Republicans, business groups are saying, please, please don’t do this.** Will House Republicans listen? And, if not, will these business groups decide they have to reconsider which politicians they support? Look for Republican party leaders, to the extent they exist anymore, to try to resolve this situation and heal this schism.

**Plan destroys Obama’s credibility – makes it impossible for him to get anything through Congress**

**Seeking Alpha 9-10**, 9-10-2013, “Syria Could Upend Debt Ceiling Fight,” http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. **This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief** of his **primary power renders him** **all but impotent**. At this point, a rebuff from the House is a 67%-75% probability. I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four. **While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there**, which would be limited in nature. Rather, **investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over** spending and **the debt ceiling**. Currently, **the government** loses spending authority on September 30 while it **hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe**. Failure in the Syrian vote could change this**. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.**  **Until now, consensus has been that the two sides would compromise** to fund the government at sequester levels while **passing a $1 trillion stand**

**Political capital is finite and key --- the plan trades off**

**Moore, 9/10** --- Guardian's US finance and economics editor (Heidi, 9/10/2013, “Syria: the great distraction; Obama is focused on a conflict abroad, but the fight he should be gearing up for is with Congress on America's economic security,” [http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester)](http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester%29))

Before President Obama speaks to the nation about Syria tonight, take a look at what this fall will look like inside America. There are 49 million people in the country who suffered inadequate access to food in 2012, leaving the percentage of "food-insecure" Americans at about one-sixth of the US population. At the same time, Congress refused to pass food-stamp legislation this summer, pushing it off again and threatening draconian cuts. **The country will crash into the debt ceiling in mid-October, which would be an economic disaster, especially with a government shutdown looming at the same time. These are deadlines that Congress already learned two years ago not to toy with, but memories appear to be preciously short.** The Federal Reserve needs a new chief in three months, someone who will help the country confront its raging unemployment crisis that has left 12 million people without jobs. The president has promised to choose a warm body within the next three weeks, despite the fact that his top pick, Larry Summers, would likely spark an ugly confirmation battle – the "fight of the century," according to some – with a Congress already unwilling to do the President's bidding. Congress was supposed to pass a farm bill this summer, but declined to do so even though the task is already two years late. As a result, the country has no farm bill, leaving agricultural subsidies up in the air, farmers uncertain about what their financial picture looks like, and a potential food crisis on the horizon. The two main housing agencies, Fannie Mae and Freddie Mac, have been in limbo for four years and are desperately in need of reform that should start this fall, but there is scant attention to the problem. These are the problems going unattended by the Obama administration while his aides and cabinet members have been wasting the nation's time making the rounds on television and Capitol Hill stumping for a profoundly unpopular war. The fact that all this chest-beating was for naught, and an easy solution seems on the horizon, belies the single-minded intensity that the Obama White House brought to its insistence on bombing Syria. More than one wag has suggested, with the utmost reason, that if Obama had brought this kind of passion to domestic initiatives, the country would be in better condition right now. As it is, public policy is embarrassingly in shambles at home while the administration throws all of its resources and political capital behind a widely hated plan to get involved in a civil war overseas. The upshot for the president may be that it's easier to wage war with a foreign power than go head-to-head with the US Congress, even as America suffers from neglect. This is the paradox that President Obama is facing this fall, as he appears to turn his back on a number of crucial and urgent domestic initiatives in order to spend all of his meager political capital on striking Syria. Syria does present a significant humanitarian crisis, which has been true for the past two years that the Obama administration has completely ignored the atrocities of Bashar al-Assad. Two years is also roughly the same amount of time that key domestic initiatives have also gone ignored as Obama and Congress engage in petty battles for dominance and leave the country to run itself on a starvation diet imposed by sequestration cuts. Leon Panetta tells the story of how he tried to lobby against sequestration only to be told: Leon, you don't understand. The Congress is resigned to failure. Similarly, those on Wall Street, the Federal Reserve, those working at government agencies, and voters themselves have become all too practiced at ignoring the determined incompetence of those in Washington. **Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor.** It's fair to say that **congressional Republicans**, particularly in the House, **have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.** The president is scheduled to speak six times this week, mostly about Syria. That includes evening news interviews, an address to the nation, and numerous other speeches. Behind the scenes, he is calling members of Congress to get them to fall into line. Secretary of State John Kerry is omnipresent, so ubiquitous on TV that it may be easier just to get him his own talk show called Syria Today. It would be a treat to see White House aides lobbying as aggressively – and on as many talk shows – for a better food stamp bill, an end to the debt-ceiling drama, or a solution to the senseless sequestration cuts, as it is on what is clearly a useless boondoggle in Syria. **There's no reason to believe that Congress can have an all-consuming debate about Syria and then, somehow refreshed, return to a domestic agenda** that has been as chaotic and urgent as any in recent memory. The President should have judged his options better. As it is, he should now judge his actions better.

**This will destroy the U.S. and global economy**

**Davidson, 9/10** (Adam - co-founder of NPR’s “Planet Money” 9/10/2013, “Our Debt to Society,” <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0)>)

This is the definition of a deficit, and it illustrates why the government needs to borrow money almost every day to pay its bills. Of course, all that daily borrowing adds up, and we are rapidly approaching what is called the X-Date — the day, somewhere in the next six weeks, when the government, by law, cannot borrow another penny. **Congress** has imposed a strict limit on how much debt the federal government can accumulate, but **for nearly 90 years**, it **has raised the ceiling well before it was reached**. But **since a large number of Tea Party**-aligned **Republicans entered the House** of Representatives, in 2011, **raising that debt ceiling has become a matter of fierce debate**. This summer, House **Republicans have promised**, in Speaker John Boehner’s words, **“a whale of a fight” before they raise the debt ceiling — if they even raise it at all. If the debt ceiling isn’t lifted** again this fall, **some serious financial decisions will have to be made**. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, **the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster** achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, **it won’t be an isolated national crisis**. If the American government can’t stand behind the dollar, the world’s benchmark currency, **then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be**, by most accounts, **the largest self-imposed financial disaster in history**. Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. **No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default**. And there’s certainly no record of that happening to the country that controls the global reserve currency. Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. **If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher**, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — **which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years**. Instead, Robert **Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious**. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, **if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar. While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined.** Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. **Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy. The U.S. benefits enormously from its status as global reserve currency and safe haven**. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If **that status erodes, the U.S. economy’s peaks will be lower and recessions deeper**; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, **no other country would benefit from America’s diminished status**. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

**Nuclear war.**

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

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

**NSC CP: 1NC- text**

**The federal judiciary should rule that persons detained during wartime are subject to the due process guarantees of the U.S. Constitution and human rights conventions ratified by the United States, and that such persons should have immediate access to a National Security Court, to be created by Congress structured under Article III of the United States’ Constitution for the purposes of judicial review of United States’ indefinite detention policy, be able to challenge the legality of their detention under the National Security Court and that detainees must be tried within 18 months of their detention or released**

**NSC solves, closes gitmo and avoids terror DA**

Harvey **Rishikof 8**, Professor of Law and Former Chair of the Department of National Security Strategy at the National War College and Kevin E Lunday, Captain and judge advocate in the US Coast Guard, "Due Process Is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court", December 19, www.cwsl.edu/content/journals/Rishikof.pdf

III. ESTABLISHING AN ARTICLE III NATIONAL SECURITY COURT ¶ **The U**nited **S**tates **should create a specialized Article III N**ational **S**ecurity **C**ourt **to provide an effective, constitutionally balanced means for detention**, treatment, and trial **of suspected terrorists and provide for sufficient due process under domestic and international legal standards. The NSC would not only establish a comprehensive, permanent system to consistently address the problem by employing accepted legal standards and processes, it would also provide a strategic departure from the current course that has diminished the U**nited **S**tates’ **standing on rule of law in the fight against terrorism. It would enable the United States to transfer** the remaining alien **detainees from Guantanamo** Bay to secure custody in the United States with appropriate due process, **and the U**nited **S**tates **would be able to close** Camp Delta at **Guantanamo** Bay. 86¶ **There is constitutional authority and precedent for Congress to create specialized Article III courts** with limited jurisdiction to address unique legal and policy issues. 87 **Congress has in fact already created specialized Article III** courts with jurisdiction and competence to manage national security matters. **The** Foreign Intelligence Surveillance Court (**FISC**), established in 1978, **reviews applications** from the Department of Justice and, when appropriate, grants authorization for electronic surveillance or physical searches against agents of a foreign power within the United States, including those suspected of foreign intelligence or international terrorism. 88 The Alien Terrorist Removal Court (ATRC), established in 1996, has jurisdiction to review ex parte applications from the Department of Justice to order removal of terrorist aliens from the United States. 89¶ **An NSC would have specialized jurisdiction over the detention** and trial **of suspected terrorists** within the United States, **providing for adherence to appropriate substantive and procedural due process standards while also adequately addressing the government’s needs to ensure the security of information and personnel.**

**Civilian trials result in catastrophic terrorism---releases them and kills intel gathering**

Jack **Goldsmith 09**, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But **many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention.** I disagree. **For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶** For one thing, **military detention will be necessary in Iraq and Afghanistan** for the foreseeable future. For another, **we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists**, who legitimately qualify for non-criminal military detention. **The evidentiary and procedural standards** of trials, civilian and military alike**, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This** problem is **exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old.** And perhaps most importantly, **the use of such evidence in a criminal process may compromise intelligence sources and methods**, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ **A** final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the **trials can result in short sentences** (as the first military commission trial did) **or even acquittal of a dangerous terrorist**.17 In criminal trials, **guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority,** as the Bush administration did, **to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham.** As a result, **putting a suspect on trial can make it hard to detain terrorists the government deems dangerous.** For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, **insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return** to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, **that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons**. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense. Nonetheless, in supplementing our trial system with a detention system, **we must design that detention system with careful atten tion to the three problems with detentions identified above: the possibility of mistaken detention, the in definiteness of the war, and the possibility that terrorists will become le ss dangerous over time**. While these problems do not argue for eliminating military detent ion, they also do not simply argue for applying the standards of the Geneva Conventions. **The dirty little secret is that the United States already provides detainees w ith rights far in excess of what Geneva requires. But it does not offer enough pro cesses to overcome the anxieties produced by these three problems.** The problems with indefi nite detention for m odern terrorists argue for a more rigorous process, and for higher st andards, than was available for non-criminal military detention than in past wars with nation-states. And they argue as well for individualizing both the detent ion assessments and the determinations of which detainees are ripe for release. **They argue**, in short, **for updating the traditional military detention model in ways appropriate for the novel pr oblems of terrorism and consistent with modern notions of due process**. What these updates should look like is the subject of the remainder of this essay.

**ER Solves: Detention 1NC**

**Executive restraint solves, avoids future devastating judicial oversight**

Matthew **Rothschild**, "Moving Guantanamo to Bagram Could Evade Court Jurisdiction," THE PROGRESSIVE, 3--25--**10**, www.commondreams.org/view/2010/03/25-10, accessed 8-15-13.

In a conventional war, where hostilities are formally declared and suspended and combatants are easily identified by the uniforms of their countries, federal judges have rightly been loath to interfere with the battlefield decisions of the executive. But **the indefinite nature of the war against terrorism and the ease with which combatants can blend in with civilian populations means that the executive requires more flexibility in fighting the enemy** and more checks and balances to ensure that innocents are not wrongly swept up. After all**, it is** also in the nation's interest to make sure that it detains only those who would do it harm**. Even if the administration is correct to challenge federal court oversight** -- and that is a big if, given that the Supreme Court has blessed judicial review of Guantanamo detentions **-- it has no justification to deny** Mr. Wazir and the other **detainees the opportunity to meaningfully challenge his detention through internationally recognized legal avenues and through a more robust process than exists at Bagram. By refusing** even these **basic accommodations**, **the** Bush **administration** once again **is embracing a hard line that is neither warranted nor productive**. And **it is all but inviting the kind of judicial intervention that it has long sought to avoid and that could leave the next administration less able to adapt to the new war footing.** **This** regrettable situation could and **should be made moot by** President-elect Barack **Obama.** Upon taking office, Mr. **Obama should order that** Mr. Wazir and the **others at Bagram be afforded their rights under the Geneva Conventions and be given a meaningful chance to challenge their detentions.** After six years, Mr. Wazir and the others are entitled to no less.

### Off

#### **CP Text: The United States federal judiciary should rule that the President of the United States lacks the authority to torture people or conduct illegal surveillance.**

**Solves—un-underlined part of their ev, solvency deficit proves alt causes to the aff**

**McCormack, 8/20/13** (Wayne, E. W. Thode Professor of Law at the University of Utah S.J. Quinney College of Law, "U.S. Judicial Independence: Victim in the “War on Terror”," <https://today.law.utah.edu/projects/u-s-judicial-independence-victim-in-the-war-on-terror/>)

**One of the principal victims in the U.S**. so-called “**war on terror” has been the independence of the U.S. Judiciary**. **Time and again, challenges to assertedly illegal conduct on the part of government officials have been turned aside**, either because of overt deference to the Government or because of special doctrines such as state secrets and standing requirements. **The judiciary has virtually relinquished its valuable role in the U.S. system of judicial review**. In the face of governmental claims of crisis and national security needs, **the courts have refused to examine, or have examined with undue deference, the actions of government officials**. **The U.S. Government has taken the position that inquiry by the judiciary** into a variety of actions **would threaten the safety of the nation**. **This is pressure that** amounts to intimidation. When this level of pressure is mounted to create exceptions to established rules of law, it **undermines due process of law**. Perhaps one or two examples of Government warnings about the consequences of a judicial decision would be within the domain of legal argument. But **a long pattern of threats and intimidation to depart from established law undermines judicial independence**. That has been the course of the U.S. “war on terror” for over a decade now. Here are some of the governmental actions that have been challenged and a brief statement of how the Courts responded to Government demands for deference. 1. Guantanamo. **In Boumediene** v. Bush,1 **the Supreme Court allowed the U.S. to detain alleged “terrorists” under unstated standards** to be developed by the lower courts **with “deference” to Executive determinations**. The intimidation exerted on the Court was reflected in Justice Scalia’s injudicious comment that the Court’s decision would “surely cause more Americans to be killed.” 2. Detention and Torture Khalid El-Masri2 claimed that he was detained in CIA “black sites” and tortured – case dismissed under the doctrine of “state secrets privilege.” (SSP) Maher Arar3 is a Canadian citizen who was detained at Kennedy Airport by U.S. authorities, shipped off to Syria for imprisonment and mistreatment, and finally released to Canadian authorities – case dismissed under “special factors” exception to tort actions for violations of law by federal officials – awarded $1 million by Canadian authorities. Jose Padilla4 was arrested deplaning at O’Hare Airport, imprisoned in the U.S. for four years without a hearing and allegedly mistreated in prison – case dismissed on grounds of “good faith” immunity. Binyam Mohamed5 was subjected to “enhanced interrogation techniques” at several CIA “black sites” before being repatriated to England, which awarded him £1 million in damages – U.S. suit dismissed under SSP. 1 553 U.S. 723 (2008). 2 El-Masri v. United States, 479 F.3d 296 (4th Cir. 2007). 3 Arar v. Ashcroft, 414 F. Supp. 2d 250 (E.D.N.Y. 2005), aff’d by 585 F.3d 559 (2009). 4 Padilla v. Yoo, 678 F.3d 748 (9th Cir. 2012). 5 Mohamed v. Jeppesen Dataplan, 614 F.3d 1070 (9th Cir. en banc 2010) damages – U.S. suit dismissed under SSP. 3. Unlawful Detentions Abdullah Al-Kidd6 arrested as a material witness, held in various jails for two weeks, and then confined to house arrest for 15 months – suit dismissed on grounds of “qualified immunity” and apparent validity of material witness warrant. Ali **Al-Marri was** originally charged with perjury, then **detained as an enemy combatant, for a total detention of four years** before the Fourth Circuit finally held that he must be released or tried.7 Javad Iqbal8 was detained on visa violations in New York following 9/11 and claimed he was subjected to mistreatment on the basis of ethnic profiling – suit dismissed on grounds that he could not prove Attorney General authorization of illegal practices and court’s unwillingness to divert attention of officials away from national security. Osama Awadallah9 was taken into custody in Los Angeles after his name and phone number were found on a gum wrapper in the car of one of the 9/11 hijackers – charged with perjury before grand jury and held as material witness – Second Circuit reversed district court ruling on abuse of the material witness statute 4. Unlawful Surveillance Amnesty International10 is one of numerous organizations that brought suit believing that its communications, especially with foreign clients or correspondents had been monitored by the National Security Agency – suit dismissed because the secrecy of the NSA spying program made it impossible to prove that any particular person or group had been monitored. The validity of the entire Foreign Surveillance Act (FISA) rests on the “special needs” exception to the Fourth Amendment, a conclusion that was rejected by one district court although accepted by others. 5. Targeted Killing Anwar Al-Awlaki (or Aulaqi)11 was reported by press accounts as having been placed on a “kill list” by President Obama – suit by his father dismissed on grounds that Anwar himself could come forward and seek access to U.S. courts – not only Anwar but his son were then killed in separate drone strikes. 6. Asset Forfeiture 6 Al-Kidd v. Ashcroft, 580 F.3d 949, 951-52 (9th Cir. 2009). 7Al-Marri v. Wright, 487 F.3d 160 (4th Cir. 2007). 8 Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009) 9 United States v. Awadallah, 349 F.3d 42 (2d Cir. 2003); see also In re Grand Jury Material Witness Detention, 271 F. Supp. 2d 1266 (D. Or. 2003); In re Application of U.S. for a Material Witness Warrant, 213 F. Supp. 2d 287 (S.D. N.Y. 2002). 10 Clapper v. Amnesty Int'l USA, 133 S. Ct. 1138 (2013). 11 Al-Aulaqi v. Obama, 727 F. Supp. 2d 1 (D.D.C. 2010) Both Al Haramain Islamic Foundation12 and KindHearts for Charitable Humanitarian Development13 have been found by the Department of Treasury to be fronts for raising money for Hamas, and their assets have been blocked – despite findings of due process violations by the lower courts, the blocking of assets has been upheld on the basis that their support for terrorist activities is public knowledge. Avoiding Accountability **The “head in the sand” attitude of the U.S. judiciary** in the past **decade is a rather dismal record that does not fit the high standard for judicial independence** on which the American public has come to rely. Many authors have discussed these cases from the perspective of civil rights and liberties of the individual. What I want to highlight is how **undue deference to the Executive in “time of crisis” has undermined the independent role of the judiciary**. Torture, **executive detentions**, illegal surveillance, and now killing of U.S. citizens, have all escaped judicial review under a variety of excuses. To be clear, many of the people against whom these abuses have been levied are, or were, very dangerous if not evil individuals. Khalid Sheikh **Muhamed and Anwar al-Aulaqi should not be allowed to roam free** to kill innocent civilians. **But hundreds of years of history show** that **there are ways of dealing** **with such people** within the limits of restrained government **without resort to** the hubris and indignity of **unreviewed executive discretion**. **The turning of blind eyes by** many, albeit not all, **federal judges is a chapter** of this history **that will weigh heavily against us in the future**. No judge wants to feel responsible for the deaths of innocents. But moral responsibility for death is with those who contribute to the act. Meanwhile **the judge has a moral responsibility for abuses by government of which the judiciary is a part.**

### Solvency

#### **Zero solvency—remedy key**

\*\*this can also be used against an aff that doesn’t specify a remedy\*\*

Scheppele 12 (Kim, Professor of Sociology and Public Affairs in the Woodrow Wilson School, Director of the Program in Law and Public Affairs, Princeton University, January 2012, "The New Judicial Deference" Boston University Law Review, Lexis)

Had the Court really had its eye on the detainees instead of on the other branches of government as its main audience, the Court might have moved more quickly to put effective, constitutionally vetted procedures in place at the first opportunity. It didn't. Instead, the Court gave only very general guidance both to the other branches and to the courts below, and the time it took for those others to respond dragged out the detentions further. n347 This is why we should consider the brave and bold decisions that found for the suspected terrorists not as an absence of deference, as the judgment themselves often trumpeted, but instead as a new form of deference. As separation of powers cases, the decisions reviewed here created a bold place for the judiciary and stood firm against go-it-alone executive action, both important principles to maintain during a crisis. But as individual rights cases, these decisions provided little immediate relief because they were not specific enough about the next steps for vindicating the rights that detainees were found to have. The combination - long on principle, short on immediate results - is new judicial deference. The government may have lost as a general matter in these cases, but it won by getting effective permission to keep the offending practices in effect long after the government lost in court.

### Allied Coop 1NC

#### **Cooperation’s inevitable\*\***

Mueller 12 (John, Prof @ Ohio State, Terrorism and Security, in “Controversies in Globalization,” page 149-150, CMR)

Overall, with 9/11 and subsequent activity, bin Laden and his gang seem mainly to have succeeded in uniting the world, including its huge Muslim portion, against their violent global jihad. No matter how much they might disagree on other issues (most notably America’s war on Iraq), there is a compelling incentive for states – including Arab and Muslim ones – to cooperate to deal with any international terrorist problem emanating from groups and individuals connected to, or sympathetic with, al-Qaeda. Although these multilateral efforts, particularly by such Muslim States as Sudan, Syria, Libya, Pakistan, and even Iran, may not have received sufficient publicity, these countries have had a vital interest, because they felt directly threatened by the militant network, and their diligent and aggressive efforts have led to important breakthroughs against al-Qaeda. ¶ This post-9/11 willingness of governments around the world to take on terrorists has been reinforced and amplified as they reacted to subsequent, if sporadic, terrorist activity within their own countries. Thus a terrorist bombing in Balin in 2002 galvanized the Indonesia government into action and into extensive arrests and convictions. When terrorists attacked Saudis in Saudi Arabia in 2002, that country seems, very much for self-interested reasons, to have become considerably more serious about dealing with internal terrorism, including a clampdown on radical clerics and preachers. Some inept terrorist bombings in Casablanca in 2003 inspired a similar determined crackdown by Moroccan authorities. The main result of al-Qaeda-linked suicide terrorism in Jordan in 2003 was to outrage Jordanians and other Arabs against the perpetrators. Massive protests were held, and in polls, those expressing a lot of confidence in Osama Bin Laden to “do the right thing” plunged from 25 percent to less than 1 percent. In polls conducted in 35 predominately Muslim coutnries, more than 90 percent condemned bin Laden’s terrorism on religious grounds. [149-150]

#### **And, you can’t talk to al-Qaida—hard power is key**

Nye, IR prof, 9**—**Distinguished Service Professor at the Kennedy School of Government, Harvard. Former US assistant secretary of defense. PhD in pol sci, Harvard (Joseph, It is pointless to talk to al-Qaida, 7 September 2009, http://www.salon.com/news/feature/2009/08/18/nye/index.html, AMiles)

Professor Nye, the Taliban are advancing in Afghanistan and Pakistan, North Korea has a nuclear bomb, Iran is developing one. Isn't it time for hard power, the use of military force?

Every American president has three options. He can use force -- in other words, hard power -- to assert his interests, he can invest money or he can lead by attraction. The latter I call soft power, the appeal of American cultural values. I have never argued that the so-called hard-power instruments of a superpower -- the military, the intelligence services or economic sanctions -- can be replaced. It is all about the right mix of hard and soft power.

And right now military force would be more effective?

It is, of course, pointless to talk to al-Qaida. Their leaders cannot be attracted by American values. But the young people that Osama bin Laden wants to recruit for new terrorist attacks can be reached. That is where the soft power comes in.

**Terror Lx: ID—1NC**

**Indefinite detention is necessary to prevent attacks—multiple scenarios**

**Walen 11**(Alec, Professor of Law at Rutgers School of Law, June 22, "A Unified Theory of Detention, With Application to Preventitive Detention for Suspected Terrorists", Maryland Law Review, No. 4, V 70, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3466&context=mlr, Newton: NOTE: ST=Suspected Terrorist, LTPD=long-term preventive detention)

Because the jurisdictional limitations would not apply to most cases going forward, Waxman’s second concern—that **the conditions of capture would make it difficult to use normal evidentiary rules to prosecute STs—is the primary obstacle to prosecuting STs domestically** in the future. But, that concern would not apply to domestic prosecutions of terrorists captured in the United States. This is not to deny that prosecuting domestic terrorism cases is difficult; it is only to say that prosecuting domestic STs is not so distinctly difficult that there is reason to use LTPD instead. 78 These distinctive difficulties seem likely to arise only with regard to STs who are captured abroad or who are captured domestically but whose prosecution would depend on evidence obtained from abroad. 79 To deal with those cases in which prosecution of STs might be distinctly more difficult than prosecution of normal criminals, President Obama has agreed to use Military Commissions (“MCs”) for the prosecution of some Guantanamo detainees. 80 These MCs allow the prosecution, for example, to use different evidentiary rules that admit more hearsay than would be allowed in a civilian trial. 81 Use of these different evidentiary rules should not be automatically disqualifying. What matters is that criminal trials preserve fundamental procedural fairness. If trials do not preserve fundamental fairness, however—if the trial system is corrupted by reliance on unreliable hearsay; if the defendant is prevented from seeing secret evidence, such that he does not have a fair opportunity to respond to it, or even to advise his counsel (who might be allowed to see it) how best to respond to it; 82 or if the standard for conviction is allowed to slip below proof beyond a reasonable doubt 83 —then the State might as well admit that its concern is not so much with punishing past crimes as it is with preventing future ones. For if the State uses such unreliable procedures, then it is implicitly admitting that it does not really care about proving that the detainee committed a crime; it is simply using the facade of the criminal law in order to lock up someone considered to be a future threat. In that case, pretending to use criminal law is pointless; it would be more honest and more effective simply to move into a regime that uses LTPD. But if MCs can maintain basic procedural fairness, they can provide a meaningful alternative forum that accommodates the special problems that arise in dealing with evidence obtained abroad. 84 In sum, there is actually not much reason to think prosecutions of STs captured in the United States are beyond the capacity of U.S. courts. Nor are STs typically super-villains capable of wreaking the kind of destruction on the United States that some authors presuppose they are. The real problems, instead, are these: First **many STs who could be prosecuted in the United States are captured abroad in conditions where evidentiary issues complicate the prospects of obtaining a successful prosecution. Second, as in any criminal case, there is always a chance the prosecution will fail to obtain a conviction. And, finally, if there is strong**—perhaps clear and convincing— **evidence that an ST is a significant terrorist capable of contributing in a distinctive and nontrivial way to the kinds of terrorist attacks that do cause harm at the very high end of the criminal spectrum, then there is good reason to question whether such a person should simply be released if he is not convicted of a crime**. Jack Goldsmith, a former Assistant Attorney General in the George W. Bush administration, made this last point when he wrote that, in criticism of the Obama administration’s drive to prosecute STs, “high-stakes terrorism trials” are problematic in part because “**the government cannot afford to let the defendant go**.” 85 While I would disagree with this position if it was applied to U.S. citizens, Goldsmith is, I believe, correct with regard to STs from other countries. **If these STs were released abroad into countries where the policing capacity could not adequately ensure that they did not return to terrorist activities—including activities that would affect U.S. citizens abroad, our allies, and the United States itself—then there is good reason to consider using LTPD in those cases.**

**Al Qaeda is weak now**

**McLaughlin 13** (John McLaughlin was a CIA officer for 32 years and served as deputy director and acting director from 2000-2004. He currently teaches at the Johns Hopkins University's School of Advanced International Studies and is a Non-Resident Senior Fellow at the Brookings Institution, ¶ 06:00 AM ET¶ Terrorism at a moment of transition7/12, http://security.blogs.cnn.com/2013/07/12/terrorism-at-a-moment-of-transition/)

**A** third **major trend has to do with the debate underway among terrorists** over tactics, targets, and ways to correct past errors.¶ On targets, jihadists are now pulled in many directions. Many experts contend they are less capable of a major attack on the U.S. homeland. **But given the steady stream of surprises they’ve sprung – ranging from the 2009 “underwear bomber” to the more recent idea of a surgically implanted explosive – it is hard to believe they’ve given up** trying to surprise us with **innovations designed to penetrate our defenses.**¶ **We especially should remain alert that some of the smaller groups could surprise us by pointing an attacker toward the United States, as Pakistan’s Tehrik e Taliban did** in preparing Faizal Shazad for his attempted bombing of Times Square in 2010.¶ At the same time, **many of the groups are becoming intrigued by** the possibility of **scoring gains against regional governments that are now struggling** to gain or keep their balance – **opportunities that did not exist at the time of the 9/11 attacks.**¶ **Equally important, jihadists are now learning from their mistakes**, especially the reasons for their past rejection by populations where they temporarily gained sway.¶ **Documents from al Qaeda in** the Islamic Maghreb, discovered after French forces chased them from **Mali, reveal awareness that they were too harsh on local inhabitants**, especially women. **They also recognized that they need to move more gradually and provide tangible services to populations** – a practice that has contributed to the success of Hezbollah in Lebanon.¶ We are now seeing a similar awareness among jihadists in Syria, Tunisia, Libya, and Yemen. **If these “lessons learned” take hold and spread, it will become harder to separate terrorists from populations and root them out.**¶ **Taken together, these three trends are a cautionary tale for those seeking to gauge the future of the terrorist threat.**¶ **Al Qaeda today may be weakened, but its wounds are far from fatal. It is at a moment of transition, immersed in circumstances that could sow confusion** and division in the movement **or**, more likely, extend its life and **impart new momentum**.¶ So **if we are ever tempted to lower our guard** in debating whether and when this war might end, **we should take heed** of these trends and of the wisdom J. R. R. Tolkien has Eowyn speak in “Lord of the Rings”: "It needs but one foe to breed a war, not two ..."

No WMD terrorism – lack of desire and capability – empirically the threat is overblown

**Mueller 11**. John Mueller, Professor and Woody Hayes Chair of National Security Studies, Mershon Center for International Security Studies and Department of Political Science, “The Truth About al Qaeda”, 8/2/2011, <http://www.foreignaffairs.com/articles/68012/john-mueller/the-truth-about-al-qaeda?page=show>, CMR

The chief lesson of 9/11 should have been that small bands of terrorists, using simple methods, can exploit loopholes in existing security systems. But instead, **many** preferred to **engage in mass**ive **extrapolation**: **If 19 men could hijack four airplanes** simultaneously, the thinking went, then **surely al Qaeda would soon make an atomic bomb.** As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. **Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace**, particularly as an atomic one, **has been much inflated**. **The public has** now **endured a decade of dire warnings about** the imminence of a **terrorist atomic attack**. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." **Few**, it seems, **found** much **solace in** the fact **that** **an al Qaeda computer** seized in Afghanistan in 2001 **indicated** that **the group's budget for research on w**eapons of **m**ass **d**estruction (almost all of it focused on primitive chemical weapons work) **was** some **$2,000** to $4,000. In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. A multi-agency task force has completed its assessment, and according to first reports, it has found that **al Qaeda members have** **primarily been engaged in dodging drone strikes and complaining about how cash-strapped they are**. Some **reports suggest** **they've** also **been looking at quite a bit of porn**ography. The full story is not out yet, but **it seems breathtakingly unlikely that the miserable little group has** had **the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a** fancy, super-high-tech **facility to fabricate a bomb**. **It** is a process that **requires trusting corrupted foreign collaborators** and other criminals, **obtaining and transporting** highly guarded **material**, **setting up a** machine **shop staffed with top scientists** and technicians, **and rolling the** heavy, cumbersome, and untested finished **product into position to be detonated by a skilled crew**, all the **while attracting no attention from outsiders.** The documents also reveal that after fleeing Afghanistan, bin Laden maintained what one member of the task force calls an "obsession" with attacking the United States again, even though 9/11 was in many ways a disaster for the group. It led to a worldwide loss of support, a major attack on it and on its Taliban hosts, and a decade of furious and dedicated harassment. And indeed, bin Laden did repeatedly and publicly threaten an attack on the United States. He assured Americans in 2002 that "the youth of Islam are preparing things that will fill your hearts with fear"; and in 2006, he declared that his group had been able "to breach your security measures" and that "operations are under preparation, and you will see them on your own ground once they are finished." Al Qaeda's animated spokesman, Adam Gadahn, proclaimed in 2004 that "the streets of America shall run red with blood" and that "the next wave of attacks may come at any moment." The **obsessive desire notwithstanding**, such **fulminations have clearly lacked substance**. Although hundreds of millions of people enter the United States legally every year, and countless others illegally, **no true al Qaeda cell has been found in the country since 9/11** and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way -- except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, **no** Muslim **extremist has succeeded in detonating** even **a simple bomb in the U**nited **S**tates **in the last ten years**, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. **It seems wildly unlikely that al Qaeda is remotely ready to go nuclear**. Outside of war zones, the amount of killing carried out by **al Qaeda** and al Qaeda linkees, maybes, and wannabes throughout the entire world since 9/11 stands at perhaps a few hundred per year. That's a few hundred too many, of course, but it **scarcely presents an existential**, or elephantine, **threat**. And **the likelihood that a**n **American will be killed by a terrorist** of any ilk **stands at one in 3.5 million per year**, even with 9/11 included. **That probability will remain unchanged** unless terrorists are able to increase their capabilities massively -- and obtaining nuclear weapons would allow them to do so. Although al Qaeda may have dreamed from time to time about getting such weapons, no other terrorist group has even gone so far as to indulge in such dreams, with the exception of the Japanese cult **Aum Shinrikyo**, which leased the mineral rights to an Australian sheep ranch that sat on uranium deposits, purchased some semi-relevant equipment, and tried to buy a finished bomb from the Russians. That experience, however, **cannot be very encouraging to** the would-be atomic **terrorist**. Even though it was flush with funds and undistracted by drone attacks (or even by much surveillance), **Aum Shinrikyo abandoned its atomic efforts in frustration very early on. It then moved to bio**logical **weapons**, another complete failure that inspired its leader to suggest that fears expressed in the United States of a biological attack were actually a ruse to tempt terrorist groups to pursue the weapons. **The group did** finally **manage to release some sarin gas** in a Tokyo subway **that killed 13 and led to the group's terminal shutdown, as well as to 16 years** (and counting) **of pronouncements that WMD terrorism is the wave of the future. No elephants there, either**.

**Drone Shift: 1NC**

**Capture over drones now**

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

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

**Plan spurs shift towards drones**

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

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

**Drones are worse for recruiting than detention**

Rosa **Brooks 13** , Professor of Law at Georgetown University Law Center and Bernard Schwartz Senior Fellow at the New America Foundation, Statement for the Record Submitted the Senate Committee on Armed Services, May 16, 2013. , Lexis

Former vice-chair of the **Joint Chiefs of Staff General James Cartwright** recently ¶ **expressed concern that as a result of U.S. drone strikes, the U.S. may have “ceded** some of our ¶ **moral high ground**.”35 **Retired General Stanley McChrystal** has **expressed similar concerns:**¶ **“The resentment created by** American use of **unmanned strikes… is much greater than the ¶ average American appreciates. They are hated on a visceral level, even by people who’ve never ¶ seen one or seen the effects of one,” and fuel “a perception of American arrogance**.” 36 Former ¶ **Director of National Intelligence Dennis Blair agrees: the U.S. needs to “pull back on unilateral ¶ actions… except in extraordinary circumstances**,” Blair told CBS news in January. **U.S. drone ¶ strikes are “alienating the countries concerned [and] …threatening the prospects for long-term ¶ reform raised by the Arab Spring…. [U.S. drone strategy has us] walking out on a thinner and ¶ thinner ledge and if even we get to the far extent of it, we are not going to lower the fundamental ¶ threat to the U.S. any lower than we have it now**.”37¶ Mr. Chairman, Senator Inhofe, I believe **it is past time for a serious overhaul of U.S.¶ counterterrorism strategy. This needs to include** a rigorous **cost-benefit analysis of U.S. drone ¶ strikes**, one **that takes into account** issues **both** of **domestic legality and international legitimacy, ¶ and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist ¶ sentiment, and the future behavior or powerful states such as Russia and China**. If we undertake ¶ such a rigorous cost-benefit analysis, I suspect **we** may **come to see scaling back on kinetic ¶ counterterrorism activities less as an inconvenience than as a strategic necessity—and we may¶ come to a new appreciation of counterterrorism measures that don’t involve missiles raining ¶ from the sky.¶ This doesn’t mean we should never use military force against terrorists. In some ¶ circumstances, military force will be justifiable and useful. But it does mean we should ¶ rediscover a long-standing American tradition: reserving the use of exceptional legal authorities ¶ for rare and exceptional circumstances**. ¶ Thank you for the opportunity to testify today.

### Africa War--1NC

#### **No risk of great power conflict over Africa**

**Barrett ‘5** Robert Barrett, PhD student Centre for Military and Strategic Studies, University of Calgary, June 1, 2005,

http://papers.ssrn.com/sol3/Delivery.cfm/SSRN\_ID726162\_code327511.pdf?abstractid=726162&mirid=1

Westerners eager to promote democracy must be wary of African politicians who promise democratic reform without sincere commitment to the process. Offering money to corrupt leaders in exchange for their taking small steps away from autocracy may in fact be a way of pushing countries into anocracy. As such, world financial lenders and interventionists who wield leverage and influence must take responsibility in considering the ramifications of African nations who adopt democracy in order to maintain elite political privileges. The obvious reason for this, aside from the potential costs in human life should conflict arise from hastily constructed democratic reforms, is the fact that Western donors, in the face of intrastate war would then be faced with channeling funds and resources away from democratization efforts and toward conflict intervention based on issues of human security. This is a problem, as Western nations may be increasingly wary of intervening in Africa hotspots after experiencing firsthand the unpredictable and unforgiving nature of societal warfare in both Somalia and Rwanda. On a costbenefit basis, the West continues to be somewhat reluctant to get to get involved in Africa’s dirty wars, evidenced by its political hesitation when discussing ongoing sanguinary grassroots conflicts in Africa. Even as the world apologizes for bearing witness to the Rwandan genocide without having intervened, the United States, recently using the label ‘genocide’ in the context of the Sudanese conflict (in September of 2004), hasonly proclaimed sanctionsagainst Sudan, while dismissing any suggestions at actual intervention(Giry, 2005). Part of the problem is that traditional military and diplomatic approachesat separating combatants and enforcing ceasefires have yielded little in Africa. No powerful nations want to get embroiled in conflicts they cannot win– especially those conflicts in which the intervening nation has very little interest.

### Envt--1NC

#### **The environment is invincible**

#### **Easterbrook 95, Distinguished Fellow, Fullbright Foundation (Gregg, A Moment on Earth pg 25)**

IN THE AFTERMATH OF EVENTS SUCH AS LOVE CANAL OR THE Exxon Valdez oil spill, every reference to the environment is prefaced with the adjective "fragile." "Fragile environment" has become a welded phrase of the modern lexicon, like "aging hippie" or "fugitive financier." But the notion of a fragile environment is profoundly wrong. Individual animals, plants, and people are distressingly fragile. The environmentthat contains themis close to indestructible.The living environment of Earth has survived ice ages; bombardments of cosmic radiation more deadly than atomic fallout; solar radiation more powerful than the worst-case projection for ozone depletion; thousand-year periods of intense volcanism releasing global air pollution far worse than that made by any factory; reversals of the planet's magnetic poles; the rearrangement of continents; transformation of plains into mountain ranges and of seas into plains; fluctuations of ocean currents and the jet stream; 300-foot vacillations in sea levels; shortening and lengthening of the seasons caused by shifts in the planetary axis; collisions of asteroids and comets bearing far more force than man's nuclear arsenals; and the years without summer that followed these impacts.Yet hearts beat on, and petals unfold still.Were the environment fragile it would have expired many eons before the advent of the industrial affronts of the dreaming ape. Human assaults on the environment, though mischievous, are pinpricks compared to forces of the magnitude nature is accustomed to resisting.

### Latin America 1NC

#### **No Latin America war or escalation**

**Cardenas**, Brookings Senior Fellow, 3-17, 20**11**,

(Mauricio, "Think Again: Latin America", Foreign Policy, PAS) [www.foreignpolicy.com/articles/2011/03/17/think\_again\_latin\_america](http://www.foreignpolicy.com/articles/2011/03/17/think_again_latin_america)

Although some fear the Mexican drug violence could spill over into the southern United States, Latin America poses little to no threat to international peace or stability. The major global security concerns today are the proliferation of nuclear weapons and terrorism. No country in the region is in possession of nuclear weapons -- nor has expressed an interest in having them. Latin American countries, on the whole, do not have much history of engaging in cross-border wars. Despite the recent tensions on the Venezuela-Colombia border, it should be pointed out that Venezuela has never taken part in an international armed conflict. Ethnic and religious conflicts are very uncommon in Latin America. Although the region has not been immune to radical jihadist attacks -- the 1994 attack on a Jewish Community Center in Buenos Aires, for instance -- they have been rare. Terrorist attacks on the civilian population have been limited to a large extent to the FARC organization in Colombia, a tactic which contributed in large part to the organization's loss of popular support.

### Disease--1NC

#### **burnout**

The **Independent** **3** [UK “Future Tense: Is Mankind Doomed?”, http://www.commondreams.org/headlines03/0725-04.htm 7/25/03]

Maybe - though plenty of experienced graduate students could already have a stab. But nature knows that infectious diseases are very hard to get right. Only HIV/Aids has 100 per cent mortality, and takes a long time to achieve it. By definition, lethal diseases kill their host. If they kill too quickly, they aren't passed on; if too slowly, we can detect them and isolate the infected. Any mutant smallpox or other handmade germ would certainly be too deadly or too mild. And even Sars killed fewer people worldwide than die on Britain's roads in a week. As scares go, this one is ideal - overblown and unrealistic.

#### **Risk is decreasing, its hype and cures solve**

**Ridley** 8/17/**12** [Matt Ridley, columnist for The Wall Street Journal and author of *The Rational Optimist: How Prosperity Evolves,* “Apocalypse Not: Here’s Why You Shouldn’t Worry About End Times,” <http://www.wired.com/wiredscience/2012/08/ff_apocalypsenot/all/>]

The emergence of AIDS led to a theory that other viruses would spring from tropical rain forests to wreak revenge on humankind for its ecological sins. That, at least, was the implication of Laurie Garrett’s 1994 book, The Coming Plague: Newly Emerging Diseases in a World Out of Balance. The most prominent candidate was Ebola, the hemorrhagic fever that starred in Richard Preston’s The Hot Zone, published the same year. Writer Stephen King called the book “one of the most horrifying things I’ve ever read.” Right on cue, Ebola appeared again in the Congo in 1995, but it soon disappeared. Far from being a harbinger, HIV was the only new tropical virus to go pandemic in 50 years.¶ In the 1980s British cattle began dying from mad cow disease, caused by an infectious agent in feed that was derived from the remains of other cows. When people, too, began to catch this disease, predictions of the scale of the epidemic quickly turned terrifying: Up to 136,000 would die, according to one study. A pathologist warned that the British “have to prepare for perhaps thousands, tens of thousands, hundreds of thousands, of cases of vCJD [new variant Creutzfeldt-Jakob disease, the human manifestation of mad cow] coming down the line.” Yet the total number of deaths so far in the UK has been 176, with just five occurring in 2011 and none so far in 2012.¶ In 2003 it was SARS, a virus from civet cats, that ineffectively but inconveniently led to quarantines in Beijing and Toronto amid predictions of global Armageddon. SARS subsided within a year, after killing just 774 people. In 2005 it was bird flu, described at the time by a United Nations official as being “like a combination of global warming and HIV/AIDS 10 times faster than it’s running at the moment.” The World Health Organization’s official forecast was 2 million to 7.4 million dead. In fact, by late 2007, when the disease petered out, the death toll was roughly 200. In 2009 it was Mexican swine flu. WHO director general Margaret Chan said: “It really is all of humanity that is under threat during a pandemic.” The outbreak proved to be a normal flu episode.¶The truth is, a new global pandemic is growing less likely, not more. Mass migration to cities means the opportunity for viruses to jump from wildlife to the human species has not risen and has possibly even declined, despite media hype to the contrary. Water- and insect-borne infections—generally the most lethal—are declining as living standards slowly improve. It’s true that casual-contact infections such as colds are thriving—but only by being mild enough that their victims can soldier on with work and social engagements, thereby allowing the virus to spread. Even if a lethal virus does go global, the ability of medical science to sequence its genome and devise a vaccine or cure is getting better all the time.

### Democracy--1NC

#### **Democratic peace either empirically disproven or not statistically significant**

**Rosato 11** PhD, Department of Political Science, The University of Chicago, Assistant Professor of Political Science at the University of Notre Dame. The Handbookon the Political Economy of War By Christopher J. Coyne, Rachel L. Mathers

Democratic wars There is considerable evidence that the absence of war claim is incorrect. As Christopher Laync(2001, p. 801) notes, 'The most damning indictment of democratic peace theory, is that it happens not to be true: democratic states have gone to war with one another." For example, categorizing a state as democratic if it achieves a democracy score of six or more in the Polity dataset on regime type - as several analysts do - yields three inter-dcmocratic wars: the American Civil War. the Spanish American War and the Boer War/' This is something defenders of the theory readily admit - adopting relatively inclusive definitions of democracy, they themselves generate anywhere between a dozen and three dozen cases of inter-democratic war. In order to exclude these anomalies and thereby preserve the absence of war claim, the theory's defenders restrict their definitions of democracy. In the most compelling analysis to date, Ray (1993, pp. 256-9, 269) argues that no two democracies have gone to war with one another as long as a democracy is defined as follows: the members of the executive and legislative branches arc determined in fair and competitive elections, which is to say that at least two independent parties contest the election, half of the adult population is eligible to vole and the possibility that the governing party can lose has been established by historical precedent. Similarly, Doyle (1983a, pp. 216-17) rescues the claim by arguing that states" domestic and foreign policies must both be subject to the control of the citizenry if they are to be considered liberal. Russett, meanwhile, argues that his no war claim rests on defining democracy as a stale wilh a voting franchise for a substantial fraction of the population, a government brought to power in elections involving two or more legally recognized parties, a popularly elected executive or one responsible to an elected legislature, requirements for civil liberties including free speech and demonstrated longevity of at least three years (Russett 1993, pp. 14-16). Despite imposing these definitional restrictions, proponents of the democratic peace cannot exclude up to five major wars, a figure which, if confirmed, would invalidate the democratic peace by their own admission (Ray 1995, p. 27). The first is the War of 1812 between Britain and the United States. Ray argues that it does not contradict the claim because Britain does not meet bis suffrage requirement. Yet this does not make Britain any less democratic than the United States at the time where less than half the adult population was eligible to vote. In fact, as Laync (2001, p. 801) notes, "the United States was not appreciably more democratic than un re formed Britain." This poses a problem for the democratic peace; if the United States was a democracy, and Ray believes it was, then Britain was also a democracy and the War of 1812 was an inter-democratic war. The second case is the American Civil War. Democratic peace theorists believe the United States was a democracy in 1861, but exclude the case on the grounds that it was a civil rather than interstate war (Russett 1993, pp. 16-17). However, a plausible argument can be made that the United Stales was not a stale but a union of stales, and thai this was therefore a war between states rather than within one. Note, for example, that the term "United States" was plural rather than singular at the time and the conflict was known as the "War Between the States."7 This being the case, the Civil War also contradicts the claim.8 The Spanish-American and Boer wars constitute two further exceptions to the rule. Ray excludes the former because half of the members of Spain's upper house held their positions through hereditary succession or royal appointment. Yet this made Spain little different to Britain, which he classifies as a democracy at the time, thereby leading to the conclusion that the Spanish-American War was a war between democracies. Similarly, it is hard to accept his claim that the Orange Free State was not a democracy during the Boer War because black Africans were not allowed to vote when he is content to classify the United States as a democracy in the second half of the nineteenth century (Ray 1993. pp. 265, 267; Layne 2001. p. 802). In short, defenders of (he democratic peace can only rescue their core claim through the selective application of highly restrictive criteria. Perhaps the most important exception is World War I, which, by virtue of the fact that Germany fought against Britain, France, Italy, Belgium and the United States, would count as five instances of war between liberal states in most analyses of the democratic peace.9 As Ido Oren (1995, pp. 178-9) has shown. Germany was widely considered lo be a liberal state prior to World War I: "Germany was a member of a select group of the most politically advanced countries, far more advanced than some of the nations that arc currently coded as having been "liberal' during that period." In fact, Germany was consistently placed toward the top of that group, "either as second only to the United States ... or as positioned below England and above France." Moreover, Doyle\*s assertion that the case ought to be excluded because Germany was liberal domestically, but not in foreign affairs, does not stand up lo scrutiny. As Layne (1994, p. 42) points out. foreign policy was "insulated from parliamentary control" in both France and Britain, two purportedly liberal states (see also Mcarshcimcr 1990, p. 51, fn. 77; Layne 2001, pp. 803 807). Thus it is difficult to classify Germany as non-liberal and World War I constitutes an imporiant exception to Ihe finding. Small numbers Even if restrictive definitions of democracy enable democratic peace theorists to uphold their claim, they render it unsurprising by reducing the number of democracies in any analysis. As several scholars have noted, there were only a dozen or so democracies in the world prior to World War I, and even fewer in a position to fight one another. Therefore, since war is a rare event for any pair of states, the fact that democracies did not fight one another should occasion little surprise (Mearsheimer 1990, p. 50; Cohen 1994, pp. 214, 216; Layne 1994, p. 39; Henderson 1999, p. 212).10 It should be a source of even less surprise as the number of democracies and the potential for conflict among them falls, something that is bound to happen as the democratic bar rises. Ray\*s suffrage criterion, for example, eliminates two great powers - Britain and the United States - from the democratic ranks before World War I. thereby making the absence of war between democracies eminently predictable." A simple numerical example should serve to illustrate the point. Using a Polity score of six or more to designate a state as a democracy yields 716 purely democratic dyads out of a total 23240 politically relevant dyads between 1816 and 1913. Assuming that wars arc distributed according to the proportion of democratic dyads in the population and knowing that there were 86 dyads at war during this period, we should expect to observe three democratic-democratic wars between the Congress of Vienna and World War I. If we actually observed no wars between democracies, the democratic peace phenomenon might be worth investigating further even though the difference between three and zero wars is barely statistically significant." Increasing the score required for a state to be coded as a democracy to eight - a score that would make Britain democratic from 1901 onwards only and eliminate states like Spain and the Orange Free State from the ranks of the democracies - makes a dramatic difference. The number of democratic dyads falls to 171. and the expected number of wars is now between zero and one. Now the absence of war finding is to be expected. In short, by adopting restrictive definitions of democracy, proponents of the democratic peace render their central claim wholly unexceptional. In sum, proponents of the democratic peace have unsuccessfully attempted to tread a fine line in order to substantiate their claim that democracies have rarely if ever waged war against one another. On the one hand, they admit that inter-democratic war is not an unusual phenomenon if they adopt relatively inclusive definitions of democracy. On the other hand, in their attempts to restrict the definition of democracy and thereby save the finding they inadvertently make the absence of war between democracies trivial.

#### **Alternate explanations disprove**

**Rosato 11** PhD, Department of Political Science, The University of Chicago, Assistant Professor of Political Science at the University of Notre Dame. The Handbookon the Political Economy of War By Christopher J. Coyne, Rachel L. Mathers

There is considerable evidence that factors other than democracy account for the peace among democratic states. As a prelude to elaborating on this point, a few words arc in order about the temporal scope of the finding. It is generally agreed that there is scant evidence of mutual democratic pacifism prior to 1945. Henry Farber and Joanne Gowa (1995, p. 143) adopt the most extreme position, claiming that democratic dyads were significantly more likely to fight between 1816 and 1913 than other pairs.15 However, even proponents of the theory admit that there is no clear cut evidence for a democratic peace before the Cold War. Thus Oneal and Russett (1999b, pp. 226-7) find that if they exclude all but the first year of the wars in their sample a move that is wholly appropriate given that the theory refers only to the incidence of conflict - there is scant support for the democratic peace between 1870 and 1945. Elsewhere, they arc more bullish about the democratic peace, arguing that double democratic "dyads . . . were the most peaceful after about 1900," though it is worth noting that this period constitutes a small fraction of the entire multipolar era for which data are available (1816-1945) (Oneal and Russett 1999a, p. 28). This is not surprising. As Russett (1993, p. 20) observes, the nineteenth century-was a period of "very imperfect democracy," therefore we should expect to find a number of inter-democratic rivalries, violent conflicts and, as some have suggested, even wars. When coupled with the fact that there were few democracies in the world at the time, this observation suggests that we are unlikely to find a democratic peace before 1945. There is widespread agreement that, in contrast to the pre-World War II period, there is good evidence of a democratic peace during the Cold War. I Icnderson (2002, p. 15), for example, describes the postwar period as "the period within which the democratic peace is most evident." Indeed, even Farber and Gowa (1995, p. 145) admit that "after World War II, there was a marked and statistically significant lower probability of disputes short of war between democracies." Proponents of the theory attribute this to two changes at mid-century: the number of democratic states increased markedly, and democratic norms and institutions became stronger and more entrenched, thereby exerting a greater restraining effect on conflict (Maoz and Russett 1993, p. 627; Oneal and Russett 1997, p. 273). The problem for democratic peace theory is that there are several factors other than democracy that plausibly account for the peace among democratic states after World War II. Farber and Gowa (1995), for example, attribute the democratic peace not to joint democracy, but to alliance tics brought on by the Cold War conflict. Proponents of the democratic peace respond by claiming that in their analyses joint democracy is still related to peace even when controlling for alliance ties. But henderson (2002, p. 134) refutes this claim, noting that in his replication of Oneal and Russett, "alliance membership, more than joint democracy, contributed to peace in the postwar era." Crucially, Farber and Gowa and Henderson demonstrate that it is not shared democracy that causes democracies to ally with one another in the first place - thus democracy does not have even an indirect effect on peace. Another research tradition argues that the inter-democratic peace can be attributed to economic factors, specifically economic interdependence and development. Solomon Polachek, for example, finds that "introducing trade explains away democracy's impact" on conflict in his analysis of interstate disputes between 1958 and 1967. "Democracy per se does not reduce conflict. Instead a more fundamental factor than being a democracy in causing bilateral cooperation is trade" (1997, p. 306, emphasis in original). Similarly, Erik Gartzkc (2007) finds that adding variables for financial and monetary integration and economic development to the standard Oneal and Russett model renders the effect of joint democracy insignificant. Thus he concludes that "capitalism, and not democracy, leads to peace" (2007, p. 180). Mousseau (2009) makes a similar argument, claiming that it is advanced capitalist states - he refers to them as contract intensive economies - rather than democracies that do not fight one another. His analysis suggests thai the democratic peace is spurious - contract intensive economies caused democracy and peace between 1961 and 2001 (2009, pp. 53-4). Scholars have come up with several other purported causes of the democratic peace that do not tit neatly into the security or economic categories. For Gartzke (2000), the finding can be attributed to the fact that democracies tend to have similar preferences. Adding a control for "preference affinity" makes the relationship between democracy and peace insignificant. Importantly, there is only a modest correlation between preference affinity and democracy. Thus he concludes that, contrary to the views of his critics, the elTeet of preferences on conflict is not largely a by-product of regime type. I lis results "challenge the notion that the democratic peace is due largely, or even substantially, to democracy" (2000, p. 209).16 Douglas Gibler (2007, p. 529), meanwhile, concludes that the democratic peace is "in fact a stable border peace." After adding a control for stable borders on the assumption that the removal of territorial issues has a pacifying effect on interstate relations, Gibler finds that democracy has little or no effect on conflict. Most of these findings - and therefore the postwar peace among democracies - can plausibly be explained by realism. The argument goes as follows. Beginning in 1945. the United States found itself in a life and death struggle with the Soviet Union. In order to compete and ultimately prevail in that contest. Washington implemented a two-pronged strategy. First, it established a far-reaching network of military alliances to resist Soviet aggression wherever it might occur. Second, it created an open economic order designed to generate enough wealth to fund the military effort and to combat communist subversion. In other words, it was the exigencies of the Cold War that generated the alliances, economic integration, advanced economies, and perhaps even the preference affinity that scholars have found to be powerfully associated with the peace among democracies since 1945.17

### Prolif 1NC

#### **Proliferation is slow, doesn’t cascade, and doesn’t cause conflict – 60 years of empirics prove**

DeGarmo 2011

Denise, professor of international relations at Southern Illinois University, “Proliferation Leads to Peace”

Unfortunately, while the fear of proliferation is pervasive, it is unfounded and lacks an understanding of the evidence. Nuclear proliferation has been slow. From [1945 to 1970](http://en.wikipedia.org/wiki/List_of_states_with_nuclear_weapons), only six countries acquired nuclear weapons: United States, Russia, United Kingdom, France, China, and Israel. Since the Nuclear Non-Proliferation Treaty came into effect in 1970, only three countries have joined the nuclear club: India, Pakistan, and North Korea. In total, only .05% of the world’s states have nuclear weapons in their possession. Supporters of non-proliferation seem to overlook the fact that there are states currently capable of making nuclear weapons and have chosen not to construct them, which illustrates the seriousness with which states consider their entrance into the nuclear club. Included on this list are such actors as: [Japan, Argentina, Brazil, Egypt, Iran, South Korea, Taiwan, and South Africa](http://www.fas.org/irp/threat/svr_nuke.htm). The attraction of nuclear weapons is multifold. Nuclear weapons enhance the international status of states that possess them and help insecure states feel more secure. States also seek nuclear capabilities for offensive purposes. It is important to point out that while nuclear weapons have spread very slowly, conventional weapons have proliferated exponentially across the globe. The wars of the 21st century are being fought in the peripheral regions of the globe that are undergoing conventional weapons proliferation. What the pundits of non-proliferation forget to mention are the many lessons that are learned from the nuclear world. Nuclear weapons provide stability just as they did during the Cold War era. The fear of[Mutual Assured Destruction (MAD)](http://atomicarchive.com/History/coldwar/page15.shtml) loomed heavily on the minds of nuclear powers through out the Cold War and continues to be an important consideration for nuclear states today. States do not strike first unless they are assured of a military victory, and the probability of a military victory is diminished by fear that their actions would prompt a swift retaliation by other states. In other words, states with nuclear weapons are deterred by another state’s second-strike capabilities. During the Cold War, the United States and Soviet Union could not destroy enough of the other’s massive arsenal of nuclear weapons to make a retaliatory strike bearable. Even the prospect of a small number of nuclear weapons being placed in Cuba by the Soviets had a great deterrent effect on the United States. Nothing can be done with nuclear weapons other than to use them for deterrent purposes. If deterrence works reliably, as it has done over the past 60 plus years, then there is less to be feared from nuclear proliferation than there is from convention warfare.

## 2NC

### solvency

**Guidance on standards key**

**Reprieve 12** (Anti-detention advocacy group based in London, 7-10-12, "Why can't cleared prisoners leave Guantánamo Bay? Reprieve) www.reprieve.org.uk/publiceducation/2012\_07\_10\_Guantanamo\_public\_education/

**Guantánamo detainees can appeal to federal judges to compel the Department of Defense to release them; a federal court order would circumvent the NDAA restrictions. Under this method, detainees challenge their detention by seeking a court order of habeas corpus – essentially asking the court to declare their detention illegal.** In 2008, **the U**nited **S**tates **Supreme Court ruled in Boumediene v. Bush that US courts can make habeas corpus orders** for non-US citizens detained at Guantánamo. (The Court specifically ruled that a Congressional Act prohibiting such orders was unconstitutional.) Following Boumediene, **a number of Guantánamo detainees challenged their detention in court. Some of these habeas petitions were granted,** meaning that the detainee had indeed been held illegally. The release of some of these habeas winners was not contested by the government and such prisoners returned home or to a third country willing to take them. **However, since 2010, the D.C. Circuit Court has consistently decided against the detainee on appeal[1], meaning the US courts have become effectively worthless to Guantánamo prisoners. The problem was that the Supreme Court’s Boumediene opinion lacked clear guidance on the standards and procedures for Guantánamo habeas corpus review. This allowed lower** (and possibly more hostile) **courts to narrow and misinterpret the meaning of the Boumediene decision to a point where it became worthless. For example, the D.C. Circuit Court set the standard of evidence required of the government to oppose a release as a “preponderance of evidence”** - extremely low and vague. **The Court has also allowed hearsay evidence, and has even accepted the existence of simply “some evidence" as sufficient for continued detention**. Furthermore, th**e courts now side with the government whenever it presents a 'plausible' allegation about the prisoner.** In reality, **this shifts the burden of proof onto the prisoner**, as he must actively disprove the allegations about him, while the government may simply present them as fact. In sum, **while detainees can challenge their detention in court they now have no chance of winning.** **As the ultimate judicial decision-maker, the US Supreme Court could clarify its Boumediene opinion, overriding the D.C. Circuit Court’s apparent resolution to block Guantánamo releases**. However, **the Supreme Court has since refused to hear Guantánamo-related cases. This has effectively ended all hopes of judicially-ordered releases for detainees.** Eleven years after the island prison opened, the Supreme Court does not seem interested in delivering justice at Guantanamo Bay.

**Boumediene ended deference**

**Knowles 09** (Robert, Assistant Professor, New York University School of Law, Spring 2009, "American Hegemony and the Foreign Affairs Constitution" Arizona State Law Journal, Lexis)

The enemy combatant litigation also underscores the extent to which the **classic realist assumptions about courts' legitimacy in foreign affairs have been turned on their head. In an anarchic world, legitimacy derives largely from brute force.** The courts have no armies at their disposal and look weak when they issue decisions that cannot be enforced. n441 **But in a hegemonic system, where governance depends on voluntary acquiescence, the courts have a greater role to play. Rather than hobbling the exercise of foreign policy, the courts are a key form of "soft power."** n442 As Justice Kennedy's majority opinion observed in Boumediene, courts can bestow external legitimacy on the acts of the political branches. n443 **Acts having a basis in law are almost universally regarded as more legitimate than merely political acts.** Most **foreign policy experts believe** that **the** Bush Administration's **detention scheme "hurt America's image and standing in the world."** n444 **The restoration of habeas corpus in Boumediene may help begin to counteract this loss of prestige.** Finally, the **enemy combatant cases are striking in that they embrace a role for representation-reinforcement in the international realm**. n445 **Although defenders of special deference acknowledge that courts' strengths lie in protecting the rights of minorities, it has been very difficult for courts to protect these rights in the face of exigencies asserted by the executive branch in foreign affairs matters.** This is especially difficult when the minorities are alleged enemy aliens being held outside the sovereign territory of the United States in wartime. **In the infamous Korematsu decision, another World War II-era case, the Court bowed to the President's factual assessment of the emergency justifying detention of U.S. citizens of Japanese ancestry living in the United States.** n446 **In Boumediene, the Court** [\*158] **pointedly declined to defer to the executive branch's factual assessments of military necessity. n447 The court may have recognized that a more aggressive role in protecting the rights of non-citizens was required by American hegemony.** In fact, the arguments for deference with respect to the rights of non-citizens are even weaker because aliens lack a political constituency in the United States. n448 This outward-looking form of representation-reinforcement serves important functions. It strengthens the legitimacy of U.S. hegemony by establishing equality as a benchmark and reinforces the sense that our constitutional values reflect universal human rights. n449

### Drones: 2NC Cards of Relevance

#### That risks South China Sea war—precedent

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

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

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

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

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

#### Drones change the game

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

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

#### Extinction

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

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

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

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

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

###  Drones Bad: Blowback

#### Drone strikes turns all their stability impacts

Hudson et all 12 (Leila, associate director of the School of Middle Eastern & North African Studies at the University of Arizona and director of the Southwest Initiative for the Study of Middle East Conflicts, Colin Owens, graduate of the School of Middle Eastern & North African Studies and the School of Government and Public Policy, David Callen, PhD candidate at the School of Middle Eastern & North African Studies, Fall 2012, “Drone Warfare in Yemen: Fostering Emirates through Counterterrorism?”, Middle East Policy Council, http://mepc.org/journal/middle-east-policy-archives/drone-warfare-yemen-fostering-emirates-through-counterterrorism?print, zzx)

Drone strikes, probably imprecise and reflecting targeting priorities established far away, lead to animosity towards the U.S. government. However, when the local regime supports or cooperates with the United States, it encounters the same sentiments from its citizens, heightened by feelings of betrayal. Both of these developments may result in general insecurity but also an increased sympathy, in this case, for AQAP, Ansar al-Sharia and similar groups, irrespective of whether the group's stated enemy is the United States or Yemen. When these anti-government sentiments interact with the existing conflicts in Yemen one wonders if the United States may use drones to help secure an allied regime, especially given the nature of signature strikes.20 Dubious pattern-based signature strikes set Yemen counterterrorism projects up for the same patterns of increasing civilian death, blowback and instability as were seen in FATA as the HVTs ran out. Personality strikes or executive executions, including those on U.S. citizens in Yemen, coupled with the commingling of closed-door U.S. and Yemeni targeting determinations, suggest that — in addition to recruiting frontline AQAP members from attack survivors — drone-based counterterrorism fosters new kinds of political environments that function as broad resistance communities. In the investment in an automated machine to rage against the imagined threat of a global caliphate, drone counterterror seems to help create localized provincial Islamist emirates.

### Drones Bad: Pakistan

#### Air strikes destabilize Pakistan and jack CT’s effectiveness

Boyle 10 [Michael, Lecturer in International Relations and a Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, “Do counterterrorism and counterinsurgency go together?” International Affairs, March 10, InterScience]

The growing sense that the Pakistani government is paralysed in the face of US intervention has contributed to the countermobilization of militant networks. 75 This was precisely the fear of the Pakistani military, who warned after the first major US commando raid that ‘such action[s] are completely counterproductive and can result in huge losses because it gives the civilians a cause to rise against the Pakistani military’. 76 At present, there is only anecdotal evidence to suggest that recruitment into militant networks has increased out of a desire for revenge for commando raids and drone strikes. 77 Since no reliable data on the supply of militant recruits to Pakistani Islamist networks exist, no one knows whether the use of commando raids and drones creates more enemies than it kills. 78 But it is clear that the expansion of these strikes has accelerated the radicalization of existing militant groups and encouraged them to make common cause with jihadi groups. The result has been a political realignment among existing militant groups in opposition to the US and its alleged puppet government in Pakistan. The TTP, formed out of a coalition of disparate militant networks in December 2007, now comprises more than 40 militant groups, and has developed operational links with long standing Kashmiri and Punjabi groups, which themselves are showing increasing susceptibility to jihadi ideologies. The use of commando raids and Predator drone strikes has pushed the TTP closer to Al-Qaeda, the Haqqani network and its counterpart in the Afghan Taleban. Together, these groups now form an inchoate insurgency against the Zadari government. These strikes have also transformed the priorities of the Pakistani networks and turned some that were exclusively focused on challenging or overthrowing the incumbent regime in Islamabad towards actively countering the US and NATO in Afghanistan. Worse still, Al-Qaeda appears to gain from this dynamic: Hakimullah Mehsud, the former leader of the TTP, stated unequivocally in October 2009 that ‘we have respect for Al-Qaeda and the jihadist organizations—we are with them’. 79 He also declared his allegiance to Afghan Taleban leader Mullah Omar as the ‘amir’ of his movement. The use of commando raids and drone strikes against militant networks in Pakistan has furthered the radicalization of existing groups and expanded the international horizons of militant groups whose focus was previ- ously the Pakistani government or Kashmir. Ironically, the result of the expansion of strikes into Pakistan may be to encourage the process of fusion that Kilcullen described and to pull these groups even closer to Al-Qaeda. The expansion of raids and strikes in Pakistan has added to the ranks of the enemies that the US is now fighting. In doing so, it has turned the US into a party to the counterinsurgency efort in Pakistan, as the bureaucratic designa- tion ‘AfPak’ recognizes. But such involvement has direct and indirect costs to the counterterrorism effort. The direct cost becomes apparent when Al-Qaeda and Pakistani militant networks target US counterterrorism assets, as occurred on 30 December 2009 when the Jordanian Khalil Abu-Mulal al-Balawi blew himself up at a meeting with CIA agents in Afghanistan, killing seven American and one Jordanian intelligence ofcials. This attack was facilitated by Hakimullah Mehsud, who declared that the attack was ‘revenge’ for the killing of Baitullah Mehsud in a Predator drone strike. 80 This attack was particularly costly for the CIA, which lost senior operatives with the highly specialist skills needed to pursue high-ranking Al-Qaeda members. 81 The indirect costs are numerous. It is hard to measure what the US loses from the strikes, but it is obvious that it gains no intelligence from dead (as opposed to captured) operatives. It also loses the moral high ground if the strikes acciden- tally kill high numbers of civilians. But perhaps the greatest indirect cost is its contribution to instability in Pakistan. The pressure placed on Al-Qaeda and its afliates has accelerated the crisis facing the Pakistani government and encour- aged local militant networks (including ethnic separatist and tribal groups) to form tactical and ideological alliances with Al-Qaeda, thus magnifying the threat they pose. As a result, the US is now stumbling into a war across South Asia with a growing number of militant Islamist networks, many of whom have strong familial and tribal ties with the local population and stronger regenerative capabilities than Al-Qaeda. The creeping expansion of the target set has transformed a set of tactics originally reserved for counterterrorism operations into a tool for fighting an ever-widening circle of insurgents in Pakistan. The dilemma is that, while the counterterrorism benefits of these operations are clear, in adding to the ranks of its enemies the US now faces a more durable network of militants that will fuel the Taleban’s insurgency against the United States, Pakistan and the Karzai government.

### Africa War--No Impact 2NC

#### Their nuclear escalation claim is empirically denied by dozens of African conflicts

**Docking ‘7** Tim Docking, African Affairs Specialist with the United States Institute of Peace, 2007, Taking Sides Clashing

Views on African Issues, p. 372

Nowhere was the scope and intensity of violence during the 1990s as great as in Africa. While the general trend of armed conflict in Europe, Asia, the Americas, and the Middle East fell during the 1989-99 period, the 1990s witnessed an increase in the number of conflicts on the African continent. During this period, 16 UN peacekeeping missions were sent to Africa. (Three countries-Somalia, Sierra Leone, and Angola-were visited by multiple missions during this time.) Furthermore, this period saw internal and interstate violence in a total of 30 sub-Saharan states. In 1999 alone, the continent was plagued by 16 armed conflicts, seven of which were wars with more than 1,000 battle-related deaths (Journal of Peace Research, 37:5, 2000, p. 638). In 2000, the situation continued to deteriorate: renewed heavy fighting between Eritrea and Ethiopia claimed tens of thousands of lives in the lead-up to a June ceasefire and ultimately the signing of a peace accord in December; continued violence in the Democratic Republic of Congo (DRC), Sierra Leone, Burundi, Angola, Sudan, Uganda, and Nigeria as well as the outbreak of new violence between Guinea and Liberia, in Zimbabwe, and in the Ivory Coast have brought new hardship and bloodshed to the continent.

#### And, African conflict won’t draw in others

**Taire ‘4** (Morenike, April 9, Vanguard (Nigeria), Global News Wire – Asia Africa Intelligence Wire, p. Lexis)

Defining our role may not have to be as difficult as it might first seem. In the first instance, in spite of Libya feat in WMD technology, borrowed and invented, and despite the feat of others who, like Libya, has flirted and romanced with terrorism in the past, it is unlikely that Africa would be in a position to involve itself in any conflicts with any States outside its own shores. She does not have the technology, and might have trouble summoning the collective will. And so while America grapples with impending energy troubles or rumours of it and Europe battles with the European Union, Africa battles with hunger, and pretty much everything else that has ceased to be of any significance to anyone in the first world. It was Sting, appropriately enough, who’d coined the lyrics and sang the song: “We have just one world, but we live in different ones”. Indeed, we do. Unfortunately, we live, also, in perpetual danger of being sucked into the faster, more complicated vortex of the worlds of others. We can no longer be calm, cool and collected.

### Afr- Growth

#### Demo dest afr

#### recent African transitions prove

Tribal Violence by James **Dunnigan 11** military historian and analyst. <http://www.strategypage.com/dls/articles2001/20010924.asp>

The tribal animosities began to emerge very quickly after independence. Most of these nations soon found themselves run by military dictators. It was ugly, but it kept the peace. However, unlike the colonial bureaucrats, the locals were far more corrupt, often because they were intent on taking care of their tribe at the expense of everyone else. The corruption ruined the economy, as well as making most of the population increasingly angry over the poverty and injustice. When democracy got it's chance again in the late 1990s, it was because Africans realized that, alone in the world, their economies had been steadily shrinking through the 1980s. The end of the Cold War also eliminated the ability to play off the superpowers against one another, thus eliminating another source of income. They needed change, but democracy alone was not enough. With the generals replaced by politicians, tribal violence is on the rise again. A good case in point is Nigeria, Africa's most populous nation. Nigeria has some 250 "ethnic groups" (most organized as tribes around shared customs, language and culture) in a population of 122 million. Pre-colonial tribal warfare is returning. In the past, the various kingdoms that existed before the colonial period had ethnic minorities that were oppressed, and they have not forgotten. It's fashionable to blame all this on the European colonial governments, but the one sub-Saharan nation that was not colonized, Ethiopia, also experiences frequent civil war and rebellion because of its dozen or so different ethnic groups.

#### Democratization kills trade and growth

**Schweller 2K** (Randall Schweller, Professor of Political Science at Ohio State University, 2000, American Democracy Promotion, p. 53

First, free trade reinforces competition, and competition produces losers as well as winners. Fragile democratizing states are under enormous pressure to appease uncompetitive domestic distributional coalitions by adopting protectionist policies at the expense of the general national and cosmopolitan interests in free trade. In other words, there is no reason to expect that developing states will choose free trade and global liberalism over neomercantilist policies; and, indeed, there are good reasons to expect that they will choose the latter. Certainly, the shock-treatment approach to capitalism regardless of social consequences that was adopted by many nations recently liberated from communism placed at risk the fragile democratizing processes under way in these newly autonomous states. Second, while liberal democracy requires a market economy, capitalism does not require liberal democracy. Benjamin Barber correctly notes: The stealth rhetoric that assumes capitalist interests are not only compatible with but actively advance democratic ideals, translated into policy, is difficult to reconcile with the international realities of the last fifty years. Market economies have shown a remark¬able adaptability and have flourished in many tyrannical states from Chile to South Korea, from Panama to Singapore. Indeed, the state with one of the world’s least demo¬cratic governments—the People’s Republic of China—possesses one of the world’s fastest-growing market economies. Capitalism simply requires a stable political climate and consumers with access to markets. The unstable, even chaotic, conditions characteristic of emerging democracies are scarcely conducive to the development of a thriv¬ing market economy.

#### Democracy kills trade and global growth

**Garten 4** DEAN OF THE YALE SCHOOL OF MANAGEMENT The Trouble With Freedom By Jeffrey E. Garten | NEWSWEEK From the magazine issue dated May 10, 2004, http://www.newsweek.com/2004/05/09/the-trouble-with-freedom.html

The growth of democracy could, for example, slow the expansion of international trade. Reason: a democratic government cannot decree the dropping of barriers but must listen to the views of farmers, workers, manufacturers, nongovernmental organizations and others. In many countries, the voice of public opinion will play a larger role than ever before. At best, this is likely to delay international trade talks as governments attempt to reach delicate compromises among competing interests at home. At worst, it could lead to rising protectionism as anti-trade groups scream the loudest. Democracies also tend to favor easy money, even when it's not the technically correct prescription for sound economic policies; it's a sure way for politicians to curry favor with the masses. The danger is that when several countries do this, the world economy develops a bias toward inflation--which ultimately is destructive to long-term growth. It is therefore vital to establish fiercely independent central banks with governors strong enough to withstand political pressure. Right now, for example, the finance ministers from Germany and France are in a highly visible fight with Jean-Claude Trichet, the president of the European Central Bank, over his insistence that now is not the right time to lower interest rates in the eurozone. This kind of confrontation is sure to be played out in many countries over the next few years. Speaking of easy money, democracies like to open the spending spigot, even when they shouldn't. Case in point: Brazil's president, Luiz Inacio Lula da Silva, is right now under intense public pressure to abandon his admirable fiscal conservatism in order to gun the economic engines. The temptation may be politically irresistible and even understandable, but international financial markets will not be pleased. Even the most advanced democracies, such as the United States, France and Germany, have demonstrated an inability to build the necessary long-term safety nets to prosper in a hypercompetitive global economy. Obviously, so too will less sophisticated democracies. Think about America's inability to rein in its enormous fiscal deficits, despite the certainty of massive upcoming expenses relating to Social Security and health care for its aging population. Or about the inability of major European nations to establish economically viable pension and unemployment compensation systems.

### Envt

#### Democracies destroy the environment—statistically proven

**Midlarsky 98** (Democracy and the Environment: An Empirical Assessment Author(s): Manus I. Midlarsky Source: Journal of Peace Research, Vol. 35, No. 3, Special Issue on Environmental Conflict (May, 1998), pp. 341-361 Published by: Sage Publications, Ltd. Stable URL: http://www.jstor.org/stable/424940)

Yet one wonders if all of the preceding arguments do not constitute an idealization of democracy that ignores the rough and tumble of actual decision-making within the legislative and executive branches of government. Corporations and environmental groups can fight each other to a standstill, leaving a decision-making vacuum instead of a direct impact of democracy on the environment. Or as the result of budget constraints, democracies may not be responsive to environmental imperatives but to more pressing issues of the economic sustenance of major portions of the voting public. The nuts and bolts of daily democratic governance may turn out to be very different from the ideal. There are further difficulties in the hypothesized positive relationship between democracy and the environment. First is the problem of potential inequality, always a difficulty in practising democracy in the absence of draconian redistribution schemes. According to Lafferty & Meadowcroft (1996b): Environmental problems are typically experienced as external constraints which frustrate established expectations and which require an adjustment to existing social practices. They threaten a pre-existing structure of entitlements and raise questions concerning distributive justice. While the idea that a cleaner environment will benefit everyone that green policies are good for both rich and poor, industrialists and consumers - is attractive, in reality environmental problems touch dijferent groups in diffrerent ways As intimated earlier, stable democracies cannot long persist under conditions of extreme inequality. A second concern is the difficulty presented by the globalization of environmental issues. As Paehlke (1996: 28) put it, 'The great danger for both democracy and environment is that, while economy and environment are now global in character, democracy functions on only national and local decision levels and only within some nations.' The problems imposed by the Chernobyl disaster of course constitute an illustration in extremis. But even between democracies there are difficulties imposed by the sharing of a common environment. The acidification of Scandinavian lakes as the result of British industry is but one case in point. Despite the existence of two democratically elected governments accountable to their separate populations, the resolution of such environmental problems between the two countries requires negotiation and treaty making that would not necessarily be accountable to these populations.

### Envt--Ext 1A—Resil 2NC

#### No biod impact – their linear risk and systemic frames are wrong AND resilience is true – assumes their oil leaks and drilling impacts

Kareiva et al, Chief Scientist and Vice President, The Nature Conservancy, 12

(Peter, Michelle Marvier, professor and department chair of Environment Studies and Sciences at Santa Clara University, Robert Lalasz, director of science communications for The Nature Conservancy, Winter, “Conservation in the Anthropocene,” http://thebreakthrough.org/index.php/journal/past-issues/issue-2/conservation-in-the-anthropocene/, accessed 12-18-12, CMM)

2. As conservation became a global enterprise in the 1970s and 1980s, the movement's justification for saving nature shifted from spiritual and aesthetic values to focus on biodiversity. Nature was described as primeval, fragile, and at risk of collapse from too much human use and abuse. And indeed, there are consequences when humans convert landscapes for mining, logging, intensive agriculture, and urban development and when key species or ecosystems are lost.¶ But ecologists and conservationists have grossly overstated the fragility of nature, frequently arguing that once an ecosystem is altered, it is gone forever. Some ecologists suggest that if a single species is lost, a whole ecosystem will be in danger of collapse, and that if too much biodiversity is lost, spaceship Earth will start to come apart. Everything, from the expansion of agriculture to rainforest destruction to changing waterways, has been painted as a threat to the delicate inner-workings of our planetary ecosystem.¶ The fragility trope dates back, at least, to Rachel Carson, who wrote plaintively in Silent Spring of the delicate web of life and warned that perturbing the intricate balance of nature could have disastrous consequences.22 Al Gore made a similar argument in his 1992 book, Earth in the Balance.23 And the 2005 Millennium Ecosystem Assessment warned darkly that, while the expansion of agriculture and other forms of development have been overwhelmingly positive for the world's poor, ecosystem degradation was simultaneously putting systems in jeopardy of collapse.24¶ The trouble for conservation is that the data simply do not support the idea of a fragile nature at risk of collapse. Ecologists now know that the disappearance of one species does not necessarily lead to the extinction of any others, much less all others in the same ecosystem. In many circumstances, the demise of formerly abundant species can be inconsequential to ecosystem function. The American chestnut, once a dominant tree in eastern North America, has been extinguished by a foreign disease, yet the forest ecosystem is surprisingly unaffected. The passenger pigeon, once so abundant that its flocks darkened the sky, went extinct, along with countless other species from the Steller's sea cow to the dodo, with no catastrophic or even measurable effects.¶ These stories of resilience are not isolated examples -- a thorough review of the scientific literature identified 240 studies of ecosystems following major disturbances such as deforestation, mining, oil spills, and other types of pollution. The abundance of plant and animal species as well as other measures of ecosystem function recovered, at least partially, in 173 (72 percent) of these studies.25¶ W

hile global forest cover is continuing to decline, it is rising in the Northern Hemisphere, where "nature" is returning to former agricultural lands.26 Something similar is likely to occur in the Southern Hemisphere, after poor countries achieve a similar level of economic development. A 2010 report concluded that rainforests that have grown back over abandoned agricultural land had 40 to 70 percent of the species of the original forests.27 Even Indonesian orangutans, which were widely thought to be able to survive only in pristine forests, have been found in surprising numbers in oil palm plantations and degraded lands.28¶ Nature is so resilient that it can recover rapidly from even the most powerful human disturbances. Around the Chernobyl nuclear facility, which melted down in 1986, wildlife is thriving, despite the high levels of radiation.29 In the Bikini Atoll, the site of multiple nuclear bomb tests, including the 1954 hydrogen bomb test that boiled the water in the area, the number of coral species has actually increased relative to before the explosions.30 More recently, the massive 2010 oil spill in the Gulf of Mexico was degraded and consumed by bacteria at a remarkably fast rate.31¶ Today, coyotes roam downtown Chicago, and peregrine falcons astonish San Franciscans as they sweep down skyscraper canyons to pick off pigeons for their next meal. As we destroy habitats, we create new ones: in the southwestern United States a rare and federally listed salamander species seems specialized to live in cattle tanks -- to date, it has been found in no other habitat.32 Books have been written about the collapse of cod in the Georges Bank, yet recent trawl data show the biomass of cod has recovered to precollapse levels.33 It's doubtful that books will be written about this cod recovery since it does not play well to an audience somehow addicted to stories of collapse and environmental apocalypse.¶ Even that classic symbol of fragility -- the polar bear, seemingly stranded on a melting ice block -- may have a good chance of surviving global warming if the changing environment continues to increase the populations and northern ranges of harbor seals and harp seals. Polar bears evolved from brown bears 200,000 years ago during a cooling period in Earth's history, developing a highly specialized carnivorous diet focused on seals. Thus, the fate of polar bears depends on two opposing trends -- the decline of sea ice and the potential increase of energy-rich prey. The history of life on Earth is of species evolving to take advantage of new environments only to be at risk when the environment changes again.¶ The wilderness ideal presupposes that there are parts of the world untouched by humankind, but today it is impossible to find a place on Earth that is unmarked by human activity. The truth is humans have been impacting their natural environment for centuries. The wilderness so beloved by conservationists -- places "untrammeled by man"34 -- never existed, at least not in the last thousand years, and arguably even longer.

### Disease—Ext 1--Burnout 2NC

####

#### Diseases “burn out” too fast to cause extinction – their ev is based on a sampling error

**Washington Post 97** (John Schwartz, “Battling an Outbreak Of Hype”, 1-19, L/N)

Regis delights in deflating the scaremongers, and parodies the scare talk surrounding the Kikwit outbreak. Thanks to global air travel, he writes, "Your own home -- your very own neighborhood -- was only a day away from the Ebola virus!" He then debunks. Such "hot" viruses as Ebola burn themselves out quickly, and are far from unstoppable. "A virus, including the Ebola virus, was not something that magically tunneled through physical barriers. A layer of plastic or rubber was all that was necessary to contain it, and household bleach was sufficient to kill it." Regis's book also focuses on the heroes of virology: the men and women who identify and fight the nasties. As the book's title suggests, he gives the most ink to the scientists from the U.S. Centers for Disease Control and Prevention (CDC) in Atlanta. But he shows that America has no monopoly on viral cowboys -- people who will go to superhuman effort to get the job done. Sometimes they break the rules of public safety, and even common sense. Belgian scientist Guido van der Groen sweet talks a Federal Express clerk into letting him ship deadly tissue samples from the Kikwit outbreak to the CDC. The CDC's Lyle Conrad brings a victim of deadly Lassa fever into the United States from Africa via airplane in 1969, greatly expanding our understanding of the disease -- and earning a loud reprimand from the then-head of the CDC. This swashbuckling science, Regis gushes, "was a mythic journey, a quest, one that partook of the legendary and the fabulous. . . . It was a romantic adventure in the classic sense." Ryan's book is both broader and deeper. He refrains from the reporters' sometimes-overheated prose, and corrects their errors. But the compelling human stories seem to drag in the telling. Virus X comes alive when Ryan delves into the science, as when he gives a breathtaking step-by-step description of the process by which the CDC's Stuart Nichol was able to identify the hantavirus's genetic sequence even before the virus itself had been successfully cultured. Little wonder, then, that Ryan really begins to cook as he draws sweeping scientific conclusions toward the end of the book. He writes that "viruses, so often thought to be nothing more than parasites, play a much wider role" in nature's grand plan. He takes on the vexing issue of why viruses that coexist in relative harmony with their natural hosts emerge to attack humans with such lethal force. Because a bug that wipes out its target population will become extinct itself, it's sound evolutionary strategy to reach an accommodation instead, and to "co-evolve" with the host over time. Ultimately, the bugs aren't out to kill us, Ryan explains: They just want to move in, like microscopic Kato Kaelins. New hosts for the virus haven't had time to reach this accommodation, and so the initial encounters tend to be tragic. Yet once adapted, the viral guests aren't mere freeloaders: Ryan suggests that they become part of the host's armamentarium against turf invaders. Because we are the invaders of so many remote corners of the Earth, we run into these "unwitting knights of nature. . . . Although not primarily designed to attack humanity, human exploitation and invasion of every ecological sphere has directed that aggression our way." Ryan ends with a call for better monitoring of and response to emerging diseases -- and, just to make sure we get the message, conjures up a hypothetical "virus X," a true doomsday bug as lethal as Ebola Zaire but with the airborne transmission abilities of measles. Brrrrrrrrrrr. Regis, on the other hand, steadfastly refuses to fret, and takes on the increasingly popular apocalyptic notion that emerging diseases are somehow "Gaia's revenge" on humanity for overdevelopment. He scorns Preston's idea that "in a sense, the earth is mounting an immune response against the human species" and Garrett's notion that "the microbes were winning." Many more Americans have been killed by lightning than the 700 Ebola deaths worldwide, yet "nobody spoke of lightning as 'the revenge of the thunderclouds,' even though there was abundant talk of Ebola as 'the revenge of the rain forest'," Regis sneers. This proliferation of new viral threats is an "illusion," Regis says. What's new are the tools of detection. "The better the CDC got at identifying the pathogens that caused age-old but hitherto unrecognized diseases, the more it looked as if scads of trailblazing new microbes were out there amassing themselves for attack, gathering their forces, and preparing to bring us 'the coming plague'."

### Disease—Ext 2A--Hype 2NC

#### hyped – financial bias

**Henderson 6** Mark, Drugs companies 'inventing diseases to boost their profits', Science Correspondent, Online

The practice of “diseasemongering” by the drug industry is promoting non-existent illnesses or exaggerating minor ones for the sake of profits, according to a set of essays published by the open-access journal Public Library of Science Medicine*.* The special issue, edited by David Henry, of Newcastle University in Australia, and Ray Moynihan, an Australian journalist, reports that conditions such as female sexual dysfunction, attention deficit hyperactivity disorder (ADHD) and “restless legs syndrome” have been promoted by companies hoping to sell more of their drugs. Other minor problems that are a normal part of life, such as symptoms of the menopause, are also becoming increasingly “medicalised”, while risk factors such as high cholesterol levels or osteoporosis are being presented as diseases in their own right, according to the editors. “Disease-mongering turns healthy people into patients, wastes precious resources and causes iatrogenic (medically induced) harm,” they say. “Like the marketing strategies that drive it, disease-mongering poses a global challenge to those interested in public health, demanding in turn a global response.” Doctors, patients and support groups need to be more aware that pharmaceutical companies are taking this approach, and more research is needed into the changing ways in which conditions are presented, according to the writers. Disease-awareness campaigns are often funded by drug companies, and “more often designed to sell drugs than to illuminate or inform or educate about the prevention of illness or the maintenance

### Latin America 2NC

#### Escalation risk is low

**Fettweis‘11 – Professor of Political Science @ Tulane**

**Christopher, Professor of Political Science @ Tulane, Dangerous Times?: The International Politics of Great Power Peace, pg. 85**

**The trend is apparent on every continent.** The only conflict **raging in the entire Western Hemisphere in 2010 was** the ongoing civil war in Colombia, and even that was far less bloody than a decade prior**. Cruise ships have returned to Caratagena. Despite the fact that th**ere are no nuclear weapons south of the United States, the states of Central and South America act as if they do not fear an attack from their neighbors. The rules of realpolitik no longer seem to apply**.Europe, which of course has been the most war-prone of continents for most of human history, is entirely calm, without even the threat of interstate conflict. More than one scholar has noted the rather remarkable fact that no serious war planning now goes on among the European powers.'; All over Europe and the Americas," John Keegan has observed, "armies are withering away."" The situations in Bosnia and Kosovo, while not settled, are at least calm for the moment. And in contrast to 1914, the great powers have shown no eagerness to fill Balkan power vacuums; to the contrary, throughout the 1990s. they had to he shamed into intervention, and were on the same side when they eventually did so. International reactions to turmoil in the Balkans in 1914 and in 1992 demonstrate the extent to which the international system had changed. Today's power vacuums seem to repel far more than they attract.**

### Prolif—Ext 2--Slow

#### It will be slow--best research proves

**Potter, Prof of Nonproliferation Studies and Director of the Center for Nonproliferation at the Monterey Institute of International Studies; and Mukhatzhanova; Summer ‘8 (William C. Gaukhar. “Divining Nuclear Intentions: A Review Essay,” International Security, Volume 33, Number 1)**

**For much of the nuclear age,** academic experts**, intelligence analysts,** and public commentators periodically **have** forecast rapid bursts of proliferation, which have failed to materialize. **Central to their prognoses,** often imbued with **the imagery and** metaphors of **nuclear dominoes and proliferation chains, has been the assumption that one state's nuclearization is likely to trigger decisions by other states to "go nuclear" in quick succession. Today the proliferation metaphors of choice are "**nuclear cascade" and "tipping point**," but the implication is the same—we are on the cusp of rapid, large-scale nuclear weapons spread. It is with some justification, therefore, that the study of proliferation has been labeled "the sky-is-still-falling profession."1** Although **proliferation** projections abound, few **of them** are **founded on, or even** informed by**,** empirical research and theory.**2 This deficiency, though regrettable, is understandable given the small body of theoretically or empirically [End Page 139] grounded research on forecasting proliferation developments, and the underdeveloped state of theory on nonproliferation and nuclear decisionmaking more generally. Also** contributing to this knowledge deficit is **the** stunted development of **social science** research on foreign policy**–oriented** forecasting and the emphasis on post hoc explanations, rather than predictions on the part of **the more** sophisticated frameworks and models of nuclear decisionmaking. **Two** important exceptions **to this general paucity of nonproliferation theory with predictive value are recent books by Jacques Hymans, The Psychology of Nuclear Proliferation: Identity, Emotions, and Foreign Policy, and Etel Solingen, Nuclear Logics: Alternative Paths in East Asia and the Middle East.3 These studies** merit careful attention because of their solid grounding in comparative field research and **social science** theory**, their challenges to prevailing conceptions about the sources of nuclear weapons decisions, and their promise for predicting proliferation developments. As such,** they go well beyond the influential but historically oriented explanatory frameworks **developed by scholars such as Peter Lavoy, Ariel Levite, T.V. Paul, Scott Sagan, and James Walsh.4 Although the approaches advanced by Hymans and Solingen have their own limitations,** these **two books** represent the cutting edge of nonproliferation research **and should be of great interest to both policy practitioners and scholars. In particular, a careful** review of their studies sheds new insights into why **past** predictions **of rapid proliferation** have proved faulty, why the current alarm over impending proliferation doom is largely without merit, and why we should not count on single theories **of international relations—at least in their [End Page 140] current state—**to offer much guidance **in explaining or predicting the dynamics of nuclear weapons spread.**

#### It will be slow

**Gavin 10 (Francis, Tom Slick Professor of International Affairs and Director of the Robert S. Strauss Center for International Security and Law @ the Lyndon B. Johnson School of Public Affairs @ the University of Texas at Austin, “Sam As It Ever Was; Nuclear Alarmism, Proliferation, and the Cold War,” Lexis)**

Fears of a tipping point **were especially** acute in **the aftermath of China's** 1964 **detonation of an atomic bomb:** it was predicted **that** India, Indonesia, and Japan might follow, with **consequences worldwide, as "**Israel, Sweden, Germany, and other **potential nuclear** countries **far from China and India would be affected by proliferation in Asia." 40 A U.S. government document identified "at least eleven nations (India, Japan, Israel, Sweden, West Germany, Italy, Canada, Czechoslovakia, East Germany, Rumania, and Yugoslavia)" with the capacity to go nuclear, a number that would soon "grow substantially" to include "South Africa, the United Arab Republic, Spain, Brazil and Mexico." 41 A top-secret, blue-ribbon committee established to craft the U.S. response contended that "the [1964] Chinese nuclear explosion has increased the urgency and complexity of this problem by creating strong pressures to develop independent nuclear forces, which, in turn, could strongly influence the plans of other potential nuclear powers." 42** These predictions were largely wrong**. In 1985 the National Intelligence Council noted that for "almost thirty years the Intelligence Community has been writing about which nations might next get the bomb."** All of **these** estimates based **their largely** pessimistic and **ultimately incorrect** estimates on factors such as the increased "access to fissile materials," improved technical capabilities **in countries,** the likelihood of "chain reactions**," or a "scramble" to proliferation when "even one additional state demonstrates a nuclear capability." The 1985 report goes on, "The most striking characteristic of the present-day nuclear proliferation scene is that, despite the alarms rung by past Estimates, no additional overt proliferation of nuclear weapons has actually occurred since China tested its bomb in 1964."** Although "some proliferation **of nuclear explosive capabilities and other major proliferation-related developments** have taken place in the past two decades," they did not have "the damaging, systemwide impacts that the Intelligence community **generally** anticipated **they would." 43** In his analysis of **more than** sixty years of failed efforts to accurately predict nuclear proliferation**, analyst Moeed** Yusuf concludes **that "**the pace of proliferation has been much slower than anticipated by most**."** The majority of countries suspected of trying to obtain a nuclear weapons capability "never even came close to crossing the threshold**. In fact,** most did not even initiate a weapons program." **If all the countries that were considered prime suspects over the past sixty years had developed nuclear weapons, "the world would have at least 19 nuclear powers today." 44 As Potter and Mukhatzhanova argue,** government and academic experts frequently "exaggerated the scope and pace of **nuclear weapons** proliferation." **45** Nor is there compelling evidence **that** a **nuclear proliferation** chain reaction will ever occur**. Rather,** the pool of potential proliferators has been shrinking. Proliferation pressures were far greater during the Cold War. In the 1960s, **at least** twenty-one countries **either had or** wereconsidering nuclear weapons **research programs.** Today only nine countries **are known to** have nuclear weapons**. Belarus, Brazil, Kazakhstan, Libya, South Africa, Sweden, and Ukraine have dismantled their weapons programs.** Even rogue states **that are/were a great concern to U.S. policymakers--Iran, Iraq, Libya, and North Korea--**began their nuclear weapons programs before the Cold War had ended. **46 As far as is known,** no nation has started a new nuclear weapons program since the demise of the Soviet Union **in** 1991**. 47 Ironically, by focusing on the threat of rogue states, policymakers may have underestimated the potentially far more destabilizing effect of proliferation in "respectable" states such as Germany, Japan, South Korea, and Taiwan.**

## 1NR

### Sri Lanka--Instability—Inevitable

#### Sri Lankan instability is inevitable - relapse

#### Marzuki Darusman, former attorney-general of Indonesia. Steven Ratner is a law professor at the University of Michigan and Yasmin Sook, executive director of the Foundation for Human Rights in South Africa. 3-3-12. “Revisiting Sri Lanka's Bloody War” New York Times, http://www.nytimes.com/2012/03/03/opinion/revisiting-sri-lankas-bloody-war.html?\_r=1

Beginning this week, the U.N. Human Rights Council in Geneva has returned to an issue that has haunted it since 2009 — the bloody finish to Sri Lanka’s civil war. That conflict ended on a stretch of beach in the country’s northeast, as the remaining fighters of the Tamil Tigers and tens of thousands of traumatized civilians were surrounded by and surrendered to the Sri Lankan Army. Sri Lankans and many abroad rejoiced at the defeat of a force that had routinely deployed terrorist tactics. But even as the government’s military campaign was under way, it became clear that the cost in civilian lives from its attacks on the Tigers was enormous. Right after the war, the Human Rights Council, to the shock of many observers, passed a resolution praising Sri Lanka’s conduct of the war. Sri Lanka’s president, Mahinda Rajapaksa, promised Secretary General Ban Ki-moon at the time that he would address the question of accountability for violations against civilians. When, a year later, the government had done nothing to carry out Rajapaksa’s commitment, the secretary general asked the three of us to study the allegations of atrocities during the last stages of the war and Sri Lanka’s response. In our report, we found credible evidence that both sides had systematically flouted the laws of war, leading to as many as 40,000 deaths — many multiples more than caused by the strife in Libya or Syria. The bulk of that total was attributable to deliberate, indiscriminate, or disproportionate governmental attacks on civilians, through massive shelling and aerial bombardment, including on clearly marked hospitals. Rather than tackling these allegations head-on through a truth commission or criminal investigations, Sri Lanka created a “Lessons Learnt and Reconciliation Commission,” whose mandate, composition and methods all cast serious doubt on its willingness to uncover what really happened in those fateful months. When the commission issued its final report last November, it ignored or played down our report’s conclusions and characterized civilian deaths as stemming from the army’s response to Tamil Tiger shelling or cross-fire — as sporadic, exceptional and mostly inevitable in the heat of battle. When it came time to proposing next steps for the government, it called for investigations by the same entities — the army and the attorney general — who have a track record of ignoring governmental abuses for decades. The report had some welcome elements, too. It recognized some of the root causes of the war, as well as the responsibility of both the government and Tigers for civilian casualties. And it endorsed our view that Sri Lanka had a duty to provide truth, justice and reparations to victims; release detainees; and protect the state’s besieged journalists. Yet the fact is that numerous recommendations of prior commissions of inquiry have not been implemented by the government. The Human Rights Council’s members are currently looking at a draft resolution, circulating at the initiative of the United States, to demand action from Sri Lanka on uncovering the truth and achieving some real accountability. The United States deserves a great deal of credit for trying to get the council to move on this issue. It is time for the council to correct its embarrassing decision from 2009. Yet such a demand is not enough. Given Sri Lanka’s unwillingness to take concrete steps, the best way to get to the truth is for the council to create an independent investigative body to determine the facts and identify those responsible, as we recommended in our report. For Sri Lanka to experience a true peace, rather than simply the peace of the victor, truth and accountability are essential. This is the lesson from states as varied as South Africa, Sierra Leone and Argentina. The lack of much outside interest in the bloodshed while it happened cannot be an excuse for continuing to ignore the situation. The international community must now assume its duty to ensure that Sri Lanka fulfills its responsibilities to all its people and to the rest of the world.

### Asia Def: Indo-Pak War--F/L

**1. No war—mutually assured destruction**

**Economic Times 11** (May 17th, 2011 “No chance of Indo-Pak nuclear war despite 'sabre rattling': Pak nuclear scientist A Q Khan”) http://articles.economictimes.indiatimes.com/2011-05-17/news/29552014\_1\_nuclear-blackmail-nuclear-secrets-india-and-pakistan

NEW YORK: Pakistan's disgraced nuclear scientist A Q Khan has said that despite "sabre rattling" between Islamabad and New Delhi, there is no chance of a nuclear war between the two neighbours. Khan, who has been accused of selling nuclear secrets to Iran, Libya and Syria, wrote in Newsweek magazine that nuclear weapons in both countries had prevented war for the last 40 years. "**India doesn't need more than five weapons to hurt us badly, and we wouldn't need more than 10 to return the favour," he said. "India and Pakistan understand the old principle that ensured peace in the Cold War: mutually assured destruction," he said. "The two (India and Pakistan) can't afford a nuclear war, and despite our sabre rattling, there is no chance of a nuclear war that would send us both back to the Stone Age," he said.** He claimed that Pakistan had to invest in a nuclear programme "to ward off nuclear blackmail from India". "I would like to make it clear that it was an Indian nuclear explosion in May 1974 that prompted our nuclear program, motivating me to return to Pakistan to help create a credible nuclear deterrent and save my country from Indian nuclear blackmail," he said. "We are forced to maintain this deterrence until our differences with India are resolved. That would lead to a new era of peace for both countries," Khan wrote. "I hope I live to see Pakistan and India living harmoniously in the same way as the once bitter enemies Germany and France live today," he said. Khan blasted various governments in Pakistan as well as "successive incompetent and ignorant rulers" for not engaging in basic development of the country, and raising the people's standard of living. "We are far worse off now than we were 20, or even 40, years ago when we were subjected to embargoes," he said.

### Debt Impact: Economy Wall

Outweighs

TF—coming weeks

Mag – nuke war, conceeded

#### Nuclear war

Harris and Burrows ‘9

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

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in a

chieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### Shutdown Impact: Disease 2NC

#### Government shutdown wrecks CDC disease monitoring – key to check outbreaks

Emily Walker, 4-8-2011, "Both Sides Claim Win as Shutdown Averted," Med Page Today, http://www.medpagetoday.com/Washington-Watch/Washington-Watch/25826

The vast majority of employees at the Centers for Disease Control and Prevention (CDC) would be furloughed if the government ceased operations, said an HHS spokesman. Because the CDC tracks new public health threats such as disease outbreaks, the worst-case scenario during a shutdown would be a massive outbreak of a food-borne illness or other communicable disease. The CDC's emergency operation center -- a command center for monitoring and coordinating CDC's emergency response to public health threats in the United States and abroad -- will remain open. The center is currently working on responses to the earthquake and tsunami in Japan. But responses may be delayed, the spokesman said. "If a state were to call us and say 'We need help,' we may not be able to respond quickly," the spokesman said. While emergency workers will continue their jobs, the staff who work to "get people out the door," by booking travel and facilitating meetings, won't be working. "This would prevent us from responding as quickly as we'd like," the spokesman said. In addition, the CDC's ability to detect an outbreak could be jeapordized, he said. "We have a lot of disease surveillance networks. If those are scaled back to just the staff that monitor those networks, it could conceivably lead to us not being able to detect an outbreak as quickly as we'd like to. We simply won't have the manpower we have right now," the HHS spokesman said.

### Courts: Link—Congress Attacks

#### Congress frequently attacks Supreme Court decisions—there is no political cost to doing so

David M. **O'Brien**, Professor of Law @ University of Virginia, STORM CENTER: THE SUPREME COURT IN AMERICAN POLITICS, **2K**, p.362

Legislators frequently "have gone after the Supreme Court because it doesn't cost anything," Attorney General Nicholas Katzenbach once observed. On the floor of the Senate or the House of Representatives, rhetoric is cheaper than building coalitions. The views of constituents also constrain congressional action.

### Courts: Link—Magnify Political Pressures

#### Implementation guarantees the link—translating decisions into action is highly politicized

Charles A. **Johnson**, Professor of Political Science @ Texas A&M University, and Bradley C. Canon, Professor of Political Science @ University of Kentucky, JUDICIAL POLICIES: IMPLEMENTATION AND IMPACT, 19**99**, p.3-4

Political actors and institutions who follow through on these decisions make the judicial policy. Certainly, the judges who enforced desegregation in southern school districts or busing decisions anywhere were subject to political pressures from a variety of sources. Similar pressures affected school board decisions regarding the role of religion in schools. Even presidential politics may become intertwined with judicial policies, as did Richard Nixon's 1968 "law and order" presidential campaign criticizing the Supreme Court's criminal justice decisions or the explosive issue of abortion in the 1980 presidential election. Like the Congress, the Supreme Court and lower courts must rely on others to translate policy into action. And like the processes of formulating legislative, executive, and judicial policies, the process of translating those decisions into action is often a political one subject to a variety of pressures from a variety of political actors in the system.

### Courts: Link—Other Branches Involved

#### Court decisions require implementation by nonjudicial actors—this ensures political involvement and political pressures

Charles A. **Johnson**, Professor of Political Science @ Texas A&M University, and Bradley C. Canon, Professor of Political Science @ University of Kentucky, JUDICIAL POLICIES: IMPLEMENTATION AND IMPACT, 19**99**, p.24

President Andrew Jackson, unhappy with a Supreme Court decision, is said to have retorted: "John Marshall has made his decision, now let him enforce it." His remark reminds us of a central fact of American democracy: judicial policies do not implement themselves. In virtually all instances, courts that formulate policies must rely on other courts or on nonjudicial actors to translate those policies into action. Inevitably, just as making judicial policies is a political process, so too is the implementation of the policies -- the issues are essentially politics, and the actors are subject to political pressures.

### Courts: Link—President Gets Credit/Blame

**President takes the responsibility for court decisions—the role of executor requires it**

David M. **O'Brien**, Professor of Law @ University of Virginia, STORM CENTER: THE SUPREME COURT IN AMERICAN POLITICS, **2K**, p.371-2

Charged with the responsibility of taking "care that the laws be faithfully executed," the President is the chief executive officer under the Constitution. As the only nationally elected public official, the President represents the views of the dominant national political coalition. A President's obligation to faithfully execute the laws, including the decisions of the Court, may thus collide with his own perceived electoral mandate.

#### The president takes the blame for all policies, including decisions of the

### Debt Uq: A2 “Syria”

#### Syria doesn’t thump – Dems still have Obama’s back

Lisa Lerer, analyst, 9-12-2013, “Obama Syria Reversal Sets Stage for Fights With Congress” Bloomberg, http://www.bloomberg.com/news/2013-09-12/obama-syria-reversal-sets-stage-for-fights-with-congress.html

And it comes at a perilous time, as Obama and congressional Republicans need to come to an agreement to avoid a government shutdown after the 2013 budget year ends on Sept. 30. The House plans to be in session only six working days before the deadline, and already Boehner and Cantor have delayed a vote on a spending proposal amid opposition by fellow Republicans who want the party to take a tougher stand against funding Obama’s health-care law.¶ “He just cannot follow through,” Republican Senator Bob Corker, who is part of a group working with the administration on fiscal issues, said of Obama in an interview with CNN. “He’s a diminished figure here on Capitol Hill.”¶ Debt Limit¶ Along with grappling with the 2014 budget, within weeks both sides also will need to find a way to stave off a possible government default as the nation reaches its borrowing limit. Obama also needs to woo Republican support for Senate confirmation of his eventual pick to lead the Federal Reserve, a process that could begin as early as this month.¶ Republicans yesterday seized on Obama’s reversal on Syria as a sign that he is coming into the fall negotiations with a weakened hand politically, as the president decided to delay a strike against Syrian President Bashar al-Assad’s regime to explore a possible diplomatic solution proposed by Russian President Vladimir Putin.¶ “If this were a tennis match, it would be the umpire shouting, ‘Advantage Putin!’ He seems to be running circles around this administration,” Senator Rand Paul, a Republican from Kentucky who is opposed to military action in Syria, said on Glenn Beck’s radio show on TheBlaze.¶ No Effect¶ The White House and its allies argue that the debate over Syria won’t hurt Obama on other issues, simply because the fight didn’t break along traditional party lines and is unlikely to resonate in the 2014 congressional elections. A coalition of small-government Republicans wary of U.S. involvement overseas and Democrats who warned of the risk of entering another Middle Eastern war lined up against Obama’s Syria plan, likely killing its chances of passage if there had been a vote in the House.¶ Those Democrats, Obama supporters say, will stick with the president on economic issues, while many of those Republicans will always be lined up against him.

### PC High F/L

#### PC high – Obama’s standing up to republicans

Munro 9-16 – Neil Munro, White House Correspondent, “Amid hunt for Navy Yard shooters, Obama attacks Republicans on budget,” DAILY CALLER, 9-16-13. http://dailycaller.com/2013/09/16/amid-hunt-for-navy-yard-shooters-obama-attacks-republicans-on-budget/

President Obama delivered only brief condolences for the victims of the shooting at the Navy Yard in Washington, D.C. Monday morning, before quickly pivoting to a scheduled attack on Republicans. The pending budget crisis this fall is a pointless battle between GOP extremists and reasonable people, Obama declared today from the White House. “I can’t remember a time when one faction of one party promises chaos if it can’t get 100 percent of what it wants. … that’s what happening right now,” he insisted. The GOP’s small-government legislators are “a crew” who wish to “sabotage” Obamacare and show “an unwillingness to compromise,” he announced. “Are some of these folks so beholden to some extremists in their party that they’re willing to tank the entire economy … [and] to hurt people just to score political points?” he asked. Obama’s partisan language reflects a willingness — or even a desire — for a dramatic political clash this fall with the GOP that would temporarily shut down the government. The president is already fundraising for the 2014 mid-term elections, when he will try to regain a Democratic majority in the House. Obama’s uncompromising remarks were accompanied by a report touting the administration’s efforts to recover from the 2008 Wall Street crash. The report acknowledged that Americans have recovered less than half of the wealth lost in the real-estate bubble and subsequent crash. GOP legislators and activists have long complained about the budget-crisis narrative, which they say obscures the harm caused by many government programs, and the small-scale changes being sought in the government’s huge annual budget, which reached $3.5 trillion in 2012. That’s down slightly from 2011 spending of $3.6 trillion. But the GOP has failed to shift this establishment narrative, partly because GOP’s leadership is uncharismatic, dispersed and split, while Obama is charismatic, owns the White House and is backed up by a disciplined Democratic Party and most of the established media. This time around, the House’s GOP leadership is trying to rally their diverse caucus around a two-sided legislative proposal. That incomplete proposal would demonstrate the GOP’s desire to replace the Obamacare law, and also force Democratic legislators into the politically dangerous task of defending the unpopular law and its various loopholes for congressional staffers, big companies and unions. However, Obama offered no hint of concessions. “The first order of business is to pass a sensible budget that replaces the sequester… [and] funds the investments in basic research and infrastructure that we need to grow” he said. The fix for the nation’s economy, he said, includes a tax increase. “It is the only way to do it,” he said. The president did offer a few backhanded tokens of respect for Republicans worried about the nation’s high unemployment and record national debt that has grow more than $6 trillion under his tenure. “It is time for responsible Republicans who share these goals… [and who] genuinely want to see the economy grow,” he said. Obama also used the event to urge House approval of the Senate’s ambitious immigration rewrite plan. “Once we’re done with the budget… let’s focus on the other things [including] finishing the job of immigration reform,” he said.

### Debt Internal: A2 “Winners Win”

#### Obama believes the link

Robert **Kuttner**, senior fellow, Demos, “Obama Has Amassed Enormous Political Capital, But He Doesn’t Know What to Do with It,” Alternet, 4—28—**09**, www.alternet.org/economy/138641/obama\_has\_amassed\_enormous\_political\_capital,\_but\_he\_doesn%27t\_know\_what\_to\_do\_with\_it/

We got a small taste of what a more radical break might feel like when Obama briefly signaled with the release of Bush's torture memos that he might be open to further investigation of the Bush's torture policy, but then backtracked and quickly asked the Democratic leadership to shut the idea down. Evidently, Obama's political self wrestled with his constitutional conscience, and won. Civil libertarians felt a huge letdown, but protest was surprisingly muted.Thus the most important obstacle for seizing the moment to achieve enduring change: Barack Obama's conception of what it means to promote national unity. Obama repeatedly declared during the campaign that he would govern as a consensus builder. He wasn't lying. However, there are two ways of achieving consensus. One is to split the difference with your political enemies and the forces obstructing reform. The other is to use presidential leadership to transform the political center and alter the political dynamics. In his first hundred days, Obama has done a little of both, but he defaults to the politics of accommodation.

#### Wins only build long-term capital

**Purdum 10**, Columnist for Vanity Fair, (Todd, “Obama Is Suffering Because of His Achievements, Not Despite Them,” 12-20 www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html)

 With this weekend’s decisive Senate repeal of the military’s “Don’t Ask, Don’t Tell” policy for gay service members, can anyone seriously doubt Barack Obama’s patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money’s predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation’s health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair.

So why isn’t his political standing higher?

Precisely because of the raft of legislative victories he’s achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn’t “done” anything but because he’s done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama’s opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public.

But Obama is nowhere near so politically maladroit as his frustrated liberal supporters—or implacable right-wing opponents—like to claim. He proved as much, if nothing else, with his embrace of the one policy choice he surely loathed: his agreement to extend the Bush-era income tax cuts for wealthy people who don’t need and don’t deserve them. That broke one of the president’s signature campaign promises and enraged the Democratic base and many members of his own party in Congress. But it was a cool-eyed reflection of political reality: The midterm election results guaranteed that negotiations would only get tougher next month, and a delay in resolving the issue would have forced tax increases for virtually everyone on January 1—creating nothing but uncertainty for taxpayers and accountants alike. Obama saw no point in trying to score political debating points in an argument he knew he had no chance of winning.

Moreover, as The Washington Post’s conservative columnist Charles Krauthammer bitterly noted, Obama’s agreement to the tax deal amounted to a second economic stimulus measure—one that he could never otherwise have persuaded Congressional Republicans to support. Krauthammer denounced it as the “swindle of the year,” and suggested that only Democrats could possibly be self-defeating enough to reject it. In the end, of course, they did not.

Obama knows better than most people that politics is the art of the possible (it’s no accident that he became the first black president after less than a single term in the Senate), and an endless cycle of two steps forward, one step back. So he just keeps putting one foot in front of the other, confident that he can get where he wants to go, eventually. The short-term resultsare often messy and confusing. Just months ago, gay rights advocates were distraught because Obama wasn’t pressing harder to repeal “Don’t Ask, Don’t Tell.” Now he is apparently paying a price for his victory because some Republican Senators who’d promised to support ratification of the START arms-reduction treaty—identified by Obama as a signal priority for this lame-duck session of Congress—are balking because Obama pressed ahead with repealing DADT against their wishes. There is a price for everything in politics, and Obama knows that, too.

### PC High S/L

#### PC is regenerating – public relations offensive

Goldman 9-9 – RUSSELL GOLDMAN, “Obama Unleashes Public Relations Offensive,” ABC NEWS, 9-9-13. http://abcnews.go.com/Politics/obama-unleashes-public-relations-offensive-make-case-syria/story?id=20201311

Before he fires a single missile against Syria, President Obama is first launching a public relations offensive, making a last-minute and, perhaps, last-ditch effort to sell a military strike to members of Congress and the American people. Obama has characterized the sale of an unpopular military intervention to a war-weary public and confrontational Congress as a "heavy lift." But with his reputation on the line, the president has few options but to expend valuable political capital and press his case. "Usually, when someone is in a hole, the advice is 'stop digging,' but the president has no choice but to continue pushing forward," said Torie Clarke, a former Pentagon spokeswoman who served in the George W. Bush administration. "He is in bad shape from a political perspective and a national security perspective, but he has to prove he is credible in terms of both."

### `Debt Internal: PC Key

#### Obama is pushing Congress to resolve the debt ceiling – political capital is key to success

Pace 9/12 Julie, AP White House correspondent, Syria debate on hold, Obama refocuses on agenda, The Fresno Bee, 9/12/13, http://www.fresnobee.com/2013/09/12/3493538/obama-seeks-to-focus-on-domestic.html

With a military strike against Syria on hold, President Barack Obama tried Thursday to reignite momentum for his second-term domestic agenda. But his progress could hinge on the strength of his standing on Capitol Hill after what even allies acknowledge were missteps in the latest foreign crisis.¶ "It is still important to recognize that we have a lot of things left to do here in this government," Obama told his Cabinet, starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget and health care rapidly approach.¶ "The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said.¶ The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1.¶ Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities.¶ Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. Polls show the economy, jobs and health care remain Americans' top concerns. And Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support.¶ Obama already is grappling with some of the lowest approval ratings of his presidency. A Pew Research Center/USA Today poll out this week put his approval at 44 percent. That's down from 55 percent at the end of 2012.¶ Potential military intervention in Syria also is deeply unpopular with many Americans, with a Pew survey finding that 63 percent opposing the idea. And the president's publicly shifting positions on how to respond to a deadly chemical weapons attack in Syria also have confused many Americans and congressional lawmakers.¶ "In times of crisis, the more clarity the better," said Sen. Lindsey Graham, R-S.C., a strong supporter of U.S. intervention in Syria. "This has been confusing. For those who are inclined to support the president, it's been pretty hard to nail down what the purpose of a military strike is."¶ For a time, the Obama administration appeared to be barreling toward an imminent strike in retaliation for the Aug. 21 chemical weapons attack. But Obama made a sudden reversal and instead decided to seek congressional approval for military action.¶ Even after administration officials briefed hundreds of lawmakers on classified intelligence, there appeared to be limited backing for a use-of-force resolution on Capitol Hill. Rather than face defeat, Obama asked lawmakers this week to postpone any votes while the U.S. explores the viability of a deal to secure Syria's chemical weapons stockpiles.¶ That pause comes as a relief to Obama and many Democrats eager to return to issues more in line with the public's concerns. The most pressing matters are a Sept. 30 deadline to approve funding to keep the government open — the new fiscal year begins Oct. 1 — and the start of sign-ups for health care exchanges, a crucial element of the health care overhaul.¶ On Wednesday, a revolt by tea party conservatives forced House Republican leaders to delay a vote on a temporary spending bill written to head off a government shutdown. Several dozen staunch conservatives are seeking to couple the spending bill with a provision to derail implementation of the health care law.¶ The White House also may face a fight with Republicans over raising the nation's debt ceiling this fall. While Obama has insisted he won't negotiate over the debt limit, House Speaker John Boehner on Thursday said the GOP will insist on curbing spending.